MILITARY REFORMS IN THE DEMOCRATIC REPUBLIC OF CONGO (FARDC)  
REFLECTIONS ON THE ROLE OF THE INTERNATIONAL PARTNERS

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“The politics of a State lies on its geography”
Napoleon Bonaparte

INTRODUCTION

The Congolese have agitated for military reforms since the collapse of Mobutu’s single party regime in the early eighties. Given the political revolution that has not offered the state a chance to undergo a peaceful transition, the aspirations of the people have not been taken into consideration by the political powers that at that time made use of the same army to cling on to power. During this period, the Congolese army failed to protect the citizens in the interior of the country from occupation by foreign forces. Henceforth, the Congolese soil became more often than not, a theatre for confrontation of foreign armies or land where these armies indulged in the exploitation of the mineral resources. After the death of five million people within a period of five years, massive rapes of women and girls and the presence of armed foreign militia on the Congolese territory; a situation which has been both harmful to the flora and fauna and acting as an alibi for tempestuous intervention by foreign force, reforms in the Congolese armed forces was becoming an absolute necessity in the design of the Third Republic if DRC was to become a democratic state adhering to the rule of law.

The reform of the Congolese Army as well as that of the National Police and of the Information Services seemed a pre-condition for consolidation of democracy and the processes of the installation of a rule of law. Such a reform process which requires enormous financial and material means could not have effectively achieved its purpose without the participation of DRC’s international partners. The present study analyses the processes of military reform by focusing on two ideas emanating from Civil Society and Congolese researchers on one part and on the other, political and military powers of the country. The role of International Partners in the military reforms is crucial in this study. This work is based on the military reform documents designed by the Army Chief of General Staff, on adapted or legal texts under discussion in parliament and on the interviews carried out on the ground particularly in Kinshasa.

I. FARDC (Armed Forces of the DRC) REFORMS AND DEFINITION OF THE MAIN AXES

The study of the reform of the Congolese army may be the object of discussions guided by the apprehension of what the players concerned may make of it. It should be noted that in the framework of the emergence of a rule of law, the issue of the army and other security services is of concern to all even if the management of these services falls under the responsibility of governors who must conform to legal instruments in their reciprocal relations. However, the Army Constitution must meet the people’s expectations, that is, to protect and to guarantee the defense of their territory. Mr. Camille Nkoa Atenga gives evidence of this link between the people and the army when he asserts that “Companies get soldiers conforming to the idea that they themselves believe in, the image that they want to portray to the outside. This goes in agreement with the relationship that they wish to cultivate with the international companies in all its dimensions.”

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Thus, we have chosen to check the status of Congolese public views the military reform and legal framework that accompany it to try and evaluate the correspondence between the expectations, the aspirations and decisions of the governors.

I.1. Imperativeness of the Congolese army reforms as felt by the Congolese

The importance of peace is felt more by those who witnessed the horror of war. The Congolese in Kinshasa lacked water and electricity for several days; and even more; the populations of the East who suffered continue to suffer the repercussions of the war have a greater urgency to build an army that gives them security. This is why it was important to give a hearing to the Congolese who gave their views on the army and its mission in the context of the beginning of the 21st century. The illusion has been made the work of Congolese researchers carried out by the Catholic Church since 2003 in this field. Mwayila Tshiyembe already insisted that the foundation of a democratic rule of law rests also on the constitution of a national army endowed with a capacity to be dissuasive and credible defense.2

I.1.1. Technical and strategic data in the setting up of the Congolese army

The constitution of an army bases itself on a statue on separation and clarification of responsibilities between the civil and military authorities; a career management plan, the structures of access to economic rights, social and cultural or the military condition3. This last demand sums up the conditions for better life and work. The new army must be professional in its commandment, management, training and recruitment.

A. Political and strategic conditions

The future of the DRC runs the risk of being mortgaged for “A state that does not design a defense concept adapted to the needs of the people, to its potentialities, to its character, fails in its principle and condemns itself to submission, may be to its disappearance”. If the DRC recalls the good memories of “African Vocation” and the “resort to Authenticity”, two principles of diplomacy under the regime of Mobutu, the new army should allow Kinshasa to contribute to the peace keeping forces, either under the United Nations, the African Union or under the Central African sub region (Central Africa and the Great Lakes)4.

B. Living and working Conditions

Living and working conditions of soldiers in the new army is improved as seen through the following rights: housing, healthcare, children’s education, training and the appropriate gear, promotion on merit and seniority. It is equally improved by guarantying military salaries. Army’s efficiency depends on equipment, reconstruction of schools and military training centres new public spirit (loyalty, neutrality, the duty of confidentiality, access to justice for all soldiers even in times of war); the new defense doctrine based on the “forces projection”, given the immense weight demonstrated by the aggression and the occupation by Rwanda and Uganda5. To avert the fate, “the strategy of localization of forces” must be the backbone of the «forces projection » doctrine.

Once trust is restored between a sovereign people and its reformed army, the Congolese Nation should take care of widows and of orphans of service men who have died in the battlefield. The entire country must acknowledge those who died in the battle front, by taking care of their bereaved families. The new soldiers must do that which they took an oath of office- to defend the country, an ultimate sacrifice. In return, the nation must commit itself to improving their living conditions; those that will not lead them to violate military regulations in order to ensure their survival and those of their families. As a railing or thermometer of the barracks climate, the civil and military powers should put in

3 Ibidem.
4 Idem, p. 139.
5 Mwayila Tshiyembe, Géopolitique de paix en Afrique médiane...op. cit., p. 138.
place a structure or a commission mandated to check on the life of soldiers, by listening to their complaints; by finding immediate and appropriate solutions with the necessary means.\(^6\)

**C. Characteristics of the new Congolese Army**

The new army must be designed as an institution mandated to carry out permanent defense of the Democratic Republic of Congo in all circumstances. It protects its territories against all forms of aggression and its decision making and commanding units are shared between democratically elected civil authorities and military authorities well versed in the art of war, legally delegating this mission.\(^7\)

The new army is a public defense service mirroring reflection of freedom, where obedience and a citizen’s virtue are reflected in the power of combat in defense of democracy. It is this dialectic relation which legitimizes the usage of force by the army, as a resort to action founded in law and executed in compliance to the laws\(^8\).

A new army should consist of combatants rather than deserters; one that should protect the people, not looter. An army is first and foremost the incarnation of the supreme spirit of sacrifice for the country, for the homeland, the nation and for the state\(^9\). Tomorrow’s army should not be composed of former rebels or by the Government’s non combatants. The army training strategy through the integration of the soldiers who lived through the conflicts revealed its limits and enabled the defense and security system of the Congolese state to be paralyzed by infiltrations of elements working for the benefit of neighbouring countries and specially Rwanda and Uganda\(^10\). The Pweto War in Katanga in 2000 and the offensive launched against the disgraced General Laurent Nkunda are examples of the infiltration in the current national army.

To completely overhaul such a mentality, it would be necessary to place at the head of the future Congolese National Army superior officers who are competent and at the same time patriotic. This means putting the interests of the country and nation first; the territory’s integrity, the sovereignty of the nation, the protection of persons and their property, as well as the protection of the republics institutions\(^11\).

The recruitment must offer legal guarantees: the right to equal public employment opportunity to all under the Congolese law and intellectual based on competency\(^12\). We suggest that a choice amongst the best of the Congolese should be done to constitute a new army, demand of a basic training equivalent to a high school certificate or bachelor’s degree if this is to be a place of excellence and not of mediocrity, like FAZ. Added to this is the respect for equal competence, ethnic and regional balance. The objective is to avoid that under the pretext of the « one indivisible nation», the governors only recruit from their ethnic groups to the detriment of other ethnicities and regions of Congo\(^13\).

The first step of re-establishing the military honor is to put an end to the army being a dumping ground for the undisciplined, delinquents, careerists’ or former business men of the ex-Mobutu companies. To this end, the future soldiers should have finished at least the fifth year cycle of secondary education and then done their Civil and Military Service. On a voluntary basis, they may join the army in order to continue with higher studies\(^14\).

**I.1.2. Territorial structure of the national defense and the protection of strategic sites**

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The territorial structure of the National Defense should equally correspond to the protection of the country’s strategic sites. If it is about the mining areas whose occupation impacts on the functioning of State institutions and gives the enemy means entry. Three areas deserve special attention in the military activity on DRC soil.

