The European Union as a Post-modern Security Actor?
Defence Reform in the Democratic Republic of Congo

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Abstract

The paper presents, evaluates and challenges the EU’s involvement in defence reform the Democratic Republic of Congo (DRC) through the EU’s efforts in Security Sector Reform (SSR) and Disarmament, Demobilisation and Reintegration (DDR) since 2005. It assesses the matching of the EU’s post-modern security rhetoric with the consequent use of it in the pre-modern security situation in the DRC, both on a conceptual level and in its practical use in the field. The paper points at the EU’s inconsequence in acting in defence reform upon its own post-modern concepts, both internally and vis-à-vis its Congolese partners, and questions Brussels’ legitimacy to do so. Further, it reflects upon the EU’s incapacity to ‘enlarge the context’ both on a conceptual level, and in framing security within a broader developmental and ‘good governance’ context. Finally, this paper proposes a new approach on a conceptual level to ensure and enhance a longer term perspective in dealing with defence reform. Key in that new approach is the redefinition of the limits of DDR and SSR, and the linkage of the various external efforts in the DRC in order to foster a more comprehensive approach. While the newly proposed approach is framed within the DRC context, it may proof valuable for similar pre-modern, fragile states in a post-conflict situation.

Introduction

In 2005, the EU stated in its Strategy for Africa its commitment to ‘enhance support for post-conflict reconstruction in Africa, so that we secure lasting peace and development.’ Therefore, the EU would ‘support in particular […] Disarmament, Demobilisation and Reintegration, and Security Sector Reform programs.’

That policy was acknowledged by Javier Solana when stating in November 2005 that ‘Security Sector Reform is a growing necessity and activity worldwide’, and by both the European Commission and the Council of the European Union in December 2006 when stressing that DDR ‘has been identified as a key area for the European Union’s engagement in post-conflict peace building.’

Proof of such commitment was ‘EUSEC RD Congo’, launched in June 2005 and the first ever ESDP mission tasked with Security Sector Reform (SSR). SSR has since become an important tool in the establishing of the EU as a global player. By choosing a tool as SSR, the EU firmly expresses its belief in ‘soft power’ to foster peace around the world. In doing, many say, the EU turned post-modern even beyond its borders. Such vision is professed by the EU itself in its post-modern discourse on security reform and confirmed by the EU’s developing of its security concepts. This paper applies that post-modern discourse on EU actions and realisations in the field of defence reform in the DRC and analyses the EU’s post-modernity in acting upon its own discourse (in the period between early 2005 and the end of 2007).

The main focus of this paper will be on the EU’s efforts in assisting reform of the defence sector. While acknowledging that the police and justice sector form an integral part of SSR, the elaboration on all sectors would go beyond the scope of this paper. For purposes of definition, what is called in this paper ‘Defence Reform Assistance’ (DRA), are the EU’s efforts to reform the defence sector in acting upon the EU’s broad and comprehensive security

* I wish to thank all people that contributed to this paper, particularly all the experts interviewed and Jean-Nicolas Beuze and Marie Raes for their valuable comments on the text.


2 European Commission and Council of the EU (joint), EU Concept for support to Disarmament, Demobilisation and Reintegration (DDR), Brussels, 11 and 14 December 2006, p.4.
concepts (of DDR and SSR\textsuperscript{3}), both through actions by the European Commission and the Council of the European Union.

The Post-modern Union

The EU concepts of SSR\textsuperscript{4} favour a broad security concept, which not only focuses on the external security but equally on internal security, in terms of physical security of the people and the protection of their rights. Furthermore, those security efforts are aimed at the fostering of development, and ultimately of peace. Far from the modern paradigm where peace is funded on mutual force, the EU perceives the voluntary interfering of a state in another state’s security system as the next step and ‘growing necessity’\textsuperscript{5} in achieving world peace after all. In defining security reform in those terms, the EU proves itself very post-modern.

The definition of ‘post-modern’ has to be understood as opposed to the ‘modern’ way of thinking. According to Robert Cooper in ‘TheBreaking of Nations’, what is called ‘modern’ is not so because it is something new – ‘it is in fact very old fashioned – but because it is linked to that great engine of modernization, the nation state.’\textsuperscript{6} The modern world is a world in which states retain what Max Weber called the monopoly of force and may be prepared to use it against each other, ‘thus creating a system based on the balance of power. The modern order is based on the recognition of state sovereignty and consequently the strict separation of domestic and foreign affairs, with a prohibition to the latter of interfering with the former.’\textsuperscript{7} In a modern world, a state’s invitation to interfere in its security system would be impossible. Let alone that a state would strengthen the security system of another’s state.

The post-modern world has moved beyond the nation state. It relies on more than just a balance of power and the separation of domestic and foreign politics. It is rather a highly developed system allowing mutual interference in each others’ domestic affairs, whereby the legitimate monopoly of force is subject to international – but self-imposed – constraints.\textsuperscript{8} The very fact that the European Union was formally invited by the DRC to do so\textsuperscript{9}, and the EU’s (pressure to be invited and) willingness to accept can only be understood within a ‘post-modern’ paradigm.\textsuperscript{10} After all, when talking about the external support and assistance for

\textsuperscript{3} For the purpose of this paper, SSR is referred at as ‘the reform of both the bodies which provide security to citizens and the state institutions responsible for management and oversight of those bodies. Thus, security system reform goes beyond the notion of effectiveness of individual services (including the military, the police, the justice institutions, etc.) and instead focuses on the overall functioning of the security system as part of a governance reform policy and strategy of the public sector.’ What has to be described as the ‘security system’ is equally defined: ‘all state institutions and other entities with a role in ensuring the security of the state and its people.’ Commission, Communication from the Commission to the Council and the European Parliament: A Concept for European Community Support for Security Sector Reform. (Emphasis original)

\textsuperscript{4} Both of the Commission and the Council – who are very similar, as acknowledged by both.

\textsuperscript{5} Commission, Summary of remarks by Javier Solana, EU High Representative for Common Foreign and Security Policy at the Ministers of Defence Meeting, S373/05, Brussels, 21 November 2005.


\textsuperscript{7} Cooper, p. 21-26.

\textsuperscript{8} Cooper, p. 26-40.

