

Chapter 19

Civil–Military Relations in Kivu, Democratic Republic of Congo: A Case Study on Crisis Management in Complex Emergencies

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The humanitarian crisis in Kivu in the Democratic Republic of Congo deteriorated again in the second half of 2008. In reaction, the international community agreed to send additional peacekeepers to stabilize the region. Supporters of the Congolese peace process agree that a military reaction alone will however not be sufficient. A stable future of the region requires a combined civil and military approach. This will also necessitate the continuous support of the international community for the Congolese peace process.

The European Union and the United States are the two main players in terms of providing disaster management and thus also in the Democratic Republic of Congo. The European Union in particular has set-up several crisis management operations in the country. For the purpose of an efficient and combined effort in disaster relief, this study will investigate how different or similar these two players are in terms of crisis management mechanisms.

The chapter concludes that the development of new crisis management mechanisms and the requirements for a sustainable solution in Kivu create an opportunity for all stakeholders described. Through establishing a high-level dialogue, the European Union and the United States could come up with a joint strategic and long-term approach covering all of their instruments in place to support the security reform in Kivu. It is especially in this niche of civilian and military cooperation within crisis management operations that may lay a key to finally bring peace and stability in the East of the Democratic Republic of Congo.

The European Union and the United States are the two main players in terms of providing disaster management. For the purpose of an efficient and combined effort in disaster relief and preparedness, it is relevant to investigate how different or similar these two players are. Based on these results, strategies can be defined to result in an improved coordination in a broader transatlantic framework. In terms of disaster relief, the demands for increased civil-military coordination is reflected both on an operational and strategic level due to developments in the last fifteen years. Moreover, civil-military relations require to be addressed within crisis management.

This chapter focuses on the relations between international military and civilian actors in the response to humanitarian crises from the perspective of the European Union and the United States. We will use the complex emergency situation in the Kivu provinces in the Democratic Republic of Congo as a case study to analyze the research question.

A dual approach will be used. A top-down approach will discuss the crisis management systems in place and a bottom-up approach will go deeper into the requirements of the field. By combining these two approaches, we will be able to analyze the convergences and differences between the European Union and the United States, and between the strategic and operational level. As a result, we will answer two questions. First, are the crisis management mechanisms of the European Union and the United States adapted to the requirements of the field? Second, do the European Union and the United States crisis management mechanisms contribute to concrete improvements on the ground? This will allow for making a suggestion on improved transatlantic cooperation.

The reader will first be provided with introductory knowledge on the specific context of the case-study and the strategic interest of the European Union and the United States in the region. The top-down approach will consequently explain the development of crisis management mechanisms in the European Union and the United States and the relation between their civilian and military structures, before giving a general overview of the involvement of both players in the Democratic Republic of Congo. Consequently, the bottom-up approach will explain the challenges for civil-military coordination on the ground in the Kivu provinces and the support of the European Union and the United States in addressing the situation. Based on these two parts, some differences and convergences can be observed.

It is an unfortunate coincidence that at the moment of writing renewed violence is occurring in the Kivu provinces in the eastern part of the Democratic Republic of Congo (DRC). This region has almost continuously been dragged into conflict since the mid 1990s. We will not delve into the entire dynamics of the conflict, as it would take us beyond the parameters of this paper. A few events should already indicate the complexity of the situation. Primarily, the Kivu provinces received the main burden of the refugee influx, largely majority Hutu, after the genocide in neighboring Rwanda in 1994. Two years later, an attack by so-called 'Banyamulenge' in South-Kivu initiated the first Congo War (1996–1997). Fighting ended with Rwanda-backed Laurent Kabila overthrowing Joseph-Désiré Mobutu in May 1997. However, in August 1998 Kabila's former supporters turned against him in the second Congo war (1998–2002), also known as Africa's world war. The Global and Inclusive Agreement was finally signed in 2002 in Pretoria and a transition process kicked off with the government of national unity coming into place in 2003.

Under the peace agreement the former rebel forces agreed to integrate themselves in the national army, the 'Forces Armées de la République Démocratique du Congo' (FARDC). This process was called *brassage*. Yet, the establishment of this unified army proved to be a challenge. In January 2004, new military commanders, representing the various former belligerent groups, were nominated across the country, but the specific appointment in Bukavu led to tensions. In this turmoil, General Laurent Nkunda refused to go to Kinshasa to take up his post in the newly integrated army. In May 2004, the 'Congres National pour la Défense du Peuple' (CNDP) under the leadership of Nkunda occupied Bukavu. The United Nations Mission in the Democratic Republic of Congo (MONUC), the peacekeeping mission present in the country since 2000, negotiated his withdrawal in June 2004.

In 2006, national elections were held under international auspices and resulted in the election of Joseph Kabila, son of Laurent, as president of DRC. The political representation of the Tutsi population further declined. In response, Nkunda presented himself as the protector of the Tutsi and he opposed to the *brassage*. A compromise with the government in Kinshasa was reached in December 2006: in the *mixage* newly integrated units would only be locally deployed in a first phase. For a short while, former opponents CNDP and FARDC operated side-by-side against the second main rebel movement in the Kivus: the ‘Democratic Forces for the Liberation of Rwanda’ (FDLR).¹ The *mixage* failed however in August 2007 and renewed hostilities broke out, accompanied by severe violence against civilians, rape, looting, killings, and recruitment of child soldiers. It was under pressure of the international community that an agreement was reached in January 2008. The Goma Accords included amnesty for the rebels, also for Nkunda.

Once more, since August 2008 a burst of violence has taken hold of the Kivu provinces. Fighting between CNDP and the FARDC has forced local people to flee their homes yet again. In ‘his war for liberation,’ Nkunda expanded his zone of control and occupied several cities, while the FARDC seems unable to provide a prompt and adequate response. At the end of 2008, Nkunda was arrested and joint Rwandan-Congolese operations occurred against the CNDP. MONUC will be strengthened. But peace remains illusive. As we will see in this chapter, recent developments clearly demonstrate the complexity to provide relief. The unstable difficult situation in which humanitarian workers operate in cannot be overlooked. The topic of civil-military relations remains central.

Actors

The interest of the EU in the African continent is motivated by of economics and development, as shown in the EU Strategy for Africa of 2005. Since development is dependent on peace and security in the European view, conflict prevention and crisis management are key activities in Africa. Stability in Africa is also crucial in many ways to the security of Europe.² This trend emerged in the 1990s when isolated development policies did not obtain the expected results. At the same time, an increase in conflicts was observed. In the framework of strengthening the external policy of the EU, a Special Representative to the Great Lakes region was appointed in 1996 to assure political leverage. However, the EU is much less of a unified force in terms of foreign and security policy than it is in trade and development relations. The involvement of the EU in DRC is mainly driven by the United Kingdom, France, and Belgium. Divergences in views remain a key obstacle.³

The Directorate-General for Humanitarian Aid (ECHO) is part of the European Commission. ECHO directly funds NGOs or international organizations to implement specific projects. The humanitarian assistance provided by ECHO as a donor plus the contribution of the European member states account for 55% of the global humanitarian assistance. In 2007,

¹ The FDLR is a Hutu movement opposing the current regime in Rwanda.

² Marta Martinelli, “Helping Transition: The EU Police Mission in the Democratic Republic of Congo (EUPOL Kinshasa) in the Framework of EU policies in the Great Lakes,” *European Foreign Affairs Review*, Vol. 11, no. 3 (Fall 2006), pp. 379–399.

³ Dieter Mahncke, Alicia Ambos, and Christopher Reynolds in Peter Lang, ed., *European Foreign Policy. From Rhetoric to Reality?* (Brussels, Council of Europe, 2006).

ECHO maintained a budget of roughly €768 million in 2007. In 2008, ECHO spent €44 million in the DRC. In response to the recent fighting, the European Commission provided an additional €4 million in emergency funding. Priorities are protection, food aid, health services, livelihood support, access to safe drinking water and transport infrastructure. ECHO also runs a humanitarian air service to transport humanitarian personnel and goods.⁴

The U.S. policy towards Sub-Saharan Africa hinges mainly on energy interests. A clear picture can be obtained by looking at the importance of Angola, as sixth largest supplier of crude oil to the United States.⁵ Further, 9/11 gave rise to a concern over failed states. Together with Sudan, Liberia and Somalia, the U.S. considers DRC as a state that will “*without progress, will have a negative impact on regional stability and national security.*”⁶ In comparison with Iraq and Afghanistan, the involvement remains limited though. The so-called Powell doctrine claims that African diplomats and military forces should take the lead in responding to African crises and conflicts. In this view, U.S. intervention should be seen as a last resort.⁷ While the U.S. supports the peace process in DRC, it leaves the lead to other players in the international community, namely the European Union and South Africa.⁸ Finally, also disease, global cooperation and stopping and preventing genocide can occasionally convince the U.S. administration to get involved in Africa. Traumatic experiences as Somalia in 1993 and Rwanda in 1994 seriously affected the power of these ‘soft’ interests to trigger U.S. involvement in Africa.