A. Kisangani zone (Eastern Province)
The town of Kisangani is without any adequate defense. This town should have been transformed into a military fortress. Formerly, this Lumumba stronghold had an air force base and a naval base. A National War school should also be established here to discourage all those neighbouring countries of the East attempting to cross the national borders.

The Eastern Province, occupying a territory as large as France, is without any meaningful military facility. It has no possibility of holding the enemy while waiting for reinforcement from Kinshasa or elsewhere. That is why enemy intrusion was easy in 1997 and 1998. Since the second aggression of August 1998, Rwanda and Uganda, using heavy fire arms fought thrice to control the town of Kisangani. A naval force stationed in the Port of Kisangani should be transformed into the local air force. The troops can use whichever means in case of foreign invasion. The neuralgic defense centre of all the north-eastern area of our country is located in Kisangani.

B. Muanda-Kitona-Inga-Mbanza Ngungu (Bas-Congo)
The Muanda, Kitona, Inga and Mbanza- Ngungu sites are very strategic to the Congolese State. The 2 August 1998 war demonstrated the importance of these sites in the military strategy against the DRC. The Rwandese occupation of these sites and cutting off electricity from Inga Dam, was a calculation aimed at putting pressure on the political power in Kinshasa and incite the public to raise against the governors, a move that would have facilitated the progression towards Kinshasa but strangely enough, it is the contrary effect that was achieved.

The air transportation of Rwandese troops operation was an extraordinary exploit as observed by Kamana:

“The targeted area had an aerial base (Kitona) and a naval base (Muanda) - both taken by the enemy without firing a single short. The road to Kinshasa was thus free. The Atlantic coast should then equally become a fortress, to be able to protect the country’s political capital. From this painful experience, Kitona should be doubled up with another military base in the region, which would provide relieve in case the former was overrun in order to avoid a blockage of the coastline by the enemy.”

The Mbanza- Ngungu military base did not stop nor slow down the Rwandese troop’s progression to Kinshasa. The experience proved that this base was not the capitals lock. Thus this military site should be modernised or backed up by another base with armoured tanks and heavy artillery. In between the two military bases exists a strategic site which is the Inga Dam. A takeover of Inga places Kinshasa in a vulnerable state given its strategic location. By trying out this experiment, the Rwandese troops incurred the wrath of the people of Kinshasa who resisted fearlessly.

C. Kolwezi (Katanga) and Mbuji-Mayi (Kasai) zones
Kolwezi was twice caught up in challenges of the Katanga paramilitary police and was strategic because this town constituted an entry point into the economic capital of the country. The two attacks from Angola and Zambia, against Kolwezi in the south Katanga, in 1977 and 1988, aimed at taking over the control this mining town. The Rwandese troops and their local allies from the AFDL proved these two decades later. The RCD/Goma announced severally that the imminent fall of Mbuji-Mayi

15 Ibidem.
16 Kamana Tshibengabo, R-D Congo : La défense nationale à l’impératif… op. cit., p. 111.
17 The Ugandan army can reach Kisangani by road in two weeks; this strategic site should be equipped with a force able to reach the Ugandan border within a week by road, and even Kampala by air within a short time.
18 Kamana Tshibengabo, R-D Congo : La défense nationale à l’impératif… op. cit., p. 113.
19 Ibidem.
and Laurent Désiré Kabila had made of Mbuji-Mayi his first defense device. Kamana Tshibengabo remarked that:

“If Kolwezi and Mbuji-Mayi had fallen, the central government would not have had the necessary means to resist. A form of conquest is drawn here: the enemy attacks the vulnerable sites to get easy victory and thus demoralizes the aggressed people, while at the same they aim for the useful sites to boost their war efforts.”

I.1.3. Relations between the civilians and the military in the context of the new army

An army based defense system as demonstrated has its limitations. It is necessary to come up with a defense system which must be adapted to the country’s realities and one which can easily be put into place. The development of a defense system should take into account the history's data as well as the future perspectives. The defense and security system must be founded on two fundamental principles: the principle of subordination and that of specialisation. Subordination is a principle in which all action by the armed forces and the police must be subjected to the initiative and authority of the political civil power. As for specialisation, it signifies that the territorial defense against all forms of aggression is invested in a special institution namely the Armed Forces; the population’s security and permanent surveillance in the territory’s hinterland is the first priority of the national police.

From past experiences the following facts became clear: a single military force cannot be victorious. Victory implies a close collaboration between the military, civil politics and economy. The harmonisation efforts should consist in imposing to the military and the police an attitude transforming them into brothers and protectors of people and their property. A well disciplined and well behaved army and police force is likely to enjoy cooperation from the civilians and gets key information to carry out their operations in times of crisis as well as in times of peace.

A. Methods of harmonising relations between the civilians and the men in uniform

The creation of a mixed training structure for the army such as the Institute of Higher Education for National Defense brings together civilians, military, professionals from diverse backgrounds. The courses duration of up to several months provides an opportunity to freely discuss, harmonise their different points of view and to get used to team work in the matter of defense. For the police, The Police Academy serves as the framework of action so that the police and civilians develop the feel of group work in the field of security and the surveillance of the hinterland. Military service should be made compulsory to all the Congolese citizens aged between 18 and 50 years. This obligation was engraved in the conscience of the Congolese during the years of our country’s aggression by the Rwanda-Ugandan forces.

Different inter ministerial defense committees should be established in the sectors of food, scientific research and information. Each committee should be headed by a civilian with superior authority from the bottom up to head of state. The Police and the Army should be encouraged to hold open days allowing civilians access to their facilities, to familiarise them to realities of the two institutions, to open dialogue between the civilians and the military on questions related to defense and security. Organisation of sports competitions in order to unite a perfect existence of heart and spirit of this partnership in the security system is the strategy of harmonising relationship between the civilians and the military.

B. The conduct required of the man in uniform

The man in uniform should be an exemplary citizen both in his private and public life. When carrying out his duties, he should behave correctly in compliance with the law; to police and military
regulations. In private, the man in uniform should avoid acts which may dishonour his job and discredit the state. The citizen in uniform has the duty to give free service to any citizen in difficulty.\(^{24}\)

The citizen in uniform is forbidden from carrying out businesses. He should be apolitical. The soldier and the policeman do not engage in political activities. As a custodian of the state, the citizen in uniform protects all the political players. The lack of political involvement of the army and police does not mean that the citizens in uniform are not aware of the political debates or have political views. The citizen in uniform do not subscribe to any political party simply because their mission requires positive neutrality. The armed forces are the country’s rampart. As soon as the forces align themselves behind one man, or a group of men (political party) become a dangerous and serious threat to the people who do not belong to their political affiliation. In this way, the forces become a threat to the country.\(^{25}\)

It is for these reasons that the men in uniform are forbidden to engage in businesses. Soldiers do not undertake commercial lucrative activities. They are expected to keep a constant watch over the state. Commercial activities take up a lot of time. Even more they lead to a greed for wealth. A rich general does not go to the war but he may provoke a war in order to acquire wealth. In addition, as soon as a citizen in uniform carries out lucrative activities, he is tempted to misuse his status in order to operate illegally.\(^{26}\)

**C. Conduct expected of the civilian political power**

In exchange for the obligations of the man in uniform, the state should guarantee him or her all that he needs both on the professional and individual levels. Professionally, a soldier needs to be well trained, well equipped, well fed and well sheltered. At the personal level, a soldier should not lack for anything. Their salary should be used to pay for urban transport, show tickets, and to make small savings. As soon as the state abandons these obligations, a soldier becomes a danger to the country.\(^{27}\)

In the perspective of the new national army, it is imperative that the political players resolve the problems upstream. Practically, a defense and protection system adapted to the country’s realities needs to be designed; to watch over the operations of the national army and police by respecting the criteria objectives of designations of those responsible for these services.\(^{28}\) For this, ten suggestions for the reconstruction of the new army are proposed:

- Progressive demobilisation of the current troops;
- The same recruitment quota for all the provinces;
- The creation of new training centres;
- The rehabilitation of specialised military branches: Air Force, Navy, Ground Troops, Engineering Services, Transmission Services, Security Services;
- The creation of an Air Force answering to the real needs of the country in matter of defense and security;
- The creation of indispensable Air and Naval bases in all the provinces;
- The instauration of a compulsory civil and military service of all Congolese who have finished the second cycle of secondary education; The placing in compulsory reserve of all soldiers retained under the terms of “Tenth Use” (‘Dixième utile’);
- The construction of military camps outside the big agglomerations;
- The creation of Military and Naval Academies in the Eastern Province.