\textsuperscript{9} On 26 April 2005 an official invitation was sent by the DRC government to Javier Solana, with the view of ‘obtaining assistance from the European Union through the establishment of a team to provide the Congolese authorities with advice and assistance for security sector reform. Council, Joint Action 2005/355/CFSP, Brussels, 2 may 2005

\textsuperscript{10} Similarly, ex-combatant demobilization and reintegration programs are a feature of the post-modern order. In the modern paradigm, former belligerents were considered losers, thus, had to pay (reparations) instead of being
reforming the security sector of another country, one cannot ignore that one is touching upon the core elements of state’s domestic jurisdiction (*domaine réservé*). Overall, security is thus fostered through transparency rather than the segregation of domestic and foreign matters. Accordingly, transparency is ensured through interdependence.\(^{11}\)

By subscribing to that order both within and beyond the borders of the European Union, the EU has become a global post-modern security actor. It is an assumption supported by many – both by the European people(s) who prefer to send civilian experts, increase development aid, impose sanctions or start negotiations than go to war, and by its critics who see the EU entering the ‘post-historical paradise of peace and relative prosperity’, the ultimate realization of Kant’s ‘ewige Friede’.\(^{12}\) And indeed, the proclaimed and ultimate aim of the EU’s security efforts is fostering development and achieving peace.

Another key indicator of the EU’s post-modernity is its explicit valuing of the individual. Whereas in the modern world, the individual is there for the state, in the post-modern world the state only exists because of and for its individuals. Consequently, whereas in the modern paradigm the notions of state-sovereignty and non-interference are holy, it is the primacy of human rights that prevails, whereby violation of a state’s domestic jurisdiction is justified by humanitarian imperatives.\(^{13}\) The individual and its liberty are the primary concern of the post-modern state. Hence the echo of notions of ‘human security’ and ‘responsibility to protect’ in the EU’s security reform policy documents. Their rationale is clarified by Kofi Annan when stating that ‘State sovereignty, in its most basic sense, is being redefined (…). States are now widely understood to be instruments at the service of their peoples, and not vice versa. At the same time individual sovereignty – by which I mean the fundamental freedom of each individual, enshrined in the charter of the UN and subsequent international treaties – has been enhanced by a renewed and spreading consciousness of individual rights. When we read the charter today, we are more than ever conscious that its aim is to protect individual human beings, not to protect those who abuse them.’\(^{14}\)

Finally, the very comprehensive and broad concept of security reform is again very post-modern. Moreover, it is rooted in the very identity of the European Union. It was Jean Monnet himself who said that ‘when you have a problem you cannot solve, enlarge the context’ and it is that maxim that embodies the driving force of the European integration till present.\(^{15}\) Hence the post-modernity of the EU discourse when linking its security efforts to good governance, fostering democracy, the promotion and protection of human rights, transparency and the rule of law, and the promotion of local and regional stability. The explicit recognition in the EU policies of the need to link security and development, and subsequently, the need for a comprehensive approach of and collaboration between the Commission and the Council, are part of this ‘enlarge the context’-thinking.

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\(^{11}\) Cooper, p. 26-40.


\(^{13}\) However, post-modern reality has not gotten that far yet. Despite discourses in that direction (e.g. French Minister of Foreign Affairs Kouchner’s pleading for the ‘droit d’ingérence’), there has always been a need for the danger of over-spill and regional instability to interfere in another state’s domestic jurisdiction. As long as the gross human rights violations in Zimbabwe or Chechnya are limited to their territory, a Chapter VII intervention is not happening. Interview.


\(^{15}\) Cooper, p. 138.
The EU acting upon its discourse in the DRC

A common statement in April 2005 by Commissioner Louis Michel and EU High Representative for the Common Foreign and Security Policy, Javier Solana underlined that ‘the demobilisation of combatants and security reform are crucial for the successful achievement of transition and for the DRC’s strategy to exit the crisis’. This chapter analyses how the EU acted upon that understanding and takes a deeper look into the EU’s assistance in reforming the Congolese defence sector through its support of Defence Reform Assistance through DDR and SSR initiatives.

The EU’s involvement in DRA through its DDR support

The European Union has been involved in the DDR process in Congo through the Commission’s support of the World Bank’s Multi-Country Demobilisation and Reintegration Program (MDRP). The European Commission alone committed US$ 23 million to the MDRP process. In the DRC the MDRP consisted of a nationwide demobilisation process for all the ex-combatants. After having been regrouped and disarmed (mostly by the MONUC) the ex-combatants are offered a week-long stay in an orientation camp, aiming at the sensitisation of the ex-fighters about their choices regarding whether to return to civilian life, facilitated by projects aiming at their reintegration into society, or to integrate into the Congolese Army, the FARDC (Forces Armées de la RDC).

Those who decided to be integrated in the new Congolese Army were sent through a process of so-called Brassage, i.e. the mixing and integration of former warring parties into newly created integrated brigades. The whole integration process, from regroupment to deployment, led the fighters from one centre to the other throughout the country. After a 45-day long training the soldiers were considered to have had sufficient training to serve in the FARDC, the national Congolese army. The whole process was coordinated by National Commission on DDR, ‘CONADER’ in its French acronym (Commission Nationale de Désarmement, Démobilisation et Réinsertion). Their cooperation however did not become operational until June 2005 due to a perceived lack of Congolese political willingness and, failed implementation by UNDP and power struggles amongst donor organisations.

The Commission has not directly been involved in the army integration process. Training of the new brigades and guidance through the Brassage process was conducted primarily by the MONUC, with support of donor countries’ funding and expertise (including Belgium, the Netherlands, Angola and the Republic of South Africa), UNDP and EUSEC. The role of Commission was reduced to ‘flanking measures’ for the project: rehabilitation of integration centres and financing of projects to improve the living situation of the most impoverished brigades in the East, more specifically the rehabilitation of the dependant’s housing and access to water and sanitation. Additionally, in February 2006 € 65 million were

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18 Due to problems in the disbursement system however remained in Kabare 972 demobilisation candidates for eleven weeks at the centre, waiting for their pay. In Luvungi, a similar situation lasted for nine weeks, thus preventing other new combatants for entering. ICG, Africa Report n° 104, p. 17.
19 International Crisis Group, Security Sector Reform in the Congo, Africa Report n° 104, 13 February 2006 p. 22. Interview, file on record with the author
promised over two years for similar projects all over the country that would benefit both the communities as the dependants in the vicinity of the brigades.  

