No will, no way:
US-funded security sector reform
in the Democratic Republic of Congo
Sustainable development is a long-term proposition, and progress depends importantly on the choices of political leaders and the quality of institutions in developing countries. Where leaders govern responsibly, set in place good policies, and make investments conducive to development, sustainable outcomes can be achieved. Where those conditions are absent, it is difficult to engineer sustained progress, no matter how good our intentions or the extent of our engagement.


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<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>AFDL</td>
<td>Alliance des forces démocratiques pour la libération du Congo-Zaïre (Alliance of Democratic Forces for the Liberation of Congo-Zaire)</td>
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<tr>
<td>AFRICAP</td>
<td>Africa Peacekeeping Program</td>
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<td>AFRICOM</td>
<td>Africa Command, US Department of Defense</td>
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<tr>
<td>ASF</td>
<td>Avocats Sans Frontières (Lawyers Without Borders)</td>
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<td>BDK</td>
<td>Bundu Dia Kongo</td>
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<tr>
<td>CIAT</td>
<td>Comité international d’accompagnement de la transition (International Committee to Support Transition)</td>
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<tr>
<td>CMO</td>
<td>civil-military operations</td>
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<tr>
<td>CNDP</td>
<td>Congrès national pour la défense du peuple (National Congress for the Defense of the People)</td>
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<td>CMI</td>
<td>Civilian Response Corps</td>
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<td>DCAF</td>
<td>Geneva Center for the Democratic Control of Armed Forces</td>
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<td>DDR</td>
<td>disarmament, demobilization, and reintegration</td>
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<tr>
<td>DFID</td>
<td>Department for International Development</td>
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<td>DGM</td>
<td>Direction générale de migration (General Directorate of Migration)</td>
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<td>DIILS</td>
<td>Defense Institute of International Legal Studies</td>
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<td>DIRI</td>
<td>Defense Institution Reform Initiative</td>
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<td>DoD</td>
<td>Department of Defense</td>
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<td>DoJ</td>
<td>Department of Justice</td>
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<td>DRC</td>
<td>Democratic Republic of Congo</td>
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<td>DRL</td>
<td>Bureau of Democracy, Human Rights, and Labor, US Department of State</td>
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<td>EU</td>
<td>European Union</td>
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<tr>
<td>EUPOL RD Congo</td>
<td>EU Police Mission for the DRC</td>
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<td>EUSEC</td>
<td>EU Advisory and Assistance Mission for Security Reform in the Democratic Republic of Congo</td>
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<tr>
<td>FARDC</td>
<td>Forces armées de la république démocratique du Congo (Armed Forces of the Democratic Republic of Congo)</td>
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<tr>
<td>FCC</td>
<td>Formation continue des cadres (Staff Continuing Education Course)</td>
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<td>FDLR</td>
<td>Forces démocratiques de libération du Rwanda (Democratic Forces for the Liberation of Rwanda)</td>
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<tr>
<td>GESM</td>
<td>Groupement des écoles supérieures militaires (Group of Military Universities)</td>
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<td>GoDRC</td>
<td>government of DRC</td>
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<tr>
<td>IDIQ</td>
<td>indefinite delivery/indefinite quantity</td>
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<tr>
<td>IMET</td>
<td>International Military Education and Training</td>
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<td>IHL</td>
<td>international humanitarian law</td>
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<td>INL</td>
<td>Bureau of International Narcotics and Law Enforcement Affairs, US Department of State</td>
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<td>IOM</td>
<td>International Organization for Migration</td>
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<tr>
<td>LIB</td>
<td>light infantry battalion</td>
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<tr>
<td>MONUC</td>
<td>UN Organization Mission in the Congo</td>
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<td>MONUSCO</td>
<td>UN Organization Stabilization Mission in the Democratic Republic of the Congo</td>
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<tr>
<td>NGO</td>
<td>nongovernmental organization</td>
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<tr>
<td>OECD</td>
<td>Organization for Economic Co-Operation and Development</td>
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<tr>
<td>PKO</td>
<td>Peacekeeping Operations</td>
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<tr>
<td>PNC</td>
<td>Police nationale congolaise (Congolese National Police)</td>
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<td>RSA</td>
<td>Office of Regional Security Affairs, US Department of State</td>
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<td>S/CRS</td>
<td>Office of the Coordinator for Reconstruction and Stabilization, US Department of State</td>
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<td>SGVB</td>
<td>sexual and gender-based violence</td>
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<td>SJSR</td>
<td>Security and Justice Sector Reform</td>
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<td>SOCAF</td>
<td>Special Operations Command/Africa, US Department of Defense</td>
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<td>SSR</td>
<td>security sector reform</td>
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<td>State</td>
<td>Department of State</td>
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<td>TSC</td>
<td>Training Strategy Conference</td>
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<tr>
<td>USAID</td>
<td>US Agency for International Development</td>
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<td>USIP</td>
<td>United States Institute of Peace</td>
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Map of the DRC
The 2006 elections in the Democratic Republic of Congo (DRC) presented the Congolese government and its international partners with a historic opportunity. The interstate wars and internal political struggles that tore DRC apart from the mid 1990s onward had ended. Although the conflict and humanitarian catastrophe in the country’s eastern provinces continued, newly elected President Joseph Kabila had a mandate from the Congolese people—as well as support from key donors and the United Nations’ largest peacekeeping force in history—to enact the reforms necessary to overcome obstacles to lasting peace and stability.

President Kabila’s task was daunting. Devastated by decades of misrule and the deadliest war since World War II, DRC was ranked 141 out of 143 countries on the Brookings Institution’s 2008 “Index of State Weakness in the Developing World;” only Afghanistan and Somalia ranked lower. Of the myriad challenges facing the new government, many observers identified security sector reform (SSR) as the most pressing. (See Box 1, “What is security sector reform (SSR)?”) This was nothing new. At least in part purposefully, DRC’s rulers have not forged the necessary institutions to sustain a professional national army and police force, let alone forces that are focused on the protection of the country’s civilians and that adhere to the laws and principles governing international human rights and the laws of war. (See Box 2, “What is protection of civilians and how does it relate to SSR?”)

**Box 1. What is security sector reform (SSR)?**

SSR: “The set of policies, plans, programs, and activities that a government undertakes to improve the way it provides safety, security, and justice. The overall objective is to provide these services in a way that promotes an effective and legitimate public service that is transparent, accountable to civilian authority, and responsive to the needs of the public.”

SSR programs: “From a donor perspective, SSR is an umbrella term that might include integrated activities in support of: defense and armed forces reform; civilian management and oversight; justice; police; corrections; intelligence reform; national security planning and strategy support; border management; disarmament, demobilization, and reintegration (DDR); and/or reduction of armed violence.”
This institutional weakness within DRC’s security sector has had two deleterious effects on the Congolese state. First, the government’s failure to effectively secure Congolese territory has allowed armed groups (both foreign and domestic) to fill this vacuum, contest state authority, and prey upon civilian populations with impunity. Second, Congolese security forces themselves have become a significant threat to civilians. In 2007, Oxfam described the situation as follows:

Underpaid, underfed, ill-equipped and badly led, [Congolese] soldiers in all of the eastern provinces remain the single biggest cause of insecurity in DRC, responsible for committing more than 80 per cent of all human-rights abuses against civilians. Similar accusations of abuse are also leveled against other arms of the security forces (including police) and “demobilised” ex-combatants who continue to rely on violence as a means of survival.3

Recognizing the weakness and abusiveness of large sections of the DRC military — Forces armées de la république démocratique du Congo (FARDC, or Armed Forces of the Democratic Republic of Congo) — and the police — Police nationale congolaise (PNC, Congolese National Police) — and wanting to see improvement in the security and lives of the Congolese people, in the early 2000s donors began to engage in activities designed to support SSR in DRC. The link between SSR and protection of civilians, on the one hand, and development, poverty reduction, and democracy, on the other, is strong. According to the Organization for Economic Co-Operation and Development (OECD), the leading institution in developing global SSR norms, the primary objective of SSR is to “create a secure environment that is conducive to development, poverty reduction, and democracy.” OECD continues:

This secure environment rests upon two essential pillars: i) the ability of the state, through its development policy and programmes, to generate conditions that mitigate the vulnerabilities to which its people are exposed; and ii) the ability of the state to use the range of policy instruments at its disposal to prevent or address security threats that affect society’s well-being.4

**Box 2. What is protection of civilians and how does it relate to SSR?**

The US was among the donors pledging support for SSR in DRC. In 2005, then-Senator Barack Obama introduced legislation that spelled out US policy objectives in DRC. These included support for SSR by “assisting the [g]overnment of the Democratic Republic of the Congo to establish a viable and professional national army and police force that respects human rights and the rule of law, is under effective civilian control, and possesses a viable presence throughout the entire country.”

Former President George W. Bush signed the bill into law in December 2006, and in the ensuing three-and-a-half years the US—alongside Angola, Belgium, the European Union, France, South Africa, and other bilateral donors—steadily increased its commitment to SSR in DRC. Over the same period, the UN Security Council expanded the mandate of the UN peacekeeping force in DRC—called the UN Organization Mission in the Congo (MONUC)—giving it greater responsibility over SSR, particularly in planning and coordinating the work of donors. The mandate of the new iteration of MONUC—the UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO)—has shifted from peacekeeping to stabilization, although SSR remains a high priority.

Yet despite these efforts, which have taken place against a backdrop of continued military actions in eastern DRC designed to disarm militia groups by force, nearly four years after the 2006 DRC elections this international effort has largely failed to deliver genuine improvements in the professionalism, accountability, and respect for human rights of FARDC or the PNC. Irregularly and poorly paid, and with no provisions made for their dependents (who often travel with them), soldiers frequently resort to looting the very populations they are charged with protecting. The soldiers by and large have minimal education and little or no formal military training. Sections of the military and police forces routinely commit grave human rights violations. The “2009 Human Rights Report” for DRC issued by the US Department of State (State) recounts numerous abuses by FARDC and the PNC, including extrajudicial killings, rape, torture, and looting. Women, in particular, have borne the brunt of the abuse from FARDC and the PNC; Oxfam’s 2010 protection assessment in North and South Kivu found that once FARDC had gained control of an area from militia forces, women were markedly more likely to say that their safety had declined.

According to former UN Special Representative for DRC Alan Doss, “The Rule of Law has disappeared [in DRC].” Few violators are prosecuted for their crimes, although the UN Joint Human Rights Office had noted a welcome, if slight, upward trend during the first few months of 2010. Those few who are sent to prison rarely serve their full sentences, in a penitentiary system that has inhumane conditions and often cannot contain the inmates. With the Congolese government raising the possibility of a MONUSCO withdrawal as early as the end of 2011, and little evidence to suggest that the government can protect its citizens from either external or internal threats, the international strategy on SSR in DRC demands an urgent rethink.

Efforts in support of SSR have failed in DRC for two primary reasons. First, and overwhelmingly, the Congolese government has not demonstrated a commitment to building the basic institutions—the ministries of defense, interior, and justice, among others—that would support a professional security sector. Like other Congolese leaders before him, President Kabila is believed to consider the heightened potential for a military coup posed by a strong national army as one of many threats to his authority. “[President] Kabila doesn’t want a strong army,” is a common refrain among Congolese observers, western diplomats, and military professionals working on SSR. The DRC parliament is similarly weak, lacks an autonomous role in policymaking and oversight, and is fraught
with corruption and routine scandal. Although it has shown some willingness to
call for much-needed reforms in the mining sector and other politically sensitive
areas, the parliament has thus far failed to provide effective civilian oversight over
the security sector and the government (e.g., drafting and passing laws on SSR,
holding the defense ministry and other ministries involved in SSR to account,
critiquing budgets, and otherwise contributing effectively to policymaking).

Second, international donors have failed to coordinate their SSR efforts (e.g.,
sharing information about programs, funding, successes, and lessons learned),
instead allowing bilateral agreements guided by the self-interests of donors and
the government of DRC (GoDRC) to predominate. Donors have also failed to put
adequate pressure on the Congolese government to enact genuine reforms in the
security sector. The immensity of the SSR challenge in DRC and donors’ predilec-
tion to pursue narrow self-interests there—from strategic interests in the region
to ensuring their access to Congo’s lucrative mineral deposits—have counteracted
any will to challenge the lack of institutional progress at the national level. Instead,
donors—including the US—have treated SSR as a technical exercise and have
failed to build the political strategy needed to overcome the internal resistance to
sustainable change. A senior US official put it bluntly: “There’s not a single donor
doing real SSR in the Congo. The will simply isn’t there…on either side.”

Genuine SSR would actually benefit the GoDRC in several tangible ways, including:
(a) a decrease in abuses against Congolese citizens by the army; (b) an increase
in the domestic popularity of the GoDRC as the security institutions come to be
viewed as a positive rather than negative presence, and the government is per-
ceived as being able to secure its own borders and protect its own citizens without
international assistance; (c) an effective, well-trained, professional army operating
under a command and control structure and implementing government policies;
and (d) increased international respect with the concomitant opportunity to go
from being a country supported by foreign peacekeepers to a stable country with
a solid human rights record that can actually contribute to other peacekeeping and
stability operations on the continent.

In view of the scale of the challenge and the vested interests that will need to be
overcome to achieve meaningful change, however, the Congolese government will
not likely make significant advances in SSR without strong pressure to do so. In
the absence of strong internal pressure, the US and other concerned actors must
generate coordinated external pressure on the Congolese government to consult
with its citizens and act in the best interests of the Congolese people.

This paper, based predominantly on field research in DRC, examines how US
security assistance in DRC contributes to civilian protection. US-funded efforts
to train and equip FARDC and the PNC, to provide instruction on military justice,
and to refurbish training centers and border posts in eastern Congo are profes-
sionally run and designed to help curb the abuses committed too frequently by
sections of the Congolese security forces against the people they are supposed to
protect. But this is simply “train and equip” SSR. There is little evidence that the
efforts are part of a more comprehensive government-wide strategy by the US to
encourage and facilitate SSR in DRC, or that the US government has taken steps to
measure the impact and assess the results of its DRC security assistance programs,
although a recently concluded multiagency review is a promising start. (Table 1
indicates how US programs are performing in support of SSR in the DRC.) The
US efforts also appear to focus single-mindedly on the training programs, without
a political strategy—closely coordinated with other donors—to convince the
Congolese government to enact top-down institutional reform. Such reforms

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would include curbing corruption within the military and police, separating the chain of payment from the chain of command, providing for the welfare of soldiers and their dependents, depoliticizing the judiciary and separating the responsibilities of military versus civilian courts, removing individuals known to have committed grave human rights abuses from positions of authority, and creating an independent parliament capable of providing oversight of security organs. In essence, SSR in DRC must take a multipronged approach for it to stand a chance at success.