The ideas given by the Congolese constitute their conception of the army called upon to protect the integrity of the Congolese territory which is the most precious communal property of the Congolese Nation. In the Army’s Reform Plan, how have these ideas been integrated and to what degree of the Constitution and of the laws of the Republic relative to FARDC have these principles been adapted?

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\(^{25}\) Idem, p. 67.

\(^{26}\) Idem, p. 68.


\(^{28}\) Idem, p. 69.
I.2. Major Orientations of reforms following the plan of the Chief of General Staff and the legal foundations of the new Congolese defense system

The army reform vision as conceived by the political and military authorities may be summed up as follows: it must be guided by ten guidelines which are: youth and performance, the new operational division into defense zones, the affirmation of the defense doctrine to the triple echelon (Cover Units, Quick Response Units, Mayor Defense Units), reform costs taking into consideration the budgetary realities of the country and the intervention of the military partners cooperation especially in the field of infrastructure (construction of barracks and hospitals).

I.2.1. Analysis of the National Army Reforms Plan

The Ministry of National Defense and of Veterans in close collaboration with the General Chief of Staff elaborated an Army Reform Plan whose first milestone was presented at the round table on reform of the security sector held in Kinshasa 25 to 26 February 2008. This plan focuses on four points going from diagnosis on the current army to the key reform points passing by the objectives and the strategies to achieve them.

A. Diagnosis of the DRC Army

The specialists attached to the FARDCs Chief of General Staff came up with a diagnosis, which they themselves deemed to be harsh, bearing six points that are important for analysis: On the legal plan, the legal texts which govern the Armed Forces turned out to be unsuitable for reasons already mentioned: law n°04/023 of 12 November 2004 bearing the general structure of the Defense and Armed Forces created under the empire of the transition constitution should be revised to conform to the current Constitution of 18 February 2006. Whereas law n° 081-003 of 17 July 1981 bearing the Statute of the Careers of the State’s Public Service does not take into account the army’s own specificities.

On the morphological plan, the National Army presents a composite image with elements in its midst from armed forces under the former regimes, rebellions, militia and armed groups having at times fought the loyalist forces in the interest of neighbouring countries. It is about the soldiers of the Zairian Armed Forces (FAZ, 1971-1997), Congolese Armed Forces (FAC, 1997-2003), armed wings of the Congo Liberation Movement (MLC 1998-2003), (RCD 1998-2003), Congolese Assembly for Democracy, Liberation Movement (RCD/KML), of ex-Maï-Maï and ex-Tigres (former Katanga policemen who came from Angola in 1997). Such a diverse grouping of forces was not conducive for cohesion within the army. In addition, it created a geographical and ethnical disequilibrium in the composition of the FARDC personnel in violation of the pertinent provisions of the constitution.

At the equipment planning level, the lack of a transparent procurement policy, management and maintenance of the equipment means that the FARDC does not have enough materials. Most are old, obsolete and often not practical. The transmission means are completely outdated and insufficient. At the infrastructure level, the units do not have permanent garrisons where their families can stay in security without fear of being evicted in the absence of the head of the family. Therefore basic infrastructures are insufficient, dilapidated, and even places nonexistent. The army men construct their own dwellings. At the operational level, the units have a very weak operational capacity and experience great difficulties in projections because of the insufficiency of projection sectors and logistical means.

29 Articles 178 to 190 of this Constitution were entirely dedicated to the army. See DRC transition Constitution 04 April 2003, Official Gazette 44th year, special edition of 5 April 2003.
31 Chief of General Staff, Plan de réforme de l’armée…op. cit, p.2.
32 Article 183 of the transition Constitution …op. cit stipulates that « The recruitment in the DRC’s Armed Forces uses objective criteria but considers physical aptitude, basic level education and a equal representation of all provinces. ».
33 Etat-Major général, Plan de réforme de l’armée…op. cit, p. 3.
At the structural level, the current army situation is not adapted to threats and challenges which face the country. This structure is based on the current politico-administrative subdivision balancing the military regions\textsuperscript{34} with the provinces as dismemberment of the state.

**B. Objectives of the FARDC reforms**

The reform therefore targets the creation of a Republican Army, which is professional, modern, balanced, credible and dissuasive capable of defending the DRC in compliance with the national imperatives.\textsuperscript{35} As a professional army, the Congolese army should have a well trained and devoted personnel, well equipment both in terms of quality and quantity, be a disciplined army; have a budget and enough funds; have a sound military doctrine; be a persuasive, credible and respectable army; an army with a dynamic leadership with impersonal structures, reliable and stable\textsuperscript{36}.

The modernisation of the Congolese army should have an adaptable doctrine; the appropriate technology; a dynamic leadership, be well educated and trained; have an adequate functioning communication system; have the capacity to respond quickly to any disaster, have flexible structures, have logistical autonomy and maintain a satisfactory level on all fields. The characteristics of a balanced army oblige this institution to be in tune with the national budget, have provincial representation and respond to operational demands with all its components. It should be an army able to meet all its needs at any given time. The idea is to bring FARDC to prepare, employ and maintain the defense capacity in relation with the constitutional, legal and regulatory obligations.\textsuperscript{37}

**C. Global Strategy of the army reform**

The global strategy of the armed forces takes into account one part of its mission, the doctrine of usage of its means, of diagnosis of the actual situation, different possible threats and of the country’s budget. The plan targets in a three phases goals of attaining a modern, professional, republican, correctly equipped army, transforming in a new system of credible defense, at the dimension and vocation of the country.\textsuperscript{38} The implementation of the army reform should be in three phases. The first phase goes from 2009 to 2011 which constitutes the reestablishment of MONUSCO. FARDC reorganisation is becoming an emergency in view of the fact that it should be brought to contribute to the surveillance of the vulnerable border points and to begin the training of personnel of the new army by using all available means.\textsuperscript{39}

The second phase which will be from 2011 to 2016. It is one designed to increase the power of FARDC which will translate notably into the creation of the Rapid Response Unit (Unités de Réaction Rapide (URR) capable of carrying out actions of force. This phase should be followed by the creation of Key Defense Units (Unités de Défense Principale (UDP)) with full equipment. The third phase is comprised of the period 2016 to 2025. This period is designed to optimise Congolese National defense. The army will be able to ensure effective territorial defense through its own autonomous means. This period is the one which will equally see the increase and participation of the Congolese Army in peace keeping operations.\textsuperscript{40}

**D. A study of the guidelines of the army reform plan**

At the onset of the diagnosis made of the state of the Congolese Armed Forces, it emerged that ten guiding principles formed the foundations for the new army to build on the ashes of those that the

\textsuperscript{34} According to Pr. Vunduawe te Pemako F., *Traité de droit administratif*, Bruxelles, Afrique Editions-Larcier, 2007, p. 454 «The military region is a constituency made up of Land Forces. It is the equivalent of an administrative province under the command of the Military Region Commander.»

\textsuperscript{35} Chief of General Staff, *Le profil des forces armées de la République Démocratique du Congo*, Kinshasa, p. 11.

\textsuperscript{36} Chief of General Staff, *Le profil des forces armées...*op. cit., p. 12.

\textsuperscript{37} Idem, p. 13.

\textsuperscript{38} Chief of General Staff, *Army Reform Plan,...*op. cit, p. 3.

\textsuperscript{39} Ibidem.

\textsuperscript{40} Chief of General Staff, *Army Reform Plan,...*op. cit, p. 4.
Congolese State had severed. These principles cover rejuvenation, training, and equipment up to the definition of the financing sources of this reform itself.

a) Rejuvenation of FARDC military personnel

Rejuvenation of the armed forces goes through a plan of action of retiring soldiers who have attained the retirement age and recruitment of new personnel called upon to take up duties. In this reform framework, it was proposed to retire all soldiers aged 60 years and above; in a way to begin the second legislature of the Third Republic with a young army. It is due to this that in 2009, the Ministry of Social Affairs supervised the retirement of 46,090 soldiers. At the same time, those aged 65 years and above whose number stands at 1,283 were called to leave the army.

By 2010, the reform will have seen the retirement of 2,331 soldiers aged between 65 year and more and in 2010 4,615 aged 60 years and more in 2011. It is obvious that the retirement of soldiers who have had a brilliant career in the army must be assisted to recover and integrate. It may be suggested that the generals and colonels who go on retirement should be integrated in diplomacy or in the territory as advisors to Governors in security measures. For the other categories, the state could find the mechanism to recycle them in society.