The EU’s involvement in DRA through its SSR support

The ‘EUSEC RD Congo’ mission is the first practical example of the EU’s involvement in security sector reform in Third Countries. It also constitutes a clear extension of the scope of the EU’s action beyond the Petersberg Tasks and the civilian aspects of crisis management identified at the Feira European Council in June 2000. The mission had been put up ‘with the aim of contributing to a successful integration of the army in the DRC. The mission must provide the Congolese authorities responsible for security with advice and assistance, while taking care to promote policies compatible with human rights and international humanitarian law, democratic standards and the principles of good governance, transparency and respect for the rule of law. (…) The mission shall [work] in close cooperation and coordination with the other actors in the international community.’ The mission was set up at the request of the Congolese government and was launched on 8 June 2005. By now, EUSEC is composed by some 50 experts, on the 79 persons allowed under its mandate. All have a military background and are seconded by the member states. Its task is to assist the Congolese authorities with the formation of the integrated brigades, with the reform of the commandment structure and with a strategic reflection upon the military capacity. Furthermore EUSEC DR Congo succeeded in setting up a project to separate the chain of command from the chain of payment, in order to reduce the wide-spread corruption and to make sure the serving soldiers are actually paid. ‘Although this may sound like a modest achievement it has enormous implications for ensuring the soldiers of the new integrated military are self-sufficient and positive elements in Congolese society rather than living off their citizens for food and basic needs.’

The EU and the DRC interacting in Defence Reform

In assuming states’ openness towards external interfering in their defence sector, the notion of defence reform assistance appears to be designed for the interaction between two post-modern states. Defence reform assistance appears impossible when the modern state is the recipient state. The strict separation of domestic and foreign affaires prohibits the latter to interfere with the former. No such things as defence reform assistance (DRA) could exist. However, one also wonders about the interaction of post-modern DRA in a pre-modern state. There is no theoretical argument to assume a priori that such interaction is impossible. Given the willingness of the pre-modern state’s head to establish a monopoly of force and the willingness to move away from the pre-modern state of its state, external help in achieving that might be welcomed. Moreover, it is not a given that the ruling elite of a pre-modern state is per se not in favour of a post-modern ideology. Their inability to establish a monopoly of force does not exclude their willingness to establish such monopoly on a post-modern basis. If a post-modern state is willing to provide defence reform assistance in such a form, an effective interaction between the pre-modern and post-modern order appears viable (at least

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22 For this purpose, a separate mission was set up, within the EUSEC framework, with a separate budget ‘with regard to setting up a technical assistance project on improving the chain of payments of the Ministry of Defence in the DRC. Council, Joint Action 2005/868/CFSP, 1 December 2005. The European Commission contributed 2 million EUR to that separate mission.
from a theoretical point of view). In the field of defence reform, such collaboration could lead to the implementation of DRA as envisaged through the SSR concepts of the EU.

However, when looking at a concrete example of such interaction, namely the EU’s post-modern DRA in the pre-modern DRC, one concludes that such interaction does not prove unproblematic. As a result, no ‘true DRA’, i.e. DRA implemented in line with the post-modern rationale of the EU’s SSR concepts, was conducted in the DRC. The explanation is threefold: firstly, because of the very pre-modern nature of the DRC – ‘making efforts to reform the Congo’s military (…) start from a level that was in many respects less than zero’\textsuperscript{24}, secondly, because of the difficulties arising from the interaction with the DRC’s moving towards modernity, and, thirdly, because of the overall very modern nature of the EU’s implementation of DRA. This chapter provides for an in-depth analysis of those three reasons.

**The Pre-modern DRC**

Although the EU’s policy on DRA seems to have been designed for the African context\textsuperscript{25}, it appears to assume the existence of the notion of the state and assumes that that state retains control over the organised security forces. However, assuming so tends to be rather incorrect in various parts of Africa, and most definitely in the DRC. In the Congo, the state is most of all absent. More than ten years of warfare, following decades-long plunder and mismanagement by the Mobutu regime, left the DRC with a doubly reputable top-10 place of the poorest countries in the world. With no infrastructure, no state and the continuing presence of ex-combatants, the DRC very much resembles a failed state, insofar as the ‘territory exists’ but the ‘state does not’.\textsuperscript{26} Unsurprisingly, the DRC is second only to the Ivory Coast on the Foreign Policy list of failed states.\textsuperscript{27} Such state of the state is what Robert Cooper describes as the ‘pre-modern state’, anterior to the modern and the post-modern state. The pre-modern state is the pre-state, the post-imperial chaos, where the states no longer fulfils the criterion of having the legitimate monopoly on the use of force. The state itself is a fragile structure, where no order, vital to any and every society, is provided by the state.\textsuperscript{28} The sporadic popular clashes in the West (Bas Congo) and the continuing instability in the East (the Kivus) demonstrate this fragility *par excellence*. Insecurity is widespread throughout the country, with the population exposed to high rates of crime. Armed or political tension may erupt at any time into protests and riots. In Eastern Congo especially, where the transition process was never fully welcomed, high rates of violence continue to be perpetrated, by both state and non-state actors, Congolese or not, and often operating in collusion with both domestic and foreign allies in the region. Clearly, no such notion of the state exists in the DRC as having a monopoly of force within the boundaries of its territory.

As a result of state failure, security forces are far from achieving the modern state standard in implementing the state’s monopoly of force. In interacting in such an environment the EU faced serious difficulties in conducting a DRA in line with its own post-modern security concepts. Overall, the pre-modern situation of the defence sector in the DRC lies at the roots of the significant reduction of the scope of the EU’s DRA. As a result, most strategic reforms were left untouched. Four priorities in DRA that, according to the EU’s own DRA

\textsuperscript{24} ICG, *Africa Report* n° 104, p. 2.
\textsuperscript{25} While in the Balkans programmes in security reform were initiated, there were as such never defined as being SSR, and were conducted by NATO. Interview, file on record with the author.
\textsuperscript{27} Foreign Policy & the Fund for Peace, *The Failed States Index*, July-August 2005.
\textsuperscript{28} Cooper, p. 16.
conception, should have been dealt with, but which were left on the table instead, are identified. For each of those priorities, this section clarifies how the lack of action by the EU is rooted in the pre-modern order of things in the DRC.