The Office of Foreign Disaster Assistance (OFDA) is part of the U.S. Agency for International Development (USAID). In 2007, OFDA managed a budget of \$573 million, of which \$29 million went to DRC. Only two complex emergencies, Iraq and Sudan receive more funding from OFDA. In total, the U.S. government provided over \$123 million for emergency programs in the DRC in 2008. These donations were used for agriculture and food security, health, Internally Displaced Persons assistance, nutrition, protection, and water, sanitation, and hygiene. USAID has recently deployed a Disaster Assistance Response Team (DART) to support the relief efforts in the current situation.⁹

Top-Down Approach

Changes in the geopolitical landscape after the end of the Cold War led to a new perspective on crisis management. Peace and security could no longer be achieved by military means. Civilian aspects as development, human rights, humanitarian assistance, received their place in the overall picture, which resulted in connecting these aspects institutionally in international organizations. When confronted with complex emergencies, the United Nations (UN) came

⁴ Available at http://ec.europa.eu/echo/index_en.htm.

⁵ Available at <http://www.eia.doe.gov/emeu/cabs/Angola/Oil.html>.

⁶ Fiscal Year 2008 Budget Request. Department of State, USAID and Foreign Operations (International Affairs). Summary and Highlights.

⁷ Anthony Lake and Todd Whitman, *More Than Humanitarianism: A Strategic US Approach toward Africa* (New York: Council on Foreign Relations, 2006).

⁸ Gilbert Khadiagala, *Security Dynamics in Africa's Great Lakes Region (Project of the International Peace Academy)*, (U.S. Lynne Rienner, 2006).

⁹ Available at http://www.usaid.gov/our_work/humanitarian_assistance/disaster_assistance/publications/annual_reports/pdf/AR2007.pdf

up with packaging its different civil and military elements into ‘integrated missions’. The Comprehensive Approach of the North Atlantic Treaty Organization (NATO) is based on the same concept. The EU and the U.S. have recognized the evolution towards an inclusive approach to crisis management. This can be demonstrated by looking into the development of (new) civil and military crisis management mechanisms by the two actors and their coordination. As a result, we will find out how this perspective on crisis management influences civil–military relations on a strategic level. The chapter concludes by referring to crisis management by the EU and the U.S. in Sub-Saharan Africa.

Crisis Management in the European Union

During the process of European integration throughout the 1990s, a new dimension was given to crisis management. This development took place in the context of strengthening the second pillar¹⁰ of the EU, the ‘Common Foreign and Security Policy’ (CFSP). The Treaty of Amsterdam of 1997 integrated the so-called Petersberg tasks in the framework of the EU. These were formerly a prerogative of the West-European Union (WEU) and consist of humanitarian and rescue tasks, a peacekeeping agenda and issues of combat forces in crisis management, including peacemaking.¹¹ The St. Malo declaration of 1998 stated “*that the Union must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises*”. Developing its own capacity to intervene in crises would decrease the EU dependency on the U.S. in this matter.¹² The ‘Declaration of the European Council on Strengthening the Common European Policy on Security and Defense’ (ESDP) was agreed in Cologne in June 1999.

Military Crisis Management

The accent of EU crisis management was primarily placed on the military component in the context of the Kosovo crisis.¹³ On the Council meeting in December 1999, the Helsinki Headline Goal was agreed upon. This agreement stated that by 2003, 50–60,000 troops should be able to deploy in 60 days—sometimes referred to as the European Rapid Reaction Force. In accordance, new institutions were created. The Political and Security Committee (PSC) has the political control and strategic direction of crisis management operations. The EU Military Committee (EUMC), established in 2001, is the highest military body in the Council gathering the General Staff of member states and providing advice and recommendations to the PSC. The EU Military Staff (EUMS) performs early warning, situation assessment and strategic planning for missions and tasks in the framework of ESDP. However since command and

¹⁰ The European Union is divided into three pillars, according to the Treaty of Maastricht of 1992: the first pillar is the European Community; the second pillar is the Common Foreign and Security Policy; and the third pillar is the Police and Judicial Co-operation in Criminal Matters.

¹¹ Agnieszka Nowak, ed., *Civilian Crisis Management. The EU Way* (Paris: Institute for Security Studies June, 2006,) Number 90.

¹² Pieter Cornelis Feith, *Strategic Decisions for a Peace Operations in Africa*, in Ernst Sucharipa ed. *Peace Operations in Africa, (Vienna 34th IPA Vienna Seminar. Diplomatic Academy’s Favorita Papers, 2004)*, p. 61.

¹³ Nowak, op. cit.

control functions remain under NATO or under the headquarters of a so-called Framework Nation, EU's military capacities are limited.¹⁴

Civilian Crisis Management

In addition, the ESDP entailed more coordination on the use of non-military crisis management tools among the member states. The 'Helsinki Action Plan for non-military crisis management of the EU' led to a mechanism at the European Council Secretariat to strengthen the use of national, collective and NGO resources, to avoid duplication and to ensure coherence. The basis of the civil crisis management concept was laid down in the Feira European Council in June 2000. It was stated that civilian crisis management capabilities would be focused in four priority areas and could be used in EU-led autonomous missions or in operations conducted by other international organizations, such as the UN or the Organization for Security and Cooperation in Europe (OSCE). These areas are:

1. Police for advisory, assistance and training tasks or for substituting to local police forces.
2. Strengthening the rule of law leading to properly functioning judicial and penitentiary systems.
3. Civil administration missions in the context of crisis-management operations.
4. Civil protection, for which a Community Civilian Protection Mechanism was established.

In order to assure inter-pillar coherence, a Committee for Civilian aspects of Crisis Management (CIVCOM) was established in 2002, and supports the PSC.¹⁵

Civil-Military Coordination

The European Union acknowledges the need for civil-military coordination in the first place because of its organizing pillar framework. CMCO (Civil-Military Coordination) is the term used for inter- and intra-pillar coordination of all EU actors involved in the planning and implementation of EU crisis management response. Coordination between military and humanitarian partners is always a challenge due to a number of reasons such as different cultures or lack of understanding of mandates and organization. A few additional difficulties exist with CMCO. First, coordination cannot be imposed based upon the Crisis Management Concept. As a result, the actual coordination in the field falls under the responsibility of partner NGOs. Second, since ECHO was not involved in the crisis management set-up, coordination between humanitarian, other civil and military partners requires a strong coordinator in the field.¹⁶ This role is ideally filled in by the EU Special Representative. Finally, the most chal-

¹⁴ Hans-Georg Ehrhart, *Civil-Military Co-operation and Co-ordination in the EU and in Selected Member States* (Brussels, European Parliament Directorate General External Policies of the Union. Policy Department External Policies, 2007).

¹⁵ Ibid.

¹⁶ Ehrhart, op. cit.

lenging aspect may be the difference among member states concerning their national interpretation of civil-military relations. Dissimilarities alike do not facilitate a common model for civil-military coordination within the EU.¹⁷

In addition to internal EU coordination, civil-military cooperation (CIMIC) deals with external relations with civilians as part of a military operation.¹⁸ In EU terminology, CIMIC is part of the overall CMCO approach. CIMIC is a normal military task whose procedures and mechanisms are established at the Operational Headquarters and is thus in the end politically oriented. Two permanent structures in the EU deal with CIMIC. First, the EUMS develops and executes CIMIC tasks at the political and strategic level. Second the CIMIC Conference is a forum for harmonization and standardization of CIMIC among EU military and civil actors, member states, force contributing nations, host nations and civil organizations and authorities. The main challenge for CIMIC is that civil-military operations usually start only after the beginning of civil efforts. As a result, liaison is needed with already existing structures.¹⁹

Crisis Management Operations

Both civilian and military crisis management mechanisms were sufficiently operational in 2002 to start preparing for the first ESDP operation: the EU Police Mission in Bosnia and Herzegovina (EUPM) in 2003. The main lesson learned was the interdependency between the four civilian priority areas and between the civil and military tools. Changes were made accordingly in 2004.

