Intelligence Reform in the Post-Dictatorial Democratic Republic of Congo

A Critical Analysis of DRC's Intelligence Service

John Kasuku

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LIST OF ABBREVIATIONS

AFDL	Alliance des Forces Démocratiques pour la Libération du Congo (Alliance of Democratic Forces for the Liberation of Congo)
AFRICOM	Africa Command
ANC	African National Congress
AND	Agence Nationale de Documentation
ANR	Agence Nationale de Renseignements
AU	African Union
BP	British Petroleum
BT	British Telecom
CEEAC	Communauté Économique des États de l'Afrique Centrale (Economic Community of Central African States)
CIA	Central Intelligence Agency
CIAT	Comité International d'Accompagnement de la Transition
CND	Conseil National de la Défense (National Defence Council)
CNDP	Congrès national pour la défense du people (National Congress for the Defence of the People)
CNS	Conseil National de Sécurité (Council of National Security)
COMSEC	Electronic Communications Security

DAC	Development Assistance Committee
DDR	Disarmament, Demobilisation and Reintegration
DDRRR	Disarmament, Demobilisation Reintegration, Resettlement and Repatriation
DI	Defence Intelligence
DNI	Director of National Intelligence
DRC	Democratic Republic of Congo
DSP	Division Spéciale Présidentielle
EU	European Union
FARDC	Forces Armées de la République Démocratique du Congo
FBI	Federal Bureau of Investigation
FDD	Forces pour la Défense de la Démocratie (Forces for the Defence of Democracy)
FDLR	Forces Démocratiques de Libération du Rwanda (Democratic Forces for the Liberation of Rwanda)
FSB	Federal Security Service
GCHQ	Government Communications Headquarters
GECAMINES	Générale des Carrières et des Mines
GMRRR	Groupe Mixte de la Réflexion sur la Réforme et la Réorganisation de la Police Nationale Congolaise
ICC	International Criminal Court
ICD	Inter-Congolese Dialogue

IG	Inspector General
IICT	Interagency Intelligence Committee on Terrorism
IOB	President's Intelligence Oversight Board
JIC	Joint Intelligence Committee
JSCI	Joint Standing Committee on Intelligence
JTAC	Joint Terrorism Analysis Centre
JTTF	Joint Terrorism Task Force
LRA	Lord's Resistance Army
MLC	Mouvement de Libération du Congo (Movement for the Liberation of Congo)
MONUSCO	United Nations Organisation Stabilisation Mission in the Democratic Republic of the Congo
MPLA	Movimento Popular de Libertação de Angola
NCC	National Communications Centre
NIA	National Intelligence Agency
NICC	National Intelligence Co-ordinating Committee
NSA	National Security Agency
NSC	National Security Council
ODNI	Office of the Director of National Intelligence
OECD	Organisation for Economic Cooperation and Development
OIC	Office for Interception Centre
PFIAB	President's Foreign Intelligence Advisory Board

PNC	Police Nationale Congolaise
RCD	Rassemblement Congolais pour la Démocratie (Rally for Congolese Democracy)
RM	Renseignements Militaires
RPF	Rwandan Patriotic Front
SADC	Southern African Development Community
SAHRC	South African Human Rights Commission
SANAI	South African National Academy of Intelligence
SARM	Service d'Action et de Renseignements Militaires (Military Actions and Intelligence Services)
SASS	South African Secret Service
SOMINKI	Société Minière et Industrielle du Kivu
SRR	Security Sector Reform
SSPN	Services Spéciaux de la Police Nationale (Special Services of the National Police)
TRC	Truth and Reconciliation Commission
UNITA	União Nacional para a Independência Total de Angola (The National Union for the Total Independence of Angola)
UNSC	United Nations Security Council
UNSG	United Nations Secretary General
WMD	Weapon of Mass Destruction

DRC Atlas Map

ABSTRACT

This thesis analyses the reform of intelligence services undertaken in the Democratic Republic of Congo (DRC) during the period 2003 – 2011. It evaluates the formal and informal mechanisms of intelligence oversight that have been established and the strategic and operational changes that took place in the tasks and tasking of intelligence agencies as well as in their everyday working practices.

The research centres on analysis of twenty-eight in-depth interviews with intelligence practitioners, academics and human rights activists and is supported by the collection and analysis of qualitative data from the archives of Belgian colonies and published literature. In so doing, the research seeks to respond to research gaps on intelligence in the global South in general and on the DRC in particular.

The current body of knowledge on the analysis of the role of intelligence services in post-colonial Africa, particularly the DRC, emphasises the protection of dictatorial regimes and poor governance of the security sector as the main contributing factors to the inefficiency and ineffectiveness of intelligence services. The research offers a critical analysis of the missions assigned to intelligence agencies during different periods of DRC's political history and demonstrates that Congolese intelligence services rather efficiently protected Western interests during the Cold War period, when the West was competing with the Soviet Union over the control of the African continent. During this period, for over three decades, they incidentally protected the political leadership, which is the key role for intelligence services in virtually all states. In the case of the DRC, most analysts refer to this task as 'maintaining a dictatorial regime'. This research also

demonstrates that despite their controversial past, Congolese intelligence services played a crucial role in the process of democratisation of the DRC.

The research contributes to knowledge in three broad areas: it offers empirical analysis and data on intelligence reform and governance in the DRC; it helps crystallise the view about the limitations of Western-based conceptualisation of intelligence and suggests the need for a more global concept of intelligence which is critically lacking in most studies available to date despite the fact that most states in the global South have a substantial tradition of intelligence and internal security organisations, or else clandestine activity; it highlights the need to consider the context of transition from authoritarianism to democracy as one of the key factors in assessing intelligence reforms in developing democracies; and starts the formulation of a theoretical framework for analysing intelligence reforms in the context of transitions from authoritarian regimes.

ACKNOWLEDGEMENTS

You have all endured separation and ample sacrifice during the course of my studies but you have never stopped believing in me.