Table 1. Abbreviated assessment of US programs in support of SSR in DRC

<table>
<thead>
<tr>
<th>Best practices</th>
<th>Grade</th>
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<tbody>
<tr>
<td>SSR should prioritize protection of civilians and should be based on human rights principles.</td>
<td>Incomplete</td>
</tr>
<tr>
<td>SSR should incorporate principles of good governance and civilian control of the security sector, including accountability, transparency, and oversight.</td>
<td>Incomplete</td>
</tr>
<tr>
<td>SSR should be locally owned.</td>
<td>Incomplete</td>
</tr>
<tr>
<td>SSR should link security and justice and promote the rule of law.</td>
<td>Pass</td>
</tr>
<tr>
<td>SSR should do no harm.</td>
<td>Incomplete</td>
</tr>
<tr>
<td>SSR should begin with a comprehensive assessment of the range of security needs of the particular people and state.</td>
<td>Fail</td>
</tr>
<tr>
<td>SSR should be guided by a country-specific approach.</td>
<td>Incomplete</td>
</tr>
<tr>
<td>SSR should integrate a gender perspective. (See “SSR and gender.”)</td>
<td>Fail</td>
</tr>
<tr>
<td>SSR program design should be based on the realistic assessment of institutional capacity, resources/affordability, and sustainability, on the part of both the donor country and the host country.</td>
<td>Incomplete</td>
</tr>
<tr>
<td>SSR should be conducted as part of a multinational, multi-sectoral strategic approach.</td>
<td>Incomplete</td>
</tr>
<tr>
<td>SSR should be conducted by the best-suited US government agency, with minimal use of contractors.</td>
<td>Pass</td>
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</table>

This paper is a follow-up case study to Oxfam America’s 2009 report on US security assistance and the protection of civilians. In that report, Oxfam America examined the importance of SSR and the evolution of US policy and doctrine and then surveyed US practice. DRC is an important and useful case study of US implementation of SSR because the US government has committed to improving the security of the Congolese and to helping promote development and democracy in DRC, and SSR is crucial to solving the problems in the country. The US has provided tens of millions of dollars in support of armed forces and police reform in the DRC, yet the impact of the US efforts has not been measured and thus is not actually known. Moreover, notwithstanding these and other donor efforts, it is clear that true reform in the DRC security sector has yet to occur: “No progress at all,” according to one senior MONUC official.17 True reform, including the training of all security forces in civilian protection and human rights principles and the implementation of that training in field operations, plus effective application of military justice and measures to remove known human rights abusers from the army and the implementation of a judicial system based on the rule of law,18 is crucial to improving the humanitarian situation in DRC and moving DRC to a position of stability, economic development, and robust democracy.

Oxfam America believes that the US is in a unique position to support an international effort for reform that represents modest but tangible improvements in the performance of FARDC and the PNC and, by extension, improvements in the safety and security of the Congolese people. The following measures—which should form the basis for future US engagement with SSR in DRC—will have a much greater chance to succeed if the US works closely with other donors to establish complementary policies in DRC:

1. The US should use its voice and vote at the UN to establish realistic benchmarks on SSR that the Congolese government must meet prior to MONUSCO’s withdrawal, and should support the Congolese government in this endeavor.

2. All US government agencies involved in efforts to bring about SSR in DRC—with the Office of Regional Security Affairs within State’s Bureau of African Affairs as the lead—should develop with other donors and MONUSCO a coordinated strategy for mobilizing the full range of their resources and political influence toward effecting comprehensive SSR in DRC, including working with the GoDRC to address the obstacles it faces in achieving that goal.

3. All involved US government agencies should consult with Congolese civil society, including women’s organizations, to ensure that the programs reflect the security interests of the citizens.

4. All involved US government agencies should take the necessary steps to include a gender perspective beyond programs focused on sexual and gender-based violence, including pressing for female participation in training programs, recruiting female trainers, and ensuring that training covers issues that are of particular importance to women.

5. The US should take a multipronged approach to ensuring that human rights abusers within FARDC and the PNC are removed and brought to justice. This includes (a) working with the GoDRC to establish vetting and more-effective and more-consistent investigation and prosecution of crimes committed by the security services, and (b) using the US voice in the UN Security Council to ensure improved independent monitoring of FARDC conduct under MONUSCO’s conditionality policy.
6. State should condition additional FARDC training on senior-level Congolese government participation in Training Strategy Conferences (TSCs) and the government’s establishment, with donor support and input from Congolese civil society groups, of an updated training doctrine for FARDC.

7. State should encourage other donors to participate in and contribute funds to the TSC process and work with them to ensure that their own SSR programs in DRC are consistent with FARDC’s updated training doctrine.

8. The Department of Defense (DoD) should use its Defense Institution Reform Initiative to build capacity within FARDC’s newly established training command. DoD officials should establish close mentoring relationships with Congolese partners inside the training command to help them implement the updated training doctrine consistently across FARDC.

9. Congress should repeal the legal restrictions on US Agency for International Development (USAID) participation in police training in Section 660 of the Foreign Assistance Act and insert a positive authorization enabling the agency to participate in police training programs according to the best practices of good governance, the rule of law, community-based policing, respect for human rights, and accountability of police to citizens.

10. Pending congressional repeal of legal restrictions on USAID participation in police training, USAID’s Office of Democracy and Governance and State’s Bureau of International Narcotics and Law Enforcement Affairs (State/INL) should work jointly with the Congolese government and civil society to establish an updated training doctrine for the PNC that clearly defines its role as crime prevention and not as an adjunct of FARDC. State/INL should suspend its police training activities pending the establishment of this new doctrine, and USAID should coordinate any assistance to the PNC closely with State/INL.

11. USAID should expand its judicial-sector reform programming and support the training of Congolese magistrates, judicial infrastructure rehabilitation, increased access to legal research materials, and prison system reform.

12. As recommended in a forthcoming State Department Office of the Coordinator for Reconstruction and Stabilization assessment of US SSR in DRC, DoD and State should promptly conduct assessments of all existing SSR training programs in DRC. All future programs should include plans for monitoring and evaluation, including measurable objectives and tangible outcomes by which the impact of the training programs on the security of Congolese citizens can be measured.

13. Congress should request that the Government Accountability Office conduct an investigation into the effectiveness of US-funded SSR programs in DRC, with specific attention to their impact on the protection of civilians and their adherence to global best practices.

14. The US government should increase its civilian capacity and resources to carry out SSR activities worldwide, which should greatly reduce the role of private contractors in DRC and elsewhere.
The Congolese security sector— the armed forces, national police, justice and correctional system, and relevant ministries—is widely regarded as among the least effective and most abusive in the world. According to the US State Department “2009 Human Rights Report” on DRC, “At [the end of 2009], government control over many regions remained weak, particularly in North and South Kivu provinces. Civilian authorities generally did not maintain effective control of the security forces. . . . In all areas of the country, the government’s human rights record remained poor, and security forces continued to act with impunity throughout the year, committing many serious abuses, including unlawful killings, disappearances, torture, and rape.”

The roots of DRC’s dysfunctional security sector run deep. The institutions and practices established by Belgian colonial authorities and maintained during Mobuto Sese Seko’s 32-year dictatorship created a bloated national army and an ineffective police. Instead of establishing a separate army and police to do national defense and civilian policing, respectively, the Belgians created a single force, called Force publique, to maintain public order and secure the territory from external threats. Command and control within the Force publique was weak, opening the door for abuse by opportunistic colonial administrators:

These administrators often used the military to gain their own ends, diverting soldiers to various nonmilitary activities and treating local military units as private armies. Although this practice contravened colonial policy, the state proved unable to control its own coercive instruments. The practice of scattering military personnel among numerous small garrisons in the hinterland compounded the problem. The soldiers at isolated posts received little military training and were at times no more than undisciplined armed bands.

From 1960 to 1965, during DRC’s turbulent early post-independence period, the new national army was as much a threat to state authority as an instrument of it. General Joseph-Désiré Mobutu (later Mobutu Sese Seko) staged two coups, first in 1960 against the democratically elected Prime Minister Patrice Lumumba, and then in 1965 as the chief of staff of the army, after which he assumed the position of prime minister and then president. Mobutu’s Cold War allies in the West tolerated the corruption, violence, and criminality of his reign in exchange for access to DRC’s vast natural wealth and because of his opposition to the spread of Soviet influence in Africa. In the security sector as elsewhere, Mobutu took full advantage of the near-sightedness of the US and other donors:
Americans, Belgians, and Israelis provided assistance with various aspects of military training and invited Zaire (as the country was called from October 1971) to send officers and [noncommissioned officers] to train in their countries. By expanding and diversifying the sources of military assistance, Mobutu hoped to reduce Zaire’s reliance on any one source of aid. This process would give him greater flexibility and could also provide more assistance as the various donors competed for access.23

Rather than build a strong national army that he feared could eventually depose him, Mobutu established direct control over and secured the loyalty of elite units within the military. He gave preferential training and pay to the Paratrooper Corps of the Special Presidential Division and to the Military Operations and Intelligence Services, while the remainder of his forces were left to fend for themselves.24

Mobutu also used his executive authority to restructure and weaken the police. Just prior to independence, the Belgians split the Force publique, and Mobutu continued with his own reorganizations, eventually establishing an elite Civil Guard that mirrored his elite military forces and decentralized control of the remaining police.

As a result of these efforts, while Mobutu’s elite units may have protected him from harm, the country and its citizens remained extremely vulnerable to internal and external threats.25 When Laurent-Désiré Kabila’s Alliance des forces démocratiques pour la libération du Congo-Zaïre (AFDL, or Alliance of Democratic Forces for the Liberation of Congo-Zaire)—a group of hastily-recruited child soldiers and more-experienced fighters from his own Katanga province that was backed by neighboring Angola, Rwanda, and Uganda—pushed to overthrow Mobutu in 1996, the Zairean army offered little resistance.

**The making of FARDC and the PNC**

The 1994 genocide of 800,000 Tutsis and moderate Hutus in Rwanda, on DRC’s eastern border, was the catalyst for a pair of devastating regional wars and the ongoing conflict in DRC’s own North and South Kivu provinces. When the Tutsi-led Rwandan Patriotic Front rebel movement toppled the Hutu-led genocidal government and ended the killing in July 1994, the Rwandan army and allied militias fled, along with more than one million Hutus, into Mobutu’s Zaire (today DRC). Inside the hastily erected refugee camps, the génocidaires reconstituted themselves as a rebel movement that would later become the Forces démocratiques de libération du Rwanda (FDLR, or Democratic Forces for the Liberation of Rwanda).

The Rwandan government supported Laurent-Désiré Kabila in 1996 when he forcibly closed the refugee camps. However, relations between Kabila’s government and Rwanda quickly soured, and Rwanda invaded DRC in 1998. The ensuing conflict, dubbed “Africa’s World War” by observers, pitted at least seven national armies and scores of armed groups against each other and, deplorably, against Congolese civilians. For either geopolitical reasons or the promise of economic reward, Angola, Chad, Namibia, and Zimbabwe sent troops to support Kabila’s government. On the other side, Rwanda and Uganda deployed forces and backed local proxies to secure a political and economic foothold in DRC’s mineral-rich eastern provinces.
In 1999, with support from the US and others, the Congolese government and the major Rwandan- and Ugandan-backed rebel groups signed a ceasefire agreement in Lusaka, Zambia. When Laurent-Désiré Kabila was assassinated by one of his own bodyguards in January 2001, the Congolese parliament voted unanimously that his son Joseph, then serving as the army’s chief of staff, should succeed him. In 2002, Joseph Kabila and the Rwandan- and Ugandan-backed rebel groups signed a power-sharing agreement in Sun City, South Africa, the Sun City Inter-Congolese Dialogue Negotiations.

The Sun City agreement critically failed to establish clear benchmarks for SSR; the current state of the Congolese security sector, in particular the army and police, is a direct corollary of that failure. As the International Crisis Group pointed out in its 2006 report on SSR in DRC:

“[S]ecurity sector reform was dealt with [at Sun City] somewhat superficially, postponing the practical steps of integrating the various armies, police forces and security services. In particular, the Sun City process failed adequately to define appropriate principles and mechanisms for forming the various factions into a new and genuinely unified national army. Negotiators sought to keep command structures sufficiently weak that no single faction could control them and so created multiple competing power structures. No comprehensive security sector review was undertaken and thus no systematic effort was made to base the new security services on a careful assessment of risks, needs and capabilities.”

The new national army, Forces armées de la république démocratique du Congo (FARDC), is a product of the haphazard integration of former rebel fighters into what was an already dysfunctional and factionalized national army with little accountability to civilian authority. General education levels across FARDC are low, with a significant percentage of soldiers illiterate and many with little or no formal military training. Officers integrated from former rebel groups frequently retained their rank even though they lacked basic military skills. The Ministry of Defense’s recent plan for SSR acknowledged that of a force of 150,000, 40 percent...
of are getting too old, 70 percent are poorly trained, and all are poorly equipped. Commanders on all sides were guilty of war crimes and crimes against humanity prior to integration, but there was no effective vetting mechanism and no political will to weed out the worst human rights violators. In part due to the 2009 integration of some 17,000 militia fighters into FARDC (described below), the force is also excessive in size in relation to the external threats facing DRC today, and the Ministry of Defense has expressed the need for downsizing. FARDC facilities do not provide food services, and the government cannot help soldiers support their dependents, who often travel with them to areas where they are deployed. “The soldiers’ families are the logistics chain,” explained a UN Organization Mission in the Congo (MONUC) official. Further, as discussed above, there is no accountability to civilian authority, as the parliament provides no effective oversight.

Like Mobutu before him, Laurent-Désiré Kabila set up his own elite force within FARDC, the Presidential Guard. When Joseph Kabila assumed power in 2001, he bolstered this force, which became known as the Republican Guard, with members of his own Lubakat community from northern Katanga. In 2002, he established his own military office to parallel the conventional chain of command. Meanwhile, in the eastern provinces former rebel groups maintained their own parallel chains of command within FARDC. Insurrections in North and South Kivu provinces, led by newly integrated commanders, were a constant threat to the peace process throughout the transitional period between Sun City (2002) and elections in 2006. Rebel groups and militias that refused to take part in the peace process cut side deals with the transitional government to join FARDC, further complicating an already murky picture.

Sun City did not create an integrated police force, with the exception of some units in Kinshasa. President Joseph Kabila disbanded Mobutu’s three distinct police forces and gave the Police nationale congolaise (PNC) the authority to patrol the entire country. Yet the changes did not go as far as putting in place training procedures, creating a system of community-based policing, improving working conditions, establishing an effective system for payment of wages, or tackling the endemic corruption within the police force. According to a MONUC official, “At least 50 percent of the PNC payroll is bogus. Probably more.” Further, no effective action was taken to shore up the overrun and dilapidated prison system, where life-threatening conditions frequently led prisoners to bribe their way to freedom or to simply push through the crumbling walls.

Donors’ initial reform efforts: Little coordination, little pressure

Coordination among donors of SSR activities from Sun City onwards has been weak. During the transitional period from 2002 to 2006, donor governments established the Comité international d’accompagnement de la transition (CIAT, or International Committee to Support Transition), a coordination mechanism that included the five permanent members of the UN Security Council, MONUC, the European Union (EU), the African Union, Angola, Belgium, and South Africa. The CIAT established a subcommittee in 2004 to coordinate SSR activities, but Western donors set up a parallel contact group with a similar mandate. Absent a clear plan of action from Sun City on SSR and strong coordination, the donors collectively failed to persuade the transitional government to enact meaningful reforms.
Joseph Kabila’s victory in the 2006 elections officially ended the transition. The CIAT was dissolved, and MONUC’s role underwent a fundamental shift from supporting the transitional process to supporting a sovereign government “in establishing a stable environment in the country.”

Although this could have been interpreted to include SSR in addition to the critical military push to improve security, member states declined to back a robust civilian component to drive the reform process. President Kabila and his inner circle sought external backing for their priorities, which included military action against rebellious commanders in the Kivus, but rejected pressure from MONUC and other donors to undertake the reforms remaining from the transition, which Kabila and his advisors saw as interference in matters of Congolese sovereignty.