First, a new Helsinki Headline Goal 2010 was agreed upon in June 2004. The European Union should “*be able by 2010 to respond with rapid and decisive action applying a fully coherent approach to the whole spectrum of crisis management operations covered by the Treaty of the European Union.*”²⁰ The agreement included the set-up of a Civil-Military Cell (CivMil Cell) within the EUMS to support the coordination of civil and military operations. The Cell finds its origin in the European Security Strategy of 2003, presented as a distinct European approach in the context of the US involvement in Iraq. Nevertheless, the development of the CivMil Cell was constrained because of the tension between the EU, NATO and the U.S. on the independent development of security institutions of the EU. The CivMil Cell has the objective of quickly setting up an Operations Centre to serve as an integrated civil-military headquarters. However, the possible coordination of the Cell with humanitarian and civilian organizations was a concern in the humanitarian world. As part of the EUMS, it remains naturally on the military side of the ESDP.²¹ However it reports both to CIVCOM and to EUMC and consists of half civilian and half military personnel. It also includes representation of the Commission to indicate the importance contributed to humanitarian space.²² The Cell was established in January

¹⁷ Radek Khol, “Civil-Military Coordination in EU Crisis Management,” in Nowak, op. cit.

¹⁸ Adopted by the EUMC on 18 March 2002.

¹⁹ Ehrhart, op. cit.

²⁰ Gustav Lindstrom, *The Headline Goal* (Paris: The Institute for Security Studies, 2006).

²¹ Khol, op. cit.

²² Ehrhart, op. cit.

2007, but so far a joint civil/military mission at the EU level has not yet taken place, except in a limited form for the EU Security Sector Reform mission in DRC (EUSEC).

A second development in 2004 was the agreement on the Civilian Headline Goal 2008 to improve the capacities laid down at the Feira European Council. This document called for a more integrated and coherent approach and better cooperation with the military and with other ESDP actions and longer-term programs of the European Commission. Enhanced civilian support to Security Sector Reform (SSR) and Disarmament, Demobilization and Reintegration (DDR) tasks was also included. A key issue in the Headline Goal was the development of a rapidly deployable capacity within civilian crisis management. Civilian Response Teams could be deployed within five days on request of the Secretary General/High Representative Javier Solana, but also the PSC or the Council. Drawing from a pool of experts, these missions serve as a bridge for further development of a mission.²³ Such teams could consist of border policing, administration of justice, management of public administration services, civil protection, logistics and operations support.²⁴

The majority of EU crisis management operations were civilian, such as policing, justice and SSR. In a lesser degree, it included military focused operations, such as Artemis. The Commission perceives military crisis management operations as a short-term and expensive instrument, only to be used when necessary and complementary.²⁵

Crisis Management in DRC

*“Perhaps nowhere more than in the DRC can we see the EU’s determined efforts to use the inter-institutional framework devised at Maastricht and the inter-pillar coordination required to make full use of the toolbox available to help transition in the DRC through civilian and military crisis-management instruments coupled with humanitarian assistance and longer-term development policies.”*²⁶ DRC has been a test case for several European Union crisis management operations in no less than four operations: Operation Artemis in 2003, the European Force (EUFOR) in 2006, EUSEC since 2005 and the European Union Police Mission (EUPOL) since 2005/2007.²⁷

Artemis: In May 2003, the UN called for an interim force to support the heavily burdened MONUC in Bunia in the Ituri province to provide safety until the UN mission could be strengthened. In the aftermath of the Iraq crisis, France agreed to serve as Framework Nation under the EU umbrella and under UN Security Resolution (UNSC) 1484. The overall picture of civil-military relations was good, partly thanks to an EU civil-military liaison officer with a firm humanitarian understanding. ECHO, in its function of donor, encouraged NGOs to liaise with the military. Only a few NGOs remained outside the coordination framework. Thanks to

²³ Gerard Quille, Giovanni Gasparini, Roberto Menotto, and Nicoletta Pirozzi, *Developing EU Civil-Military Coordination. The role of the New Civilian Military Cell* (Brussels, Joint Report by ISIS Europe and CeMiSS, 2006).

²⁴ Lindstrom, op. cit.

²⁵ Ehrhart, op cit.

²⁶ Marta Martinelli, op. cit.

²⁷ The current EUPOL Mission, in operation from 1 July 2007, builds further on the EUPOL Mission which was just limited to Kinshasa from February 2005 to June 2007.

this pragmatic approach, humanitarian access was improved without endangering humanitarian principles.²⁸ Operation Artemis was the first fully autonomous EU led military operation outside Europe. It was seen as a ‘*move away from economic giant–military dwarf dichotomy*.’²⁹ Operation Artemis led to the recognition that using military instruments could be necessary, but balance between military and civilian assets was essential. Critics argue that Artemis may have had too few of a civilian dimension and be too limited in time to guarantee a long-term effect.³⁰ After its departure, MONUC encountered again difficulties in terms of attacks by rebels and civil–military coordination.³¹

Eufor DRC: EUFOR was a short mission in 2006 in support of MONUC in preparation of the elections and limited to Kinshasa. Civil–Military Coordination in EUFOR was strongly supported by the Special Representative of the EU in the Great Lakes, who was involved in the planning process. The mandate of EUFOR was very military focused and only some small CIMIC projects took place. In terms of CMCO, cooperation with the other two ESDP missions on the ground, EUSEC and EUPOL Kinshasa, could have been improved, since a lack of comprehensive planning was observed. On the ground information exchange and regular meetings took place. EUFOR and MONUC exchanged liaison offers.³²

Crisis Management in the United States

In contrast with the European Union, the United States can draw on a much longer experience in crisis management, both civilian as military. Adapting crisis management mechanisms to dealing with more complex threats does not start from zero and has to deal with existing institutions. Also the Global War against Terror influences the way the U.S. deals with civil–military coordination. We will first discuss some existing challenges for a coherent crisis management approach. Then we will look how the civilian and the military crisis management systems try to come closer, before we touch upon the involvement of the U.S. in Sub-Saharan Africa.

Challenges for Policy Coherence

Policy coherence is a challenging issue in the U.S. for two reasons. First, institutionally, the provision of humanitarian assistance by the U.S. is scattered over different offices and agencies. As mentioned earlier, the office providing humanitarian assistance is OFDA. Other offices within USAID are also involved. For example, the Office of Conflict Management and Mitigation seeks to integrate conflict mitigation and management into USAID’s programs, and the Office of Military Affairs works with the US Department of Defense on emergency response readiness, coordination of planning and development of joint training, education and exercises.³³

²⁸ Interview with Peter Holdsworth, an independent consultant.

²⁹ Mahncke et al, op. cit.

³⁰ Fernanda Faria, *Crisis Management in Sub-Saharan Africa. The Role of the European Union*. (Paris, European Union Institute for Security Studies, 2004), (Occasional Paper, no. 51).

³¹ Interview with Holdsworth.

³² Ehrhart, op. cit.

³³ *Annual Report for Fiscal Year 2007*. Office of U.S. Foreign Disaster Assistance. USAID, 2007.

Consequently, the Department of Defense (DOD) deals with humanitarian and civic assistance. The U.S. legislation (Title 10, US Code, Section 401(a)) states that

(1) Under regulations prescribed by the Secretary of Defense, the Secretary of a military department may carry out humanitarian and civic assistance activities in conjunction with authorized military operations of the armed forces in a country if the Secretary concerned determines that the activities will promote—

(A) the security interests of both the United States and the country in which the activities are to be carried out; and

(B) the specific operational readiness skills of the members of the armed forces who participate in the activities.

(2) Humanitarian and civic assistance activities carried out under this section shall complement, and may not duplicate, any other form of social or economic assistance which may be provided to the country concerned by any other department or agency of the United States. Such activities shall serve the basic economic and social needs of the people of the country concerned.

(3) Humanitarian and civic assistance may not be provided under this section (directly or indirectly) to any individual, group, or organization engaged in military or paramilitary activity.

(A) Humanitarian and civic assistance may not be provided under this section to any foreign country unless the Secretary of State specifically approves the provision of such assistance.”

Since these activities are aimed to support security interest, the term ‘humanitarian’ is confusing. The official policy of DOD remains that the host-nation civil authorities or agencies bear the primary responsibility for Foreign Humanitarian Assistance (FHA).³⁴ DOD also coordinates and directs the use of military assets for humanitarian assets together with OFDA.

A second challenge for policy coherence is financial. While being a main donor of international assistance in terms of dollars, this needs to be seen in its framework. The picture is somewhat different when a country’s development assistance is viewed as a percentage of its gross national product. The U.S. turns out to be the smallest contributor. The U.S. spends less than 1 percent of the federal budget of international assistance.³⁵ Funding shows a balance in favor of placing humanitarian assistance under military control, which leads to a reliance on military to conduct activities, such as policing, governance reform and infrastructure development, normally executed by civilians. DOD budget for humanitarian assistance has tripled since 2006.³⁶

³⁴ The term used to describe humanitarian assistance operations taking place outside the United States. U.S. Joint Publication 3-07: Joint Doctrine for Military Operations Other Than War, 16 June 1995.