This PhD thesis is dedicated to my son Johnson Kasuku and my grand-son Gabriel Kasuku. I hope you will find an inspiration in it.

FOREWORD

My experience and motivation for this research:

I was born in the DRC and was partly educated there. At the end of my secondary education I went on to study law at the University of Kinshasa before I came to the United Kingdom to further my studies at postgraduate level. During my early years in 1970s, people were safe in DRC so long as they did not get involved into politics and upset the oppressive regime of President Mobutu Sese Seko Kuku Ngbendu Wa Za Banga. In early 1990s, when the Cold War ended and the wind of democratisation blew on the Africa continent, I was involved in human rights activism before I went into exile at the beginning of the so-called war of liberation in 1996 which led to the overthrow of the 32-year dictatorial regime.

Ten years after the overthrow of President Mobutu, I still could not understand how the most feared African dictator who supposedly had the strongest army in Central Africa could be easily overthrown by rebels. This surpassed my understanding because at this time Mobutu had his own private army apart from the national army. His private army, Division Spéciale Présidentielle (DSP), Special Presidential Division, was made mostly of people from his ethnic group and home province of Equateur. They were highly trained and equipped and were well paid compared to people in the national army. President Mobutu also had one of the most efficient, though not well governed, intelligence services in Africa which countered the advancement of communism in Africa during the Cold War. It was beyond imagination that the Zairian army and Mobutu's private army could not pose any

resistance to rebel forces instead chose to cross the Congo River into Congo Brazzaville on 17 May 1997 and let rebels take control of the capital city Kinshasa.

I was surprised how easily rebel forces took control of one province after the other until they arrived in the capital city because it was just impossible for this to happen without the connivance of the secret services. As result, I made an assumption that intelligence services were somehow linked with the on-going political change in the DRC.

While in exile in South Africa, I continued to search for answers. I began by seeking to understand how the African National Congress (ANC) has managed to put an end to over 4 decades of apartheid regime. One of the answers I got was that the intelligence services of the apartheid government and the intelligence services of the ANC have both played a role in making it possible for the ANC and the then government of South Africa to sit around the table and negotiate a peaceful transition to democracy. They also ensured that the transition went on smoothly and after President Mandela's historic election, the new intelligence services continued to secure new democratic institutions. I then realised that the traditional assumption that the main objective of African intelligence has always been to maintain dictators in power could be challenged.

During my stay in South Africa, I created a human rights organisation, the Congolese Organisation for Peace and Reconciliation, and I was officially mandated to represent the Congolese civil society in South Africa. When the Congolese peace negotiations began at Sun City in South Africa, I took part to the talks as an expert of the civil society delegation. At the same time I played the role of personal assistant to the head of the civil society delegation. Because of this role I attended several secret meetings held mostly at night between the head of civil society delegation and messengers from both the government delegation and the delegations of different rebel groups. My role in these meetings

was limited to taking notes. I was also able to see minutes of meetings which I could not attend. What surprised me most was that most of the people who came to these secret meetings were never in the conference room during the day when negotiations were taking place.

It is only after the signing of a peace agreement, when I was called back to the DRC to help set up a Truth and Reconciliation Commission (TRC), that I came to realise that the messengers I met in Sun City were in fact intelligence officers. I met most of them when I was working as Technical Advisor to the then head of civil society delegation to the peace talks who became the president of TRC particularly when we had to decide whether to go ahead and investigate past human rights violations or to leave perpetrators alone for a while until such a time when the DRC would have strong and democratic institutions as most of the people who committed gross human right violations or who gave orders were in the transitional government.

The biggest lesson I learnt from my experience at the Inter Congolese Dialogue and during the political transition is that the true peace negotiations took place outside the official negotiation room and intelligence services played a very important role not only in seeing to it that a peace agreement is reached but also in ensuring that the all-inclusive political transition continued smoothly until the organisation of the first ever democratic elections in the DRC. I then concluded that after all our intelligence services are not that bad. Knowing the history of their brutality, I assumed that it is the political environment they operated in that made them do most of the bad things they did. I also presumed that when the political culture will change, the intelligence culture will also change and our intelligence services will become democratic and will serve the whole nation not only the ruling class.

Security Sector Reform (including intelligence reform) was among the issues agreed upon by all parties at the Congolese political dialogue. I had known that intelligence reforms have taken place in the West and

it is the Western model that is being exported around the world and criteria of adherence to democratic rules are being used to assess intelligence services of former authoritarian and semi-authoritarian states which used to be governed according to preferences of authoritarian rulers.

Since then I have developed a keen interest in how the democratisation of a state can induce the democratisation of its institutions including intelligence services. My interest has grown especially as over the past two decades many so-called new democracies in the Global South have embarked on the journey of intelligence reform using Western models that may not always be appropriate. For this reason, I have decided to conduct this piece of research, with a feeling of hope to contribute to on-going debate on the reform of intelligence services.

1

INTRODUCTION

1.1 Research Background

This thesis is based on twenty years of observation of the political transformation of the Democratic Republic of Congo (DRC), in which I also played a role as a civil society actor. A major aim of my work is to provide an analysis of the roles of intelligence services in the DRC, especially in the reform period 2003 to 2011, which makes a contribution to the field of intelligence studies especially with reference to the global South.

Two widely-held views are that the role of intelligence in post-colonial Africa is mainly to protect dictatorial regimes by suppressing domestic opposition, and that African intelligence agencies are not efficient (except in repression) because not well-governed. It is also believed that the role of intelligence agencies in US client states, such as the Congo under its former dictator Mobutu, was to support the West in the Cold War by eliminating Soviet influence.

While these views have some merit, I believe they are misleading and simplistic. For example as explained later in the thesis, the Congolese intelligence services were in fact key players in the overthrow of Mobutu, when senior figures in the agencies decided that their own interests would be better served by democratisation under a new regime. Moreover, such views do not explain either recent reforms

or current operational modes of intelligence agencies in the DRC. Reform of DRC intelligence agencies was initiated in 2003 by President Joseph Kabila and his colleagues, and the country's first multi-party elections were held a few years later, in 2006. The thesis argues that the reform process is gradually transforming the intelligence services in the DRC, and appears to be making them more accountable and efficient. We should remember that reform of intelligence agencies in the DRC took place alongside numerous other reforms in the security and justice sectors, and in political institutions more generally; and in a context of extreme poverty and widespread illiteracy.