Instead, the Congolese government sought to reach bilateral deals with donors and international lending institutions to provide training and technical assistance.

Angola, Belgium, the EU (including through the EU Advisory and Assistance Mission for Security Reform in the Democratic Republic of Congo, EUSEC), and South Africa were most active during the transition and continued their programs after the elections. The Angolans, Belgians, and South Africans worked to train the new FARDC integrated brigades, and EUSEC committed itself to a pair of essential tasks: support for the integration of former armed groups into FARDC and a project to ensure regular and full payment of wages by separating the chain of payment for soldiers from the chain of command. The United Kingdom, the largest bilateral donor to DRC, as well as Angola, the EU (through the EU Police Mission for the DRC, EUPOL RD Congo), France, South Africa, and the UN-operated programs focused on efforts to reform the PNC.

The EU also engaged in disarmament, demobilization, and reintegration (DDR), and several countries contributed to the DDR process through the Multi-Country Demobilization and Reintegration Program.

The US, although a relative latecomer to SSR efforts in DRC, has a long history of engaging in SSR elsewhere and is increasingly becoming a major donor to SSR in DRC.
The US government’s current approach to SSR worldwide, in principle, not only focuses on training and equipping the recipient state’s military and police forces but also assigns a higher priority to the protection of civilians, protection of human rights, and accountability of the security sector to civilian authority. In the waning days of the administration of President George W. Bush, an interagency paper on SSR issued by the US Agency for International Development (USAID), the Department of Defense (DoD), and the Department of State (State)—“Security Sector Reform”—listed the guiding principles of SSR as supporting host nation ownership, incorporating principles of good governance and respect for human rights, balancing operational support with institutional reform, linking security and justice, fostering transparency, and doing no harm. Recent US military doctrine on SSR follows the global consensus and the interagency working paper in recognizing the need for a coordinated, whole-of-government approach across the US government, acknowledging the leading role of State, and indicating that protection of civilians is a central task of SSR. (See Box 3, “Global best practices of SSR.”)

Box 3. Global best practices of SSR

Programs designed to support SSR should:
• Prioritize protection of civilians.
• Incorporate principles of good governance and civilian control of the security sector, including accountability, transparency, and oversight.
• Be based on human rights principles.
• Be locally owned: Engage the local government and civil society.
• Link security and justice and promote the rule of law.
• Do no harm.
• Begin with a comprehensive assessment of the range of security needs of the particular people and state.
• Be guided by a country-specific approach.
• Integrate a gender perspective.
• Be designed based on the realistic assessment of institutional capacity, resources/affordability, and sustainability, both on the part of the donor country and the host country.
• Be conducted as part of a multinational, multi-sector strategic approach.
The administration of President Barack Obama had not spoken out about SSR, let alone endorsed the 2009 joint agency SSR working paper, until its recently released 2010 “National Security Strategy,” which contained the following statements about SSR:

- On the importance of the principles of human rights, rule of law, and civilian oversight of the security sector: “The United States must improve its capability to strengthen the security of states at risk of conflict and violence. We will undertake long-term, sustained efforts to strengthen the capacity of security forces to guarantee internal security, defend against external threats, and promote regional security and respect for human rights and the rule of law. We will also continue to strengthen the administrative and oversight capability of civilian security sector institutions, and the effectiveness of criminal justice.”

- On rebuilding civilian capacity: “We must also build and integrate the capabilities that can advance our interests, and the interests we share with other countries and peoples. Our Armed Forces will always be the cornerstone of our security, but they must be complemented. Our security also depends upon diplomats who can act in every corner of the world, from grand capitals to dangerous outposts; development experts who can strengthen governance and support human dignity; and intelligence and law enforcement that can unravel plots, strengthen judicial systems, and work seamlessly with other countries.”

- On the need for having a partner who has the political will for reform and is engaged in the process: “Building the capacity necessary for security, economic growth, and good governance is the only path to long-term peace and security. But we have also learned that the effectiveness of these efforts is profoundly affected by the capacity of governments and the political will of their leaders. We will take these constraints into account in designing appropriate assistance strategies and will facilitate the kind of collaboration that is essential—with our government and with international organizations—in those instances when we engage in the difficult work of helping to bring conflicts to an end.”

- On SSR in Africa specifically: “The administration will refocus its priorities in Africa on strategic interventions that can promote job creation and economic growth; combat corruption while strengthening good governance and accountability; responsibly improve the capacity of African security and rule of law sectors . . . .”

In recent years, and particularly in the conflicts in Iraq and Afghanistan, US SSR efforts have not lived up to the [global best practices], reducing the principles to rhetoric.
Box 4. SSR and gender


- Women (and their children, for whom they often have primary responsibility) are at great direct and indirect risk in situations of insecurity, so women have a great deal to gain from a country’s improved capacity to protect its citizens from external and internal threats.

- Because of the frequent lower social standing of women in society, they are also most often the targets of abusive military and police forces within their own country. As such, women stand to gain from the reform of their security institutions into responsible, professional, accountable forces and the reform of their judicial systems so there is accountability for abuse. Conversely, women have perhaps the most to lose from ineffective or unsuccessful SSR.

- Because men and women have different experiences, priorities, and perspectives when it comes to security, women can play an important role in planning, designing, implementing, monitoring, and evaluating SSR. This means “sitting at the table” (on both the donor and host government sides) when plans are being made. It also means that military, police, and peacekeeping forces should include women, which is especially important in societies with a history of abuse by the security sector; this is also true for parliaments, defense ministries, courts, and judicial systems.

- SSR should include a gender perspective. The normative training of security sector personnel as part of SSR efforts should encompass gender issues, including sensitivity to issues of violence affecting women. Military and police trainees should learn about the different security needs of women, sexual and gender-based violence (SGBV), and discriminatory behavior, and learn how to incorporate this knowledge into their work. Particularly in post-conflict societies with a history of SGBV, judicial personnel, including prosecutors and police, should receive focused training. A gender perspective is equally important in disarmament, demobilization, and reunification.
US support for SSR in DRC

While the administration of President George W. Bush recognized the importance of SSR to stability and civilian protection in DRC, the US did not invest heavily in SSR until after DRC President Joseph Kabila was elected in 2006. From 2005 to 2007, the US provided more than $800,000 in International Military Education and Training (IMET) funds to train Forces armées de la république démocratique du Congo (FARDC) officers and noncommissioned officers.48 (See Box 5, “Who’s who in US SSR programs?” Table 2 summarizes State and USAID DRC SSR funding for fiscal years 2007–2011.) These programs increased contact between the US and Congolese militaries but had no real impact on SSR. However, a credible 2006 election in DRC, along with encouragement and money from the US Congress, led directly to greater US involvement in SSR. Congress provided $5.45 million in Peacekeeping Operations (PKO) funds to support SSR in DRC in 2007. (An early draft of the Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2006 had included authorization language for these funds.) According to a Department of State (State) official working on military training programs in DRC, “That initial $5 million laid the foundation for everything we’ve done since.”

With $5 million to spend on SSR programs, the State’s Office of Regional Security Affairs (RSA) within the Bureau of African Affairs (AF) worked with the Department of Defense (DoD) to develop programs to train FARDC forces.51 In late 2006, the US began to fund contractors to run professionalization training for FARDC officers. To facilitate the training and boost the morale of participants, State used a portion of these funds to rehabilitate the military training center in Kinshasa, called Groupement des écoles supérieures militaires (GESM, or Group of Military Universities).52 The US Defense Institute of International Legal Studies (DIILS)53—a joint service activity under the US DoD Defense Security Cooperation Agency—also began a program to train FARDC military justice personnel and officers on “the importance of the rule of law and discipline in military operations.”

The Bush administration’s fiscal year 2008 budget request for DRC reflected a new emphasis on SSR and, crucially, linked improvements in the security sector to the possible drawdown and eventual withdrawal of the UN Organization Mission in the Congo (MONUC) (now the UN Organization Stabilization Mission in the Democratic Republic of the Congo, MONUSCO):

Security sector reform is vital for the DRC to overcome its history of abuse of civilians and become a trustworthy provider of security with respect for the rule of law. The United Nations in the DRC is presently the only reliable security force in the country; well-trained police and armed forces are needed as it begins to draw down in 2008.

The administration requested $8.6 million to support these efforts, including PKO funds to continue the training programs, additional IMET funds, and a new stream of funds for police training administered through State’s Bureau for International Narcotics and Law Enforcement Affairs (INL).56
Responsibility for SSR does not lie with one US office or agency, but instead many agencies—and many offices within each agency—have some involvement with US SSR programs.

The involvement of many government agencies has the benefit of bringing many perspectives to bear (e.g., diplomatic, development, judicial, and military) but also creates a challenge for these agencies to avoid stovepiping and to work together in a coordinated, efficient manner when planning and implementing SSR programs—that is, to take a “whole-of-government” approach.

**Department of State (State):**

- Holds primary responsibility over US foreign policy and foreign assistance, including security assistance.
- Size and resources, particularly in conflict settings, have shrunk substantially since the Vietnam War.
- The administration of President George W. Bush in 2004 created the Office of the Coordinator for Reconstruction and Stabilization at State (S/CRS) to increase stability operation capacity within the department.
- According to the 2009 interagency working paper on SSR, State should be playing the lead role in US SSR. It should lead US interagency policy initiatives and oversee policy and programmatic support to SSR, lead integrated US government reconstruction and stabilization efforts, and oversee other US government foreign policy and programming that may have an impact on the security sector.

**US Agency for International Development (USAID):**

- Generally leads US government activities in support of development.
- With respect to SSR, USAID supports “governance, conflict mitigation and response, reintegration and reconciliation, and rule of law programs aimed at building civilian capacity to manage, oversee, and provide security and justice.”
- Has been prohibited from training police since a 1974 legislative ban. This ban has severely limited the development of security expertise within the agency.
- Key USAID unit in SSR: Bureau for Democracy, Conflict, and Humanitarian Assistance.

**Department of Defense (DoD):**

- DoD’s role in security assistance (including rule of law and other activities, such as development, typically regarded as civilian) has grown significantly since September 11, 2001, particularly in the wars in Iraq and Afghanistan.
- According to the 2009 interagency working paper on SSR, “Security Sector Reform,” DoD’s role in SSR should be to facilitate the development of professional and accountable armed forces that are under civilian authority.

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Box 5. Who’s who in US SSR programs?


(continued)
In November 2007, President Bush welcomed President Kabila to the White House. Although Kabila had won the election and plaudits from major donors, the situation on the ground had deteriorated significantly. Earlier that year, his government had reached an agreement with a dissident FARDC commander, Laurent Nkunda, a Congolese Tutsi with close ties to the Rwandan government, to integrate his forces with other FARDC troops through a process called “mixage.” Though the effort was meant to dilute Nkunda’s authority, he maintained command and control of his soldiers and, with new uniforms and equipment, launched an offensive against the Forces démocratiques de libération du Rwanda (FDLR). Nkunda’s brutal counterinsurgency tactics exacerbated an already dire humanitarian situation: 200,000 residents of North Kivu province fled fighting in which both sides committed atrocities against civilians. With Nkunda still operating outside government control, the mixage experiment collapsed and the Congolese government prepared to go on the offensive against Nkunda’s forces.57

When he met with President Bush in the Oval Office, President Kabila requested US support to train a FARDC rapid-reaction force to support his offensive against Nkunda’s Congrès national pour la défense du peuple (CNDP, or National Congress for the Defense of the People).58 Bush agreed, but the administration lacked available funds to immediately follow through. As will be discussed below, it was not until after President Obama took office that this request was taken up, although, in light of FARDC’s extremely limited capabilities, the Obama administration decided to train a light infantry battalion (LIB) rather than a rapid-reaction force.

Current US bilateral SSR-related programs in DRC

Secretary of State Hillary Rodham Clinton’s trip to eastern Congo in August 2009 sought to draw greater international attention to the plight of civilians, particularly women and girls who are subjected to routine and brutal acts of sexual violence.59 Speaking in Goma, the capital of North Kivu, Secretary Clinton pledged $17 million to support programs to address sexual and gender-based violence (SGBV) and tasked her advisors to come up with innovative ideas to improve protection for women and girls.60 At Clinton’s request, State’s Office of the Coordinator for Stabilization and Reconstruction sent five assessment teams to make recommendations for US assistance, including a team focused on SSR.61
While Secretary Clinton’s visit elevated DRC’s profile within State and the US government more broadly (at least in the short term), it has not yet had a transformative effect on US policy. Obama administration officials acknowledge the critical importance of SSR, but, with limited resources and absent sustained attention from senior diplomats, the US approach has been to modestly expand the bilateral assistance programs that began under the previous administration without using the appropriate diplomatic channels to persuade the Congolese government to enact the institutional reforms needed for those programs to have sustained impact.

The US government’s primary goal within the broad spectrum of SSR-related activities is to professionalize FARDC and the Police nationale congolaise (PNC) through focused training programs:

The national army and police have very limited capacities, and there is a culture of impunity and ongoing human rights violations across all armed groups, including the military. US resources are focused on programs that support professionalization training for the DRC military and police forces, with an emphasis on human rights, as an integral part of overall security sector reform.  

To realize this goal, State’s AF/RSA administers the following training programs in DRC, as discussed below:

- Programs focused on defense-sector reform
- Programs focused on police reform
- Programs focused on judicial-sector reform and reform of government institutions

### Programs focused on defense-sector reform

AF/RSA offers two training programs aimed at individual FARDC officers. One is the very general *Formation continue des cadres* (FCC, or Staff Continuing Education Course), an eight-week course on topics ranging from strategic (e.g., military leadership, stability, and civil support operations) to norm-focused (e.g., law of land warfare and human rights) to practical (e.g., radio-telephone procedures and map reading). US contractor Camber Corporation has run the program since late 2006, and 1,412 Congolese officers—ranging in rank from captain to colonel—have completed the training. There is also an additional, focused course on civil-military operations (i.e., how soldiers should relate to civilian populations during military operations) that will be offered for the first time in late 2010. The course will include modules on civil affairs methodology, international humanitarian law (IHL), prevention of SGBV, and the law and principles governing refugees and internally displaced persons.

A third program focused on FARDC, LIB training, is intended to increase the ability of FARDC to conduct effective internal security operations, preserve the territorial integrity of DRC, and develop an army that is accountable to the Congolese people. As noted above, the US government decided to provide this training instead of the requested training of a rapid-reaction force. The government of DRC (GoDRC) decided that rather than choose an existing battalion for the training, it would assemble a new battalion of officers and rank-and-file soldiers from units across the country. The US Africa Command and the Special Operations Command/Africa are coordinating the training, which is broken into three phases: initial officer training at GESM in Kinshasa, further officer training and
The fourth and final training program targeted at FARDC is conducted by DIILS for military justice personnel (e.g., judges, prosecutors, and investigators) focused on the investigation and prosecution of SGBV crimes. This program began in August 2007 and has trained more than 400 FARDC military justice personnel throughout the country. In 2009 the program was expanded to include the training of FARDC operational officers on these topics through the FCC training, MONUC’s SSR programs, and the LIB training program. DIILS also created and distributed a military justice manual containing Congolese laws on SGBV and military justice.

Prospective participants in any US-funded training program are vetted for human rights abuses, first by the embassy and then through a database maintained by State’s Bureau of Democracy, Human Rights, and Labor (State/DRL); if either the embassy or DRL identifies human rights concerns with a prospective trainee, he/she is not allowed to participate in the training.