A solidarity fund with state subsidies could also be set up for the benefit of the retired soldiers. To fill the gap left behind by these departures, the reform provides for the recruitment of 10,000 young soldiers in 2009 which has already started. Given that in the three year period 8,229 soldiers go on retirement and taking into account the inaptitude rate, deserting and others estimated at 30%, it seemed reasonable to fill in this gap with 10,000 elements from the right from the word go so as to maintain at level the projected volume that is an army of 140,000 soldiers.

b) Training and continuous training exercises

It is important to reopen the military schools, the training and education centres for the training youths as well as for the upgrading of the specialists. This reopening starts with the rehabilitation of the existing infrastructure, the acquisition of pedagogical material and the training of trainers. In order to harmonise the teaching and training programs, the commission suggested the creation of a general in command of the military schools, a structure arising from the General Chief of Staff with an aim to avoid the dependence of the military schools on the Ministry or on the forces.

c) Acquisition of modern equipment

In order for the Units to be operational, it is important to respect the structural table (ST) and the staff table (ST). This begins with the acquisition of individual and communal equipment, armoured vehicles and aero planes for combat and for troop transportation, floating material, correct transmission material as well as engineering for construction and for combat.

d) Improving the living and working conditions of the Congolese Military

The Army Reform places man at the heart of the improvement concerns by prioritising the social and professions conditions which go through the increment of the rate of the household budget which for end 2009 stands at 15$/H/month up to de 30$/H/month in 2011. It is up for revision to factor in medical care at a suggested rate of 3$/H/month, and to take care of funeral expenses. It is time to grant a minimum treatment of 65$ for the last soldier at the end of this year as a way of replacing the ration converted to money (RCA) currently given to soldiers of all grades. The road map gives a

41 Idem, p. 4.
42 Ibidem.
43 Idem, pp. 4-5.
44 Idem, p. 5.
45 Chief of General Staff, Army Reform Plan, op. cit, p. 5.
46 Ibidem.
global estimation of the costs. Improving the soldiers’ professional conditions requires that the management of their careers be coded in legal and regulatory bills.\textsuperscript{47}

e) New territorial organization of national defense

The territorial defense organisation was revised to avoid the continued conflicting of the military structures with politico-administrative subdivisions. After analysing the settings and threatening factors, the country was subdivided into three defense zones (Zdef). A Defense Zone is an inter-force territorial entity in which the Ground, Air and Naval Units operate under one command\textsuperscript{48}.

The Defence’s geographical map was subdivided into three zones. The first zone encompasses the city of Kinshasa and the provinces of Bandundu, Bas-Congo and the Equateur. The second Defense Zone is composed of the provinces of West-Kasai, East-Kasai and Katanga. The third zone covers the provinces of Maniema, North-Kivu, South-Kivu and the Eastern Province. This subdivision into Defense zones arose from historical, strategic, economic and political settings as well as permitting the recovery of all executives by eliminating the phenomenon « dispo » and executive units\textsuperscript{49}.

The historical reasons justify the country’s subdivision into three Defense Zones from the fact that the Public Force to ANC and the Army Units were articulated round three groupings. The Group Command had the responsibility in the territory of hiring troops; which reduced the time taken in order transmission, intervention and supplies. At the strategic level, each of these zones suffered similar threats: attack from elements hostile to the regime working in collaboration with, or getting support from neighbouring countries\textsuperscript{50}.

The first Defense Zone was faced by threat from Angola and Congo-Brazzaville. The second Defense Zone, as a result of her natural and mineral resources faced threat from Angola, Zambia and from Tanzania. Threat for the third Defense Zone came from Rwanda, Uganda in the East, and from Sudan in the North-East. Threats come from South Sudan, even as it is getting ready to proclaim her independence. On the plan to reabsorb personnel, there is the possibility of appointing 16 generals, 204 superior officers and 1,639 soldiers per defense zone\textsuperscript{51}.

On the economic plan, the Constitution of 18 February 2006 provided for the change from 11 provinces to 25 in addition to the city of Kinshasa. To avoid the secessionist desires by certain politicians who would find security in smaller gatherings, it is necessary to organize large gatherings in which would be found several cultural and ethnic realities. This would allow the military to transcend the ethnic divide.

The new territorial Defense structure presents many more advantages than disadvantages. Specialists advocate for the concentration of military means and the reduction of delay reaction in case of threats whereas the politicians want to divide the country into smaller geographical units by creating small new provinces. The army creates large groupings to better cement the national unity and finally the usage of a bigger number of generals and superior officers\textsuperscript{52}. The most obvious disadvantage, at first sight, is having the control of large amounts of money at the disposal of one commander. The risk of this concentration is mitigated by the implementation of a chain of command and a leadership development which are completely separate\textsuperscript{53}.

f) Responsibility in the “Implementation” and “leadership development” chain of command

\textsuperscript{47} Idem, p. 6.
\textsuperscript{48} Ibidem.
\textsuperscript{49} Ibidem.
\textsuperscript{50} Chief of General Staff, Army Reform Plan ...op. cit, p. 7
\textsuperscript{51} Ibidem.
\textsuperscript{52} Idem, p. 8.
\textsuperscript{53} Idem, p.11
The “Implementation” chain of command gets its justification from the Constitution. The Head of State is the commander in chief of FARDC and the only one in charge of their implementation. He is assisted by the Chief of General Staff who coordinates the activities of the Commander in Chief on the strategic plan. At the operational level, the Zdef Commander assumes the operational command of all units engaged in action zones under the command of the Chief of General Staff on orders from the Commander in Chief. In times of peace he ensures training of the units through the military bases\(^{54}\). At the strategic level, he is represented by the units of the base (Ground Military Regional Forces, Air Force and the Navy equivalents) with their support and input, whose responsibility consists of implementing on the ground units of a similar service\(^{55}\).

The “Implementation” chain of command demands that before enlisting Units within the operational chain of command, their personnel is recruited, administered, instructed, housed and trained. This task is entrusted to the Forces’ Generals as well as to their regiments for conditioning, without any interference in the field of operations commanding. In his capacity as the one in charge of the defense policy, the Minister of Defense is responsible for the mobilising resources necessary for the entire development of the armed forces and of the infrastructure indispensable for defense. This is why he appears on this chain although he does not command.\(^{56}\)

**g) Redefinition of the forces employment doctrine**

The forces employment doctrine retained gradual defense on three levels of intervention: at the first level the Cover Units and the Quick Response Unit at the second level. At the third level is the Key Defense Unit. The Cover Unit is a first echelon charged with observation, surveillance and alerting. It is made up of Infantry Brigades, naval and air units located in the zone capable of engaging any enemy in the surroundings before eventual reinforcement\(^{57}\). The reform proposes that the personnel in the Cover Units be composed of 217 officers, 780 vice-officers and 2,500 troops per unit (total 3, 000 men)\(^{58}\).

The Quick Response Units intervene at the second echelon. These are the aero mobile infantry units, projectable through aerial and naval means. They should be able to intervene at very short notice in a sector at war. They are characterised by great mobility, firing power, autonomy of action, special permanent training and limited term of service. The personnel of these units are composed of 177 officers, 597 non-commissioned officers and 1,932 troops per unit (in total 2,706 men)\(^{59}\).

The Key Defense Units intervene on the third echelon to ‘seal the fate’. They are made of tanker units, heavy artillery and of the mechanized artillery. They are characterised by heavy fire, weak vulnerability and by the possession of performing material. The personnel in each unit are composed of 310 officers, of 1,342 non-commissioned officers and 3,021 troops (in total 4,673 men)\(^{60}\).

**h) Rehabilitation and construction of the military infrastructures**

There is an urgent need for the construction of military camps starting with the garrisons in the East where there is a 2/3 FARDC concentration. Two models have been suggested: the model of Battalion-Camp for the Cover Units and for the Quick Response Units and the Camp Brigade model and for the Key Defense Unit\(^{61}\). The military base at Kitona and Kamina will be rehabilitated while those at Walikale and Gombari will be constructed for the third Defense. Military schools, teaching and training centres will also be rehabilitated.