Moreover, in this period the government and population of the DRC was confronted by numerous security challenges, some of which almost threatened the existence of the DRC itself, and certainly the integrity of its national borders. Some of the most serious threats emanated from armed groups operating within the territory of the DRC which were a complex and sometimes mystifying mix of Congolese and non-Congolese soldiers, leaders, and financial and political backers. There were also numerous cross-border attacks and infiltrations. Before 2003, Congolese governments were dependent on intelligence from other states, especially the USA, and they proved unable to secure their own borders and territory. By 2011, the reformed intelligence services were making a better contribution to the security of the DRC and to its geopolitical weight and influence within the region and internationally. During the reform period there was a common mission within the Congolese intelligence community to prevail against rebels and neighbours' threats.

I certainly do not want to make naïve claims that the DRC intelligence services are now completely well-regulated, nor that they are not obedient to the top politicians. However I do make the case that a process of institutional accountability has started; that there is much less dependence on the USA or other international powers; that the

agencies have many other tasks than protecting the political leadership; and that especially they are making relatively good progress in countering rebel groups, including those with foreign backers, and helping to secure national boundaries and a more stable regional environment.

Moreover my research indicates that reform of the intelligence sector was implemented by Congolese themselves, with little reference to international donors or 'experts'. This was probably because leading politicians such as President Joseph Kabila, his senior strategist, the late Katumba Mwanke, and his current Special Security Advisor Pierre Lumbi did not want foreigners to have intimate access to the agencies and their staff. This feature among others distinguishes the reform of intelligences agencies from security sector reform more generally, for example in the police and military, where foreign donors and experts played a substantial role.

Although the main focus of this research is the DRC, I also use original research data to report on intelligence reforms in post-apartheid South Africa. I did not aim to write a comprehensive study comparing the DRC and South Africa as such; but I use lessons from the South African experience as a counterpart to that of the DRC. These insights are important because South Africa is a regional leader in Sub-Saharan Africa, with huge influence in regional conflicts and a direct influence in the DRC. South Africa was the first state in the region to make deep changes in the intelligence sector, and other states take note of her political and military affairs.

Additionally, I have worked in South Africa and my good knowledge of the country and its political history allowed me to access good resource material and this contributed to the feasibility of my research.

Reference is also made throughout this thesis to the mechanisms of democratic governance of intelligence services in the US and the UK.

This point of reference is crucial for understanding some of the reasons behind the approach taken by the DRC in reforming its intelligence sector.

This first section of the introduction provides the research background and an overview of the DRC and its intelligence services. It introduces also the background to intelligence governance and the impact of intelligence reform on the security of the state and the people in the DRC as well as the theoretical background that forms the research. Research aim, objectives and questions are clarified in the second section of this introduction which also demonstrates how a contribution to knowledge is made through the achievement of the aim and objectives of the research. The third section provides the structure of the thesis and the last section indicates the limitation of the research.

1.2 Brief Overview of the History of the DRC

The DRC[1] (formally known as Zaire, Belgian Congo or Congo Free State) is the second largest country in Africa and is situated at centre of the Continent. It is as large as the whole of Eastern Europe and covers an area of more than 2 million square kilometres. It borders Burundi, Rwanda, Tanzania and Uganda in the east; the Republic of Congo to the west; the Central African Republic and South Sudan to the north; and Angola and Zambia to the south (CIA 2013). It is a former Belgian

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[1] In this thesis, three country names, Democratic Republic of Congo (DRC), Zaire, and Belgian Congo, are used to describe the current African state of the Democratic Republic of Congo. The appellation, *DRC,* is more used to refer to events or phenomenon that took place after the overthrow of President Mobutu, while the appellation, *Zaïre*, is used to refer to the period of dictatorship when the country was called Zaïre, and the appellation *Belgian Congo* is used more specifically to refer to events that took place during colonisation period. The name *Congo* refers only to the country without any reference to historical time or particular period in which the country was labelled with other appellations.

colony and is administratively divided into eleven provinces[2], including Kinshasa the capital city, but according to the Constitution of 2006, the current administrative divisions were to be subdivided into 26 new provinces by 2009 but this has yet to be implemented (ibid).

The DRC population is estimated to be around 75 million made of over 200 ethnic groups – Bantus, Hamitic, Pygmies and Sudanese – who together speak four hundred and fifty dialects but have four national languages – Kikongo, Lingala, Swahili, and Tshiluba – and French as the official language (ibid).

The DRC is enormously rich in natural resources, including the much sought after tantalum or coltan, petroleum, uranium, industrial and gem diamonds, gold, silver, niobium, coal, cobalt, copper, zinc, manganese, cassiterite, hydropower and timber (ibid.). It is perhaps the richest country in the world as it has the highest number of mineral resources known to mankind.[3] It possesses the largest diamond reserves in the world, world-class gold deposits and the largest known cobalt reserves in the world (World Bank 2008a). It also possesses the second richest copper reserves in the world and three per cent of the world zinc reserves (ibid.). Despite the DRC's huge mineral wealth, its population lives in poverty and the country is classed amongst the poorest countries on the planet.[4] This situation is caused among other factors by corruption and unequal distribution of the revenue from the exploitation of these resources.