In addition to direct training of FARDC, State/AF/RSA also tasked Camber to conduct a series of Training Strategy Conferences (TSCs) with the Congolese government to obtain a clear understanding of FARDC’s training priorities and to develop a plan to create a clear training doctrine. The first two conferences, however, lacked high-level Congolese government participation and thus, not surprisingly, failed to reach any conclusions. The third conference, which was held in Kinshasa in March 2010, was expected to produce results because the
Congolese government announced the formation of a training command within FARDC, but the Congolese Minister of Defense and the Chief of the General Staff—the two senior officials most qualified to discuss the training command and its implications—cancelled their participation at the last minute. As such, the third TSC again failed to reach conclusions or provide clear direction for the US and other donors on how best to support the government’s reform plans.

Finally, DoD has recently launched the Defense Institution Reform Initiative (DIRI) to provide support for strategic capacity building in the defense institutions of US partner nations. A DIRI program will be launched in DRC. A DoD official explained: “DIRI focuses on areas identified by the partner ministry to strengthen its capacity to manage and sustain its defense institutions, enable the partner ministry to better utilize and employ forces and capabilities developed through other US security cooperation programs, and further strengthen defense ministry-to-ministry relationships.”

| Table 2. State Department and USAID funding related to SSR in DRC, FY 2007–2011 |
|Foreign Military Financing| -| -| $397,000| $600,000| $1,450,000| $1,450,000 |
|International Military Education and Training| $263,000| -| $477,000| $506,000| $500,000| $500,000 |
|International Narcotics Control and Law Enforcement| -| -| $1,488,000| $1,500,000| $1,700,000| $6,000,000 |
|Peacekeeping Operations| -| -| $5,455,000| $40,500,000| $18,000,000| $22,000,000 |

**Peace and Security:**

- **Counterterrorism**
  - $250,000

- **Stabilization Operations and SSR**
  - $1,638,000
  - $2,701,000
  - $8,826,000
  - $5,800,000
  - $3,700,000
  - $6,000,000

**Governing Justly and Democratically:**

- **Rule of Law and Human Rights**
  - $2,701,000
  - $2,000,000
  - $8,226,000
  - $5,800,000
  - $3,700,000
  - $6,000,000

- **Good Governance**
  - $3,582,000
  - $2,500,000
  - $8,245,000
  - $6,494,000
  - $4,500,000
  - $10,400,000

- **Civil Society**
  - $1,899,000
  - $917,000
  - $1,256,000
  - $2,250,000
  - $4,500,000

**Humanitarian Assistance:**

- **Protection, Assistance, and Solutions**
  - $993,000
  - $111,654,000
**Programs focused on police reform**

The US is engaged in two police training programs in DRC, both of which are run by State/INL and implemented by the International Organization for Migration (IOM). In one, State/INL has funded IOM to train border police, Direction générale de migration (DGM, or General Directorate of Migration), customs authorities, and, in some instances, the PNC in North and South Kivu and Ituri provinces. The five-week programs focus on basic policing skills, with an emphasis on border security. Course modules also include international migration law and SGBV awareness. The first 50 officers have completed the training and have been deployed to border crossings throughout the country.

As part of the second program, which was created following Secretary Clinton’s 2009 visit to DRC, female and male police officers will be trained to investigate SGBV in Ituri. MONUSCO will instruct the officers on basic investigative skills and provide victim-sensitivity training for work with survivors of SGBV. IOM will refurbish the PNC training academy in Ituri, including construction of separate bunk facilities for women. The program is scheduled to begin later in 2010.67

**Programs focused on judicial-sector reform and reform of government institutions**

The US Agency for International Development (USAID) is engaged in SSR in DRC, including projects related to strengthening core governance institutions, the creation of an effective and equitable justice system that operates under the rule of law, protecting human rights, building the capacity of the parliament, and disarmament, demobilization, and reintegration. USAID has also engaged in work related to SGBV, including programs offering healthcare, counseling, and reintegration to survivors of SGBV, as well as programs creating justice networks to increase documentation of rape.68

Specifically, USAID has funded DPK Consulting to conduct training for civilian magistrates. USAID has provided $500,000 to support the efforts of Avocats Sans Frontières (ASF, or Lawyers Without Borders) to improve access to justice for Congolese living in remote areas by funding legal clinics and civic education programs in support of mobile courts in Equateur, Maniema, and South Kivu provinces. The number of qualified magistrates is extremely low, however, limiting the potential for a significant expansion of the mobile courts.

Responding to the disproportionately low number of cases brought by women, USAID funded ASF to produce a series of radio broadcasts illustrating cases involving women, including SGBV and land tenure. USAID also funded ASF to provide legal aid in prisons and for especially vulnerable populations, including youth and people with disabilities.

In the area of SGBV, USAID has supported the nongovernmental organization (NGO) Global Rights since 2006, when it funded the group’s work with Congolese civil society groups to convene a series of justice-sector stakeholder meetings and to advocate for the passage of the law criminalizing SGBV.69 Today, USAID funds Global Rights to work with local NGOs to conduct research on SGBV in some of the most severely affected communities in South Kivu, conduct awareness-raising activities with women in those communities, and make recommendations to donors. USAID has plans to work with ASF to expand legal clinics and mobile courts to these communities in South Kivu. USAID also supports the Congolese Bar Association to establish a pro bono support network for victims of sexual violence.70
Finally, USAID is working with two parliamentary committees: the Political, Administrative, and Judicial Committee and the Economics and Finance Committee. USAID provides technical assistance to these committees, including support in drafting laws.

US support to SSR through MONUC/MONUSCO

Like other major donors, the US supports SSR in Congo bilaterally and through its support for MONUC/MONUSCO. (See Box 6, “MONUC and MONUSCO” and Appendix 2, “MONUSCO mandate and terms of engagement.”) As a permanent member of the Security Council, the US has been and continues to be a critical actor in shaping MONUC/MONUSCO’s mandate. Also, the US pays 27 percent of the mission’s costs as part of its annual assessed peacekeeping contributions, giving it considerable interest and leverage in shaping the mission and its objectives.

MONUC/MONUSCO’s involvement in SSR is relatively recent. In 2008, the Security Council added SSR to MONUC’s mandate and tasked MONUC to provide human rights and IHL training to newly integrated FARDC brigades in eastern DRC and to “contribute to the efforts of the international community to assist the Congolese [g]overnment in the initial planning process of the security sector reform, to build credible, cohesive, and disciplined Congolese armed forces, and to develop the capacities of the Congolese national police and related law enforcement agencies.” The SSR mandate, however, did not translate into resources: The MONUC/MONUSCO SSR team, based in Kinshasa, has a staff of nine, including two UN volunteers; when a previous head of unit departed after six months on the job, the position was vacant for ten months before the current head began.

In December 2009, the Security Council provided additional clarity on MONUC’s role, tasking it with coordination of international support for SSR. France, the United Kingdom, and the US apparently lobbied for this additional responsibility for MONUC, hoping that it would eliminate the redundancies and contradictions across donor efforts and clarify the roles of more-opaque donors, such as Angola and China—although even the “cooperative” governments are reluctant to share information, especially funding information. MONUC’s SSR team established a 10-member SSR forum at the ambassador level, as well as an SSR working group focused on strengthening ties at a more technical level that is composed of representatives of 15 countries, IOM, the UN Development Program, the UN High Commissioner for Refugees, the UN Mine Action Coordination Centre, the UN Children’s Fund (UNICEF), and the World Food Program. In a promising turn of events, GoDRC representatives will apparently begin participating in the working group meetings.

Thus far, MONUC’s role in SSR has been limited by the Congolese government’s resistance to strong central coordination, by donors’ resistance to taking a more consistent line with the Congolese government on the need for genuine reform, and by donors’ reluctance to truly share information and coordinate their efforts. It is too early to say how the new MONUSCO mandate will affect the mission’s prioritization of support to, and ability to bring about change in, DRC’s SSR.
History:

• The UN Security Council created the UN Organization Mission in the Congo (MONUC) in November 1999 to implement the Lusaka ceasefire agreement. At that time, MONUC numbered 6,000 troops, military observers, and civilian personnel.

• From 2002 onward, as violence in eastern DRC threatened to unravel the Sun City peace agreement and in the absence of a functioning Congolese security sector, MONUC began to take on functions normally carried out by a national army.

• After UN forces deployed in Ituri Province were nearly overrun by militia groups in 2003, the Security Council gave MONUC a Chapter VII peace enforcement mandate, authorizing MONUC to take military action to protect civilians under imminent threat of violence, and authorized additional forces.

• As the situation on the ground has evolved—from the transition to elections to the post-election period—MONUC’s mandate and responsibilities expanded.


• The Security Council resolution stated that the current mandate will run through June 30, 2011, but it left open the issue of further drawdown.

Current facts:

• From July 1, 2010, through June 30, 2011, MONUSCO is to comprise, in addition to the appropriate civilian, judiciary, and correction components, a maximum of 19,815 military personnel, 760 military observers, 391 police personnel, and 1,050 members of formed police units.

• In the resolution, the Security Council authorized the withdrawal of up to 2,000 UN peacekeepers by June 30, 2010, seeking to satisfy the government of DRC’s desire to have some withdrawal in advance of the fiftieth anniversary of DRC’s independence. On June 16, 2010, a contingent of over 100 Senegalese peacekeepers withdrew, with the remainder of the 458-member battalion expected to follow in subsequent weeks.

• With an annual budget of $1.35 billion, MONUSCO is the most expensive UN peacekeeping force in the world. However, a comparison of resources against the international peacekeeping mission in Afghanistan shows that in 2009 DRC could boast just 30 peacekeepers per 100,000 inhabitants compared to almost 390 members of NATO’s International Security Assistance Force per 100,000 inhabitants in Afghanistan.

Box 6. MONUC and MONUSCO

US SSR in DRC: Following best practices?

How does the US support to SSR programs in DRC stack up against global best practices and US principles? In Table 3, “Assessment of US programs in support of SSR in DRC,” we examine several key best practices—best practices listed in Oxfam America’s 2009 report on SSR and important principles that emerged based on that review of the US experience with SSR—and analyze whether they are implemented in the US SSR programs in DRC.

Table 3. Assessment of US programs in support of SSR in DRC

<table>
<thead>
<tr>
<th>Best practice</th>
<th>Grade</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>SSR should prioritize protection of civilians and should be based on human</td>
<td>Incomplete</td>
<td>• It appears that all US training programs include and, in fact, prioritize protection of civilians and the relevant bodies of law, that is, human rights law, international humanitarian law, and the protections for refugees and internally displaced people.</td>
</tr>
<tr>
<td>rights principles.76</td>
<td></td>
<td>• The US vetting process also demonstrates its commitment to protection of civilians.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Appropriate training agendas are critical but not sufficient. To the best of our knowledge, no steps have been taken to measure the impact of US training on the protection of civilians in the DRC. 77</td>
</tr>
<tr>
<td>SSR should incorporate principles of good governance and civilian control of</td>
<td>Incomplete</td>
<td>• All of the US-run training programs for the Forces armées de la république démocratique du Congo (FARDC) incorporate these principles. As with protection of civilians, the US training programs appear to incorporate the principles of good governance and civilian control of the security sector as much as they can in such fora. The issue is impact: How far is education on these principles linked to substantive efforts to ensure civilian oversight within security institutions?</td>
</tr>
<tr>
<td>the security sector, including accountability, transparency, and oversight.78</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Host country</td>
<td>• It is difficult to assess the degree to which the US programs have incorporated and reflect host country ownership, given the lack of demonstrated engagement by the government in SSR.</td>
</tr>
<tr>
<td>ownership:</td>
<td>Incomplete</td>
<td>• To the best of our knowledge, the US has not, to date, engaged with civil society on SSR in DRC, and none of the current SSR programs reflects civil society participation.</td>
</tr>
<tr>
<td></td>
<td>Civil Society</td>
<td>• Absent national consultation on SSR, it is likely that Congolese civilians and the government of DRC (GoDRC) have disparate goals for SSR, with the civilians’ primary interest being stability and to be protected from external and internal violence, 80 while the GoDRC is more likely to prioritize territorial integrity and control of mineral resources. Domestic nongovernmental organizations (NGOs), such as Action pour la Paix et la Concorde (Action for Peace and Harmony), are working in these areas and trying to engage the government.</td>
</tr>
<tr>
<td>engagement: Fail</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SSR should link security and justice and promote the rule of law.81

☑ Pass

- • US Agency for International Development (USAID) programs appropriately are focused on building the judicial sector and promoting the rule of law, and several US programs, including the Defense Institute of International Legal Studies (DIILS) seminars, the Ituri police training program, and USAID’s funding of Global Rights’ work, tie security and justice through sexual and gender-based violence (SGBV). USAID reports that its efforts to create justice networks to increase documentation of rape in DRC contributed to the first rape conviction in eastern Congo; the case resulted in a 10-year jail sentence and $10,000 fine.82

SSR should do no harm.83

☒ Incomplete

- • There are no known instances in which specific US programs aimed at contributing to SSR in DRC have, in fact, caused harm to participants or civilians, but the US government shares some responsibility for UN Organization Mission in the Congo (MONUC) backing of FARDC’s 2009 military operations targeting militias, which caused significant harm to the civilian population, so much so that some observers concluded that the operations caused more harm than good.84 Similar concerns have been raised by Congolese and international actors about the fallout of the 2010 FARDC military operation “Amani Leo,” which was again backed by MONUC and now the UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO).85

SSR should begin with a comprehensive assessment of the range of security needs of the particular people and state.

☒ Fail

- • It does not appear that the US government conducted such an assessment before first engaging in SSR in DRC via the DRC Relief, Security, and Democracy Promotion Act of 2006; if such an assessment did occur, it is not in the public domain. Stemming from Secretary of State Hillary Rodham Clinton’s 2009 visit, the Department of State Office of the Coordinator for Reconstruction and Stabilization (S/CRS) has just completed an assessment of SSR needs and four other areas of development, and that assessment should guide future programming and budgetary decisions.

SSR should be guided by a country-specific approach.86

☒ Incomplete

- • While the individual US programs appear to reflect country-specific planning, the overall US strategy for support to SSR in DRC needs a serious reevaluation in light of the lack of substantive GoDRC engagement to date and the consequent apparent lack of impact of the US programs. Hopefully the recent S/CRS-led assessment will produce such a reevaluation.

SSR should integrate a gender perspective. (See “SSR and gender.”)

☒ Fail

- • Several of the US programs have either a focus or component on SGBV, which is particularly important in DRC given the extremely high rate of SGBV perpetrated by the Congolese security forces. However, it appears that discussion of gender issues during training is limited to SGBV, and there is more to a gender perspective than SGBV.

- • While some females have gone through the Formation continue des cadres (FCC) staff officer course training, and although at least one female has served as an instructor in the DIILS training programs, there are no women trainers or trainees in Kisangani for the light infantry battalion (LIB) training. (There are few, if any, women in the infantry of FARDC.) Further, to the best of our knowledge, the US government has not taken any steps to increase the representation of women across the Congolese security sector.
SSR program design should be based on the realistic assessment of institutional capacity, resources/affordability, and sustainability on the part of both the donor country and the host country.\textsuperscript{87}  

- In DRC, despite the absence of an overall assessment of the DRC security sector, it appears that the US SSR programs have, by and large, been realistic in terms of institutional capacity and resources. The exception is the LIB training.  
- The commitment of the GoDRC must be considered as a component of its institutional capacity. As such, there is a question of whether the US approach is rational without a parallel diplomatic initiative to solicit substantive GoDRC engagement.