- **Lack of a Monopoly of Force (and of Command)**

  Given the pre-modern nature of the DRC state, no unified monopoly of force or of command exists. Internally, the army itself is composed out of a multitude of oligopolies, while it is clear that externally, amongst the warring parties in the East, no monopoly of force has been established. Within the army, no single line of command exists. Despite appointment of an integrated military leadership, and the deployment of Military Regional Commanders to tackle and guide the integration process of the existing forces in the integrated FARDC, parallel decision-making structures inherited from the war period ‘remain a problem and contribute to discrediting the integrated chain of command,’

  It is recognised by the EU that in the military staff, factionalism, personal enmity and incompetence are preventing hierarchical structures from functioning correctly.

  The President does not trust his own staff and prefers working directly with his regional commanders. Unsurprisingly, the DRC has had 3 Defence Ministers in the past four years. However, the mistrust reigning the defence sector also results of the Brasage process itself. By making sure that the commander of a brigade and the brigade itself originate from different parts and ethnicities of the country, the soldiers will never fully trust their leaders: a pre-modern imperative to make sure no brigade commander ever gets strong enough and is loyally backed by his troops to overthrow the government.

  Apart from their heterogeneity, it is the poor training and lack of equipment that make the FARDC incapable of establishing some monopoly on force. The Brasage was conceived as a short-term emergency plan for the elections not to be spoiled by armed militia. As a result, ‘the operational effectiveness of each of the former warring parties is now diluted in the mass of the army which is being created’, as recognised by the EU itself. The integrated brigades are poorly trained and the FARDC remains very fragile and could collapse any time if faced with a serious threat. The latter clearly demonstrated in the North Kivu debacle in December 2007 where 4500 rebels of Nkunda forced the 25 000 FARDC to flee.

  In general, all sectors of the armed forces are suffering from shortages, or at best from serious problems. The lack of equipment is chronic, which particularly hampers the units engaged in operations, primarily the newly integrated units. Further, the quality of the military’s accommodation is deplorable while logistical support remains practically inexistent.

- **Defining the Army’s Size**

  Acting upon its post-modern discourse, the EU is obliged to push for a small, professional army, capable of providing security for the state vis-à-vis non-state or external state’s spoilers. Key in their recommendation is to make an army that is affordable for the state, in order for the soldiers to be paid, for their soldiers’ families to live in decent or human living conditions and to contribute to the overall aim of the armed forces not to live off the population. However, such advice is met with considerable difficulties arising from the pre-modern nature

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30 Joint document by Council and Commission, A comprehensive EU Approach to SSR in the Democratic Republic of Congo (DRC).
31 Interviews, files on record with the author.
32 A comprehensive EU Approach to SSR in the DRC.
of the DRC state. Contrary to the modern concept of an impersonal, professional army, the very first identity of the Congolese army is a ‘sociology’ rather than professional army: one is born soldier, it is not something one becomes. Just like in any pre-modern society where social mobility is limited, being a soldier is a profession that runs through social lines rather than through personal competences.

Another difficulty met when advising for the down-sizing is very practical, and very pre-modern of nature; the lack of reliable and verifiable information on any numbers or figures of combatants or former belligerent forces. Part of the reason is that at the Sun City negotiations all parties overestimated the amount of combatants in their ranks in order to increase their leverage power in the talks on army integration. Another reason is the phenomenon of the ‘ghost soldiers’: imaginary soldiers who appear on the payroll of the army (and thus largely at the expense of the international donors) and claim their extra money. Despite the efforts by EUSEC to combat these practices (including carrying out of a military service census and distributing forgery-proof identity cards)\(^\text{34}\), any numbers put forward still remain questionable.

The final and main difficulty arises when talking with the Congolese partners about the size of the army. The present target size of the army is between 100 000 and 125 000. Most security experts, however, estimate that an army of 60 000 – 70 000 is more realistic and sustainable, instead of creating ‘a large, unbalanced force with an all-encompassing mandate’\(^\text{35}\). The plan presently put forward by the Congolese ministry of Defence envisages – and articulated only in very vague terms – an army ‘à la chinoise’; a big self-sustaining people’s army, engaged both in military and infrastructural tasks, and in health and agricultural programs.\(^\text{36}\) Such rationale is understandable in a pre-modern setting where the army proves instrumental in avoiding a coup, by keeping the biggest number of potential spoilers under control.\(^\text{37}\) However, internal difficulties arose over the Ministry of Defence’s broad conception of the Congolese army with the Chief of staff of the FARDC strongly disagreeing (partly because of personal tensions with the Minister) with his Minister, while sending his own strategic plan around.\(^\text{38}\) Such action by the Chief of Staff is another example of how pre-modernity reigns in the FARDC.

Thus, so far no concrete and all-encompassing national strategic plan has been agreed on. While in November 2004, the Defence Law was promulgated, it failed ‘to provide any clarity on the size, operations or functioning of the future integrated army, rather focusing on the organization and structure of the defence apparatus and clarification of the responsibilities attached to the various sections and posts.’\(^\text{39}\)

\[\text{o \quad Presidential preferences}\]

According to articles 188 and 190 of the Congolese Constitution, all armed forces are to be republican and it is forbidden, and regarded as high treason, to use these forces for personal purpose, as well as to organise military, paramilitary formations, private militias or a

\(^{34}\) International Alert, *Peacebuilding in the Great Lakes Region*, 2006, p. 15.


\(^{36}\) Interview, file on record with the author.

\(^{37}\) Interview, file on record with the author. However, interestingly, one could also consider such a plan very post-modern since it certainly acts upon linking security and development.

\(^{38}\) Interview, file on record with the author.

\(^{39}\) Boshoff, p. 4.
‘une jeunesse armée’.

While those articles forced all vice-presidents to demobilise and disarm their private militia, the Presidential Guard (some 12 000 – 15 000 troops in total, rendering the PG an army within the army) of Kabila was left completely out of the DDR and SSR process during the transitional process. Any suggestion to Kabila to downsize his Presidential Guard and to integrate the remnants of it in the regular army was met with the fiercest resistance. Kabila remained too dependent on his Presidential Guard to stay in power, and considered his Guard as his main (and probably only) army back-up free of foreign negative influence. It would have been in line with the post-modern power-sharing rationale of the Sun City agreement to treat all parties on equal footing, thus downsizing the Presidential Guard just as the other militias. However, again, (pre-)modern reality took over and the EU left the situation untouched.