\(^{54}\) Ibidem.  
\(^{55}\) Idem, p. 12.  
\(^{56}\) Chief of General Staff, *Army Reform Plan...* op. cit, p. 12  
\(^{57}\) Ibidem.  
\(^{58}\) Idem, p. 14.  
\(^{59}\) Idem, p. 17.  
\(^{60}\) Idem, p. 21.  
\(^{61}\) Idem, p. 29.
As a first step, it will be important to construct at least a Reference Hospital in each Defense unit. The option of construction of the Armed forces Headquarters in Kinshasa was retained to enable the current building which houses the Chief of General Staff at MDNAC. It is the same for the construction of Headquarters for the three Defense Zones and that of 10 military regions. The rehabilitation of the landing airstrip of Kamina and Kitona are in the pipeline given that the two airstrips are threatened by erosion. The construction of facilities for the naval units and a logistical base by the Defense Zone are also in the pipeline.\(^{62}\)

\[i\) Implementation of the army reform calendar\]

The reform is projected in three phases going from 2009 to 2015, a duration of 7 years. This reform takes into account the realities and the constraints of the country’s budget. The short term phase goes from 2009 to 2011. This should boost the army reforms allowing entry of the second legislature a rejuvenated army even if not yet as professional. The middle term phase goes from 2012 to 2016, which is 5 years after an evaluation of the first phase. The long term phase is from 2017 to 2025 being a duration of 9 years. Evaluations accompany each phase before going on to the next.\(^{63}\)

\[\textit{j) Sources of funding for Army Reforms}\]

The Army Reform is essentially based on its own resource mobilisation. Input from the partners play a secondary role, the already identified sources of finance are:\(^{64}\)

- In the National Budget, 12% of the revenue is allocated to the Armed Force, that is 240,000,000 USD;
- A South African company ‘Divine Inspiration’ proposes under the framework of drilling for oil to accord 120,000,000 USD for three years;
- A Maltese Bank has offered to loan 30,000,000USD to the Air Force;
- Within the Chinese framework of cooperation, China is ready to give a donation to the FARDC reform.

The Army Reform Plan has not suggested any change concerning military justice which is susceptible to contribute to the eradication of impunity, a cause of indiscipline in the National Army. The Reform Plan is equally quiet on the nature and quality of the civil-military relations. These relations however, constitute an evaluation criterion in an army to embed the rule of law and democracy. The gaps in the Army Reform Plan can be overcome by the various legislative framework on which all the military activities in the Democratic Republic of Congo are founded.

\[\textbf{I.2.2. Legal framework of the reformation of the defense system of the Armed Forces of the Democratic Republic of Congo (FADRC)}\]

In a democratic state, the existence and function of any given institution must be based on a constitutional and legal foundation. Upon this view, delegates to the inter-Congolese Dialogue reaffirmed the necessity to ‘set up law and order based on (...) the military’s subordination to civilian authority\(^{65}\). Thus the transition period was geared towards setting up a restructured and integrated national army.

\[A.\textit{Constitutional base for national army reform}\]

The Constitution of 18th February 2006 dedicated six articles to the armed forces. These provisions lay down the fundamental principles of the organisation and function of the army. From a reading of these provisions, the Constitution determined the character of the kind of army the Republic needs, its composition, its mission, its recruitment and management procedures as well as the role of the members of the army.

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\(^{62}\) General Chief of Staff, \textit{Army Reform Plan \ldots op. cit, p. 29.}\n
\(^{63}\) Idem, p. 30.

\(^{64}\) Ibidem.

a) Constitutional principles relating to the composition, nature and missions of The Armed Forces of the Democratic Republic of Congo (FADRC)

The armed forces comprise of the land forces, the air force and the navy, together with their support services. Memberships at all levels are required to take into account the objective criteria linked both to physical ability, adequate training, and proven morality as well as to an equitable provincial representation. This constitutional disposition does not expressly take into account a gender dimension. The stipulations of Article 14 of the Constitution cannot be followed to the letter. In other words, it is difficult to foresee parity in the army when one knows that integration is voluntary and equally depends on physical abilities. In any event, the few women who find themselves there will benefit from special care especially in terms of promotion and grades.

The mission of the Armed Forces of the Democratic Republic of Congo (FADRC) is to defend the territorial integrity and national borders. In peace time, it participates, in the economic, social and cultural development as well as in the protection of the citizens and their property within the confines laid down by the law. The Armed Forces of the Democratic Republic of Congo (FADRC) are a republican entity serving the entire nation. Diversion of these to personal ends attracts treasonable charges. It is apolitical and subject to civilian authority. Organising military, paramilitary or private militia groupings or running a youth army attracts treasonable charges. The Congolese experience proves that political authority guards are often transformed into private militia though funded from the national budget. Sadly the Special Presidential Division (DSP) is one of the examples of this “militarisation” of a part of the army. After Mobutu, the transition of the Special Presidential Security Group (GSSP) to the Republican Guard (GR) during Laurent Désiré Kabila rule gave no guarantees against this diversion phenomenon of the Armed forces.

b) Constitutional principles relating to the organization and functions of the FADRC

The organisation and function of the armed forces remain within the domain of the legislature. Nonetheless, the Constitution has instituted a Supreme Defense Council whose mission is to give advice on matters of defense. The Supreme Defense Council is headed by the Head of State and in his absence or disability, by the Prime Minister. An organic law determines the organisation, the composition, the attributes and the function of the Supreme Defense Council.

B. Legal bases for the reform of the national army

68 Art. 187, al. 2 of the Constitution of the Republic, Official Journal 47th year op. cit. Article 178 of the Transitional Constitution of 2003 stipulated that “The mission of the Democratic Republic of Congo forces is to defend the integrity of national territory against external aggression and, under the conditions laid down by law, to participate in economic, social and cultural development and to protect persons and property”.
69 Art. 188 of the Constitution of the Republic, Official Journal 47th year op. cit.... op. cit.
72 Art. 190 of the Transition Constitution stated that the Supreme Defense Council gives its assent to the proclamation of a state of emergency, martial law and the declaration of war. The Supreme Defense Council advises on all matters relating to the formation of a national army, structured and integrated disarmament of armed groups, supervision of foreign troops withdrawal and all matters relating to national defense.
73 Art. 189 of the Transition Constitution determined the composition of the Supreme Defense Council for this period as follows: “... membership of the Supreme Defense Council shall comprise: the President of the Republic, the four Vice-Presidents of the Republic, the Minister for Defense, the Minister for Internal affairs, the Minister for Decentralization, the Minister for Foreign Affairs, the Chief of General Staff of the Armed Forces, the Chief of Staff of the Land Forces, Chief of Staff of the Air Force and the Chief of Staff of the Navy.”
Three types of laws relevant to army reform can be analysed within the framework of this study. Firstly, Law n°04/023 of 13 November 2004 provides for the general organisation of the Defense and Armed forces whose modification project is currently under discussion/debate in Parliament. It is followed by the law project relating to the status of the FADRC military personnel and lastly, laws on military justice.

a) Law on the general organization of the Defense and Armed forces

The organisation of the army is stipulated under Law n° 04/023 of 13 November 2004. It is further elaborated under the Transition Constitution of 2003. This law was thitherto the legal text dedicated to army reform. Putting into account the intermediary changes with the entry into force of the Constitution of 18 February 2006, the modifications and adaptations were deemed necessary in terms of national defense. It was important henceforth to do without these innovations imposed by the army reform process.

After an explanatory memorandum the legislature affirmed the necessity of reforming the Congolese army in these terms: “Consequently, for the Democratic Republic of Congo’s survival as a State and Nation, there arises a serious problem of redefining and organizing its entire forces and structures of defense. Under this obligation, the law project defines the modalities and the conditions of operation for the forces (Art 6-14) and lays down the organisation and missions of the FADRC.

The modifications of the law project builds from the past and recent armed forces experiences taking into account the country’s geopolitical and geostrategic importance. Under these innovations, the commander-in-chief will have under him one or two deputies. The Bill also regulates the Head of State’s position as the special chief of general staff. Other key units include the health service corps, the logistics corps, the civic, and patriotic and education services corps, and social work; communication and information services and the general command of the military colleges.

