

SSR: AN OPPORTUNITY FOR DEMOCRATISATION, GOVERNANCE AND ACCOUNTABILITY IN THE DEMOCRATIC REPUBLIC OF CONGO (DRC)

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Introduction

The primary aim of this session is to get all of us to think about wider SSR as a potential tool for promoting Democracy and Accountability in the DRC. **Donor governments are sometimes unwilling to support SSR activities because of the misperception that such activities divert development funds towards military and counter-terrorism programmes. The session should aim to explain that, on the contrary, SSR is relevant in many contexts and can be deployed to support conflict prevention, post-conflict reconstruction, human rights and democratisation and development in the DRC context.**

My expose does not aim to sell a holistic SSR as all-in-one but rather it is a presentation of ideas, what could work to improve the democratisation of the DRC through the SSR.

This presentation is articulated through an introduction part; then we will provide the DRC democratic background; we will look at the concept of security relevant to the population through the shift on Security Focus in Post-Conflict Democratisation; we will look at closely to the SSR process in the DRC on what are its key challenges as well as opportunities; and finally, we will conclude.

The overall objective of the security systems reform is to provide a country with means and capacities to develop strong security and judicial systems that comply with democratic norms, good governance principles and the rule of law.

In the Democratic Republic of Congo (DRC) post-conflict environment, the political nature of security renders the reform of the systems a key governance issues.

The DRC Democratic Background

The prelude to civil war is often the breakdown of the social contract, the mutually reinforcing relationship of trust, responsibility and accountability between a state and its citizens, and **the effective reconstruction of this relationship** is important to address the causes of war and to consolidate peace.

In recent years the mandate for peace operations has been promoted from “ending wars” to “building states” (Poulligny, 2006) which means that new peace-building

paradigm is not simply to bring about the cessation of conflict, but also to address the causes of conflict through post-conflict reconstruction.

The DRC democratisation process was negotiated into the Peace Accords in 2004 to establish a legitimate government and to consolidate peace through full participation. This involved a broad range of programmes around the democracy assistance programming during the transition. Most of these programmes aimed to improve the previously powerless condition of local people to fully participate and hold their government to account, among them elections, security systems reform through the reform of the army and the DDR process.

Thus, the new Constitution enacted in February 2006 has changed the country governance system and called on many democratic reforms. Actually, it set the framework of the Congolese democratisation process by transforming the relationship between institutions, people and communities with power and responsibility.

This fundamental choice was done to counter years of political instability characterised by:

- Decades of centralised power;
- Political exclusion;
- Reliance on elite forces for national security;
- Weak national and local governance capacities;
- Lack of provision of basic services and rights such as education, health care, security, justice, etc;
- Disorganisation and sometimes absence of public administration;
- Lack of permanent mechanisms for people's participation;
- Absence of the rule of law and respect for human rights;
- Deteriorated and highly dependent economy;
- Illegitimate political leadership.

Although the Constitutional emphasis is put on a new governance order, the DRC democratic path is still full of stumbling blocks. Participation, representation, good governance and accountability emerge now, in the post-electoral period, as the real indicators of the progressing democracy.

The Security Focus' Shift in Post-Conflict Democratisation

The shift on security system consists in a more human centred approach. Thus, the concept has evolved from the traditional State security to human security, centred on individuals' security needs. As for today, security issues go beyond the State security and focus on issues that threaten individuals', communities' or societies' security, such as:

- At the economic level: money laundry; financial crime; illegal exploitation of natural resources ex: The Eastern provinces circuit and the illegal cross-border trade not properly addressed by the security system, pirating, etc;
- At the social level: human trade ex: SA – Katanga network of child trade not addressed up to now; gender equity, child abuse, sexual trade, immigration, IDPs with harmful consequences on individuals and communities, etc;
- At the public health level: fight against all pandemic diseases, etc;

- At the cultural level: ethnic or religious tensions and conflict, etc.

During the last civil society national gathering held in Kinshasa on November 2007 on the security sector reform, its representatives drew the position paper which stated the choice of the Congolese population for a holistic understanding of the security and judicial systems in the reform. As the consequences of conflict and an authoritarian regime, people's security is threatened at various levels. Thus, the human security approach is the comprehensive manner to mitigate conflict but also to create an environment conducive to development and population's well-being

For the civil society, sustainable development has to take into account the needs of security and justice of the population in every development plan.