- Setting Human Rights Standards

For years, even decades, the army, ‘did not exist to provide security for the public in any normal sense but were primarily predatory organs used by politicians and officers to pursue individual political aims and economic goals while perpetrating massive human rights abuses.’

Not much has changed over the years. Today, the army – together with the police – remain by far the country’s biggest human rights abusers. The army continues to live off the population, and collaborates rather than fights the groups harassing those civilians. The FARDC is known to have alliances with the FDLR and the May-May. In the extreme cases, Ituri for example, such behaviour led the population to support the militia, rather than the army.

There exist many explanations for the dreadful human rights record of the Congolese security forces. While very often insufficient pay, lack of logistical support and irregular food supply are cited as the main reasons, it is the overall feeling of impunity that renders those three reasons fatal for the Congolese population. While soldiers can be very poor and ill equipped, they are much more unlikely to commit human abuses if they know they risk a severe sanction. In the present day FARDC context, the notion of sanctions is nearly inexistent. The fact that no screening or vetting mechanisms were put in place during the Brassage process, followed by the promotion of (documented) war criminals into the FARDC’s upper ranks, did not help to create such notion. Fighting impunity has a lot to do with a clear communicating about what is tolerated and what not. When promoting commanders known to have committed cannibalism to top army positions, one communicates most of all the rewarding of atrocities rather than enforcing the end of impunity.

It is said that such promotions were unavoidable in order to satisfy all ex-warring parties and for them to continue their pledge to the peace process. Such explanation is again very pre-modern in

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40 Article 188 stipulates that "les Forces armées sont républicaines" and that "nul ne peut, sous peine de haute trahison, les détourner à fins propres". According to article 190, "nul ne peut, sous peine de haute trahison, organiser des formations militaires, paramilitaires ou des milices privées, ni entretenir une jeunesse armée". In : Les autorités congolaises délivrent un mandat d'arrêt contre Bemba, on: www.france24.com

41 ICG, Africa Report n° 104.

42 United Nations, Report. Human Rights Situation in the DRC. July-December 2006. It is not my intend to justify any human rights abuses in any way but, for the sake of intellectual honesty, one has to downgrade such grand statements. The security forces are highly likely to be the biggest rights abusers in almost any country in the world. Their capacity to do so is just the biggest. All said, such statements also only focus on ‘human rights’ as political and civil rights, while ‘human rights’ encompass a much broader spectrum; economic, social and cultural rights, right to health, food, shelter, ... Interview, file on record with the author.

43 UN report, Human Rights Situation in the DRC, p. 17.

44 Interview, file on record with the author.
the sense that it is extremely short-term focussed, while sustainable peace is acknowledged to be achievable only in the long term.

**The Modern DRC**

A state’s moving towards modernity does not inherently make it an easier or suitable actor to deal with. Many difficulties arise when applying a post-modern approach to a pre-modern world, but a state’s moving towards modernity might even prove more challenging.

President Kabila’s behaviour following the 2006 elections gave a glimpse of what his policy might look like when the DRC enters the modern world. It will be even harder for the international community to pressure the government for some necessary decisions that would be favorable mostly for the population. Yet, the most important challenge concerning security reform remains its political acceptance by the DRC authorities. However, since Kabila could legitimize his behaviour by his democratic election, his need and willingness to listen to them has ever decreased. His claim that the various members of the CIAT had acted ‘like conquistadores’ and his statement that he would not allow any structure above the government and his insistence on the further cooperation with international partners to be on a bilateral base, do not suggest much of a post-modern touch in his politics for the near future.

Even more, with the end of the diplomacy based on the power-sharing reality of the transition, the international community is now in need of Kabila’s favour for them to continue their work in the security reform. With Kabila’s preference for bilateral agreements and given the presence of various partners also implementing that reform, it is for Kabila to pick the lead on defence reform in his country. EUSEC’s chances of support by Kabila vis-à-vis the other partners are not too clear. For sure, the fact that the EU does not want to sell weapons to him does not really help.

Yet another practical example of Kabila’s renewed confidence has been his decision to opt for an armed solution to the Nkunda rebellion in the East. While the EU (and others) were pressuring for negotiations, Kabila opted in the first place for a military offensive. Kabila did not listen to the international community because of his modern confidence that he could arrange problems by force (very modern), rather than by diplomacy (the post-modern way). Unfortunately for him, his army proved far too pre-modern to support his modern rationale. However, one has to wonder what implications such an emerging modern rationale might imply when the country disposes of a modern army, not only on the inter-state level, but equally at the intra-state and regional level. That preoccupation is even found in the EU’s SSR concept: ‘(…) it is also important to take into account external security in relation to the neighbourhood and regional stability.’ 47 However, no regional dimension was taken onboard when acting on the ground.

**The Modern EU**

In the first chapter, several characteristics of the EU’s discourse on security reform were distinguished as very significant for its post-modernity; the legitimacy of human security, the valuing of the individual over the state, the broadness of the security concepts

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and the comprehensive approach proposed based on the ‘enlarge the context’-rationale. However, assessing the working reality on the ground shows that not much of that discourse is put into practice. The EU is to be regarded as a modern security actor, rather than a post-modern one, despite the Union’s discourse professing the latter. The EU appeared very confused in its defence reform conception and, after all, failed its own security discourse. Given the difficulties arising from potential post-modern interaction in a pre-modern world, the EU’s failure to act upon its own post-modern discourse, both internally and vis-à-vis its Congolese partner, seriously hampered the implementation of true defence reform assistance rather than facilitated the implementation of DRA. This section points out in what manner the EU failed to live up to its own post-modern security reform rhetoric.