The law project proposes to transform the FADRC into a skilled army. To this end, it is called upon in peacetime to participate in economic, social and cultural development as well as in the protection of the public and their property. In wartime or state of emergency or in requisition of the armed forces, they provide protection of people and property as well as the country’s fundamental interests within or outside the national territory. The DRC armed forces are equally called upon to participate in rescue operations in the event of natural catastrophes and calamities. The armed forces will carry out humanitarian missions, peacekeeping and conflict resolution within the framework of the United Nations, African Union, SADC, and CEEAC and within the framework of other agreements that are binding to the DR Congo.

b) Law project on the status of the FADRC military personnel

With regard to their career management, DRC armed forces staffs are governed by the country’s law on personnel Public Services Career Statute. This law was considered inappropriate for the armed forces work, necessitating the setting up of a special law which would incorporate the specifics of public military function. This law project seems crucial for reform since it deals with the soldiers’ family and living conditions. Equally, it incorporates the soldiers’ future after loyal service in the army. The success of the ongoing army reform will be better appreciated through the social wellbeing of the Congolese armed forces members.

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75 Senate, Bill amending and supplementing Law No. 04/023 of 13 November 2004 on the general organization of the Defense and Armed Forces, Kinshasa / Lingwala, Palais du Peuple.
76 Senate, Bill amending and supplementing Law No. 04/023 of 13 November 2004 on the general organization of Defense ...op. cit.
77 Senate, Bill amending and supplementing Law No. 04/023 of 13 November 2004 on the general organization of Defense ...op. cit.
78 Law on the status of Career Staff in the country’s Public Services, Journal Officiel du Zaïre, 22nd year, No. 15 1 August 1981.
The law project lays down recruitment procedures, career management, and social benefits plans and institutes regulation for military discipline. Military training is given top priority. The provisions of Articles 9 to 109 and 176 to 196 of the said law project are aimed at motivating and encouraging the best among the Congolese population to serve their country. Their effective and efficient application could turn the army into an enviable profession for young university graduates. Another quality of this law project is the regulation of military discipline; the indiscipline among the military and acts of impunity carried out by recalcitrant soldiers are some of the evils plaguing the Congolese army. This disciplinary regulation can be applied with a measure of severity so as to eradicate the phenomenon. To achieve this, martial law must play its role.

\textit{c) Legislation on Congolese military justice}

Reforms in military law have been ongoing since 2002 when the legislature separated the former military justice code from the judicial military code. The joint code was responsible for the procedure before military jurisdictions and a military penal code establishing the offenses and penalties pertaining thereto. According to Professor Akele Adau, ‘…the organisation’s growth, the numbers and the criminality within the Armed forces as well as the necessity to conform to international instruments duly ratified by our country has militated in favor, …of reform… and military justice\textsuperscript{79}’. The underlying philosophy behind the military justice reform momentum is that this justice was conceived as one which “prolongs, supports and reinforces military discipline by referring itself to the legal and regulatory basis that entrench it in a constitutional setting\textsuperscript{80}.”

Has this justice reform activity run for almost 10 years achieved its objectives? Many studies carried out both by the Congolese and foreign observers demonstrate that despite the past or ongoing efforts, the Congolese legal system\textsuperscript{81} in general and the military justice system in particular, suffer from problems both in terms of organisation and administration of military justice. The report by UN Secretary-General, Ban Ki-Moon of 30th March 2010 is explicit in this regard.

Mr. Ban Ki-Moon pointed out the failure of the legal sector in these terms: ‘Civilian justice operates on less than 1\% of DRC’s national budget, and no administrative structure is in place, be it for financial or personnel management, providing business follow-up, budget preparation, purchasing or asset management. Cases of interference of civilian servants in the administration of justice and corruption frequently arise, hence the appointment of 200 magistrates to deal with professional code of ethics and anti corruption practices\textsuperscript{82}.’

Regarding military justice specifically, the UN Secretary-General’s brief is unequivocal: ‘Institutions of military justice, he writes, ‘continually come up against problems similar to those encountered by the civilian institutions; there is a notable shortage of military judges and prosecutors, and, for the 818 military magistrates required, only 350 are in place. The mechanism for military justice suffers from policy pressure or from interruptions in the chain of command, and the mechanisms used for providing the magistrates’ security in war zones are insufﬁcient. Within the said period, the MONUC and PNUD trained 665 military justice personnel\textsuperscript{83}’.


\textsuperscript{80} Akele Adau P., “Military justice Reform in the DRC” …op.cit., p. 563.


Ban Ki-Moon’s sentiments are not exaggerated: indeed, they are in line with the Congolese government’s request for Technical Evaluation Mission ‘for military tribunal support including provision for equipments...’ The aspect of military justice does not appear on the reform plan and raises several questions. Is this a deliberate omission justified by the fact that the process in this area started in 2001 and after extravagant drifts of the former Military Order Court established at AFDL’s ascension to power? Could its age hide all the dysfunction of this justice? Aren’t the causes and effects not clear to the reformers to relate between the indiscipline decried within the FADRC to the evil destroying the military justice? These questions demand an evaluation of FADRC’s reform plan travel warrant.

**1.2.3. Evaluation of the road map put in place for the Congolese army reform plan**

Every reform process evaluation for the DR Congo’s army must, for the time being, focus on the first phase (2009-2011). The concept of this phase was similar to the one on the reestablishment of security over the entire national territory. Moreover, it had to undergo a similar reorganisation as the FADRC would enable them to efficiently fulfil their constitutional mandate even after the departure of international forces. In view of these challenges, it is appropriate to get concerned about the progress of the Congolese army reform process. Admittedly some significant progress has taken place, thus opening a ray of hope for the future; but more effort is required from the Congolese government as well as from international partners.

With the progress of the reforms, one notes that during the Dongo insurrection in Equateur province, the Congolese Government demonstrated its capacity to independently deploy FADRC personnel and National Police during security crisis within defense Zones 1 and 2. In his report to the Security Council, the UN Secretary-General noted the following: ‘FADRC and PNC elements have been deployed by air through government effort, with the assistance of highly efficient battalions who had recently received training facilitated by Belgium and South Africa. Moreover, the soldiers were well equipped, trained and disciplined; they carried with them food rations ready for use for a duration of several days; and they were specially equipped to carry out the operations involving the use of perfected communication materials including notably satellite telephones’.84

The Dongo experience cannot hide the stagnation affecting the Congolese army reform process. This situation is particularly worrying with the impeding elections scheduled for 2011. Security issues may weigh negatively against the electoral process as was the case in 2006 during which it favoured the candidate supported by the establishment exercising political-military leadership in Congo since 1997. It is still important to look for the causes on the stagnation of the Congolese army reform process.

For observers of militaries and defense issues, lack of political goodwill was held unanimously as one of the principal causes of this lethargy. The emergence of a politico-military and racketeering leadership involved in the illegal exploitation and mineral resource trafficking will be a constraint to the birth of a professional army totally submitted to civilian rule. Such an army would be a threat to the current military and civilian elites who serve the armed forces to maintain their positions and the benefits they derive from it. Army reform needs to be patriotic and an absolute priority for consolidation of democracy and peace. In the same vein the Secretary-General maintains that "without a deep transformation of the army and the police, including a rigorous selection of the security service personnel, and the restoration of the legal system, the perspectives of sustainable peace and stability will dwindle considerably".85

Besides the lack of political will, financial and operational constraints that negatively impact on the army reform process must also be factored in. At the operational level, the Congolese government is expected to conduct the reform while at the same time take care of the military operations mainly in the eastern provinces and endeavour to establish its authority over the entire national territory.

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Government authorities feel more or less cornered by the fact that they have to reform in the midst of insufficiency of budgetary allocations given the enormous needs of the Armed Forces.

This is such a critical question that cannot be left solely in the hands of politicians. Parliamentarians who have not yet successfully exercised meaningful control over the army and security services need to include in their agenda sessions to urgently deal with this issue within the remaining three parliamentary sessions. The need therefore arises to turn to international cooperation in order to hasten the reform. International partner support can be summarised by an accompanying guidance, training and provision of equipment, which the Congolese government is not able to provide alone in the short-term.

II. THE ROLE OF INTERNATIONAL PARTNERS IN THE CONGOLESE ARMY REFORMS

The role of international partners consists of technical, financial and material assistance. The international community can also exert influence on the Congolese political authorities to accelerate the army reform process. These international partners are either multilateral or bilateral.

II.1. Support from multilateral partners

In essence, there are three multilateral partners involved with the Congolese army reform process, namely, the UN through MONUC which, since 1st July 2010 became the UN Mission for Stabilization in Congo (MONUSCO), the European Union through common action for reform of the security sector in the DR Congo, the SADC and CEEAC.