SSR should be conducted as part of a multinational, multi-sectoral strategic approach.  

- One of the key failures of SSR in DRC has been the lack of coordination among donors. This impedes a strategic approach, allows for redundancies and inefficiencies, and allows the GoDRC to “divide and conquer” the donor community, negotiating bilateral deals for training programs and confronting minimal—and not concerted—pressure for genuine reform.  
- According to a MONUC official, a genuine inventory of the security apparatus across DRC has yet to be conducted and is desperately needed to identify gaps and form the basis for a government-owned national security strategy, which is essential to any functional reform.\textsuperscript{88}  
- Along similar lines, according to NGO and UN assessments, at least two major security-related entities have been left completely out of the international efforts toward SSR: civilian and military intelligence and the prison system.\textsuperscript{89}  
- It is not clear whether the US has been actively attempting to coordinate with other donors on developing a holistic strategy of support and sharing lessons learned on obstacles encountered, but this is an area where the US could play a critical role.

SSR should be conducted by the best-suited US government agency, with minimal use of contractors.\textsuperscript{90}  

- The Office of Regional Security Affairs of the Bureau of African Affairs (AF/RSA) of the State Department has appropriately assumed the lead role on SSR in DRC. AF/RSA oversees all of FARDC and Ministry of Defense programs, even though contractors, the Department of Defense (DoD), and DIILS actually implement them. The two police training programs are funded by the State Department’s Bureau of International Narcotics and Law Enforcement Affairs and implemented by international organizations, the International Organization for Migration, and MONUC/MONUSCO.  
- DoD’s role in US SSR in DRC has been appropriate, given its strengths. DoD has been involved with the reform of FARDC and the defense ministry but has not been in charge of police reform or judicial reform programs.  
- USAID appropriately runs programs strengthening government institutions and enhancing rule of law.  
- The US government has had to rely significantly on contractors to implement its SSR programs in DRC.
Diminishing returns: No political will, no real reform

The US has become more involved in SSR globally in recent years—most notably in Iraq and Afghanistan—and the relevant US government agencies have worked to establish a clear doctrine for SSR programs. The 2009 interagency paper authored by the US Agency for International Development, the Department of Defense (DoD), and the Department of State—“Security Sector Reform”—links SSR to protection of civilians and emphasizes security sector governance as essential to effective SSR. The recipients of SSR assistance must not only desire reform, they must also take the necessary steps to facilitate a collaborative relationship with donors that helps meet a shared goal of a professional and accountable security sector. Both of these prerequisites have been problematic with respect to the Congolese government. A 2007 US Government Accountability Office report on US policy in DRC was unequivocal:

Historically weak governance and corruption in the DRC have hindered efforts to reform the security sector and hold human rights violators accountable...US officials informed us that the absence of clear authority over security sector issues has hindered efforts to determine both the DRC government’s priorities for security sector reform and the most effective role for international donors in promoting security sector reform...A US State Department official told us that efforts to reform the police may be impeded by a lack of support from DRC institutions that suffer from corruption and have no interest in reform.

Little has changed in three years. The Ministry of Defense has drawn up its own strategy for SSR, which involves reorganizing and downsizing, but the plan is very general and has generated more questions than answers for the UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) (formerly the UN Organization Mission in the Congo, MONUC) and several donors. “FARDC [Forces armées de la république démocratique du Congo] does not have a clearly defined mission and has not established a clear doctrine or presented a clear analysis of the threats facing the country upon which it can base a national security strategy,” said a MONUC official working on SSR. FARDC’s plans to downsize and restructure itself are vague, with what most donors agree are unrealistic timelines and budgets. According to the Ministry of Defense SSR strategy, control of the armed forces would be increasingly concentrated in the hands of the president. The government has not responded positively to the United Nations’ and donors’ requests for greater clarity. “They think the international community is asking them to produce something that they’ve already produced,” explained a Congolese observer.

At the highest levels, the Congolese government has not engaged with many of the important detailed policy decisions around SSR and has actively resisted international efforts to better coordinate assistance and target the institutional dysfunction at the root of DRC’s weak and abusive security sector. As discussed
above, the government has failed repeatedly to engage seriously in the Training Strategy Conferences (TSCs), including the March 2010 conference. The government of DRC (GoDRC) also opposed — through its relationship with China — the 2008 inclusion of SSR coordination in MONUC’s mandate. A US official working on the March TSC put it bluntly: “Until the [Ministry of Defense] and FARDC are seriously committed to reform — committed enough to take the risk to talk openly about training and doctrine priorities — then all attempts by partner countries to assist FARDC to professionalize will eventually fail.”

International diplomatic sources concur that the number of people running the government is remarkably small and constitutes a close circle around President Joseph Kabila. The two government officials who outwardly have authority over SSR, however — a special advisor to the president on security and a vice prime minister with responsibility for security — have limited access to President Kabila and so do not, in practice, have decision-making authority. Likewise, neither the DRC National Assembly nor ordinary Congolese can generate sufficient pressure. According to a MONUC official, “We’re trying to work with the private sector, youth, lawyers, [members of parliament], and activists, but in the end there’s no effective pressure on the Congolese government to do what it needs to do.”

Externally, the international community has failed to push hard on President Kabila to undertake institutional reform. “The CIAT [Comité international d’accompagnement de la transition] wasn’t perfect,” explains a long-time observer of the conflict. “But it did force the donors to speak with one voice and exert their leverage with the transitional government. In the current arrangement, donors are simply flushing their money down the toilet.”

**Corruption and mismanagement**

The European Union (EU) has made the biggest attempt thus far to press for institutional reform. The five-year project of the EU Advisory and Assistance Mission for Security Reform in the Democratic Republic of Congo (EUSEC) to separate the chain of payment from the chain of command seeks to address one of FARDC’s biggest problems: failure to remunerate its forces. Corruption is endemic through the chain of command. “The generals skim a bit of the soldiers’ pay for themselves, then pass it along to subordinates who do the same, all the way down the line,” described a MONUC official. “By the time it gets to ground level, there’s hardly any money left, and the commanding officer will pocket that and let his men starve.” Additionally, many Congolese soldiers deploy with dependents, so the lack of pay affects the entire family. With no other recourse, the soldiers frequently prey on the population in areas where they are deployed.

EUSEC’s effort to ensure payment for the 18 integrated brigades resulting from the Sun City peace agreement has been consistently undermined by the actions of the Congolese government, including the sweeping integration of the militia fighters in 2009 and the resistance by senior officers who benefit from routinely skimming soldiers’ pay. Discussing the program, the International Crisis Group noted, “While the project is technical, it is also politically sensitive for the Congolese; if successfully implemented, it will mean the loss of considerable revenue for senior commanders who have been skimming salaries.”

The EU program had some initial success: EUSEC completed a biometric census of these brigades, established a new chain of payment, and worked with the Congolese government to increase the monthly pay for soldiers by removing
“ghost soldiers” from the payroll. Soldiers deployed in the East reported more regular salaries. However, an agreement reached between the Congolese and Rwandan governments in early 2009 led to the removal of Laurent Nkunda as chairman of Congrès national pour la défense du peuple (CNDP) and subsequently the “rapid integration” of an estimated 17,000 CNDP fighters and other militia men into FARDC. “The influx of new soldiers and reshuffling of the battalions stationed in the Kivus was a major setback to the progress [EUSEC] had made,” explained a European donor. “It created a new opportunity for the same old corruption.” EUSEC officials expressed frustration as well. “There’s only so much we can do,” said an exasperated official in Goma. “We can track the money but in the end it is up to the Congolese to pay their forces.” The increased payroll commitments also present a challenge to the government. Recently integrated former CNDP and other militia troops have not been paid or have been paid later than other soldiers on various occasions over the past year. In October 2009, a protest by ex-CNDP troops in Lubero over non-payment of their wages turned violent, causing serious harm to civilians.

The Congolese government’s inability and unwillingness to pay FARDC adequately and regularly has even extended to the Republican Guard, President Kabila’s most loyal forces, upon whom he would call in an emergency. When the families of Republican Guardsmen recently protested the lack of payment, the president traveled in a motorcade to their base in Kinshasa. The families refused to admit the president to the base by blocking the gate, forcing the motorcade to retreat. According to MONUC/MONUSCO, six of the nine mutiny attempts in 2009 were from within the Republican Guard.

Impunity for abuses

Despite repeated pronouncements of the government’s “zero tolerance” for abusive soldiers and police and a recent welcome increase in military prosecutions, a culture of impunity fuels abuses by sections of FARDC and the Police nationale congolaise (PNC). As with the integration of former belligerents after Sun City, the rapid integration of CNDP and other militia forces into FARDC took place quickly and without vetting, allowing known human rights violators to swap one uniform for another. Bosco Ntaganda, a former CNDP commander wanted for war crimes by the International Criminal Court, took command of forces on the front lines of a FARDC offensive against the Forces démocratiques de libération du Rwanda (FDLR). “Kabila simply could not take action against these guys,” admitted a MONUC official. “He needed them out there to take on the FDLR and cement the deal with Rwanda.” The continued presence of senior FARDC officers responsible for serious crimes undermines any attempt to curb abuses by the rank-and-file.

Having gone unpaid for months, many of the recently integrated FARDC units involved in the offensive against the FDLR continue to loot local populations for food and other supplies and are responsible for appalling atrocities against civilians. According to protection assessments conducted by Oxfam in 2007–2009, 93 percent of communities surveyed reported abuses by FARDC against the population, whereas only 29 percent witnessed the army protecting civilians against other armed groups. Oxfam’s 2010 protection assessment in North and South Kivu found that once FARDC had gained control of an area from militia forces, women were markedly more likely to say that their safety had declined. “Rather than pay their troops, the commanders just encourage them to loot,”
stated a Congolese observer based in Goma. The Congolese government also deployed newly integrated CNDP forces to areas in northeastern Congo threatened by the rebel Lord’s Resistance Army, which originally was from Uganda. A number of FARDC units there routinely commit grave human rights abuses; many residents say they would feel safer if the army went away. The PNC can be just as abusive, sometimes at the behest of Congolese officials. In 2007, during an operation to restore state authority in Bas-Congo province, the PNC undertook a campaign of violence against members of the Bundu Dia Kongo (BDK) movement that resulted in more than 100 deaths. A report by MONUC’s human rights division reached this sobering conclusion:

The high death toll resulted, in large part from unwarranted or excessive use of force by the PNC, and in some cases from arbitrary executions…. The PNC was responsible for the systematic destruction of over 200 buildings (BDK temples and residences belonging to BDK and non-BDK alike) in numerous villages in Bas Congo and the widespread looting of private houses throughout the province. The destruction and looting of private property was widespread and systematic and cannot be justified on any legal or operational grounds. Over 150 BDK members were arrested in connection with the events. A number of them were victims of torture or cruel, inhuman and degrading treatment.

MONUC accused the Congolese government of deploying a police unit with predominantly military training—the Simba Battalion—to conduct a military-style operation against the BDK. The government rejected the report’s findings and made no effort to prosecute individuals implicated in crimes against civilians.

Civilians who are abused by FARDC or the PNC can file complaints with military police or local magistrates, though many prefer not to come forward out of shame, fear of retaliation by their abusers, and lack of confidence in the justice system. Congo’s justice system—civilian and military—is in tatters. The judiciary is highly politicized and often corrupt, and civilians are regularly tried in military courts. Consistent with the rest of FARDC, military judges’ pay is inadequate and infrequent. Judicial facilities lack the most basic equipment and supplies. “Judges have the laws,” said a MONUC official in reference to the military justice manual distributed by the Defense Institute of International Legal Studies, “but not the paper on which to print judgments.” Congo’s attempts to hold FARDC troops accountable for crimes against civilians have in some cases led to more abuses. “The FARDC deployed mobile courts during Kimia II [a 2009 military operation in North Kivu and South Kivu against the FDLR],” recounted a MONUC official. “We wanted to support the effort, but the first thing they do is summary executions.”

Training without institutional reform

As discussed above, the training programs funded by the US include modules aimed at preventing human rights abuses by FARDC and the PNC, particularly sexual and gender-based violence (SGBV). Professionally administered training can have an impact on the behavior of individual units. For example, to deal with a recent rebellion in Equateur province, the Congolese government sent FARDC commandos from the 321st battalion who had been trained by the Belgian government, along with units from the South African-trained 81st brigade.

“It doesn’t matter where you are in the world or how good their training,” observed a US official in Kinshasa, “send troops into battle without paying and feeding them and they are going to commit abuses.”
These forces replaced FARDC’s 10th brigade from Kisangani, which had lost two battles to insurgent forces and was responsible for looting and raping local people. According to observers with first-hand knowledge of the operation, the Belgian- and South African-trained troops performed well and respected the local population (although it is not currently known whether these units were involved in reported indiscriminate shelling in some areas). However, sustained commitment to human rights is next to impossible if trained battalions like the 321st battalion and the 81st brigade are not kept together or lack support from the state, particularly payment and rations. Belgian officials have expressed concern that the commandos in Equateur could begin to abuse the local population if they are deployed for too long and requested that the Congolese government send the PNC to replace them.

US officials acknowledge that even the most professionally administered training exercise will not have a lasting impact on the behavior of soldiers and police without institutions that support those units over the long term. “It doesn’t matter where you are in the world or how good their training,” observed a US official in Kinshasa, “send troops into battle without paying and feeding them and they are going to commit abuses.” Indeed, the International Committee of the Red Cross, the United Nations High Commissioner for Refugees, and MONUC have each conducted training on international humanitarian law and prevention of SGBV for FARDC deployed to eastern Congo. International and local human rights groups have not seen an impact. As long as they don’t get paid and live in these miserable conditions, they will prey on the population,” said a civil society representative.

The Africa Command of the DoD is seeking to stay engaged with the battalion it is training in Kisangani, and US officials would prefer that the battalion remain in Kisangani to help train additional FARDC battalions. At the same time, officials stress that providing for the forces is ultimately the responsibility of the Congolese government; as one US official stated, “We will hand them the keys and what they choose to do at that point is up to them.”

Secretary of State Hillary Rodham Clinton is escorted by troops from the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) after her arrival at the Goma airport. UN Photo/Serge Kasanga
Coordination in the absence of political support for SSR

One area where the donors could improve is coordinating their work, including information sharing about needs assessments and planning, developing common training standards/methods/curricula, and learning from best practices. (There has, to date, also been little-to-no coordination among donors and GoDRC officials working in SSR, although as of July 2010 the MONUSCO SSR unit reports that GoDRC representatives will now be participating in meetings of the SSR working group.) Many donors work well with one another, while others—particularly Angola and China—act independently, but all appear reluctant to share information. “No one is really sure what the Chinese are up to on SSR,” admitted a MONUC official. According to a 2007 UK Department for International Development report evaluating its Security and Justice Sector Reform (SJSR) programs in Africa:

> Effective sector wide SJSR will only work in DRC if the international community acts in unison. Leadership of the international community efforts in SJSR, involving coordination, coherent advice to the highest levels of [g]overnment, and best use of resources is one of the major challenges at present. The motives and attitude towards SJSR on the part of [MONUC], the European Union (EU), and significant bilateral actors such as Belgium, South Africa and Angola as well as the IFIs [international financial institutions] are at variance, despite recent efforts to bring them together.