Firstly, while SSR is described in the broadest terms, including all security actors, the EU’s SSR mission EUSEC (yet ‘SSR-status’ was accorded only to the EUSEC mission) was only involved in army reform. Not only did it fail to include two of the four main security actor groups it identified as the SSR actors (the ‘justice institutions’ and ‘non-statutory security forces’), moreover were the two main security actor groups it did include (the ‘core security actors including law enforcement institutions’ and ‘security management and oversight bodies’), only very partial taken care of. Despite the EU’s SSR concept pleading for the inclusion of ‘the police, the justice institutions, the parliament, prisons, human rights commissions and ombudsmen, civil society, etc.’, all those categories were left out.48

The distinction between the EUPOL and the EUSEC missions is exemplary for the confusion on the EU’s concept of SSR. In its definition of SSR, the EU includes the police within the SSR definition. Nevertheless, the ESDP mission supporting police reform, EUPOL, operates separately from the ESDP’s SSR mission, without any strategic linkage or formal coordination, nor incorporation into a broader SSR effort. In line with its own concepts however, the EU should have set up one EU SSR mission integrating both EUSEC and EUPOL. From a conceptional point of view, such integration seems only logical. In the overall design of a security sector system, including the military and the police and linking them within a broader framework, decisions in one field directly affect the other. Although the idea of an integrated mission has been raised several times in the last years, no political willingness exists to push for an integrated mission. One has to wonder what credible leverage power the EU possesses when complaining about the absence of contacts between the Congolese Ministries of the Interior, Defence and Justice, if it is not able itself to establish true cooperation, in practice and in concepts between its two ESDP missions.

Secondly, SSR was described as focussing ‘on the overall functioning of the security system as part of a governance reform policy and strategy of the public sector’. That notion is crucial in keeping defence reform credible and sustainable. The defence sector should be incorporated in a system based on checks and balances. Without for instance assuring parliamentary oversight over the armed forces or a minimal screening process for appointments in the public service, the setting up of a strong defence sector becomes a potential liability, for the population of the country and, possibly, for the entire region. Without working on reform within the administration to render payment, transport of logistics mechanisms sustainable, without judicial follow-up of abuses or without some form of judicial independence, defence reform will be just an attempt in vain to foster sustainable peace in the DRC. If failing to include DRA a broader public framework, there is a considerable risk to set up of a fully integrated army and police force, with a single and

unified chain of command, of a reasonable size, well equipped and well trained, but without any societal control over it. In doing so, the EU risks creating a very strong army in a society with a very weak public sector, rendering the army a state within the state. SSR in general is a very nice concept, but if no governance dimension is incorporated, SSR is left with a big nice hole in the middle of it. After all, it is the incorporation of the governance dimension into the SSR concept which makes it distinct from old-fashioned military or police cooperation. It is for the EU very important to remember that SSR is a process that cannot be dealt with only partially, and if done so, it would leave the country with a very dangerous legacy, possibly an even more dangerous than before.

Thirdly, if well-being of the population and the notion of human security lie at the base of the SSR definition, why then was EUSEC exclusively composed of advisors with a military background. After all, EUSEC was initiated and funded within the framework of civilian crisis management. One wonders whether military experts are the most suited for training and advising an army on ‘democratic norms and sound principles of good governance, human rights, transparency and the rule of law’. As a result of the purely military background of the EUSEC team, the ‘soft’ part of EUSEC’s mandate on democratic norms and human rights was largely left untouched. Rather, EUSEC provided merely administrative, technical and tactical advice to the military staff, focused on the security of the state, rather than of its people. However, an improved human rights record of the Congolese security forces in the whole country, would combat insecurity throughout the country to a far larger extend than for instance an improved operationability in combat of the FARDC. After all, the human rights record of the Congolese army remains deplorable. Similarly, one wonders how post-modern a defence reform is when not the slightest form of vetting was applied in appointing gross human rights abusers as generals in the FARDC. Such appointments render any professing of human security incredible. Again, impunity prevails, rewarding rather than disciplining perpetrators. Finally, post-modernity becomes naivety when seemingly assuming that mere 45-day training will turn fighters whose identity for years has been defined by war and violence into respectful soldiers.

Fourthly, while pushing for a comprehensive approach in its policy concepts, the EU internal coordination proved very poor in its comprehensiveness. Symbolic was the Commission’s reluctance to provide the Council with sufficient funding for the SSR mission. That reluctance is first of all to be understood in a broader OECD donor reluctance to support anything linked to defence reform, a debate too vast to be entered in this article. But there is more to it. That reluctance is also to be viewed within the inter-institutional power play in Brussels. While the CFSP/ESDP section of the Council depends on such initiatives as security reform missions for their legitimising and their credibility, the Commission does not experience such need to legitimize its working. The Commission has enough ‘traditional’ development initiatives to spend its relatively richly funded development budget on – insofar a development budget can ever be richly funded. Thus, the Commission has in the short term little to gain from dealing comprehensively with the Council on security reform. The existing rivalry between both institutions does not help on that account either. Yet another explanation

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49 It can be suggested that the ‘civilian’ definition of EUSEC resulted rather from the funding principles than from a true analysis of EUSEC’s nature – civilian crisis management missions being funded by the community budget while ‘operations having military or defence implications’ being at the expense of the individual states. Treaty Establishing the European Union, art. 28. 3.

50 Interesting is to note that the early estimates for the duration of the training during Brassage were between 3 and 6 months, 3 months for the mere “breaking up of the army”, 6 months for the brigades to be able to operate in the difficult conditions on the ground in the DRC. Interview, files on record with the author.
for the Commission’s reluctance to support the Council in its security reform mandate is based on the difference in working culture between both organisations. The Commission is used to provide aid with a longer term view, while focusing on the multi-annual programming of its support, and within a broader framework: supporting security reform as long as there is some institutional capacity-building follow-up to it. But even if the Council would want to subscribe to such an approach, it will remain a matter of funding whether they can do so. In conclusion, the current institutional framework of the EU is incapable of dealing with the lengthy and costly process that security reform entails. As long as the Council’s funding in ESDP is based on short term realities, and the Commission remains reluctant to support defence reform through the Council, the EU’s DRA in the DRC will remain seriously underfunded.

The lack of internal comprehensiveness within the EU is also demonstrated by the lack of an integrated EU approach amongst the individual Member States bilaterally interested and involved in security reform in the DRC (France, Great-Britain and Belgium). EUSEC and the EU Member States (together with the South Africans) were (and still are) duplicating each other’s work and enhance in that way considerably Kabila’s cherry-picking leverage. Even worse, such duplication led to the creation of an army formed under the very various different standards of all international trainers involved.

Finally, the EU has not only proven failing to be post-modern in its actions; it does so in its concepts as well. While the Union was founded on the principle of ‘enlarge the context’, the Union is far from applying that maxim to its own concepts of foreign policy. The best to illustrate that failure is the example of the artificial separation of DDR and SSR activities.