SSR in the DRC Democratisation Process

According to the "World Human Development Report", 2005, violent conflict is the main and shortest way to the bottom of the human development index! Insecurity, crimes and underdevelopment nurture each other, thus have huge impact on the political, economic and social development of the country.

Addressing security benefits to the post-conflict reconstruction of a country. Therefore, the security systems reform (SSR) should consist on ensuring that the provision of security and justice complies with democratic values, respect of human rights' principles and the rule of law for a sustainable development. Is SSR an all-in-one solution to post-conflict countries?

As per the CAD (Comite d'Aide au Developpement de l'OCDE) Orientations on reform of security systems (2005), one of the major challenges that States face in reforming their security systems is the definition of the institutional framework that integrates security and development policies and includes all stakeholders.

This implies the challenges State and stakeholders may encounter while pursuing a SSR.

Through the DRC SSR process, we could highlight some of these challenges that are also windows of opportunity for a democratic change.

1) Security Systems' Institutions

In the recent past, security sector institutions used to be factor of insecurity than security. Numerous anti-constitutional government changes, abuse of human rights, arbitrary power, violence against civilians, and lack of transparency as well as of accountability characterized them. In brief, they were operating out of the sphere of law.

The consequences generated by these practices were the political instability, permanent insecurity, absence of the rule of law, weak investment climate and a stalled economy that impede the development of the country.

The new Constitution opens many democratic entry points for the transformation of the security system. It is interesting to note how the Constitution aligns the Army and Police to the civilian authority giving to the latter the responsibility of the design and the monitoring of the nation's security strategy. These Constitutional measures demonstrate the dramatic change expected on the democratic governance of security systems. The focus is indeed put on the effectiveness of security actors out of the uniformed institutions with an emphasis on oversight and accountability.

Also, the Constitution reveals the republican features of these institutions such as their apolitical nature by excluding both the Army and the Police from the political field and thus reducing any vague attempt of rebellion or illegitimate power. Transforming the capacities of the Army and the Police not to serve individuals' interests but national ones is the challenge at stake here that could make SSR programmes effective and sustainable.

In the same vein, the independence of Justice strongly reinforced by this Constitution set democratic governance norms to comply with by all security and justice institutions.

Thus, the SSR framed by the Constitution leads to the establishment of a republican and democratic relationship between security system institutions and both the democratic power and the population (civil society) for sustainable peace and development.

2) Public Participation

To consolidate democracy in a post-conflict environment, it is absolutely critical to build trust among wider constituencies in societies through participation and oversight. This reality mean that accountability in reconstruction, the perception that all sectors of the community are included in the political process and have power to influence policy through effective representation, should not be constrained or distorted by outside influences, however well-intended these might be (Pouligny, 2006).

Therefore, participation and accountability are absolutely essential in order to change a perception of security sectors working against the population to one that has their own security at heart. In a new democracy, population's participation aims to relocate the drivers and mechanisms of accountability. In this sense, the state bears the responsibility for building trust and commitment, duty and accountability, a mutually responsive relationship which is paramount for sustainable peace and development

The DRC SSR is a very exclusive process. Historically, "civilians" and the population have always been kept away of the security sector. The latter was the State sovereign field. Decisions on security matters come from uniformed institutions reinforcing the idea of security centred on State instead of on individual.

So far, a lack of focus on oversight, the role of Parliament, select committees and civil society in the SSR questions the ownership of this process. An inclusive and consultative SSR design should distinguish between categories of actor (decision-makers, implementing agencies, reform designers, advisors and interested parties) and

ensure they are properly engaged. Even though the security systems reform provides a great opportunity for people's participation in the design of public policies, support of the Government and the international community to a larger participation have been weak and scarce. As agent of change, the civil society is essential for the operationalisation of the major principles underlining democratic governance of security systems, such as accountability, transparency and participation

The Police Reform process is very illustrative of the exclusion of key stakeholders, of the resistance of the security systems' decision-maker, as well as of the persistence of the population to participate in the definition of policy that affects their basic needs. For decades, security forces have functioned as instruments for regime interest as opposed to the interests of the population. Consequently, their role has essentially been repressive, given the wide gap existing between regime security needs and population's ones. This has result in a deteriorated relationship between the security forces and the population. Today, through a confidence-building process, a mutually responsive and constructive relationship is developed between the Police and the civil society. The SSR has provided the space for improving the image of the Police and creating the local ownership necessary for the design, management and implementation of the reform by all local actors.