Although the US meets regularly with other donors in the Great Lakes Contact Group, US officials admit that the group’s focus on SSR has not led to improved coordination. As discussed above, the Security Council gave MONUC responsibility for donor coordination when it renewed its mandate in December 2009, and MONUC/MONUSCO’s SSR unit has established regular donor meetings in Kinshasa, including at the ambassadorial level, to share information. There also are a European working group (which includes all the EU member states involved in SSR in DRC plus representatives of the EU itself and meets weekly) and an expanded group (which includes the US and MONUC/MONUSCO and meets biweekly).

Improved coordination and increased information sharing can only have so much impact, however, absent a genuine intent by the GoDRC to engage in the SSR process. Better coordination of assistance programs may reduce redundancies and contradictions, but coordinating these efforts without a joint plan to deal with the underlying political problems in Kinshasa is simply inadequate. “The donors can coordinate with each other all they want,” explained a Congolese observer. “But until they do something to put more pressure on [government] nothing here will change.”
Conclusion and recommendations

The debate over the future of the UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and discussions over how to improve SSR in DRC are closely intertwined. The US and other UN member states have consistently linked progress on SSR to MONUSCO’s withdrawal. While the Congolese government has expressed its imminent readiness to assume full responsibility for securing the territory and its population, the continued predations of sections of the Forces armées de la république démocratique du Congo (FARDC) and the Police nationale congolaise (PNC) throughout the country—particularly in the East and Northeast—and the government’s vulnerability to rebel threats in Equateur province and elsewhere suggest that there is still some way to go before that is possible. If the US is serious about improving civilian protection in DRC, it must work through the Security Council to make demonstrated improvement in the professionalism of FARDC and the PNC a precondition to MONUSCO’s withdrawal.

To its credit, the US government has steadily increased its commitment to SSR in DRC since President Joseph Kabila was elected in 2006. With limited financial and diplomatic resources to address enormous SSR challenges, the US is invested primarily in a bottom-up approach that provides training for FARDC and, to a lesser extent, the PNC and military justice professionals. At ground level, US-funded training programs are well designed and professionally implemented. The training emphasizes respect for human rights and protection of civilians, and trainers frequently collaborate with Congolese counterparts. Yet the US efforts are exactly the “train and equip” approach that is supposed to be a relic of the days before the new US policy on SSR. Missing is an overall strategy, based on a comprehensive assessment of needs, capacity, and the political situation and including indicators for assessment, which are then used to evaluate the programs. The US agencies involved should increase their engagement with local stakeholders and civil society, including women’s groups, and incorporate a gender perspective into more of the design, implementation, and content of the programs. Finally, the US government could attempt to better coordinate—politically and programmatically—with the other donors working in SSR in DRC so the donor efforts are part of a larger, more-comprehensive strategy, reducing inefficiencies, improving standardization of training, and ensuring that no part of the security sector is left behind. Coordination would also force the GoDRC’s hand to some degree, as it would prevent the GoDRC from exploiting divisions among donors to limit their collective influence.

Most importantly, the Congolese government has failed to embrace genuine reform and develop a clear framework around which donors can orient their assistance. Indeed, even the best-designed programs will not lead to sustainable improvements unless the Congolese government takes all of the following key steps toward reform:

• Establish a national training doctrine, complete the process of integrating former militia groups into FARDC (i.e., brassage) such that a single chain of command
exists, produce credible national and regional threat assessments, and formalize a national security strategy that provides the framework for a coherent and nationally owned donor approach to SSR.

• Separate the chain of payment from the chain of command to ensure that security personnel are paid on time and in full, provide for the welfare of the troops and their dependents when they are on active duty, and provide military barracks away from civilian centers.

• Remove individuals known to have committed crimes against humanity from positions of authority, increase prosecutions, and implement the rule of law to end impunity for those crimes.

• Empower the parliament to provide true oversight over security organs so it can hold the government accountable for corruption, mismanagement, and abuse of power.

Unfortunately, President Kabila and the Congolese government have, for a number of reasons, failed to take decisive action on these and other critical reforms; absent this multi-pronged approach, individual training programs will have limited prospects for bringing about change in the security of Congolese citizens.

Missing from the US strategy is a top-down element that applies coordinated and sustained international pressure on the Congolese government to systematically take the security interests of the Congolese people on board. As critical actors in the international community’s engagement strategy with the Congolese government, MONUSCO (and, before it, the UN Organization Mission in the Congo, MONUC) has struggled to influence the upper echelons of government, including President Kabila and his inner circle. Congolese officials, meanwhile, have blamed MONUC/MONUSCO for Congo’s failures on SSR and have been unwilling to see it play a role in improving donor coordination on this and other key areas of reform.

Oxfam America believes that the US is in a unique position to support an international effort for reform that represents modest but tangible improvements in the performance of FARDC and the PNC and, by extension, improvements in the safety and security of the Congolese people. The following measures—which should form the basis for future US engagement with SSR in DRC—will have a much greater chance to succeed if the US works closely with other donors to establish complementary policies in DRC:

1. The US should use its voice and vote at the UN to establish realistic benchmarks on SSR that the Congolese government must meet prior to MONUSCO’s withdrawal, and the US should support the Congolese government in this endeavor.

2. All US government agencies involved in efforts to bring about SSR in DRC—with the Office of Regional Security Affairs within the Bureau of African Affairs of the Department of State (State) as the lead—should develop with other donors and MONUSCO a coordinated strategy for mobilizing the full range of their resources and political influence toward effecting comprehensive SSR in DRC, including working with the GoDRC to address the obstacles it faces in achieving that goal.

3. All involved US government agencies should consult with Congolese civil society, including women’s organizations, in order to ensure that the programs reflect the security interests of the citizens.
4. All involved US government agencies should take the necessary steps to include a gender perspective beyond programs focused on sexual and gender-based violence, including pressing for female participation in training programs, recruiting female trainers, and ensuring that training covers issues that are of particular importance to women.

5. The US should take a multipronged approach to ensuring that human rights abusers within FARDC and the PNC are removed and brought to justice. This includes (a) working with the GoDRC to establish vetting and more-effective and more-consistent investigation and prosecution of crimes committed by the security services and (b) using the US voice in the UN Security Council to ensure improved independent monitoring of FARDC conduct under MONUSCO’s conditionality policy.

6. State should condition additional FARDC training on senior-level Congolese government participation in Training Strategy Conferences (TSCs) and the government’s establishment, with donor support and input from Congolese civil society groups, of an updated training doctrine for FARDC.

7. State should encourage other donors to participate in and contribute funds to the TSC process and work with them to ensure that their own SSR programs in DRC are consistent with FARDC’s updated training doctrine.

8. The Department of Defense (DoD) should use its Defense Institution Reform Initiative to build capacity within FARDC’s newly established training command. DoD officials should establish close mentoring relationships with Congolese partners inside the training command to help them implement the updated training doctrine consistently across FARDC.

9. Congress should repeal the legal restrictions on US Agency for International Development (USAID) participation in police training in Section 660 of the Foreign Assistance Act and insert a positive authorization enabling the agency to participate in police training programs according to the best practices of good governance, the rule of law, community-based policing, respect for human rights, and accountability of police to citizens.

10. Pending congressional repeal of legal restrictions on USAID participation in police training, USAID’s Office of Democracy and Governance and State’s Bureau of International Narcotics and Law Enforcement Affairs (State/INL) should work jointly with the Congolese government and civil society to establish an updated training doctrine for the PNC that clearly defines its role as crime prevention and not as an adjunct of FARDC. State/INL should suspend its police training activities pending the establishment of this new doctrine, and USAID should coordinate any assistance to the PNC closely with State/INL.

11. USAID should expand its judicial-sector reform programming and support the training of Congolese magistrates, judicial infrastructure rehabilitation, increased access to legal research materials, and prison system reform.

12. As recommended in a forthcoming State Department Office of the Coordinator for Reconstruction and Stabilization assessment of US SSR in DRC, DoD and State should promptly conduct assessments of all existing SSR training programs in DRC. All future programs should include plans for monitoring and evaluation, including measurable objectives and tangible outcomes by which the impact of the training programs on the security of Congolese citizens can be measured.
13. Congress should request that the Government Accountability Office conduct an investigation into the effectiveness of US-funded SSR programs in DRC, with specific attention to their impact on the protection of civilians and their adherence to global best practices.

14. The US government should increase its civilian capacity and resources to carry out SSR activities worldwide, which should greatly reduce the role of private contractors in DRC and elsewhere.
APPENDIX 1: DETAILED DESCRIPTIONS OF CURRENT US BILATERAL SSR-RELATED PROGRAMS IN DRC

The following current US bilateral SSR-related programs in the DRC are discussed below:

1. Staff officer course
2. Civil-military operations course
3. Light infantry battalion training
4. Defense Institute of International Legal Studies (DIILS) seminars
5. Training Strategy Conferences
6. Training for border police and the PNC
7. Training SGBV investigators in Ituri
8. Defense Institution Reform Initiative
9. Mobile courts
10. Legal reform and education around SGBV
11. Strengthening the rule of law generally
12. Civilian oversight

1. STAFF OFFICER COURSE
The staff officer course, known as the “FCC course” for its name in French, *Formation continue des cadres*, dates to late 2006, when the Office of Regional Security Affairs in the Department of State Bureau of African Affairs (State/AF/RSA) awarded a six-month contract to the Camber Corporation, an Alabama-based defense contractor, to conduct the training at *Groupement des écoles supérieures militaires* (GESM) in Kinshasa. The eight-week course covers a range of strategic and tactical topics (e.g., military leadership, stability and civil support operations, civil-military operations, preparation of plans and orders, the military decision-making process, staff functions, and information operations), practical topics (e.g., radio-telephone procedures, map reading, fire support, and first aid), and topics focused on human rights and international humanitarian law (IHL) norms (e.g., law of land warfare, rules of engagement, human rights, and code of conduct). Camber’s mobile training team consists entirely of retired US military personnel and operates under the supervision of the Office of Military Cooperation at the US Embassy in Kinshasa.

According to the head of Camber’s team, 1,412 Congolese officers—ranging in rank from captain to colonel and including male and female officers—have completed the training since 2006. “We are trying to create citizen soldiers,” explained the embassy’s training adviser. “If they want to be respected as an army, they’ve got to earn the respect of the population.” Members of the training staff are acutely aware of the abysmal reputation of the Forces armées de la république démocratique du Congo (FARDC) and the need for significant reform. “I’ve read dozens of articles about the Congolese army since I have been here and not one of them—not one—had anything positive to say,” said a trainer who had been working with FARDC for more than three years.

The government of DRC (GoDRC) selects participants, who are vetted for human rights abuses first by the US Embassy in DRC and then through a database maintained by State’s Bureau of Democracy, Human Rights, and Labor (State/DRL). If DRL identifies human rights concerns with a prospective trainee for any US-funded program, the name is passed along to the embassy and removed from the list. “We have had to turn some people away,” said a US official who helps supervise the training, “and that tells me that the system is working.”

The US has funded substantial refurbishments to GESM to facilitate training efforts and encourage a greater sense of pride among trainees. Camber also worked to establish an FCC “alumni group.” Recognizing that the training’s impact will be exponentially greater if the graduates are in leadership positions where their training can filter down the ranks, Camber conducted a survey of graduates based in Kinshasa to learn where within the military they had been placed. “Our goal is placement of these guys in meaningful jobs,” says one of the trainers. FCC graduates are currently working in the Ministry of Defense, the Army Chief of Staff’s office, the logistics center, within the presidential guard, and in the 10th military region (South Kivu).

Graduates of the course have high praise for US efforts. One graduate, a FARDC captain stationed in Kisangani, explains that many Congolese soldiers respect the US trainers because they encourage participation in the training process. “The Americans are not like the French or the Belgians, who just tell us what to do,” he said. “They have a different relationship with us.”
2. CIVIL-MILITARY OPERATIONS COURSE
As noted above, the FCC course includes a module on civil-military operations (CMO), which focuses on how soldiers should relate to civilian populations during deployments and military operations. In 2009, the Congolese Ministry of Defense approached the US with a request for a more-focused training on CMO. “The Congolese recognize that it is a serious problem for them and at least some of them want to do something about it,” explained a US official.141 The CMO course, which also is being run by Camber, includes modules on civil affairs methodology, IHL, prevention of sexual and gender-based violence (SGBV), population and resource control, and rules governing internally displaced persons and refugees. The first 30 participants in the course were expected to start in the summer of 2010.

3. LIGHT INFANTRY BATTALION TRAINING
In 2009, the administration of President Barack Obama decided to honor President George Bush’s 2007 pledge to train a FARDC “rapid-reaction force,” but with some modifications to the original proposal. Rather than train a rapid-reaction force, the US agreed to train a light infantry battalion (LIB). “Given their limited capabilities, what we normally think of as a rapid-reaction force seemed a bit far-fetched for FARDC,” noted a Defense Department official in Washington, DC. “We felt much more comfortable training one battalion to do the basics and do them well.”142 According to an official news release:

The training is intended to increase the ability of the Congolese army to conduct effective internal security operations as part of the FARDC’s rapid reaction plan, help preserve the territorial integrity of the DRC, and develop an army that is accountable to the Congolese people. This initiative also represents one aspect of a long-term, multiagency, international approach to promote a sustainable peace through the creation of a model unit in the FARDC.143

The 2009 Supplemental Appropriations Act provided $15 million of a planned $35 million for LIB training, which State tasked to the new US Africa Command (AFRICOM) and Special Operations Command/Africa (SOCAF).144 President Joseph Kabila requested that the training take place in Kisangani, and the US Embassy worked with the Congolese Ministry of Defense to identify a site. Meanwhile, State/AF/RSA worked with AFRICOM to identify US military personnel for staffing and secure contractors to implement the program.

Rather than train an existing battalion, the Congolese government pulled together a new battalion of officers and rank-and-file soldiers from units deployed all over the country, with the intention that the battalion would remain cohesive following the training. According to the US Embassy, “The idea is for this battalion to be a model for what a real national army could look like.”145 The Congolese government submitted a list of proposed members of the battalion, which the US State Department vetted. The new battalion’s members, who number approximately 130 male officers and 650 male soldiers, include soldiers integrated from other armed groups, including some formerly loyal to dissident commander Laurent Nkunda. “There have been some tensions between guys from different parts of the country,” explained a State Department official, “but we are working with them to develop an esprit de corps that transcends those differences.”146

The LIB training is broken into three phases: an initial officer training at GESM in Kinshasa, further officer training transition period in Kisangani, and the full battalion training, also in Kisangani. The original plan was for a contractor to do the officer training at GESM and uniformed US military personnel to conduct training activities in Kisangani. The State Department awarded the contract for the initial training to PAE, a subsidiary of Lockheed Martin.147 PAE then subcontracted the work to Camber, who already had trainers working at GESM on the FCC training. “It was a good arrangement,” says a Camber trainer. “Sixteen graduates of the FCC course were in the Phase 1 training, and I think they appreciate the continuity.”148

When the officer trainees moved to Kisangani, the Defense Department continued to use Camber’s training staff, while AFRICOM submitted a request for forces to staff the latter phase of the training. However, the US military was unable to identify units who could deploy to DRC, and the State Department quickly had to find a contractor through its new Africa Peacekeeping Program (AFRICAP) IDIQ (indefinite delivery/indefinite quantity) mechanism.149 “AFRICOM did everything they could, but they just couldn’t find the forces,” recounted a State Department official.150 While continuing with Camber would have made sense, laws regarding contracts require State to solicit several bids. Protection Strategies Incorporated (PSI), a Virginia-based defense
contractor, won the AFRICAP contract in January 2010 and subcontracted the work to another Virginia-based outfit, MPRI.151

While State worked on the contract, AFRICOM sent a team to Kisangani to begin preparing the training site. A small team led by a US Army colonel visited in December 2009, and then established a full-time presence in January. A five-man Delta Force team deployed from Colorado to oversee the training. The Delta team, now operating through SOCAF, had previously trained forces in Azerbaijan, Moldova, and elsewhere. “This is our area of expertise,” the head of the team explained. “We have a lot of experience in building the operational capacity of other militaries, and [FARDC] definitely lacks capacity.”152 However, when the MPRI trainers arrived, only four out of 25 spoke French. “They were not as advertised and it really slowed us down,” said a member of AFRICOM’s support staff.153 PSI withdrew the MPRI trainers and sent its own team of 24 retired military to take their place. The training finally began on February 17 following a ceremony attended by the US ambassador and senior Congolese military and UN Organization Mission in the Congo (MONUC) officials.