The political history of the DRC, which will be provided in more detail in Chapter Four, demonstrates that since the 17th century the political governance of the DRC has been shaped by external forces including the need for Western powers to maintain control over its

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[2] The provinces are Bandundu, Bas-Congo (Lower Congo), Equateur, Kasai-Occidental (West Kasai), Kasai-Oriental (East Kasai), Katanga, Kinshasa, Maniema, Nord-Kivu (North Kivu), Orientale, Sud-Kivu (South Kivu)
[3] The DRC holds over 1100 different mineral substances (World Bank 2008a)
[4] The DRC is last on the Human Development Index of 2013 and has been among the last 10 countries for over a decade.

abundant natural resources. Its intelligence services were mandated to serve this purpose and their missions have been adapted from time to time according to prevailing circumstances. From the pre-independence period the mission of the Congolese intelligence services varied from being of discouraging an idea of independence from the Congolese during the 1950s, to one of stabilising the newly established institutions so as to ensure that Western interests remain protected even after the independence, then to one of protecting the signed peace agreement and dealing with threats from rebels and neighbouring countries before becoming that of identifying security threats and advising the government or supporting policy-making after the process of intelligence reform that began in 2003.

Serious measures were taken by the West during the Cold War period to prevent Soviet Union's influence in the DRC; these led to the assassination of the first democratically elected Congolese Prime Minister Patrice Lumumba on 17 January 1961 who was perceived as a threat to Western economic interests because of his ties to the Soviet Union.

To stop the chaos that followed the assassination of Lumumba, the then army commander in chief Colonel Mobutu, seized power in a coup d'état on 24 November 1965 and ruled the DRC for 3 decades with the help of the West more particularly the United States which provided him with more than 400 million dollars in weapons (Savage 2006:9) he used in killing his own people.

While in power, President Mobutu created a highly professional intelligence services that received training from the American Central Intelligence Agency, and from the Belgian, French and Israeli intelligence services respectively.

These services were very efficient but they were not democratically governed. They acted in total impunity but this was tolerated by both the Zairian government and Western countries – they did not see the

democratic governance of Congo's intelligence services as a priority rather they were concerned about how successful these services were in the protecting their interests.

During his reign, President Mobutu established a network of patrimonial relations that gave him firm political control but the obligation to satisfying private interests of members of his network led to widespread corruption which contributed to economic malaise, human rights abuses and insecurity (Nest 2006:18), and eventually to his demise in May 1997 by rebels who received the backing of Burundi, Rwanda and Uganda.

The end of the Cold War marked the beginning of a new era during which a new Western policy agenda of democratisation had to be implemented throughout Africa. This new agenda came about at the time when there were more demands from better-educated populations for changes in the political governance of their countries and the introduction of a new system of governance in which those who govern can be held accountable for their actions. One of the expected outcomes of the introduction of democracy in Africa and particularly in the DRC was the subjection of intelligence services to democratic control so as to prevent them from working on the margin of the law and becoming a danger to democracy.

President Laurent Desire Kabila who replaced the dictator Mobutu was unfortunately not able to meet the expectations of the Congolese people who saw him as a liberator and a democrat. He failed in his strategic decisions of how to satisfy the needs of the population and at the same times meet his obligations vis-à-vis his regional friends and multinational companies that brought him onto power. He disassociated himself with his foreign masters in an uncivilised manner by removing all Rwandan and Ugandan nationals to whom he had given work in different government institutions and ordered them to live the DRC and returned to their country promising to pay their governments' bills for

helping him to overthrow the dictator Mobutu. He also ethnicised the public administration and all security and defence institutions by appointing people from his home province of Katanga to senior positions.

His inefficient domestic and foreign policies triggered the second Congo war during which the regular armies of Rwanda and Uganda fought alongside new rebel groups in order to remove him from power. Because of his Marxist-Leninist political ideologies President Kabila's government was engaged into diplomatic and economic relations with countries such as North Korea, Cuba, Russia and China. Although it is perfectly right for a sovereign state to enter into diplomatic and economic relations with any states on the planet, his unfriendly critics of Western governments policies and international institutions were not advantageous to the DRC. He created so many enemies for himself within the international community just as within the DRC where he suspended all political parties and rejected proposals for dialogue with rebel groups and the political opposition. President Laurent Kabila thus became an enemy of democracy and regional stability who had to be dealt with.

The democratic process continued only after his assassination when his son Joseph Kabila who replaced him began direct peace negotiations with the governments of Burundi, Rwanda and Uganda. Joseph Kabila disbanded all political parties and continued the national dialogue which ended with the establishment of a transitional government in 2003 in which former rebel groups, the political opposition and civil society were represented and at the end of which the first ever democratic elections were held in 2006. It is during the transition period that the process of security sector reform began and consisted of the integration of rebel combatants and intelligence personnel into the national army and intelligence services.

1.3 Research Aim, Objectives, and Questions

Research Aim

To contribute to research on intelligence in the Global South, by analysing the roles of intelligence agencies in the DRC between 2003 and 2011

Research Objectives

1. To review academic studies on intelligence services;
2. To analyse the political context of intelligence operations in the DRC during and after the Cold-War;
3. To explain and analyse the strategic and operational tasking of intelligence agencies in the DRC;
4. To suggest ways in which the Congolese state might improve its governance of intelligence;
5. To shed further light on these agencies by comparing and contrasting with agencies in South Africa;
6. To respond to research gaps on intelligence in the Global South in general;

Research Questions

This research is structured around five research questions:

1. In contemporary academic literature, what are established theories about the roles and definitions of intelligence in democratic states?
2. What has been the DRC experience of intelligence reform between 2003 and 2011?
3. Are there any similarities or differences between intelligence reform in DRC and South Africa?
4. What are the formal and informal mechanisms of democratic governance for intelligence? Do they work? Are there any

lessons that can be learnt by the DRC from long established democracies or from recently reformed countries where mechanisms of democratic governance have worked well?

5. What sort of strategic tasks and operational practices of intelligence might be reformed in the DRC?

Some intelligence reform advocates have argued that Western models of intelligence oversight and accountability can be successful in every state depending on the political will of the government. I have found little evidence to support this argument and I therefore adopted the following hypothesis in order to focus my research:

> Western models of intelligence oversight and accountability cannot be successfully applied in a country such as the DRC which has no developed traditions of democratic governance - mechanisms that take into account the country's political context and that are developed by or in agreement with the Congolese political class are more suitable.