II.1.1. Contribution of the UN through MONUC/MONUSCO

Over the last half century, the UN has been involved in the Congolese crisis e mandate to facilitate the formation of a new army since 196086. From the beginning of the 1+4 transition, the UN got involved in army integration through an intermixed process. After the establishment of political institutions resulting from the elections, MONUC’s mandate with regard to the security sector was clarified by resolution 1756 (2007) of the Security Council. Under this resolution, MONUC gave short term training to FADRC’s integrated brigades and reinforce the police force to serve as the government adviser in matters of judicial and security sector. It was involved in capacity building, including the military justice system and provides support the initial planning of reform for the security sector. These tasks will be accomplished in coordination with other partners87.

A. Training and accompaniment for FADRC

One of the key legal instruments stated in resolution 1856 (2008) which recommended that MONUC provide military training, including in the field of human rights, international humanitarian law, child protection and prevention of violence against women, to various members and units of integrated brigades were deployed by FADRC to eastern DR Congo.

Other Security Council resolutions have also adopted this approach to modify the mandate of MONUC with regard to Congolese army reform. MONUC has trained and provided support to the DR Congo’s armed forces (FADRC) during military operations against the FDLR by providing logistical support.

It should be noted that the MONUC and DR Congo’s armed forces (FADRC) have developed a joint operations plan to gradually increase military pressure on the FDLR in areas where FDLR controls commercial activities and illegal exploitation of natural resources.

Eight FADRC battalions whose supervision and logistical support are provided by MONUC were deployed in four operation triangles in the Kivu regions.


In the field of collaboration, a joint operational directive of MONUC and FADRC gave a detailed plan for coordinating the operations against the FDLR and defined the logistical support that MONUC provided to FADRC within the framework of the jointly planned operations\textsuperscript{88}.

In 2006, MONUC set up a training project to integrate brigades in order to increase their operational capacity and to enable them to independently guarantee their security and defense missions.

MONUC’s military branch in charge of the security sector reform had set up a pilot project for a period of three months to test and evaluate the program in three FADRC battalions before expanding it to the rest of the troops. This was known as the ‘Main Training Project’ (MTP). Three training sites were selected, namely Rwampara in Ituri, Nyaleke in North Kivu and Luberezi in South Kivu. From July 2 to September 22, 2007, 750 soldiers were trained in each of these three centres. From 5 November 2007 to 1 February 2008, 750 FADRC elements were trained at Rwampara, and 1500 at Nyakele and 1500 in Luberezi.

Between late 2008 and 2009, MONUC had conducted training for trainers at Luberezi and Nyakele. More than 300 military received training on personnel management and general military skills. These courses have helped improve the skills and military ethics in FADRC. However, FADRC has undergone difficulties due to lack of individual, group and camp equipment, as well as training related material\textsuperscript{89}.

MONUC’s action in the security sector seems to have laid more emphasis on armed groups. Some UN troops were accused of having “ambiguous relations” founded on the illegal exploitation of mineral resources. Hence the need to redefine the mandate of the UN mission in that field.

**B. MONUSCO mandate related with military reform**

The Mission of the United Nations for the Stabilization of the Congo, MONUSCO, was born of the reconfiguration of MONUC, necessitated by the demands of the Congolese Government and the realities on the ground. This reconfiguration was designed to strengthen national capacities on matters of security. To this end, the Technical Assessment Mission dispatched by the Secretary-General Ban Ki-Moon to Congo, has sought to develop, in collaboration with MONUC, a project according to which MONUSCO shall provide training and possibly basic equipment and support the construction of barracks for some FADRC units which form part of the military base as the first phase of the government’s military reform plan\textsuperscript{90}.

According to the UN Secretary-general’s recommendations, Resolution 1925 of the Security Council of 28 May 2010 gave mandate to MONUSCO in line with the legislation pertinent to reform FADRC’s and develop an army reform plan. To assist the Congolese government strengthens its military capacities, including military justice and military police, harmonisation of the activities were carried out and exchange of information facilitated on data. Where the government made a request for assistance in setting up FADRC and military police battalions, support to the institutions of military justice and mobilisation of donors was done to provide material and other necessary resources\textsuperscript{91}. Action by MONUSCO was done in consultation with international partners among whom included the European Union.

**II.1.2. Intervention by the European Union via UESEC**

The EU action in favour of reforming the security sector in DR Congo is based, among others, on Decision EUSEC/1/2010 of the Political and Security committee held on the 18 May 2010. It established a Committee of Contributors for European Union’s mission advice and assistance in

\textsuperscript{88} MONUC Magazine, July-August 2008, p. 9.
\textsuperscript{89} MONUC Magazine, number 48, Volume VIII, January-March 2010, p. 7.
reforming the security sector in the DRC (DRC UESEC). 92 The decision follows another under Title V of the EU Treaty. It amended and extended the Mission’s joint action to provide advice and assistance on security in the DR Congo.93

A. UESEC's achievements since inception
Since December 2005, the UESEC mission, whose original mandate included contribution to the integration of operations of the Congolese army and the project 'Chain of payments', has diversified its activities to include modernisation of the administration and human resources within the military. This action aims to support the Congolese authorities’ efforts to establish a modern and effective administrative structure within this public institution. The mission has directly provided advice and technical assistance to the Congolese authorities. To this end, advisers have been assigned to work with military authorities in Kinshasa as of April 2006 and others took office with the Staffs of four military regions in March 2007.94

Nearly 4 years later, UESEC advisers were deployed in Kivu in eastern Congo to oversee the monthly salary payments of brigades and to assist the Congolese authorities in the implementation of mechanisms to ensure greater transparency of financial flows. The UESEC gave technical, financial and logistical support to the military biometric census.

At the conceptual level, the European Commission also participated in drafting the law on the status of the military. Draft regulations, administrative, financial, administrative processes and systems analysis were developed to support the restructuring of FADRC administration. A project to install a computer network is currently funded by the EU and its Member States to the tune of 2, 5 million Euros. Computer training for trainees carried out for 150 people for the first module, 60 for the second module, 45 and 25 persons respectively for 3rd and 4th modules.95

B. Current UESEC achievements
The UESEC continues to provide support to the Congolese authorities in the distribution of military identification cards, which is at the final stage of biometric census of the Congolese army. The distribution started in the district of Kinshasa and Bas-Congo and gradually spread across the entire territory.

In addition, the mission has begun the rehabilitation of the NCOs Training School in Kitona in the of Bas-Congo province. The renovations, which include 30 school buildings and 20 residential buildings, are supervised by a UESEC member deployed on site. A third key activity is the training of administrators in 15 towns, coupled with the distribution of over 7,000 permanent administrative guidelines.96

The other projects relate to the integration of gender and human rights into military activities, food self-sufficiency through military farms, and management of renovation and equipping of information technology facilities in the military regions. As part of military reform, political and military authorities have identified the need to create a business school for junior officers and NCOs. The various studies conducted to date by the Congolese military (FADRC) propose to recreate a school of administration in Kananga and UESEC has demonstrated its willingness to run the school.97

MDNAC and UESEC services worked in the same direction to find a common strategy which consisted of organising the first training session at GESM in Kinshasa. The basic assumptions of the study done at Kananga was training about 100 students at a go, housing 60 officers and 160 non-

94 www.eusec.rdc.eu (Viewed on 20 August 2010).
95 www.eusec.rdc.eu (Viewed on 20 August 2010).
96 Ibidem.
97 Ibidem.
commissioned officers, technical autonomy (electricity, water and sanitation) for the school and the use of military personnel trained at Kananga. Setting up a business school was highly necessary to for finalise the 'Administrative Modernization' project without which the sustainability of UESEC’s action in the DR Congo could not be guaranteed.

The last multinational partners are African who include SADC and CEEAC.

II.1.3. Contribution by SADC and CEEAC
All the sub-regional organisations within the DRC, namely SADC and CEEAC have in their respective charters provided for military branches for peace operations amongst themselves under the auspices of the African Union and UN. For SADC, there was a brigade in charge of peace issues.

FADRC members participate in training and courses organised within the framework of the Regional Economic Community. CEEAC has also organised training sessions and brigade training for peacekeeping operations in the Central African region. A FADRC brigade participated in all the military exercises held within this framework and in the CEEAC peacekeeping mission in Central Africa.