³⁵ “Interaction” Factsheet on International Humanitarian and Development Assistance, 2005. Available at http://interaction.org/files.cgi/3696_Foreign_Assistance_one-pager.pdf.

³⁶ Randolph Kent and John Ratcliffe, *Responding to Catastrophes. U.S. Innovation in a Vulnerable World: A Report of the CSIS Post-Conflict Reconstruction Project* (Washington, D.C.: Center for Strategic and International Studies, 2008).

The increased percentage of Official Development Assistance controlled by DOD, compared to a declining percentage for USAID, can be explained by the amount for reconstruction activities for mainly Iraq and Afghanistan. DOD took over these activities from the State Department and USAID because it was easier to get funding this way. In order to give the correct picture, it needs to be taken into account that the bulk of U.S. foreign aid comes directly through private donations and does not channel through the U.S. government.³⁷

Civilian Crisis Management

Some initiatives to address the existing civil-military gap have been taken, but they are not part of an overall strategic policy. First, in 2005 President Bush presented a new National Security Presidential Directive (NSDP-44). This included the instruction to the Secretary of State to develop a civilian crisis management office to respond to complex emergencies. Coordination with the Department of Defense was envisaged, but without DOD being a main player. Nevertheless, the implementation of this initiative seemed difficult due to the underfunded and weak civilian capacity.³⁸

A second project to strengthen civilian capacity is the establishment of the Civilian Stabilization Initiative. It aims to lead to rapid civilian response capabilities for stabilization and reconstruction operations. These teams would be deployed together with the U.S. military, international partners or independently. Three sort of capacities are included: an Active Response Corps (specifically trained diplomats and interagency federal employees) to be deployed in 48 to 72 hours; a Standby Response Corps (federal employees); and a Civilian Reserve Corps (private sector, local government and civil society personnel).³⁹

A related interagency development is the ‘Building Global Partnership Act of 2007’ through which DOD would be able to spend up to \$750 million a year on training and weapons for militaries without being restrained by the Foreign Assistance Act. This Act of 1961 states that assistance could not go to countries that committed gross human rights violations, military coups, nuclear proliferation or facilitated human trafficking, child soldiers or religious intolerance. Also now, a certain limitation remains, since the Department of State together with DOD must approve all programs under this legislation to ensure that no country participates in such a project that is ineligible based upon other U.S. laws.⁴⁰

Military Crisis Management

The military in the U.S. is mainly designed for traditional applications of force. However, in the vacuum of civilian crisis management capacity as described above, the military is seen to be able to play a critical role in humanitarian response. The military objective logically remaining the priority, coordination between U.S. government agencies and with intergovernmental

³⁷ Interview with Colonel Christophe Mayer, U.S. Army.

³⁸ Kent and Ratcliffe, *op. cit.*

³⁹ Mark Malan, *U.S. Civil-Military Imbalance for Global Engagement. Lessons from the Operational Level in Africa*. Refugees International, July 2008.

⁴⁰ U.S. Government Accountability Office, *Section 1206 Security Assistance Program*, GAO-07-416R, 28 February 2007.

organizations (IGOs) and NGOs is seen as key to success. For example, NGOs can “*lessen the civil-military resources that a commander would otherwise have to devote to an operation.*”⁴¹ This coordination already starts at the planning phase, such as in the Joint Interagency Coordination Group (JIACG) that establishes the relation between military and civilian planners internally. IGOs and NGOs may already be present at this stage.

The recent Joint Publication 3-57 recognizes Civil-Military Operations (CMO)⁴² as ‘an inherent responsibility of command’ at strategic, operational and tactical level. Objectives of CMO include foreign humanitarian assistance and nation assistance (security assistance, foreign internal defense, etc). The branch of the U.S. Army responsible for civil-military coordination is Civil Affairs (CA) and is being integrated at all levels of command.⁴³ CA is mostly carried out by reservists since it is here that reside the necessary skills for effective civil-military coordination, such as public administration or emergency management. Though, the reservist composition of CA does sometimes create problems. Due to the flexibility on the ground, civil-military coordination depends much on personalities and specificities of the situation. The need for civil-military coordination is not always acknowledged by all senior officers.⁴⁴

The lack of civilian capacity to operate in high-risk environments has been recognized in the DOD Directive 3000.05 ‘Military Support for Stability, Security, Transition, and Reconstruction Operations’ dated 28 November 2005. This Directive states that stability operations will be given the same priority as traditional combat operations. In addition, when civilians are not able to establish or maintain order, the military will step in. Also, the Quadrennial Defense Review of 2006 states the relevance of humanitarian engagement for the military and DOD, in terms of conventional emergency assistance and humanitarian prevention.⁴⁵

Crisis Management in Sub-Saharan Africa

At this moment, the Department of Defense does not have a sponsored operation in DRC. It may suggest sending some staff officers of military observers in the future under the umbrella of MONUC. From this angle, the, State Department supports the use of Private Security Companies in DRC.⁴⁶

When looking at the Foreign Military Financing (FMF)⁴⁷ for the Fiscal Year 2009, only 0.08% goes to Sub-Saharan Africa. The focus on support to Africa lies more on training, such as the International Military Education Training (IMET) program that has a total budget of

⁴¹ US Joint Publication 3-08, “*Interagency, Intergovernmental Organization, and Nongovernmental Organization Coordination during Joint Operations*,” Vol. I, (17 March 2006), pp. II-25.

⁴² CMOs in the joint publication are defined as ‘activities of a commander that establish collaborative relationships among military forces, governmental and nongovernmental civilian organizations and authorities, and the civilian populace in a friendly, neutral, or hostile operational area in order to facilitate military operations are nested in support of the overall US objectives’.

⁴³ Joint Publication 3-08, 2006.

⁴⁴ Interview with Mayer.

⁴⁵ Kent and Ratcliffe, op. cit.

⁴⁶ Interview with Mayer.

⁴⁷ Foreign Military Funding is the U.S. government program for financing through grants or loans the acquisition of U.S. military articles, services, and trainings.

\$90 million for FY 2009. The budget of IMET in DRC in 2006 was \$306,000 and increased to \$500,000 in the request for 2008.⁴⁸ Another initiative is the Global Peace Operations Initiative (GPOI), focusing on African peacekeeping capacity building. Over 60,000 African peacekeepers received training under the GPOI. This initiative, however, does not focus on DRC.⁴⁹

The recently established new Unified Command African Command (AFRICOM) includes State Department officials and also aims to support activities of the Department of State and USAID. The inclusion of humanitarian/civilian orientated tasks creates concern in civilian organizations.

*“While many at the State Department and the United States Agency for International Development welcome the ability of DOD to leverage resources and to organize complex operations, there also is concern that the military may overestimate its capabilities as well as its diplomatic role in Africa, or pursue activities that are not a core part of its mandate.”*⁵⁰ Especially in Africa, concerns are that AFRICOM is a tool for access to natural resources in Africa. Another problem seems to arise from the limited funding to AFRICOM.

The most significant financial support to African peace and security by the U.S. is channeled through the UN peacekeeping budget. The US contributes around 22 percent of the regular budget of the UN, also encompassing the UN peacekeeping budget. However, the late payments of these contributions are seen as a lack of interest by the U.S. in the stability of many African countries. The U.S. is also not keen on including disarmament, human rights and other ancillary peace support programs in the regular peacekeeping budget.⁵¹ Since MONUC is an integrated mission, this entails many vital components of the peacekeeping mission, and consequently of a stable society, which is dependent on voluntary contributions.⁵²

The fact that the U.S. does not have a large military presence on the ground in DRC does not mean that the U.S. has no influence in the situation. A high profile case for the U.S., was the occupation of the position of Special Representative of the Secretary General (SRSG) for DRC and thus also head of MONUC by U.S. citizen William Lancy Swing from 2003 to 2007. In the recent developments, the U.S. warned the CNDP not to attack Goma. In the media, this statement was used as an example of the pressure the U.S. can have on the CNDP indirectly through Kigali which is suspected of backing the CNDP.⁵³

⁴⁸ International Affairs, 2008. International Affairs Function 150. Fiscal Year 2008 Budget Request. Department of State, USAID and Foreign Operations (International Affairs). Summary and Highlight.

⁴⁹ Lauren Ploch, *Africa Command: U.S. Strategic Interests and the Role of the U.S. Military in Africa* (Washington, D.C.: CRS Report for Congress, 7 December 2007). (Updated August 2008).