The EU’s DDR definition claims (just like any other international donor’s definition) the DDR process to be of a merely technical nature. By doing so, it ignores the clear strategic dimensions of the DDR process in a post-conflict situation. While DDR is often seen as a technical process, it has overall a very political dimension to it. It is apparent that decisions within DDR have security repercussions beyond the cessation of hostilities and are, consequently, not without influences for the conditions shaping SSR. The decisions on the desired size of the army, on who and how to demobilise, on who to reintegrate in what brigade and what screening criteria to use, are highly political, and can thus not be tackled without any SSR approach. That is however what is happening in the DRC: DDR results both in a reduction of armed forces, since MDRP is offering ex-combatants a re-entry into civilian life, and in the establishment and integration of new army brigades. Nevertheless, all happens without much strategic guiding. New integrated brigades are created but no strategy has been elaborated yet on what their role or function is.

The newly developed EU concept for support to DDR, approved in December 2006, meant a big step forward in acknowledging the problems resulting from the refusal to link DDR and SSR and understanding the need for a better synergy between the various EU efforts in the field of security. In that paper the EU expressed its understanding that DDR is broader than a purely military and technical issue. It stated that ‘there is increased recognition today that DDR needs to be part of the political and social developments and will be most successful when properly linked to an overall peace process, democratic governance issues,

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transitional justice and long-term development criteria’.\textsuperscript{52} Despite this acknowledgement, the EU sticks to the traditional, technical definition of DDR, as defined by the UN. When referring to the link between SSR and DDR, the EU remains reluctant to the full acknowledgement that DDR cannot be separated from SSR when ‘recognising at the same time that parts of DDR go outside SSR.’ To establish a direct link between DDR and SSR is a bridge too far for the EU ‘DDR is often more successful when part of a broader SSR’ and that ‘most of the time, to be successful, DDR has to be conducted in conjunction with (…) SSR’\textsuperscript{53}. Similarly, the Council agreed in June 2006 a policy framework that states that ‘support to DDR in a partner state within the framework of SSR should be addressed separately but consistently with this SSR concept.’\textsuperscript{54} Such a vision remains in line with the EU’s original SSR concept, in which ‘it is suggested that DDR should be addressed separately.’\textsuperscript{55}

Towards Post-modernity

The above section pointed out how the very pre-modern nature of the DRC made it very hard for the EU security efforts to live up to its post-modern discourse and how the EU could not act upon its post-modern discourse because of its overall very modern nature. Moreover, it was indicated that one of the core modern characteristics where the EU’s external security policy failed post-modernity, was the impossibility to enlarge the context. It was demonstrated that the EU’s security conception is problematic. Firstly, because it lacks conceptual linkage between security and the other preconditions for peace to be sustainable: development within a framework of good governance and the rule of law. Secondly, because it draws on a distinction of DDR and SSR, which – certainly in the case of the DRC – remains artificial. This chapter proposes a reviewed conception of security reform for the EU, derived from the specific situation related to security needs in the DRC. Although that approach is derived from and applied to the specific security situation in the DRC, it might proof valuable for similar situations of failed states in a post-conflict situation. This new conception is based on a three-level approach:

‘Negative peace’ level:

The objective at this level is to ensure ‘negative peace’, i.e. the absence of war and of violence. Following the cessation of hostilities trough a peace agreement, a Security Force Conversion (SFC) has to be initiated. SFC’s first objective is the decrease of insecurity and to fade the probability of the relapse into violence or at least reduce the magnitude of it. To do so, SFC has to tackle all sources of direct insecurity. In the case of the DRC, its main efforts have to be focused on reforming of the army, reforming and establishing a police, defining prison functions and dealing with the private militias/Presidential Guard. Not only has the SFC process to provide these reforms with an articulated strategic plan, it also has to deal with the strategic linking of the various reforms. After all, the defining of the role of the army has implications for the role of the police, and vice versa. It is therefore very important that these issues are tackled in a coordinated manner.

Coordination has to be provided through an integrated, coordinated EU approach (preferably even with all the international actors involved). The technical and diffuse approach to DDR and army reform so far, only resulted in an increased opportunity for

\textsuperscript{52} EU Concept for support to Disarmament, Demobilisation and Reintegration (DDR), Approved by the European Commission and by the Council of the European Union, December 2006, p. 4.
\textsuperscript{53} Ibid., p. 4, 11. (emphasis added)
\textsuperscript{54} Ibid, p. 5. (emphasis added)
\textsuperscript{55} Council, Initial elements for an EU security sector reform concept (11241/05), Brussels, 15 July 2005, p. 5.
cherry-picking tactics of those opposed or unwilling to undertake the key reforms and in a
decreased bargaining power in pressing for reform on the key strategic questions. An
enhanced international coordination would be able to provide better strategic guiding, and do
so in a more thorough way.

Crucial at this stage is the inclusion of extensive Human Rights training as one of the core
parts of the training, in order for the security forces to combat rather than constitute (human)
insecurity.

‘Positive Peace’ level:
The first level was about minimizing the chances for spoilers of the peace-agreement
by converting a security force into a shelter against insecurity rather than its continuation to
be the major source of it. By providing this conversion from the start with strategic
coordination, both between the security actors and with the international community, SFC
would foster better chances for maximizing peace.

In the best case, SFC leads to a well integrated army, a well equipped and trained
police, no more private militias and a reasonable number of troops in the Presidential Guard.
A well integrated and well working army however may not be what the DRC needs unless it
is framed within a well functioning political system. History has proven the danger of an
effective army (trained and equipped by the international community) that is unbalanced and
left uncontrolled by a democratic counterweight. For the negative peace to be sustainable and
to be able to move beyond it, a process of Security Sector Reform (SSER) is essential. SSER
is based on what the original EU’s SSR concept called ‘the focus(...) on the overall functioning
of the security system as part of a governance reform policy and strategy of the public sector.’
– but which was never dealt with so far.

SSER is thus about coming true the concept that ‘SSR should be seen as a holistic
process, strengthening security for all citizens as well as addressing governance deficits. This
is to ensure that the security sector is not placed or treated outside the overall public sector,
but seen as an integral but balanced part of public resource allocations and the institutional
framework of the state. Although some aspects of SSR can be short-term, the overall SSR
process needs to be long-term and be based on strong national ownership.’\(^{56}\) Key in this
process is the linking of SFC to the enforcement of the rule of law. When talking about
reforming the institutional framework of the state, it implies moving beyond the state of status
quo. As an integral part of institutional reform, some sort of vetting should be implemented at
this level.