II.2. Contribution by bilateral partners
The bilateral partners play an active role in the Congolese military reform. They include countries with which Congo has maintained good diplomatic relations for a long time. They have expressed interest in helping their common partner. In reality, each partner involved in this process has objectives to protect on account of the geostrategic position of the DR Congo. For this reason, these partners, whether African or Asian can be categorized according to whether they belong to the cartel formerly called the “Troika”.

II.2.1. Traditional Troika partners
According to the 1990s, Congolese troika countries were the United States, France and Belgium. Also known as "friendly countries", they were directly involved in the political crisis following the onset of the democratic process. The states still lend their support to Congo’s military reform process.

A. The Kingdom of Belgium
Belgium is the most important bilateral partner involved with Congo’s military reform. Given its historical links, Belgium has played an active role in the UESEC action. At the bilateral level, Belgium trained the first brigade who served at the base of the new Congolese army and which conducted itself positively during the events of Dongo mentioned above.

Belgium has also set up a rapid response brigade based in Kindu. Following the military reform plan, Belgium was able to assist in the creation of rapid response units, the reopening of schools, education and training centres. Belgium’s contribution is expected also in the acquisition of engineering and medical materials.

B. The Republic of France
France is the third Troika partner. It participates as a multinational member of the European Union and bilateral levels. At the multilateral level, France has delegated 5 officers to the General Staff on behalf of MONUC and a Deputy Chief of Staff in charge of reforming the MONUC security sector (army, police and justice). Under the UESEC, France has 10 officers with the mandate to reform FADRC’s administrative chain, which must be separated from the operational chain to avoid mandate

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98 Ibidem.
100 For more details read CEEAC Seminar on security sector reform. Modalities of the armed forces and police reorganization, Kinshasa Memling Hotel, from 13 to 15 January 2009
overlaps and the phenomenon of ghost workers. This task led to the FADRC’s identification exercise by the granting of biometric ID cards. The census established the DRC armed forces (FADRC) had 152,000 registered members against those presented as 350,000.

In the bilateral context, four projects were completed which involved training and infrastructure rehabilitation. With regard to training, France has engaged in capacity building. A French officer was assigned to the General Staff. An operational centre is attached to the General Staff since 2007 and the same would be done to all other military regions. The setting up of these facilities is subject to the decision of the Congolese authorities. Equally, an instructor has been assigned to conduct cadet training each defense zone.

The EMG School at Kinshasa has benefited from activities organised with the assistance of France, with a French officer primarily responsible for managing the military college. This project started in 2009 and ended in March 2010. A selection test for the second intake was organised before the end of June where 48 trainees had to undergo training for six months. France has dispatched aid workers to form a FADRC battalion on behalf of CEEAC at Mbanza-Ngungu.

The training detachment had the support of French forces in Libreville. France also trained DRC’s company participating in the MICOPAX in July 2009 in the Central African Republic. It trained two FADRC companies which participated in the Kwanza exercise in Angola as part of pre-positioned force of CEEAC.

According to Colonel Oliver Demeny, the needs presented by the Congolese government with regard to the military boil down to education and individual training courses. To meet these needs, France used Libreville (ERVN) and Cameroon (ESMDD) school support systems. France’s commitment however is limited by her military budget and human constraints due to its peacekeeping commitments under UN and NATO. Another limitation is the fact that the DR Congo is not France’s “satellite state”. In any case, France has military cooperation whose maintenance or growth depends on the goodwill of the Congolese government.

C. The United States of America

The Obama Administration is interested in security situation in Africa, particularly in the African Great Lakes. The U.S. President had set four policy priorities for this region: security, promotion of democracy, economic aid and the fight against AIDS. In the security sphere, the United States has decided "to provide African countries with training, equipment and the logistics necessary for their stability". To reform the Congolese military, the U.S. has released $ 35 million for the training of light infantry. This training aims to help develop a professional military that respects civilian authority and provides security for the Congolese people.

The formation of this battalion whose passing out ceremony took place on 17 February 2010 in Kisangani in Oriental Province, involved 1,000 FADRC soldiers. These soldiers are receiving training from U.S. instructors for a period ranging from 6 to 10 months in tactics of small military units, food preparation, maintenance, prevention and HIV/AIDS awareness. Considerations related to human rights and respect for these rights during military operations is incorporated into every aspect of training.

101 Interview with Colonel Olivier Demeny, Defense Attaché at the French Embassy in the DR Congo, Kinshasa, 31 May 2010.
102 Interview with Colonel Olivier Demeny, Defense Attaché at the French Embassy in the DR Congo, Kinshasa, 31 May 2010.
103 Ibidem.
104 Idem.
105 www.lepotentiel.com (Viewed on 24 February 2010).
106 www.lepotentiel.com (Viewed on 24 February 2010).
II.2.2. Other Western bilateral partners: The United Kingdom

United Kingdom’s contribution to the reform of the Congolese army focuses on training and military infrastructure. Activities relating to the training of FADRC military include on one hand 1000 FADRC members and other government agencies trained in the English language in order to have them participate in peacekeeping missions internationally\(^{107}\). About 50 soldiers studying culinary art for peacekeeping purposes have been trained in planning and supporting the soldiers in the area of nutrition\(^{108}\).

In November 2009, lecturers from the Sandhurst Royal Military Academy in the United Kingdom, on a two-week visit to the DR Congo, also trained several senior officers on British management techniques and counter-insurgency. At the same time, the British Embassy announced on arrival in Kinshasa that more training teams in FADRC’s military intelligence, logistics and catering as well as advanced courses in personnel management would be conducted. The draft ‘English for Peacekeeping’ should be expanded by opening up new centres in Kisangani and Kananga\(^{109}\).

In terms of infrastructure, the United Kingdom has built new kitchen facilities at a cost of than $150,000 which will henceforth be used to train other chefs in the FADRC. The United Kingdom is building 16 new classrooms as well as the logistics base in central Kinshasa. The UK will undertake the renovation of the Headquarters and Training Centre for the communications sector. According to British diplomatic sources, the United Kingdom remains committed to reforming the security sector and will continue to support FADRC.

II.2.3. African bilateral partners: South Africa and Angola

South Africa and Angola are the only African partners involved in the reform of the Congolese army. South Africa, like Belgium, helped train the first brigade of the new Congolese army. According to army reform forecasts, South Africa will help with the acquisition of floating material, training of rapid response units and FOMAC training battalions on behalf of CEEAC. Angola on its part provided instructors who trained a thousand soldiers and policemen especially at Kitona. There are divergent views among the Congolese about the contribution of these two African countries currently consolidating their dominance in the Democratic Republic of Congo.

II.2.4. China, the traditional Asian partner

In the context of this study, China is the only Asian partner committed to supporting the Congolese army reform. The reform plan has opened the door to partnership with China particularly in the construction of the new FADRC headquarters, the acquisition of personal equipment and acquisition of arms and ammunition. It is possible that trade contracts in arms against mining resources may be signed to enable the army to have the equipment needed to become more professional.

The contribution of international partners is necessary but not sufficient to reform the army. It is incumbent upon the Congolese Government to demonstrate willingness to accelerate army reform by harnessing the opportunities offered to them.

CONCLUSION

During its existence as an independent state, the DR Congo has experienced the importance of the military as a tool for domestic policy and a strategic instrument for relations between nations. It follows that a credible and effective military is an asset to guarantee political stability, economic growth and social cohesion. Given these assumptions, the Congolese army in its various denominations, has not contributed to the preservation of political independence which in fact had struggle to achieve. Economically, it has exacerbated the destruction of the economic fabric in militarising commerce and indulging in looting in the early 90s. On the social front, the Congolese

\(^{107}\) British Embassy, “DRC-UK military cooperation on the right track”, \textit{UK in DRC}, 4\textsuperscript{th} edition, p. 3.

\(^{108}\) Ibidem.

\(^{109}\) Ibidem.
military has managed to instil popular imagination a certain superiority of men in uniform over the civilian who have become very vulnerable in the face of his demands.

These unfortunate experiences have generated the idea of the type of army required in the DR Congo. After developing the reform plan and legal documents which allow its application, the process seems mired in inaction due to lack of clear political will. The danger facing army reform is to see it become the sole business of the President of the Republic and a group of soldiers, which could lead to "militisation" of the new army. It is urgent therefore for the army reform process to be placed under the control of both policy makers (Parliament) and citizenry (the civil society organizations and churches). International partner contribution is essential, but requires coordination to avoid duplication. As long as the army question is not resolved for good in Congo, peace remains shaky.

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