⁵⁰ Ibid.

⁵¹ Lake and Whitman, op. cit.

⁵² Gudrun Van Pottelbergh, *An Examination of the Coherence Debate on the Sustainability of Integrated Peacekeeping Missions: The Cases of UNTAC in Cambodia and MONUC in the DRC*. UN Peacekeeping Best Practices, 2006.

⁵³ “Goma hapklare brok voor Nkunda” *De Standaard*, October 30, 2008.

Bottom-up Approach

Civil-military relations are not defined by institutional and strategic perspectives only. They are also characterized by the demands of the actual situation on the ground. The situation in the eastern part of DRC proves to be a challenging area for civil-military relations due to several factors, such as the international actors, the security situation and the humanitarian situation. Based on these factors we will go deeper into the relations between international military actors and international humanitarian actors. Consequently the role of the EU and the U.S. in mainly security sector reform will be analyzed. Finally, we will also look into some of the arguments NGOs use to call for greater involvement by the international community in the region.

Civil-Military Coordination Challenges

International Actors

MONUC was installed in 1999 to facilitate the implementation of the Lusaka Accords, initially as an observer mission. The mandate of MONUC was strengthened over time and transformed into an integrated mission to better respond to the challenges of the peace process. MONUC is currently authorized under Chapter VII of the UN Charter. “*Its mandate authorizes it to use all means deemed necessary, within the limits of its capacities and in the areas of deployment of its armed units, to protect civilians under imminent threat of physical violence; and to contribute to the improvement of the security conditions.*”⁵⁴

Since MONUC is an integrated mission, its focus moves beyond traditional peacekeeping tasks. As a result, several actors inside the UN community deal with civil-military coordination:

- The mission of the **Office for the Coordination of Humanitarian Affairs (OCHA)** is to mobilize and coordinate effective and principles humanitarian action in partnership with national and international actors.
- The **Civil Affairs Section (CAS)**—previously Humanitarian Affairs Section) is part of MONUC and has as its objective to mobilize MONUC resources and direct them for the improvement of humanitarian conditions in the DRC.
- **MONUC CIMIC** has the task to enhance and support military operations by achieving sustained humanitarian relief through coordination, liaison, facilitation, information sharing and mutual support between the military component of MONUC, MONUC CAS, OCHA and the local authorities.⁵⁵

The Security Situation

Despite regular ceasefires and peace agreements (most recently in January 2007), hostilities continue in the Eastern part of DRC. Since 28 August 2008, fighting resumed involving the

⁵⁴ MONUC Website, <http://www.monuc.org/News.aspx?newsID=11529&menuOpened=About%20MONUC>, consulted on 20 November 2008.

⁵⁵ OCHA and MONUC. *Guidelines for Interaction between MONUC Military and Humanitarian Organizations*. 2006.

four local military actors: FARDC, CNDP, FDLR and the Mai-Mai militia.⁵⁶ The changing composition of sides adds to the complexity of the conflict.

The mandate of MONUC includes the support to the national government and the FARDC. Since MONUC is a peacekeeping mission and not a peace enforcement mission, it tries to remain as neutral as possible in the conflict. Unless there are real protection issues involved, as was the case in 2006 during the attack in Goma, MONUC will not directly intervene. But even if MONUC mission tries to limit its assistance to provision of logistics support to the FARDC for transportation of troops, to provision of training and of information, it is perceived as an actor in the conflict.⁵⁷

The Humanitarian Situation

The humanitarian situation in the Kivu provinces is deplorable due to decade-long conflict. The International Rescue Committee (IRC) estimates that since 1998, 5.4 million people have died.⁵⁸ The number of internally displaced persons in North Kivu goes up to 857,000, in South Kivu up to 348,000.⁵⁹ The recent renewed fighting once more deteriorated the humanitarian situation.⁶⁰

Providing humanitarian assistance is not only constrained by the size of the needs, but also by the security situation. Ongoing hostilities hamper humanitarian access and space. The largest challenge however is to be found in the disappointment of the population with the international community, in particular with MONUC, for not providing adequate protection to civilians. When the security situation deteriorates, the distinction between MONUC, UN agencies, humanitarian actors and NGOs becomes less clear. The resentment with MONUC is translated onto the entire international community, as happened in the attack of 2004 on Bukavu.⁶¹ Attacks on MONUC and Military Observers expanded to affect humanitarians in terms of car-jacking, stoning, roadblocks, looting and hostile public demonstrations. Outbursts of aggression became more and more violent. Trucks of the World Food Programme (WFP) and the local NGOs were stolen for troop transportation. Some delivery of relief was prevented due to hostile demonstrations. Medical stocks were looted in favor of the conflict parties. Consequently, humanitarian actors have no choice, but to decrease their operations outside Goma or even to evacuate their staff from the field, while fully realizing that the current humanitarian activities are insufficient considering the high need.⁶² Also, ECHO is concerned about the confusion between MONUC and the humanitarians and the resulting perception of humanitarians as a party to the conflict.⁶³

⁵⁶ The Mai Mai fighters operate in an uncoordinated way between the rebels and the government forces. There would be thousands of Mai-Mai often terrorizing the uncontrolled areas. They believe that the magic potions they use protect them against bullets.

⁵⁷ Interview with OCHA, DRC.

⁵⁸ International Rescue Committee, *Mortality in the Democratic Republic of Congo. An ongoing crisis*. IRC, 2008.

⁵⁹ OCHA, *Plan d'Action Humanitaire 2008*. Mid-year review.

⁶⁰ It has to be mentioned though that the situation in South-Kivu is much more development orientated, since the fighting occurred mainly in the North. This influences the dynamics in the provinces.

⁶¹ Interview with OCHA, DRC.

⁶² OCHA, *Humanitarian Situation Update, Violence in North and South Kivu*, 11 September 2008.

⁶³ Information from ECHO.

In situations of large humanitarian need, military assets can sometimes be a useful tool to assist in humanitarian assistance. This is especially the case for air transport, such as helicopters and large cargo planes.⁶⁴ The Logistics Cluster in DRC came to an agreement with Belgium to use a military C-130 to conduct ten flights between Goma and Kinshasa to transport relief goods. Upon arrival, the goods are distributed by NGOs.⁶⁵

International Humanitarian Civil-Military Coordination

The ‘Guidelines for Interaction between MONUC Military and Humanitarian Organizations in DRC’ were launched in December 2006 and were the result of collaboration between OCHA, humanitarian actors, MONUC military and substantive sections, including CAS and the Office of the Deputy Special Representative of the Secretary General (DSRSG). Based on a clear division of tasks, they identify the following areas for coordination: establish a secure environment; protection of civilians under imminent threat of violence; protection of human rights; security of humanitarian assistance and protection of humanitarian personnel, UN or non UN; voluntary return of refugees and internally displaced; and Disarmament, Demobilization, Repatriation, Reintegration or Resettlement. Based on the identified challenges, we can analyze the international civil-military coordination:

Establishing a Secure Environment

Information sharing is one of the three main tasks identified in the UN-Civil-Military Coordination (UN-CMCoord) Concept (together with task division and planning).⁶⁶ Security information is probably the most important part of information exchange. In South Kivu, regular meetings between international military and international humanitarian organizations take place. In the meetings of the Integrated Management Team both the heads of the UN agencies as the military brigade participate to share information concerning the security situation and threats. In the weekly OCHA information meetings the CIMIC officer takes part and exchanges information on the security situation. Two or three times a year a mission of the UN Department of Peacekeeping Operations (DPKO) comes to Bukavu to assess the relations. Outside these formal meetings, the importance of informal meetings should be stressed. Social activities allow for quick communication at a lower level. In the field, humanitarians are in contact with Military Observers to exchange security situation.⁶⁷

⁶⁴ The ‘Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies’ were developed in 2003 by the a broad representations of the international community. This documents provides guidance “*on when these resources can be used, how they should be employed, and how UN agencies should interface, organize, and coordinate with international military forces with regard to the use of military and civil defence assets.*” OCHA is responsible for maintaining these Guidelines.

⁶⁵ Logistics Cluster DRC, *Avion Belge pour la communauté humanitaire*. 12 November 2008. <http://www.logscluster.org/countries/cod/latest-updates/unjlcarticle.2008-11-12.2353999732>, Consulted 16 November 2008.

⁶⁶ OCHA, *United Nations Civil-Military Coordination Officer Field Handbook. Version E 1.0*. Geneva, OCHA, 2008.

⁶⁷ Interview with OCHA, DRC.