In order to focus my research I described the context in which intelligence reform took place in DRC and I identified and analysed mechanisms of democratic control of intelligence that are used there. I also assessed the extent to which such mechanisms contribute in making intelligence agencies of the DRC more democratic.

The arguments proposed in this thesis are based on the following assumptions:

a. The intelligence sector of the DRC has been reformed with some success;

b. Established control and oversight mechanisms are making Congolese intelligence agencies more efficient and effective – progress has been made on the compliance by intelligence services with the law;

c. Change in political culture is leading slowly but surely to change in intelligence culture.

By addressing the research questions, the thesis tests the assumptions and illustrates challenges of designing and implementing instruments for democratic control of intelligence service in a post-dictatorial country. It will also verify the limitations of Western model of democratic control of intelligence services which seek to end or prevent the undemocratic governance of the intelligence sector in new democracies without taking into account the political environment in which intelligence organisations operate and the existing intelligence culture which are largely overlooked by the studies on security sector reform. Hence, this research envisages its contribution to knowledge through three broad areas as set out below.

Firstly, this research will offer empirical analysis and data on intelligence reform and governance in the DRC. In so doing, it will fill the gap in the existing literature by providing insights into intelligence services in developing democracies and will demonstrate the complexities of intelligence reform and the effect of the political context on the outcomes of such reform.

Secondly, the findings of this research will help crystallise the view about the limitations of Western-based conceptualisation of intelligence as an earlier paper (Aldrich & Kasuku 2012) on the analysis of the role of intelligence services in the global South has uncovered the need for a more global concept of intelligence which is critically lacking in most studies available to date despite the fact that most states in the global South have a substantial tradition of intelligence and internal security organisations, or else clandestine activity.

By examining cases of amendments of laws pertaining to the security sector relevant to good governance of intelligence in the DRC, I will seek to elucidate a critical theoretical contradiction associated with the application of the Constitution to overcome the core dilemma of

balancing effectiveness and democratic governance of intelligence services. I will also address one of the key problems in situations marked by long history of undemocratic rule – how to make parliament, the judiciary and civil society fully involved in the oversight of intelligence services, which is a necessary step within participatory governance processes.

In short, I will provide insights into policies on intelligence reform agenda that are highly relevant for policymakers, intelligence agencies, academics, and the public, especially at a time when demand for transparent and accountable intelligence services is ever increasing.

The thesis will therefore highlight the need to consider the context of transition from authoritarianism to democracy as one of the key factors in the assessment of intelligence reform processes in developing democracies which needs not to be evaluated based only on conformity to democratic norms as understood by the West. My third contribution to knowledge will therefore be to start the formulation of a theoretical framework for analysing intelligence reforms in the context of transitions from authoritarian regimes, and in so doing open a debate on the creation of such a framework.

1.4 Structure of the Thesis

This thesis is divided into two parts, which together account for seven chapters, excluding the introduction and a final section entitled: 'Key Findings and Conclusion'.

There are three introductory chapters in the first part that provide a theoretical response to the questions asked. In the second part, there are four chapters which draw in much greater detail upon my field research, and critically analyse the process of intelligence reform in the DRC.

Chapter Two provides a brief theoretical background on security intelligence, building on the pioneering work of leading intelligence

scholars like Sherman Kent, Michael Herman and Christopher Andrew, and reviews literature on concepts such as intelligence, counterintelligence, covert action, politicisation of intelligence, and intelligence failure. This chapter provides the current body of knowledge on intelligence-related aspects of security sector reform in order to identify research gaps.

Chapter Three describes how the research has been conducted in order to arrive to its findings. This methodology chapter provides a detailed explanation of how research questions were addressed and the methods used to achieve all set objectives.

Chapter Four provides an overview of the trajectory and nature of the political instability in the DRC, from the Berlin Conference through the colonisation and the Cold War period to the on-going conflict up to 2003 in order to provide and understanding of the overall context in which intelligence reform took place between 2003 and 2011. Through a deep examination of the conflict and the peace process, this chapter aims to explain the negative context that prevailed then in the DRC, marked by a loss of political legitimacy for the leadership, an apparent institutional collapse, and a significant economic decline. It also highlights the importance of historical and political contexts in the governance of the security sector.

Chapter Five, analyses the process of security sector reform undertaken in the DRC since the beginning of the transitional period. This chapter also examines the role Congolese intelligence services played in the ideological struggle between the West and the Soviet Union during Cold War period and aims to contribute to the on-going debate about efficiency and democratic governance of intelligence services. Through examination of the role of intelligence services in maintaining President Mobutu's authoritarian regime in place for 32 years and in the breakdown of the same regime, this chapter attempts to

demonstrate how difficult it is to change intelligence culture in a country that has experienced over fifty years of undemocratic rule.

Chapter Six provides an analysis of formal and informal mechanisms of democratic governance of intelligence sector in the DRC. It begins by explaining the role the executive, the judiciary and legislative branches of government play in the control and oversight of intelligence agencies and then goes on to examine the role of media, churches and civil society. The chapter also provides extensive discussion of South Africa's intelligence reform process. Drawing on these analyses and examples from the U.S., UK, and South Africa, this chapter demonstrates that intelligence reform and democratic governance of intelligence agencies happen only when the executive wants it to happen. It also discusses the issues of efficiency and effectiveness of intelligence agencies, control and oversight, openness, secrecy, and the need to find a proper balance between respect of democratic values and the need for good intelligence.

This chapter also evaluates the interventions of local and international actors in the reform process; it identifies challenges the DRC government was faced with in reforming its intelligence services and suggests ways to overcome these challenges. The importance of local ownership of intelligence reform process is emphasised and caution is made against international advices and support based on Western models that may not be appropriate to the DRC.