SSER strives for a civic parliamentary control\(^{57}\) that can responsibly counterbalance
and oversee both the security forces themselves and the respective ministers responsible.
SSER will also put huge effort in providing judicial follow-up to the actions of the security
forces. It is also at this level that there must be made a final end to the feeling of impunity
reigning in the army ranks. SSER is complementary to the SFC process since it frames its

\(^{56}\) Commission, Communication from the Commission to the Council and the European Parliament: A Concept
for European Community Support for Security Sector Reform.

\(^{57}\) Important to distinguish ‘civilian’ from ‘civic’. Williams argues that ‘civilian control’ confuses the civilian
content of many democratic institutions with the political principle of civil oversight. The former not inherently
making oversight more democratic, transparent and accountable, while the latter – derived from the Latin
‘civitas’ – referring to the process the people ensure that their will is acted upon by their representatives. The
overall goal of SSER must be in rendering the notion ‘civic’ possible. Williams Rocky, ‘African armed forces
strategic security concept within the broader notions of democratic norms, the principles of human rights and fundamental freedoms, and the rule of law. It enhances practices that foster more transparency and accountability. Its overall aim is to foster institutional and human capacity-building able to deal with and to guide the SFC and its results.

Moreover, the ‘positive peace’ level is the level at which all initiatives are framed that deal with the deeper (re)integration of ex-combatants into civilian life. Although the basics of this assistance are provided through the DDR reintegration program, the reintegration program at this level is based on helping, training and providing the individual with tools, literally and metaphorical ‘to be civilian again’. For this integration to be sustainable however, a second stage is very important in which the integration into society is framed within a family and community dimension. Programs on the reintegration of child soldiers, awareness-raising projects on HIV/AIDS, providing basic psychological assistance in the society, are examples of necessary initiatives to be taken within this framework.

‘Sustainable Peace’ level:

A lot is achieved if all the objectives of SSER came true. However again, SSER would doubtfully be lasting if it was not framed within a Security System Coordination (SSYC) process, linking the efforts in the security field with the overall efforts in the partner country. It is at this level that the coordination of security and development are linked. Because what is the use of successfully integrating an ex-combatant into society, if no work or any development can be found at that level? The likeliness for him to use his military acquired skills for survival is much linked to the socio-economic condition he finds himself back in.

It is thus at this level that complementarities between different development programs are overviewed, linking them with the efforts in the field of security: something which is crucial for the sustainability for both the development and security, but which is often neglected. Giving the Commission the guarantee that the security reform is framed within a wider programming must allow them to more easily fund the ODA-eligible parts of reform.

Apart from the coordination between the development and security programs, it is within the scope of the SSYC to work out and coordinate a multi-sectoral strategy. Apart from a weak security sector, the public framework in the DRC is characterised by similar weaknesses in the judicial sector, political sector, educational sector, etc. and by an overall low degree of development. If the reforms in the security sector are not coordinated with reforms in the other sectors, dangerous anomalies might come up. Giving the oversight over the army to a parliament that is politically very weak and unaccountable, might again not be what the DRC needs. Reforms in one sector risk unbalancing the whole system, if not followed by counterweight reforms in another sector. It is therefore very important that at a SSYC level ‘the bigger picture’ is taken into account. Another key objectives of the Security System Coordination is to become a framework for the donor actors to structure the thinking about these ‘bigger questions’ – and, ultimately, to connect with other donors to tackle these issues.

Finally, it is also at this level that regional considerations have to be taken into account. The setting up of a strong army in an ever stabilising country can have very significant repercussions for that country’s neighbours. Therefore, one should avoid that a successful security reform in one country leads to an arms race in its region and the fostering of a modern world paradigm in the region. It is within the SSYC that that regional dimension
should be thought upon and a strategic link should be made with e.g. the International Contact Group for the Great Lakes or the Tripartite Plus.\textsuperscript{58}

In the best case, the scheme of this new conception would be as follows:

Scheme 1: Security conception in the best case

Timing

For purposes of clarifying the timing, while it would be ideal of first having SSER defining the country’s security needs and only then starting a SFC process, the reality in post-conflict situations does not allow such luxury. The worse the security situation a country is emerging from, the faster one should start disarming and, thus, the relatively longer it will take before SSER is set up, and thus the longer external peacekeeping is needed. According to the scheme infra, the bigger the distance (c) between points ‘a’ and ‘b’ is, the worse the original security situation.

Scheme 2: Security conception in worse cases

\textsuperscript{58} The Tripartite Plus is a group established by the United States to promote dialogue and build confidence among the four countries in the Region of the Great Lakes (DRC, Rwanda, Burundi and Uganda).
Conclusion

When analysing what the EU’s post-modern DRA in the DRC has achieved in setting up a defence sector in line with the EU’s security concepts, one concludes the results are rather meagre. The reason is threefold.

Firstly, the very pre-modern nature of the state in the DRC made any progress in the defence reform start from levels below zero and rendered the EU’s task in defence reform assistance extremely difficult. Secondly, changing working relations in those areas where the DRC gradually moved towards modernity did not prove to facilitate the interaction between the EU and the DRC. On the contrary, it was demonstrated that post-modern assistance in a pre-modern state turns the recipient state in the first place towards modernity, rather than directly to post-modernity. Further research is needed to analyse whether that conclusion can be generalised for other countries in a post-conflict situation. Thirdly, the EU appeared very confused in its defence reform conception and, ultimately, failed its own security discourse. It failed to do so both internally: with member states replicating each others and EU’s efforts and with a lack of institutional comprehensiveness between the Council and the Commission; and externally: when failing to incorporate defence reform into a broader framework of development, governance and the rule of law. Failing to do so rendered the EU’s efforts in defence reform no much different from old-fashioned technical military assistance.

Finally, this paper pointed out that only through an ‘enlarge the context’ approach, enhancing action over the long-term, sustainable peace is achievable. Therefore, a new and comprehensive approach was suggested, in which defence reform is to be seen within a holistic process aimed at the strengthening both external and internal (human) security. Addressing governance deficits and strengthening the rule of law are crucial elements in that holistic process.

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