Protection of Civilians under Imminent Threat of Violence

The protection of civilians is a priority for the international community and requires coordination between a number of humanitarian, civilian and military organizations. While MONUC has received the responsibility to protect, it acknowledges that this is not only a military task. Inside MONUC civilian and military sections are cooperating to improve MONUC's protection role. Two initiatives confirm the importance of coordination in the protection issue. In Kinshasa, a Protection of the Civilians Committee was set up and is chaired by Deputy Special Representative of the Secretary General/Humanitarian Coordinator/Resident Coordinator (DRSRG/HC/RC) Ross Mountain and includes all heads of UN agencies, MONUC sectors, the MONUC Force Commander and Police Commissioner.⁶⁸ In March 2007, a Directive of the Force Commander gave exact guidance to the peacekeeping force on the responsibility to protect civilians. This resulted in a joint military and humanitarian protection concept.

From the humanitarian side, the Protection Cluster⁶⁹ indicates good practice of civil-military coordination. The chair of the cluster is UN High Commissioner of Refugees (UNHCR), while CAS operates as a co-chair of the cluster. Even if in the future an international NGO might take over the position as co-chair, the civil-military liaison will remain central in the cluster. Concretely, this resulted in a coordinated and joint planning—another main task according to the Basic UN-CMCoord Concept - in anticipation of the hostilities in North Kivu in August 2007. In this specific case, humanitarian priorities were inserted in the military planning of MONUC in order to minimize the impacts of operations on the population and to assist timely and coordinated in humanitarian response. High risk zones in terms of civil protection and humanitarian access were agreed upon by CAS, CIMIC, the Protection Cluster and other UN/NGO partners. This allowed better military prioritization. This cooperation is now being repeated in South Kivu.

Another outcome of the cooperation in the Protection Cluster is the operation and location of Mobile Operating Bases⁷⁰ and the deployment of MONUC troops to secure access for humanitarians in certain identified areas.⁷¹

Protection of Human Rights

This topic is a challenge for MONUC due to two factors. First, the abolishment of the existing culture of impunity depends on the fulfillment of SSR reform and an improved judicial system. Second, the national army forces remain one of the main perpetrators of human rights abuses. At the same time of supporting the FADRC, MONUC needs to pressure for more discipline. Calls are made for MONUC to openly denounce observed human rights vio-

⁶⁸ Information from MONUC.

⁶⁹ The set-up of a Cluster System is part of the Humanitarian Reform Process.

⁷⁰ Mobile Operating Bases (MOBs) are small scale operations aiming to (amongst other aims) pre-empt incidents, develop trust among the population, conduct CIMIC and WHAM activities, provide shelter for other UN agencies (Masgood Ahned, Commander South Kivu Brigade).

⁷¹ Information from MONUC.

lations.⁷² In the eyes of the local population, the fact that MONUC is not able to make drastic changes in the behavior of the FADRC, does not favor MONUC in the popularity stakes.

Security of Humanitarian Assistance and Protection of Humanitarian Personnel

Due to the tense security situation, the use of military escorts, normally a last resort according to the Military and Civil Defense Assets (MCDA) Guidelines of OCHA, has become a common practice for UN agencies. In OCHA's viewpoint, the cooperation with the military on the use of their escorts does not add to the current risk.⁷³ Nevertheless, ECHO tries to limit the use of military escorts since it feels it contributes to the current confusion between MONUC and humanitarians. When necessary to visit UN projects, it does not do so in ECHO vehicles. The distinction with FARDC is probably even more crucial. ECHO, for example has no systematic communication with the army, but does contact them in relation to evaluation missions or follow-up of projects.⁷⁴

The issue of distinction is especially relevant since humanitarian NGOs have to deal directly with rebel forces in order to acquire access to beneficiaries in the areas controlled by these forces. Realizing the need for humanitarian assistance, the rebel forces do welcome NGOs to provide health care in the jungle or to build schools. Providing assistance to the rebels is heavily criticized by the authorities. This relates to the discussion of 'Do No Harm' and the provision of aid to the Hutu refugees after the Rwandan genocide. OCHA, which is an autonomous entity in DRC, is often called upon to explain the need of humanitarian principles.⁷⁵

Voluntary Return of Refugees and Internally Displaced Persons

The voluntarily return of refugees is hampered by the security situation. The refugees living in the areas controlled by the rebel forces fear that MONUC might attack them. Realizing this trend, MONUC encourages participation of civil society and local government to take ownership in the process. Increasingly, it tries to bring a 'civilian face' to MONUC and improve the communication with the population.⁷⁶

Disarmament, Demobilization and Reintegration

Civil-military coordination is needed to mitigate possible consequences of the DDR process that is often accompanied by offensive operations.⁷⁷ In the Nairobi Communiqué between DRC and Rwanda of November 2007, it was agreed that the Congolese government would come up with a plan to disarm the FLDR by December 1. MONUC had to assist in the planning and the implementation of the process. The deadline of March 15, 2008, expired how-

⁷² Human Rights Watch, *Nouvelle Crise au Nord-Kivu*. Octobre 2007, Vol. 19, no. 17 (A).

⁷³ Interview with OCHA, DRC.

⁷⁴ Information from ECHO.

⁷⁵ Interview with OCHA, DRC.

⁷⁶ Information from MONUC.

⁷⁷ Cedric De Coning, *Peace Operations in Africa: The Next Decade*. Working Paper. Norwegian Institute of International Affairs, 2007, No. 721.

ever. CAS feared that the redeployment of MONUC-trained FARDC for military operations in the area would lead to new population movements and have humanitarian implications in March/April 2008. MONUC intervened to avoid large scale civilian movements.⁷⁸ However, due to renewed fighting, the DDR process is going in the opposite direction and new recruitment has started among the rebel forces.⁷⁹

EU and U.S. Crisis Management in DRC

From the humanitarian side, the European Union is physically present in DRC through the offices of ECHO. Both in Kinshasa as in the field, ECHO participates in humanitarian coordination meetings, such as the weekly Humanitarian Advocacy Group (HAG), chaired by the Humanitarian Coordinator, the Provincial Inter Agency Committee (CPIA) and relevant cluster meetings.⁸⁰

Rule of law is clearly absent in the society of eastern Congo. While SSR is an essential part of every peace building endeavor, it is especially so for a peaceful future of the DRC. Good civil-military cooperation in the area of SSR is essential for a positive outcome of the peace building process. SSR deals with a number of actors such as armed forces, police and paramilitary forces, intelligent services and judicial and penal institutions, but also armed opposition groups, militia and private security firms.⁸¹

For this reason the EU set up a crisis management mission under the ESDP: the EU mission to provide advice and assistance for security sector reform in DRC. EUSEC started operating in June 2005 in order to assist MONUC with this task. Initially, the set-up of EUSEC proved to be a political struggle since mainly only France and Belgium supported the establishment. Further, coordination on the ground, with other partners and MONUC was put to the test initially.⁸² Nevertheless, EUSEC is again a new step in the development of the European crisis management, since it is a first form of a joint civil-military operation. While it is a civilian mission, financed by the CFSP budget line, it relies on military expertise and is headed by the French General Jean-Paul Michel.⁸³ The mission consists of forty-six experts from different nationalities, based all over the country, including in Goma and Bukavu. EUSEC aims to build capacity for Congolese security authorities in the three domains: the army, police and justice. The main focus lies on the integration of former rebels into a restructured national army, closely linked to DDR. Specific projects include assistance in the administrative and financial regulation, such as payments of salaries. The objective is to separate the chain of payment from the chain of command. Another project is a biometric system for identifying each soldier, concluded in June 2008.⁸⁴ It is estimated that of the 164,000 members in the FADRC,

⁷⁸ Information from MONUC.

⁷⁹ Interview with OCHA, DRC.

⁸⁰ Information from ECHO.

⁸¹ Lindeman in Ernst Sucharipa (ed.), *Cooperation in peace operations : The United Nations and Europe. 33rd IPA Vienna Seminar*. Diplomatic Academy Vienna, Favorita papers, 2003.

⁸² Ehrhardt, op. cit.

⁸³ Khol, op. cit.

⁸⁴ EU security sector reform mission in the Democratic Republic of the Congo, Website, http://www.consilium.europa.eu/cms3_fo/showPage.asp?id=909&lang=DE, Consulted 8 November 2008.

30,000 are ‘ghosts’.⁸⁵ Critics argue that a negative point is that EUSEC cannot use any development funds, although it is generally accepted that development is dependent on security.⁸⁶

In 2007, the EU decided to take the task of police reform out of EUSEC in order to attain better results. The idea was to enlarge the activities of EUPOL Kinshasa, operating from February 2005 to June 2007. The new EUPOL contains 39 international and nine local staff coming from nine EU member states and from Switzerland and Angola. It is tasked with the support of the reform of the National Police and its interactions with the judicial system. Currently enlarging its mission to the eastern part, EUPOL collaborates with EUSEC with regard to human rights and children in armed conflicts.⁸⁷ Liaison officers are maintained between DPKO and the EU.⁸⁸ But also this start of this mission went through a scramble for sufficient staff and some institutional difficulties which caused a delay in the actual deployment of EUPOL, eventually on 14 February 2008.