In Chapter Seven, there is an analysis of the relationship between change in DRC's strategic vision and the change in the tasks of its intelligence services and the way they are tasked, which is not tackled in earlier parts of this work. The chapter thus begins with a brief review of literature on strategic task and tasking of intelligence agencies and describes how intelligence requirements are generated at all levels - tactical to national. It examines a number of issues and dynamics of globalisation: highlighting legacy problems that serve as barriers to

efficient tasking or self-tasking of intelligence organisations in the DRC. It also highlights what the intelligence agencies of the DRC are currently looking at now as it has become clear that neighbouring countries, multinational companies and other interested groups will always been attracted to abundant mineral resources of the DRC.

Chapter Eight examines the kinds of operational practices of intelligence agencies that have been reformed in the DRC. It begins with review of literature on operational changes in terms of everyday working practices of intelligence agencies and goes on to analyse the new organisational structure and working practices of the Congolese intelligence sector. The chapter then goes further to explain the core issues of management and coordination of intelligence agencies and discusses the impact of technology on the collection and intelligence analysis capability of Congolese intelligence services. Based on the examination of the working practices of the Congolese intelligence services, the chapter also re-assesses the governance already debated within Chapters Two, Five and Seven.

Chapter Nine summarises the findings from each chapter, evaluates those findings, and draws final conclusions of the thesis. An overview of key contributions to knowledge is offered in this final chapter and a few suggestions are made for future research.

1.5 Limitations of the Research

This research project aims to analyse the process of intelligence reform that has been conducted in the DRC between 2003 and 2011 and to explain why the reform happened the way it did and not otherwise. Discussions about intelligence governance in the U.S., UK and South Africa have been included to clarify some issues but despite the fact that international relations are important to the arguments, this research has

not in any way attempted to undertake a political enquiry into DRC's relations with the world.

The study focuses primarily on how intelligence agencies are reformed and governed in the DRC and on their role in the democratisation process.

The findings and conclusions of this study are limited to the DRC even though some of them can be applied elsewhere. The political culture in the DRC is very unique compare to other developing countries; it would therefore be erroneous to assume that findings and analysis of this research could be generalised for all new democracies.

2

REVIEW OF LITERATURE ON INTELLIGENCE REFORM

2.1 Introduction

In a field of study with a rich conceptual literature, a literature review would be concerned in part with an analytical contrast of differing theoretical paradigms and their articulation by representative authors. As explained below, Intelligence Studies is still rather far from developing such a body of conceptual theory. Instead, authors have almost exclusively focused on collecting empirical data and presenting it in coherent narrative form; this undertaking has itself been a challenge since the field of study is under-researched, and much of the data and information is concealed from public scrutiny. My literature review therefore focuses on what has been achieved in this field of study to date, namely relatively coherent accounts of the debates around definitions, missions and structures of various intelligence conglomerates but especially those of the USA. The US intelligence agencies are also probably the most influential in terms of security sector reform in US client states and therefore critical background information for research on the DRC. Unfortunately, literature on intelligence in post-colonial Africa, in fact on the global South in general, is almost non-existent and therefore could not form the basis of critical analysis.

The first four sections of this chapter cover the definition and theory of intelligence as well as the role and mission of intelligence services to review existing studies that are pertinent to the analysis of the role and mission of intelligence services in post-dictatorial DRC. The fifth section examines the literature on SSR and the last section looks at democratic control of intelligence services as a new type of governance that fills intelligence governance gaps by preventing the violations of human rights and civil liberty and increases the effectiveness of intelligence agencies.

2.2 Definition of Intelligence

During the post-Cold War period, particularly after the September eleven 2001 terrorist attacks, there was an unprecedented increase in number of research in the field of intelligence around the world, especially in the West (Bar-Joseph 2011; Lahneman 2007; Aldrich and Kasuku 2012; Andrew et al 2009), but regrettably these research have failed to produce one agreed definition of intelligence. The end result has instead been an array of divergent definitions - some are incomplete as they define intelligence as information or activity; others define it as organisation. While Sherman Kent , an early theorist and practitioner of intelligence who provided the description of the concept intelligence, defined intelligence as knowledge, as organisation, and as activity (Johnson and Wirtz 2004), contemporary intelligence theorists, practitioners and even intelligence agencies define intelligence based on current security environment and challenges. This section looks at the various definitions of intelligence and explains their limitations to demonstrate how much the complex nature of current security challenges, which are not the same for all states, impact on the

interpretation of the meaning of intelligence and even on the operations of intelligence agencies.

In defining intelligence, Kent (1949) described the way intelligence services collect and analyse information, the finished intelligence product agencies provide to policymakers, and the way intelligence services are organised. Based on this description, intelligence experts and agencies have been able to produce their own definitions of the concept intelligence from their understanding of the world of intelligence. The American Central Intelligence Agency (1999), for example, defines intelligence as knowledge and foreknowledge of the world around us – the prelude to decision and action by US policymakers. But Peter Gill and Mark Phythian (2006) define intelligence 'as the umbrella term referring to the range of activities – from planning and information collection to analysis and dissemination – conducted in secret, and aimed at maintaining or enhancing relative security by providing forewarning of threats or potential threats in a manner that allow for the timely implementation of a preventive policy or strategy, including, where deemed necessary, covert activities.' The problem with these definitions is that they focus much on intelligence as information or activity. They do not address the agencies or people involved in the process. The definitions raise, however, a very important issue: the aspect of intelligence business that all intelligence agencies have in common – the secrecy with which their activities must be conducted.

In their attempt to defining intelligence, Shulsky and Schmitt (2002) begin by looking at the different categories of phenomena to which the term *intelligence* is applied based on a three-part description of how intelligence is organised: information, activities and organisations.

They first define intelligence as information relevant to a government's formulation and implementation of policy to further its national security interests and to deal with threats from actual or

potential adversaries. They argue that intelligence is a component of the struggle between adversaries that deals primarily with information as oppose, for example, to economic competition, diplomatic manoeuvring or negotiations, or the threat or use of military force.

They also define intelligence as an activity that involves the collection and analysis of intelligence information including activities undertaken to counter the intelligence activities of adversaries. It should be noted however, that all information is not intelligence but all intelligence is information. Intelligence is part of the broader category of information. It is collected secretively and processed systematically and made available in usable form to policymakers in order to meet their stated or understood needs.