AFRICOM stresses that respect for human rights in military operations will be incorporated in each aspect of the LIB training, and trainers state that they have no tolerance for trainees who commit abuses. According to a member of the Delta team, “If we confirm that any of these guys are abusing civilians, we will send them packing.”154 The command’s 2010 Posture Statement places the LIB training firmly in the context of Secretary of State Hillary Rodham Clinton’s visit and the SGBV crisis:

We will help the FARDC to: 1) improve its capacity to lead, manage, and sustain its force; 2) enhance its ability to investigate and prosecute its personnel accused of human rights violations and other crimes; and 3) reduce sexual and gender-based violence (SGBV) by the military.155

AFRICOM’s Social Science Research Center—an initiative to use social scientists with expertise on Africa to support the command’s efforts—sent an American professor of Great Lakes history to ensure that the SGBV component of the training is informed by the social and political history of the region. The Defense Department’s Defense Institute of International Legal Studies (DIILS) will also provide instruction on military justice, human rights, and IHL.

4. DEFENSE INSTITUTE OF INTERNATIONAL LEGAL STUDIES (DIILS) SEMINARS

DIILS conducted an initial assessment of the military justice system in DRC in August 2007 and, over the following 12 months, conducted a series of seminars focused on the investigation and prosecution of sex crimes. Working closely with the Congolese Ministry of Defense, DIILS integrated senior FARDC military justice personnel into its training team, which included at least one female instructor, and traveled extensively within DRC to conduct seminars at the field level. More than 400 FARDC judges, prosecutors, and investigators participated in the seminars. DIILS also created and distributed a military justice manual containing Congolese laws on sexual violence and military justice.156

In FY 2009, the State Department provided additional funding for DIILS to continue training for military justice personnel and to start training operational officers within FARDC:

[This training] is being implemented through multiple approaches to reach FARDC personnel and establish a baseline knowledge of [among other topics, human rights, humanitarian law, sexual violence, corruption, and command responsibility] to the 10,000 plus officers and senior enlisted of the FARDC. The first approach has been the integration of a standard curriculum into as many ongoing FARDC operational training programs as possible, including other US-sponsored programs as well as programs sponsored by MONUC, other donor nations, or the FARDC itself. The second approach has been to conduct a series of invitational training seminars throughout the DRC.157

DIILS has integrated the curriculum into the FCC training and into SSR programs of MONUC and UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), and will undertake two weeks of instruction at the LIB training later this year. State/AF/RSA has provided approximately $3.5 million since 2008, and the US Agency for International Development (USAID) has provided additional funds to train civilian prosecutors working within the military justice sector.158 According to a USAID official, “It’s an example of genuine interagency cooperation.”159

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5. TRAINING STRATEGY CONFERENCES
In addition to direct training of FARDC, State/AF/RSA also tasked Camber to conduct a series of Training Strategy Conferences (TSC) with the Congolese government to get a clear understanding of FARDC’s training priorities and to develop a plan to develop a clear training doctrine. SSR experts agree that an open dialogue with the Congolese government about training priorities and doctrine would be a first step toward greater commitment to genuine reform on the part of the government.160

The first two conferences, however, lacked high-level Congolese government participation and thus, not surprisingly, failed to reach any conclusions. The third conference, which was held in Kinshasa in March 2010, was expected to produce results because the Congolese government announced the formation of a training command within FARDC:

The conference was built this year with the intent to have FARDC senior leadership explain how the new training command would work and would incorporate new doctrine, missions, etc. We also invited MONUC, EUSEC, and partner countries to send representative[s] on the third day of the conference in an attempt to include all parties in training proposal discussions, etc. 161

Unfortunately, the Congolese minister of defense and chief of the general staff cancelled their participation at the last minute. With no senior Congolese officials to discuss the training command and its implications, the TSC again failed to reach conclusions or provide clear direction for the US and other donors on how best to support the government’s reform plans. The State Department plans to organize additional TSCs, although few within the department are optimistic that the government, absent a significant change in attitude toward reform, will use them as a platform to make SSR more effective.

6. TRAINING FOR BORDER POLICE AND THE PNC
While the bulk of US SSR-related funding has been channeled toward training FARDC, State’s Bureau of International Narcotics and Law Enforcement Affairs (State/INL) is funding the International Organization for Migration (IOM) to train border police, Direction générale de migration (DGM, or General Directorate of Migration), customs authorities, and, in some instances, the Police nationale congolaise (PNC). The five-week training, conducted in North Kivu, South Kivu, and Ituri, focuses on basic policing skills, with an emphasis on border security. Course modules also include international migration law and SGBV awareness. INL aims to train 500 border police officers through this program; thus far, 50 police officers—all male—have completed the training and have deployed to border posts around the country. IOM constructed a training facility in Bunia and will be enlarging it so that the training class can be increased to 100. It is too soon to assess the impact of this program on border security.

7. TRAINING SGBV INVESTIGATORS IN ITURI
Following Secretary Clinton’s trip to DRC, State/INL also received $2.93 million in Department of Defense (DoD) Section 1207 funds to manage a program to train approximately 400 police officers, including as many female officers as possible, to investigate sexual violence in Ituri.162 INL conducted an initial assessment in late 2009. The difficulty of finding 400 female officers in Ituri to participate in the training led INL to adjust the program to train both men and women. Working through partners IOM and MONUSCO, INL also now plans to refurbish the PNC training academy in Ituri, including construction of separate bunk facilities for women. MONUSCO will instruct officers on basic investigative skills and provide victim sensitivity training for victims of SGBV. The program is scheduled to begin in late 2010.163

8. DEFENSE INSTITUTION REFORM INITIATIVE
The US is also planning to implement a new program in DRC aimed at broadening and strengthening ministerial-level cooperation on security issues. The program, called the Defense Institution Reform Initiative (DIRI), is run by DoD. A Defense Department official explained, “DIRI focuses on areas identified by the partner ministry to strengthen its capacity to manage and sustain its defense institutions, enable the partner ministry to better utilize and employ forces and capabilities developed through other US security cooperation programs, and further strengthen defense ministry-to-ministry relationships.”164
9. MOBILE COURTS
USAID provided $500,000 to support the efforts of Avocats Sans Frontières (ASF) to improve access to justice for Congolese living in remote areas. Through ASF, USAID funds legal clinics and civic education programs in support of mobile courts in Equateur, Maniema, and South Kivu. Responding to the disproportionately low number of cases brought by women, USAID funded ASF to produce a series of radio broadcasts illustrating cases involving women, including SGBV and land tenure. “We wanted to underscore that the law itself protects women,” said a USAID official familiar with the program. USAID also funded ASF to provide legal aid in prisons and for especially vulnerable populations, including youth and disabled people. ASF has operated in DRC for five years, and other programs—including the Restoration of the Judicial System in Eastern Congo program, with European Union funding—have replicated ASF’s mobile court model. However, the number of qualified magistrates is extremely low, limiting the potential for significant expansion.

10. LEGAL REFORM AND EDUCATION AROUND SGBV
USAID partner Global Rights worked closely with Congolese civil society groups to convene a series of justice sector stakeholder meetings and to advocate for the criminalization of SGBV. The 2006 law passed by the Congolese parliament “expands the definition of sexual violence, protects the identity of victims during court proceedings, streamlines legal procedures, removes costly court filing fees, and increases penalties upon conviction.” USAID funds Global Rights to work with local nongovernmental organizations to conduct research on SGBV in some of the most severely affected communities in South Kivu, conduct awareness-raising activities with women in those communities, and make recommendations to donors. “How do we get people to use the [SGBV] law? What are its implications for victims? And how do we get people to stop hating the system? These are the big challenges we have now,” explained a USAID official. USAID has plans to work with ASF to expand legal clinics and mobile courts to these communities in South Kivu. USAID also supports the Congolese Bar Association to establish a pro bono support network for victims of sexual violence.

11. STRENGTHENING THE RULE OF LAW GENERALLY
Since 2008, USAID has also funded DPK Consulting to conduct training for civilian magistrates. According to DPK’s website:

DPK is working to improve access to justice and the overall management and effectiveness of judicial institutions and courts in the Democratic Republic of the Congo. The project works directly with judicial institutions and civil society in the country to support the establishment of new judicial procedures and ensure the system is accessible and responsive; improve transparency and management of the judiciary and Ministry of Justice; strengthen court effectiveness, transparency, and accessibility; and increase access to justice for vulnerable populations through legal assistance and support to victims.

12. CIVILIAN OVERSIGHT
USAID is working with two Congolese parliamentary committees: the Political, Administrative, and Judicial Committee and the Economics and Finance Committee. USAID provides technical assistance to these committees, including support in drafting laws.
APPENDIX 2: MONUSCO MANDATE AND TERMS OF ENGAGEMENT

According to Security Council resolution 1925, passed in May 2010:

[F]uture reconfigurations of MONUSCO [UN Organization Stabilization Mission in the Democratic Republic of the Congo] should be determined on the basis of the evolution of the situation on the ground and on the achievement of the following objectives to be pursued by the government of the [DRC] and the United Nations mission:

i. [T]he completion of the ongoing military operations in the Kivus and Orientale Province, resulting in minimizing the threat of armed groups and restoring stability in sensitive areas;

ii. [A]n improved capacity of the government of the Democratic Republic of the Congo to effectively protect the population through the establishment of sustainable security forces with a view to progressively take over MONUSCO’s security role; and

iii. [T]he consolidation of State authority throughout the territory, through the deployment of Congolese civil administration, in particular the police, territorial administration and rule of law institutions in areas freed from armed groups.169

The May 2010 Security Council resolution “encourages the [government of DRC (GoDRC)] to remain fully committed to protecting the population through the establishment of professional and sustainable security forces” and “[c]alls upon the [UN] system, along with international partners, to focus its efforts on helping the [GoDRC] to consolidate the conditions to ensure effective protection of civilians and sustainable development in the [DRC].” According to the resolution, MONUSCO’s mandate is to, inter alia:

• “Support the efforts of the [GoDRC] to ensure the protection of civilians from violations of international humanitarian law and human rights abuses, including all forms of sexual and gender-based violence, to promote and protect human rights and to fight impunity, including through the implementation of the Government’s “zero-tolerance policy” with respect to discipline and human rights and humanitarian law violations, committed by elements of the security forces, in particular its newly integrated elements.”

• “Support national and international efforts to bring perpetrators to justice, including by establishing Prosecution Support Cells to assist the FARDC military justice authorities in prosecuting persons arrested by the FARDC.”

• “Taking fully into account the leading role of the [GoDRC], support, in close cooperation with other international partners, the efforts of the Congolese authorities to strengthen and reform security and judicial institutions.”

• “In line with the relevant legislation on the reform of the FARDC and the Army Reform Plan presented in January 2010, assist the Government, along with international and bilateral partners, in strengthening its military capacity, including military justice and military police, in particular by harmonizing efforts and facilitating exchanges of information and lessons learned and, as the Government requests it, assist in the training of FARDC and military police battalions, support military justice institutions and mobilize donors to provide equipment and other required resources.”

• “Support the reform of the police led by the [GoDRC], including by providing training to battalions of the [Police nationale congolaise, PNC] and mobilizing donors to provide basic supplies, recalling the urgent need for the Congolese authorities to adopt the appropriate legal framework.”

• “Develop and implement, in close consultation with the Congolese authorities and in accordance with the Congolese strategy for justice reform, a multi-year joint United Nations justice support programme in order to develop the criminal justice chain, the police, the judiciary and prisons in conflict-affected areas and a strategic programmatic support at the central level in Kinshasa.”170
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7 Such operations, sometimes referred to as “forced disarmament operations,” put civilians at risk and also mean that the troops are engaged and thus cannot receive training. Oxfam International, “Defence Reform Like People Matter: An Oxfam International Briefing Note on DR Congo” (2010). People interviewed by Oxfam in areas affected by the operations this year (75% of communities consulted) overwhelmingly said that the military operations should be stopped and political dialogue tried instead because the fallout of the military action for the areas of operation was too great. Oxfam International, “Women and Children First: on the Frontline of War in the Kivus” (2010).


11 UN Human Rights Council, Report to the General Assembly, “Technical Assistance and Capacity-Building: Second Joint Report of Seven United Nations Experts on the Situation in the Democratic Republic of the Congo,” A/HRC/13/63 (2010), para. 49 (“The experts note with appreciation that a number of trials have been initiated against officers and soldiers of FARDC, some resulting in convictions.”). The report continues, however:

Overall, however, impunity remains pervasive, especially with regard to crimes committed by powerful figures in the security forces. It is regrettable that command responsibility, while being an essential aspect in this context, is still rarely the subject of investigation by military prosecutors. Information received suggests that commanders continue to protect soldiers under their command against investigations and deliberately obstruct the course of justice. The high numbers of escapes from military and civilian prisons that have occurred throughout the year—many of them under suspicious circumstances—continue to be a major challenge in the fight against impunity. The fight against impunity is undermined by an apparent lack of political will to arrest and prosecute certain high-profile suspects, including Bosco Ntaganda, against whom the International Criminal Court issued an arrest warrant for war crimes . . . .

Ibid., paras. 49–50.

12 Ibid. US Department of State, “2009 Human Rights Report” (“Conditions in most prisons remained severe and life-threatening.”), UN High Commissioner for Human Rights, “Report to the General Assembly on the Situation of Human Rights and the Activities of Her Office in the Democratic Republic of the Congo,” A/HRC/13/64 (2010), para. 10 (“The majority of prisons are characterized by crumbling facilities, starvation and sickness. These conditions amount to cruel, inhuman or degrading treatment for the detainees, and fail to comply with basic international standards for the humane and dignified treatment of prisoners.”).
Katrina Manson, “Congo Calls for Full UN Troop Pull-Out in 2011,” Reuters (March 11, 2010): http://af.reuters.com/article/topNews/idAFJOE2AON220100311?feedType=RSS&feedName=topNews&utm_source=tm_source. President Kabila initially called for a complete MONUC withdrawal by June 30, 2010, the fiftieth anniversary of the country’s independence, and then revised the deadline to the presidential election in October 2011.

Interviews with Congolese civil society and US and UN officials. Kinshasha (April 2010).

Interview with US official in Washington, DC (April 2010).