Furthermore, not only the SSR should promote accountability and transparency, but it should also meet public security demand. It starts by looking at the threats, the priorities, the regional context in which the DRC is situated, the challenges it faces, and only then does it look at the old security actors, the new ones and where the international presence fits into that. This is a holistic way to look at the security needs of people and design a very good basis for reform in all sorts of issues including restructuring the security institutions, but also key issues such as budget management and expenditure, or HIV AIDS and gender issues.

3) Conflict Mitigation

The post-conflict reconstruction of the security architecture needs to be sensitive to the country conflict factors. As stated in the recent DFID Strategic Conflict Assessment (SCA) on the DRC, lack of participation and weak ethnic, social representation and corruption as well as impunity are among conflict factors.

The national security should focus on process, policies and governance of the security system needs to include economical, social, political and cultural rights of the population. It should also target the regional security. The transformation of the security sector should lay on a new relationship with the population, a better coordination of different security services, and an improved organisational and operational performance.

4) Democratic Control

The legislature is crucial to democracy as it provide mechanism for checking of a young democracy. Therefore, Parliament needs to be well trained and informed to play its critical role in ensuring the alignment of the security systems with the Constitution, core values, principles and practice of democratic governance.

In spite of the important oversight role it has to play, the Congolese Parliament faces many challenges; among them are weak capacities on security matter and lack of resources. Furthermore, the composition of the Defence and Security committees is too eclectic and then dilutes their performance.

An effective SSR should improve the Parliament democratic control over security services as well as over the government's security programmes.

5) The globalisation

After the end of the cold war, the democratisation process of African countries started in a new environment that put all of them under new constraint. Actually, the globalisation has set and spread universal values that transcend borders such as the respect of human rights, the imperative of good governance, transparency, accountability and participation as key factors for sustainable peace, political stability and long-term development.

SSR, as a post-conflict reconstruction tools, is also relevant because failed states are of concern and do have responsibility vis-à-vis to the international community due to fears around organised crime and terrorism, globalisation, regional insecurity, migration, environmental degradation (ICG, 2004).

Donors should coordinate to maximise SSR impact on the short and long-term. Priorities should be put not only on operational means but on capacity building of all stakeholders, training on strategic analysis, public policy design, strategic planning, management of change, monitoring and control. This way the buy-in of the process is ensured and chance of success increased.

However, security is very sensitive matter. The fear of State is to see its sovereignty eroded through post-conditionality and interventionist approaches, then the role of the nation state is reduced to that of "intermediary", a facilitating body to ensure the effective execution of donor programming.

Thus, the need for coordination between external actors involved in SSR is crucial. Donors' coordination is identified as a priority in the SSR programming. In conclusion, coordination between external actors and the nature of the relationship between external actors and local stakeholders are the two key axes for an effective SSR.

Conclusion

Therefore, the traditional concept of security has evolved to integrate not only State security but also people's security and well-fare. Even if the SSR impact on the country's development is easily to integrate, its support the democratic transformation is conditioned by:

The Content of its Objectives: SSR should target not only strategic institutional and state-oriented programmes, but above all human dimension of security issues such as economic, social, political, environmental, and cultural ones.

Process and Actors

Accountability: this issue is now becoming clear that local people or beneficiaries need a mechanism or mechanisms to give the power to demand accountability. This is possible by improving first the relationship between security systems' institutions, state institutions and the population. There needs to be a beneficiary centred approach to align donors programming to local need and by doing so increase the efficiency of such activities. This is of fundamental importance in post-conflict reconstruction environment or fragile societies where the very nature of democracy is at stake.

Finally, development and security are the two faces of the same coin. Therefore, the reform of the security systems could be the cornerstone of the DRC development.