Lastly, Shulsky and Schmitt define intelligence as an organisation that carries out the activities of collection, analysis and dissemination. They also insist on the mode of operation of intelligence organisations and the secretive nature of their activities. They go further to include clandestine operations or secret activities undertaken by these organisations in foreign countries.

Mark Lowenthal, a contemporary intelligence theorist and practitioner, also builds his definition of intelligence from the ideas of Sherman Kent and suggests three ways of thinking about intelligence. According to him, intelligence can be seen as a process, a product and as an organisation (Lowenthal 2003).

Intelligence as process: intelligence can be thought of as the means by which certain types of information are required and requested, collected, analysed, and disseminated, and as the way in which certain types of covert actions are conceived and conducted.

Intelligence as product: intelligence can be thought of as the product of these processes, that is, as the analyses and intelligence operations themselves.

Intelligence as organisation: intelligence can be thought of as the units that carry out its various functions.

Lowenthal's definition of intelligence is acceptable but is broad. Intelligence can be thought of as an activity, and organisation or a product but this separation is artificial in the sense that all three are intended to produce a special kind of information that assists action – i.e. which makes it more efficient. While broad definitions can help in clarifying issues, they might sometimes be confusing and misleading.

A good and comprehensive definition of intelligence is one that says what intelligence is without including all sorts of things that it is not. Such a definition is provided by Michael Warner who argues that intelligence is secret, state activity to understand or influence foreign entities (Warner 2009).

The only problem with Warner's definition is that intelligence is thought of as *foreign intelligence*[5] whereas intelligence is also used for making policies that are applied within states, and the domestic intelligence is the most popular intelligence model around the world rather than foreign intelligence. Additionally, businesses and even terrorist groups also use intelligence. It is perhaps important to think of intelligence just as information for decision-makers.

2.3 Theory of Intelligence

To derive a theory of intelligence first requires a definition of what intelligence is (Warner 2006:2). Without agreed definition of intelligence, a number of terms have been used by every state to describe intelligence in relation to internal and external security challenges. Despite the fact that this situation makes difficult the formulation of a robust theory of intelligence, there seem to be some

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[5]This has been the problem ever since - intelligence has been thought of mostly as *Foreign Intelligence*, and so *Domestic Intelligence* has been theorised differently under 'surveillance', and rather separately.

similarities in all existing definitions of intelligence, which come from the interdependence of states in their fight against new and globalised security threats and have contributed to the theorisation of concepts such as international relations. The review of intelligence theory in this section involves an attempt to evaluate the level of maturity the intelligence discipline has reached. In so doing, it provides and understanding of the reasons behind the uneven theorisation of intelligence as well as its implications for intelligence methods and regulation (Chapters Six, Seven and Eight).

Theories come partly from evidence, and party from beliefs and ideas (Hall and Hall 1996:33). For many years, intelligence has been regarded as the only profession that lacked a serious literature. In an essay written by Sherman Kent and published after his death by Donald Steury, Kent argues that 'as long as this discipline lacks a literature, its methods, its vocabulary, its body of doctrine, and even its fundamental theory run the risk of never reaching full maturity'(Kent 1994).

The function of a theory is to explain a reality coherently and systematically; to demonstrate why the object it has to explain is as it is and not otherwise; and to give a meaning to diverse elements. A theory provides an answer to puzzling questions because it links together different elements in a causal process to produce a more general explanation of the particulars that have been observed (Gilbert 1993:18). A theory of intelligence, for example, should enhance our ability to understand and explain intelligence processes, including the role of intelligence in a democracy, and to generate answers that explain intelligence outcomes. It should also help in understanding the impact intelligence organisational structure has as a structure within which people interact and as an agent acting within the broader context of state and society.

With the help of a theory of intelligence, those working in the field of intelligence can be able to understand each other if an overall

definition that bounds the intelligence field and common vocabularies are provided. A theory of intelligence is also useful in the building of a model of expected behaviour for intelligence agencies and people working in them. These models can be built after being tested against real-world data and refining their predictive values. A theory of intelligence can also help in describing the topic of intelligence more systematically allowing us to catalogue what we know about intelligence and to discover what we did not know about intelligence. Gill (2006:4) argues that theories for intelligence should relate immediately to the needs of practitioners - gatherers, analysts, and managers who are generally practical people more concerned with the achievement of concrete results for their customers, and are usually uninterested in theories which, in their view, do not offer immediate help with their work. Nonetheless, a well-developed theory of intelligence can be useful for intelligence practitioners and consumers, politicians, other executives, and researchers as it can offer a framework for understanding and explaining the subject of intelligence, a model of expected behaviour, and a possibility to identify gaps in intelligence knowledge.

As explained in the previous section, the diversity of ideas of what intelligence is suggests that intelligence means different things to different people or countries. Also, the way governments define *intelligence* has an impact on the organisational structure and the definition of mission and mandate of the intelligence agencies.

Some academics (Gill 2009; Gill and Phythian 2006) have tried to theorise intelligence based on the first part of its definition as they consider knowledge to be basic and indispensable to national security policy. They saw a theory of intelligence as something that should offer in explaining the relationship between intelligence and policy, but they failed to determine the scope of the knowledge with which intelligence is concerned. Others (Johnson 2007) have argued that intelligence

should be concerned only with internal matters or knowledge that is indispensable to the welfare of the people and state security therefore the objective of constructing of theory of intelligence should be to lay out what we know in such a manner as to suggest next steps in our action which include knowledge about foreign countries and information that is necessary for regime protection.