In contrast with Artemis, ECHO does not coordinate with EUPOL or EUSEC on the ground. These two EU initiatives are in contact though in Kinshasa, but mainly as a general information exchange on the activities.⁸⁹

The involvement of the U.S. in this sector remains limited. The State Department did foresee an increase in its financial support to security sector reform for 2009 (from \$7,817,000 to \$8,600,000) under its account of Foreign Operation.⁹⁰ For the Defense Department, critics say that the DOD does “*not fully recognize the urgent need of military reform which results in insufficient funding for an effective security sector reform.*”⁹¹ The Peacekeeping Operations account funds ‘for security assistance to help diminish and resolve conflict,... address counter-terrorism threats, and, in the aftermath of conflicts, reforms military establishments into professional military forces with respect to rule of law...’. Under this account, \$5.5 million was requested for SSR in DRC for 2009.⁹²

International NGOs on Crisis Management in DRC

Dilemmas for NGOs

So far we have not given much attention to the NGOs operating in Kivu. However, the ambiguity of civil-military relations is shown in an obvious way when we look at the NGOs operating in the Kivu provinces. NGOs are faced with an enormous humanitarian need while

⁸⁵ Malan, op. cit.

⁸⁶ Koen Vervaeke, *The EU's Africa Strategy: What are the Lessons of the Congo Mission?* in: Security & Defense Agenda Discussion Paper. Brussels, 2007.

⁸⁷ EUPOL RD Congo Website, http://www.consilium.europa.eu/cms3_fo/showPage.asp?id=1303&lang=DE&mode=g, Consulted 8 November.

⁸⁸ Ehrhardt, op. cit.

⁸⁹ Information from ECHO.

⁹⁰ U.S. Department of State, *Congressional Budget Justification Foreign Operations. Fiscal Year 2009*. <http://www.usaid.gov/policy/budget/cbj2009/101368.pdf>. Consulted on 16 November 2008.

⁹¹ Malan, op. cit.

⁹² Malan, op. cit.

being seriously constrained in their work by the security situation. More military resources and an enforced mandate might help to improve the situation. This resulted in NGOs perceiving military action as the only way out at the moment. Calls are made or to reinforce MONUC, which was agreed by the UNSC on 19 November 2008. Local NGOs would however prefer the EU to send an EU Interim Force in the line of Operation Artemis. An intervention from the EU is seen as a temporary but speedier solution.⁹³

The largest expectation from a military action is to assure an adequate protection of the civilians against violence. Perpetrators, also coming from the national army are not punished, while survivors do not always dare to report incidents. The reestablishment of rule of law is therefore essential. In particular, NGOs want to address the common practice of gender-based sexual violence. In the words of John Holmes, Emergency Relief Coordinator/Under-Secretary General for Humanitarian Affairs: “*Sexual violence in Congo is the worst in the world... The sheer numbers, the wholesale brutality, the culture of impunity—it’s appalling.*” According to CARE, more than 3,500 cases of sexual violence in North Kivu have been reported. Since rape is not always reported, it can be expected to be much higher.⁹⁴

The current security situation hampers humanitarian activities in such a degree that programs need to be stopped out of concern for the security for the own staff. Staff from the International Rescue Committee (IRC) were involved in an attack while being evacuated. The attackers looted and terrorized the humanitarian personnel present. Nevertheless, NGOs chose to continue their activities. The local population is in such a desperate need that IRC sees it as a ‘humanitarian responsibility’ to continue and even scale up the programs. At the same time, the IRC is aware of the risk of working in the area. Hard decisions have to be made. The names of the attackers of the aforementioned incident are therefore not revealed since this would increase the risk IRC staff is running in the area.⁹⁵

The cooperation with the military is thus limited in order to safeguard the humanitarian principles. For NGOs, the use of military escorts is therefore also a dilemma. Most NGOs prefer not to use the escorts in order to avoid association with MONUC. In a recent press statement, Médecins Sans Frontières (MSF) restated the risk of using military escorts in terms of safeguarding humanitarian principles and the danger it brings for humanitarian activities.⁹⁶

Advocacy for a Coordinated Response

NGOs advocate publicly and continuously for a better response to the situation in Kivu. Especially organizations based in the U.S. call for the international community at large and the US Government in particular to scale up the response to the Kivu provinces. Such a response

⁹³ Letter of 44 Congolese NGOs in North Kivu to the United Nations Security Council and Other International Leaders. 19 November 2008. <http://www.eponews.net/?p=598>. Consulted 16 November 2008.

⁹⁴ CARE, *Tens of Thousands More Women and Girls at Risk of Rape and Attack in DRC, Warns CARE*. 6 November 2008. http://www.care.org/newsroom/articles/2008/11/20081106_drc_update.asp, Consulted 16 November 2008.

⁹⁵ International Rescue Committee (IRC), *Terrorised in Congo - From: The Guardian Weekly*. 3 November 2008. <http://www.theirc.org/news/terrorised-in-congo1103.html>. Consulted 16 November 2008.

⁹⁶ Médecins Sans Frontières (MSF), *Armed aid convoys are an inadequate bandage for DR Congo’s deep wounds*. MSF Press Statement. Press release, 6 November 2008.

should not be unilaterally military or civilian. In 2007 CARE said “*that the U.S. could speed up and solidify that process by using the full force of its diplomatic and foreign assistance resources.*” According to CARE, the U.S. should also get more involved in SSR to assure an adequately operating national army.⁹⁷

ENOUGH, a project of the Center for American Progress to end genocide and crimes against humanity, recently started a campaign to remove the FDLR from Eastern Congo. The project calls for greater involvement of the U.S. and to exert diplomatic pressure on Kinshasa to bring justice. The protection of human rights should be better ensured in the East of Congo. On 10 October 2008, the SRSG in DRC, Alan Doss replied to a press statement by the ENOUGH project that accused MONUC of taking sides for the CNDP. In his letter, the SRSG responded that the aim of MONUC is to create separation zones between the conflict parties. He replied that in order to guarantee humanitarian space, both parties should withdraw, and in his conclusion, he asked the ENOUGH project not to undermine MONUC work, but to focus on the Congolese people.⁹⁸

Common Points and Divergences

Drive for a Coherent Security Approach

While the end of the Cold War is generally seen as changing the global security perspective, the EU and the U.S. only adapted their institutions to the new security needs around the beginning of the new millennium. In comparison with other international organizations, this is late. The Secretary-General of the United Nations Boutros-Boutros Ghali stated already in his 1992 Agenda for Peace that “*a consensus of international political, economy and military assets could and should be deployed in order to promote peace and stability.*” This statement gave a new meaning to the idea of security. Though, it is only some years later that the EU and the U.S. reacted. The EU found itself in the middle of an integration process. Some advocates for a common EU defense policy would already have wished to see a stronger military capacity of the EU long before the Treaty of Amsterdam. It was only in the context of the Kosovo crisis, however, that a compromise was reached in Helsinki to develop this capacity. And only after the first ESDP experience in 2003 was a bridge between civil and military coordination emphasized. For the U.S., only the experience of 9/11 forced a shift away from traditional interpretations of security. Similar to the EU, only in recent years has interagency coordination been emphasized.

Development of Crisis Management Mechanisms

The conditions for crisis management systems in the EU and the U.S. are completely different. The EU had the advantage of starting from zero and developing institutions reflected by the needs of this new security environment. The institutions of the U.S. carry a long history

⁹⁷ CARE. *CARE Calls on the U.S. to Step Up Peace Efforts in Africa's Great Lakes Region*. 2007. http://www.care-in-africa.org/content/dynamicnewsitem.asp?News_ID=57. Consulted on 16 November 2008.

⁹⁸ MONUC, http://www.monuc.org/downloads/Letter_to_Mr._Norris_ENOUGH_10_October_2008.pdf.

and are defined by the conditions of the Cold War; hence they are focused on military priorities. The process of developing these mechanisms in the EU is therefore more flexible and responsive to lessons learned and changed priorities. Implementing new initiatives, such as more civilian oriented programs in the U.S., is challenged by existing financial and institutional constraints. Nevertheless, the U.S. policy is much more stable. ESDP is still under development and will remain an open-ended process. This will certainly impact the way the EU conducts crisis management. An additional difficulty for the EU is the composition by member states. Decisions in the EU are the results of a compromise, as the development of the CivMil Cell shows. Setting-up a new civil crisis management operation is repeatedly a struggle. This makes the further development of crisis management a challenge depending on member states cultures, the political will and interests of changing governments, and needs on the ground.