Oxfam America consultant Colin Thomas-Jensen conducted 43 subject interviews in Washington, DC, and DRC (both in Kinshasha and in eastern DRC), including US and UN officials, Congolese government representatives, FARDC graduates of US-funded training programs, regional security experts, and representatives of Congolese and international NGOs. Several interview subjects requested anonymity in this report due to personal risk, and others spoke with greater candor on the condition that they not be named directly.

Conversation of Oxfam staff in DRC with MONUC official (December 2009).

According to a report by the UN Secretary-General, rule of law is:

[A] principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to the laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness, and procedural and legal transparency.


Abuses by the Congolese army have been well documented by numerous human rights NGOs and the US State Department. According to a US Embassy official in Kinshasha, SSR in DRC is like “moving from negative capabilities to zero.” Interview with US Embassy official in Kinshasha (April 7, 2010).


Ibid.


Ibid., 4.

Ibid., 3.

In 2007 only three percent of officers in the 11th Integrated Brigade had formal military training. Oxfam International, “A Fragile Future,” 17 n. 22. The troopers who went through brassage, or the process of integration into the regular military force, in 2006-2008 had only a fairly short period of training, not in line with standard periods of several years for officers in Europe or the US, for instance. Foreign military experts on the ground in DRC say that the only professional soldiers left in the army are those from Mobutu’s time.

Congolese government presentation on security sector reform (2010), obtained by the research consultant.

Interview with MONUC official in Goma (April 2010).


SSR programs frequently work to create community-based policing, where “police and communities [work] together in partnership in order to address community concerns.” “[W]hen successfully executed, it can both develop security and secure development.” Hesta Groenwald and Gordon Peake, “Police Reform through Community-based Policing: Philosophy and Guidelines for Implementation,” International Peace Academy (2004), i.

Interview with MONUC official in Kinshasha (April 2010).

The primary focus of the CIAT was ensuring that the 2006 elections were free and fair and that the former belligerents accepted the election results, and it was successful. Because the political will and shared agenda was there, actual and coordinated political pressure did work. The CIAT’s extraordinary level of involvement in the affairs of the government prompted a degree of Congolese resentment, however, which has echoes in the elected government’s resistance to multilateral donor involvement in SSR today.


Conversations of Oxfam staff with diplomats, including staff of the US delegation to the United Nations, New York (April 2010). See also Oxford Analytica, “Congo-Kinshasa: MONUC Exit is Probable, but Premature” (April 1, 2010) (“Kabila is Pushing for MONUC’s Role in SSR to be Constrained to Police Training, With Army Reform Managed Under Bilateral Agreements.”).

The Angolan army has conducted tactical training with FARDC units since Laurent Kabila came to power, spending approximately $32 million to date. Angola shares a border with DRC and thus has a strong interest in DRC’s border security.


According to the DIILS website, “DIILS serves as the DoD lead agency for providing professional legal seminars and programs, as well as education and training, to international military members and civilian government officials in furtherance of U.S. national security and foreign policy objectives.” Focused on enhancing the Rule of Law, DIILS was founded on these cornerstones: a) [i]nternationally recognized principles of human rights and humanitarian law; b) [f]ostering disciplined military operations through the review, revision, and/or reorganization of legal aspects of various military systems, from legally-related regulations through legislation; c) [r]espect for and understanding of the principle of civilian control of the military; and d) [f]oreign policy and national security objectives. DIILS was founded on these cornerstones: a) international law; b) fostering disciplined military operations through the review, revision, and/or reorganization of military systems, from legally-related regulations through legislation; c) respect for and understanding of the principle of civilian control of the military; and d) foreign policy and national security objectives. The unit is under the organization of the US Army Special Operations Command but is controlled by the Joint Special Operations Command.

Email correspondence with Defense Secretary of Defense, US Africa Command; non-CRC members from the Office of the Secretary of Defense, US Africa Command; and the Civilian Response Corps (CRC) from USAID Mission in Kinshasa. It is our understanding at the time of publication of this report that the S/CRS report is awaiting final approval, although we were able to obtain a draft version.

The SSR team consisted of participants in the Civilian Response Corps (CRC) from State’s Bureau of International Narcotics and Law Enforcement Affairs, USAID’s Office of Democracy and Governance, and DoJ’s International Criminal Investigative Training Assistance Program, as well as non-CRC members from the Office of the Secretary of Defense, African Command; from the US embassy staff in Kinshasa; and from the USAID mission in Kinshasa. It is our understanding at the time of publication of this report that the S/CRS report is awaiting final approval, although we were able to obtain a draft version.


Oxfam and Accenture have partnered to train DRC law enforcement personnel in human rights and international law. The program, called the “Rule of Law and Security Sector Reform” (LWSR) initiative, was designed to help the DRC government build a more effective and accountable security sector.

The Delta Force is an elite Special Operations Force primarily focused on counterterrorism, counterinsurgency, and national intervention operations. The unit is under the organization of the US Army Special Operations Command but is controlled by the Joint Special Operations Command.

Interview with State Department official in Washington, DC (May 2010).


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Interview with USAID officials, Washington, DC (July 2010).

UN Security Council, Resolution 1856, 5.

Conversations of Oxfam staff in DRC with representatives from the DRC government, the African Union, and the United Nations. These conversations were facilitated by the DRC National Commissioner for Human Rights and the DRC Ministry of Justice.

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Interviews with MONUC and US officials in Kinshasa and Washington, DC (April 2010).

See note 38, above.

Programs should prioritize the safety of civilians against violence, coercion, and deliberate deprivation—from external threats, from militias, and from FARDC and the PNC. See Box 2, “What is protection of civilians and how does it relate to SSR?”

Key questions include: To what extent have the training programs affected the recipients’ respect for the rights of civilians? To what extent have the training programs informed security force operations on the ground in the Kivus, and is the US government working to enforce that link between training and operations? Is eight weeks (for the FCC course) sufficient by international standards? Such evaluations would provide important information to the US government on whether the training is covering the correct material, has the right balance of theoretical and practical, and is targeting the right individuals, as well as whether there is more the implementing agencies/companies should be doing to support the trainees following the training, etc.

These steps in building public trust in security forces are especially important in countries with a legacy of abuse in the sector.

Programs should foster maximum host country ownership and civil society participation in program design, implementation, and monitoring and evaluation, including from women and women’s groups. Consultations with civil society will alert the host government and donor community to the security needs identified by the civilian population and will build good relations with the community, both of which will increase the ability of SSR efforts to improve the protection of civilians. Similarly, designing assistance to meet the needs of the host nation population and to support host nation actors, processes, and priorities will increase the likelihood that the reforms will be successful and sustainable.

Oxfam International, “Defence Reform Like People Matter.” According to Oxfam’s 2007–2009 survey, civilians see the following steps as necessary to improving their security: garrisoning soldiers and demilitarizing civilian centers, improving pay and welfare of the military, and increasing discipline and military justice, including removal of human rights abusers.

SSR should include reform of significant elements of the justice sector, which includes the courts, prosecutors, public defenders, legal aid societies, prisons, and parole systems, and may also focus on the integration of traditional providers of justice into this formal system. The police are clearly an important part of both the security and justice sectors. In essence, SSR is a component part of the rule of law, i.e., the principle that everyone is equal before the law, and that the law applies equally to all perpetrators, whether they are civilians, police, army, or government officials and regardless of their religion, ethnicity, tribe, gender, etc.


According to the State/DoD/USAID joint statement on SSR, “In complex environments, donor assistance can become a part of the conflict dynamic, serving either to increase or reduce tension. As with any program activity that involves changes to the status quo, SSR planners and implementers must pay close attention to minimize adverse effects on the local population and community structures, the security sector, or the wider political, social, and economic climate in unanticipated or unintended ways.” USAID, et al., “Security Sector Reform,” 11.

According to the Congo Advocacy Coalition, comprising Oxfam and some 80 other Congolese and international NGOs, for every rebel combatant disarmed during the operation, one civilian was killed, seven women and girls were raped, six houses were burned and destroyed, and 900,000 people were forced to flee their homes. Oxfam International, “DR Congo: Civilian Cost of Military Operation is Unacceptable,” press release (October 13, 2009): www.oxfam.org/en/pressroom/pressrelease/2009-10-13/dr-congo-civilian-cost-military-operation-unacceptable.

Letter to UN Security Council members from 119 NGOs in North and South Kivu (April 14, 2010), in authors’ possession.

The needs, goals, priorities, and situation on the ground vary substantially by country, so there should not be a cookie-cutter approach to SSR.

The key question: What is financially, operationally, and logistically viable?

Such an inventory should address state representation and the numbers and condition of police stations and substations, army barracks, courts and civil tribunals, and detention centers.

Conversation of Oxfam staff in DRC with MONUC official (December 2009).


State should serve as the lead agency on SSR. DoD should focus on reform of the armed forces and defense ministries, with an advisory role to other agencies on law enforcement and justice issues.

USAID et al., “Security Sector Reform.”


Congo government presentation on SSR (2010), obtained by the researcher.

Interview with MONUC official in Kinshasa (April 2010).

Congo government presentation on SSR (2010), obtained by the researcher.

UN Security Council Resolution 1906 states that the Security Council “[j]uice the [g]overnment of the Democratic Republic of the Congo to expeditiously adopt legislation related to the reform of FARDC, the High Defence Council and the status of FARDC military personnel by the Parliament, as well as the legislation on police reform, urges further the [g]overnment of the Democratic Republic of the Congo to ensure progress in their implementation within the timeframe of this resolution, and urges further still the adoption of a comprehensive national strategy for the security sector on the whole territory.” UN Security Council, Resolution 1906.

Interview with Congolese security expert in Kinshasa (April 2010).

Email correspondence with US State Department contractor (April 2010).

Conversations of Oxfam staff in DRC with MONUC and international donors (2009).

Interview with MONUC official in Kinshasa (April 2010).

Telephone interview with independent expert on DRC (March 2010).
102 Interview with MONUC official in Goma (April 2010).
104 Interview with European donor official in Goma (April 2010).
105 Statement made by a EUSEC official during a meeting in Goma (July 2009).
107 Interview with MONUC official in Kinshasa (April 2010).
108 Interview with MONUC official in Kinshasa (April 2010).
111 Oxfam International, “Women and Children First.” Illustrative of the varying security perspectives of men and women, men were more likely to say that their security had improved once FARDC had gained control.
112 Interview with Congolese observer in Goma (April 2010).
114 Bundu Dia Kongo was founded in 1969 as a political and cultural movement to protect and promote the interests of the Kongo people. Most of BDK’s several thousand followers are in Bas-Congo province and Kinshasa, in western DRC.
116 Ibid.
117 Various interviews with civil society groups in Goma (2008-2010).
119 Interview with MONUC official in Goma (April 2010).
120 Interview with MONUC official in Kinshasa (April 2010).
121 Interview with MONUC officials and international NGO officials in Kinshasa (April 2010).
122 Interview with Congolese security expert in Kinshasa (April 2010).
123 Interview with US official in Kinshasa (April 2010).
125 Interview with civil society representatives in Goma (April 2010).
126 Interview with US officials in Kinshasa (April 2010).
127 Interview with US military personnel in Kisangani (April 2010).
128 Interview with MONUC official in Goma (April 2010).
129 Ball et al., “Security and Justice Sector Reform Programming in Africa,” 95. Note that DfID uses the term “Security and Justice Sector Reform” (SJSR).
130 The Great Lakes Contact Group—Belgium, the European Union, France, the Netherlands, the United Kingdom, the UN, and the US—meets regularly to discuss political, development, and security issues in the Great Lakes region. The Multi-Country Demobilization and Reintegration Program, a multi-agency effort supporting the demobilization and reintegration of ex-combatants in the greater Great Lakes region of Central Africa, frequently participated as an observer until it closed in 2009. Angola, Brazil, China, and South Africa have been invited to join recent meetings.
131 Interviews with MONUC officials in Kinshasa and Goma (April 2010).
132 Interview with Congolese political analyst in Kinshasa (April 2010).
133 Senior officials within the Congolese government were unaware of the April 2010 attack on Mbandaka, Equateur, until they were informed by MONUC. Interview with Congolese security expert in Kinshasa (April 2010).
134 Camber has a solid reputation in the SSR field and has not been involved in any of the big scandals involving contractors in Iraq and Afghanistan.
136 Interview with US training advisor in Kinshasa (April 2010).
137 Interview with members of Camber training team in Kinshasa (April 2010).
138 Interview with US Embassy staff in Kinshasa (April 2010).
139 Interview with members of Camber training team in Kinshasa (April 2010).
140 Interview with graduate of FCC course in Kinshasa (April 2010).
141 Interview with US Embassy official in Kinshasa (April 2010).
146 Interview with US State Department official in Washington, DC (March 2010).
147 PAE has consistently been accused by corporate watchdog groups of lack of transparency, cutting corners, and over-charging for their services in DRC (providing services to MONUC) as well as in Iraq and Afghanistan. Pratap Chatterjee, “Darfur Diplomacy: Enter the Contractors,” CorpWatch (October 21, 2004): www.corpwatch.org/article.php?id=11598.
148 Interview with members of Camber training team in Kinshasa (April 2010).
149 IDIQ contracts are awarded for a five-year period, during which State requests specific projects through “task orders,” on which only the companies who have been awarded the IDIQ contract can bid. The mechanism is intended to streamline the bidding process but, in fact, it creates inefficiencies and grants the recipient companies “a quasi-monopoly on future work, regardless of the outcomes of their current work.” International Crisis Group, “Liberia: Uneven Progress in Security Sector Reform,” 9 n.42, 25, 35.
150 Interview with US State Department official in Washington, DC (April 2010).
Ibid. MPRI has been active in SSR since the mid 1990s. They received criticism for their work with the Colombian army in 2000 where, according to Colombian defense officials, they conducted useless training with a staff that did not include a single Spanish speaker; reportedly under pressure from Colombia, DoD did not renew MPRI’s contract. The Center for Public Integrity, “Windfalls of War: U.S. Contractors in Afghanistan & Iraq”: http://projects.publicintegrity.org/wow/bio.aspx?act=pro&ddIC=39. The company received a US government contract to train the Croatian army in the mid 1990s and again received criticism. Mark Thompson, Massimo Calabresi, and Alexandra Stigl捺y, “Bosnia: Generals for Hire,” Time (Jan. 15, 1996): www.time.com/time/magazine/article/0,9171,983949,00.html. The State Department denied them a waiver request to work for the regime in Equatorial Guinea. They have also engaged in disreputable business practices, including setting up off-shore shell companies to avoid taxes. Farah Stockman, “Shell Firms Shielded US Contractor From Taxes: Defense Outfit May Have Saved Millions,” Boston Globe (May 4, 2008): www.boston.com/news/nation/washington/articles/2008/05/04/shell_firms_shielded_us_contractor_from_taxes/. Despite these blemishes on MPRI’s reputation, the US government awarded it this contract and has also awarded it hefty contracts in Iraq.

Interview with members of SOCAF team in Kisangani (April 2010).
Interview with AFRICOM team in Kisangani (April 2010).
Interview with members of SOCAF team in Kisangani (April 2010)).
“DIILS Military Justice Program in the Democratic Republic of Congo Summary Sheet,” obtained by the researcher.
Ibid.
Ibid.
Interview with USAID official in Washington, DC (July 2010).
Email correspondence with State Department contractor (April 2010).


Interview with State Department official in Washington, DC (May 2010).
Email correspondence with Defense Department official (April 2010).
Interview with USAID official in Washington, DC (July 2010).
Interview with USAID official in Washington, DC (July 2010).
Ibid.