Civil–Military Balance

Inspired by conflict situations, crisis management perspectives in the EU and the U.S. were initially oriented toward military strength. In the U.S., the civil-military balance remains directed towards military crisis management. This will probably not change soon due to the existing institutional framework and due to the mainly military challenges the U.S. is facing. Priorities of the U.S. are to be found in conflict zones, such as Iraq and Afghanistan. Security threats in terms of terrorism remain the top U.S. priority. Civilian initiatives, such as capacity building, training and police reform, exist but to a far smaller degree. These civilian operations have become the bulk of the crisis management operations performed by the EU. The reasons for this orientation are several. First, due to its close cooperation with the UN, the EU chooses to support international peace efforts preferably in civilian forms. The EU realizes that its strength is the combination of tools it can offer, but mainly in the civilian sector. Second, any military operation conducted under the EU umbrella and mandated by a UN resolution is limited and specific. Operation Artemis was the first example and the current EUFOR Operation in Chad can possibly be added to this list. Third, in the current geopolitical setting, the EU remains limited in its military capacities due to an absence of a full permanent military headquarters and of a military doctrine. These are aspects where the U.S. has the advantage and can be relied upon.

Civil–Military Coordination

The EU started developing its civilian and military crisis management capacities separately, but came to realize quickly the advantage of coming to a comprehensive strategy. Slowly, the institutional process has followed. The establishment of the CivMil Cell is naturally seen as the answer for proper and functioning civil-military coordination. However, difficulties remain and a culture of coordination between military and humanitarian elements is not entirely present in the EU yet. While coordination in the EU seems to be two-way street, in the U.S. it tends to be more a one-way process. Due to an unequal civil-military balance, coordination is a challenge. While such attempts as the establishment of AFRICOM are underway, they tend to fail due to the perception of military primacy. This is also shown in the fact that the EU seems to be further along in the conceptual debate on CIMIC and CMCO.

The Place of Humanitarian Organizations in Crisis Management

ECHO is not part of the development of crisis management. In ECHO's view, integrating civil and military mechanisms can lead to encroachment of humanitarian space. This has advantages in terms of abiding by humanitarian principles. However it impedes joint planning. In the U.S., USAID is part of the planning process. As a result, humanitarian assistance in the U.S. is viewed much more as a political tool than in the EU. As shown by the experience in Operation Artemis, a good pragmatic coordination on the ground can neutralize the lack of coordination between humanitarians and the military on the strategic level. Coordination is however not obligatory in the EU and may fail depending on personalities and cultures. In the U.S., the role of independent, neutral and impartial humanitarians is much more taken by NGOs, as shown in the examples of DRC, and not so much by OFDA. This falls back on the larger role of the private sector in the U.S.

A Trend Toward More Rapid Civilian Capacity

Both the U.S. and the EU are establishing Rapid Reaction/Response Teams. In both scenarios, they mainly consist of civilian experts put together depending on the needs of the situation and, most importantly, deployable in the first couple of days. This indicates the importance both actors attach to the further strengthening of rapid response civilian capacity, mainly in natural disasters.

Involvement in DRC

The EU is more heavily involved in DRC than the U.S. The role of the U.S. is definitely not exhausted, but cannot be overlooked. Both the EU and the U.S. are committed to the politics and the peace process. Due to the UN budget, they cover a large part of the peacekeeping budget. However, none of them is present through in the way of a large contribution of peacekeeping troops in MONUC. Neither the U.S. nor any European country has delivered military contingents to MONUC. Several EU member states like Belgium, France, United Kingdom and a few others contribute by means of Military Observers. Nationals of France and Sweden are part of the MONUC police. Their support to SSR does not pass through the multilateral system, but are part of bilateral agreements. The EU is much more visibly present in DRC through its four crisis management operations. Moreover, these operations are set up in agreement with or under the UN mandate.

Conclusion

This research has allowed us to consider two questions related to EU and U.S. crisis management in Kivu, DRC. First, are EU and U.S. crisis management mechanism adapted to the requirements of the field? Second, do EU and U.S. crisis management make an actual difference?

The bottom-up approach provides us with several conclusions regarding the first question, i.e. are the crisis management mechanisms of the EU and the U.S. adapted to the requirements of the field, based on the experience in Kivu, DRC?

First, the place of humanitarian organizations differs from the strategic and the operational level. On an operational level, humanitarian organizations are one of the two partners of the dialogue in terms of civil-military coordination. At headquarters level, humanitarian organizations such as ECHO and U.S. NGOs stand outside the debate of developing crisis management mechanisms. USAID/OFDA might be included in this debate, but can more easily be seen as a part of the overall political objectives. ECHO is hesitant to be included in the debate because it wishes to remain as firmly as possible to the humanitarian principles. While this flexible approach can be beneficial, it is important that actual coordination between all partners does occur in the field though, especially in tensed security situations like Kivu. Ideally, there should be basic communication in terms of joint planning and setting up liaison structures before deployment.

Second, the understanding of civil-military relations on a strategic level is different from what is understood in the field in terms of civil-military coordination. In the latter, the dialogue between international humanitarian and international military is envisaged, e.g., MONUC and OCHA. On a strategic level, the dialogue is focused on civilian and military crisis management systems within the U.S. and the EU. This influences the subjects dealt with within this framework. The topics as described in the DRC Guidelines focus on operational dilemmas. Protection of civilians is a natural priority for MONUC and OCHA in the context of hostilities. CIMIC structures within a peacekeeping mission traditionally have little to do with military support to security sector development. The strategic level can therefore be complementary. Due to the different composition and the distance from the battleground, it can deal with topics like police reform, elections judicial reform and security sector reform. While this can be complementary, this difference in understanding needs should be better emphasized in order to prevent misunderstandings and to anticipate where bridges can be build.

Third, the EU mechanisms are still in development and have not been fully put to use. Additional efforts are needed to streamline EU crisis management system and enhance civil-military coordination. Since an actual EU joint civil-military crisis management operation has not been deployed so far, the CivMil Cell has not been fully operational. In addition, EUSEC and EUPOL are very new missions and it is difficult to view their results yet. Also, the U.S. process is unfinished and further initiatives in this domain may be forthcoming.

The top-down approach attempts to answer the second question, i.e. do EU and U.S. crisis management make an actual difference, based on the case study in Kivu, DRC?

First, the development of EU crisis management operations in cooperation with the UN has benefited DRC, in terms of both military and civilian crisis management structures. The inclusion of civilian elements, such as training, development and reform, both on the EU and the US side, will benefit the peace process in Kivu. In concrete terms, a positive outcome can be seen in the current missions of EUPOL and EUSEC. SSR has repeatedly been referred to as key for many recurrent problems in Kivu: continued violence, culture of impunity, human rights violations, child soldier recruitment, etc. The training initiatives developed by the US are beneficial, but would need to be increased in DRC.

Second, in recent years, it became generally accepted that civilian and military crisis management systems need increased cooperation. This has been translated into institutional initia-

tives, such as the creation of the CivMil Cell. The cooperation between civilian funding and military capacity in EUSEC will benefit SSR.

Third, the attention given recently in the EU and the U.S. to developing rapid response mechanisms, in terms of deploying civilian teams in a short time frame, can be useful for the repetitive collapses in the peace process. A rapid response to fallbacks might prevent such moments to deepen the crisis.

In short, we can state that a difference has been made by EU and U.S. crisis management mechanisms, but improved transatlantic cooperation is possible. When we combine both approaches, we can identify two gaps. First, institutions are adapted to the requirements of the field only if a proper bridge is made between the strategic and the operational level. It seems that these are ad-hoc, comprehensive mechanisms. Second, no mechanism exists that allows a continuous and high-level dialogue between the EU and the U.S. to adapt their crisis management and coordination mechanisms to each other. Such an initiative would enhance the efforts done by the international community to reach a sustainable solution in DRC though. In combining the mechanisms set up at the EU level with the initiatives undertaken in the U.S. to strengthen civilian crisis management capacity and apply them in an international framework, a difference can be made.

This chapter concludes that the development of new crisis management mechanisms and the requirements for a sustainable solution in Kivu create an opportunity for all stakeholders described. The EU and the U.S. could come up with a joint strategic and long-term approach covering all of their instruments in place to support the SSR-process in the Kivu provinces. It is especially this niche of civilian and military cooperation within crisis management operations that may finally offer the key to bringing peace and stability to eastern DRC.