In the United States, greater efforts have been made to 'theorise' intelligence at the organisational level, especially the relationship between 'intelligence', 'secrecy' and 'policy', including covert action (Gill and Phythian 2006:21) but it has been difficult to reach a more generalised findings by studying one specific organisation within the American intelligence community. The divergence in the approaches for theorisation of intelligence suggests that the only option we are left with is to theorise intelligence by looking at its function within the state. Here we must acknowledge the fact that the type of a political regime or a political culture in a country influences the organisational and operational structure of intelligence (Davies 2009). Also, every intelligence service, be it in a democratic or authoritarian state, has two principal missions: to collect and analyse information, and to protect the state's secret (Vitkauskas 1999). An intelligence theory should therefore be developed from the two common missions of intelligence services, and because policy formulation is part of politics and politics is dynamic not static, a theory of intelligence should emphasise factors that can be manipulated or changed; it should help us discover the most fundamental causes of a given situation and predict the future course of events. Other theories such as surveillance and bureaucracy theories can be used to complement and contextualise the analyses of the working practices of intelligence agencies.

This argument is supported by Davies (2002:11) who stresses that the only way which can help us develop a comprehensive theory of intelligence is to explore the divergence of concepts of intelligence

between two countries that share a common language and political culture such as Britain and the U.S. This, he suggests, will help in drawing parallels with debates about the value of the concept of *strategic culture* which would lead to the recognition that there are many competing national ideas of intelligence, and that these have both institutional and operational consequences.

A comparative study of the British and American intelligence systems reveals that when Americans and British think or talk about intelligence, they think and talk about different things. For the Americans "intelligence" refers to "finished" intelligence that has been put through the all-source analysis process and turned into a product that can provide advice and options for decision-makers. Hence, for them, intelligence production means analytical production. The U.S. is therefore oriented toward a broad notion of intelligence that is shared by both government practitioners and scholars. For the British, intelligence analysis is not professionalised; it is the ordinary work of government departments and ministries that act as assessment machines. Government departments and ministries collect raw information from different sources, including from secret sources, then analyse it day by day and then apply it in the decision-making and policy-forming process which is the end product. Hence, in British practice, raw intelligence moves straight into policy-making circles without passing through a separate, intervening analytical stage. This is because all-source analysis is subsumed by the civil service employees who, in their role as advisors to ministers, take ultimate responsibility for the policies and actions of their department before Parliament.

The overall observation drawn from empirical studies related to institutionalisation of intelligence demonstrates that the difference between the American and British concepts of intelligence is that Britain approaches intelligence as a specific type of information, while the U.S. approaches information as a specific component of intelligence. The

findings from these studies are conclusive enough as they demonstrate that if there are profound divergences between Britain and the U.S. - two countries that are closely related and have closely integrated intelligence communities, divergence between systems that are less cognate can only be deeper. Davis (2000) correctly notes that the key conceptual implication of the divergence of British and U.S. concepts is that there is an advantage to thinking seriously about formulating and articulating a theory of intelligence culture. The cornerstone of any theory of intelligence culture, he argues, has to be the idea of intelligence, or more accurately, the many different ideas of intelligence and their institutional and operational consequences.

The studies reviewed above all suggest that it is the complexity of the topic intelligence or the fact that the term means at the same time the agencies, what people in the agencies do, and what they come up with rather than the poor skills of those who research the topic that cause difficulties in the development of a theory of intelligence.

2.4. Role and Mission of Intelligence Services in a State

2.4.1. Role of Intelligence Services

It is evident from the many definitions of intelligence that the primary role of intelligence services in a democracy is to inform and support policy. Intelligence services are expected to predict, detect and analyse internal and external threats to security and to inform and advise the executive about the nature and causes of these threats. This is to say that intelligence agencies do play both a passive and active role. "To inform" the executive regarding internal threats and capabilities of potential threats is passive and it relates to the intelligence process, while "to support policy" or strategies established by policy-makers is more active and refers to covert actions and counterintelligence operations.   From this, we may conclude that there are four roles or

functions that are common to most intelligence services in the world – collection, analysis, counterintelligence, and covert action, but there is a difference between states in the way that these roles are distributed between and among intelligence organisations. Although the four functions of intelligence are different from one another, they do operate most effectively as part of a process in close conjunction with one another.

2.4.2. Missions of Intelligence Services

Michael Herman correctly argues that the primary mission of intelligence services is the collection and analysis of information. He further argues that collection refers to the gathering of information without targets' cooperation or knowledge. Usually it is done by special, covert means designed to penetrate targets' organised secrecy (Herman 1996:81). Shulsky and Schmitt (2002) and Flood (2004) support this argument pointing out that collection also includes technical means (photography, interception of electronic communications, and other methods involving technology); exploitation of "open sources" (for instance, publications, and radio and television broadcasts); or in other manner including Human intelligence (Humint) which is intelligence obtained from people and which resembles to journalist's skill in cultivating sources and persuading them to talk (Herman 1996:61), Signal intelligence (Sigint) which is part of the computer and communication revolution that allows the interception of electromagnetic waves or signals, and Imagery intelligence (Imint) which involves photography to obtain images of places or things to which direct access is not possible, are the main sources of intelligence collection (Johnson and Wirtz 2004: 44-46).

After the information has been collected, it needs to be analysed if it is to be useful to policy-makers and military commanders (Marrin 2011; Ferris 2009; George & Bruce 2008). Analysis gives those involved in it

the ability to make judgements about the capabilities, the intentions, and actions of a foreign government or political organisation (Medina 2009). It is divided into a sequence: *collation*, or the routine work of recording incoming information; *evaluation,* of the reliability of the source and the credibility of the information; *analysis* or the identification of significant facts, comparing them with existing facts, and drawing conclusions; *integration,* of all the analysed information into a pattern or picture; and *interpretation*, or deciding what it means in terms of what is likely to happen in the future (NATO 1984). The result of analysis is referred to as "intelligence product" and can take the form of short memorandums, elaborate formal reports, briefings, or any other means of presenting information.

The second mission of intelligence services is the protection of state's secrets; in other words the protection and preservation of the military, economic, productive strength of the state, and its security in domestic and foreign affairs, from espionage, sabotage, and all other similar clandestine activities by hostile, and sometimes even from friendly, foreign powers designed to weaken or destroy the state (Herman 1996, Flood 2006; Johnson and Wirtz 2004; Shulsky and Schmitt 2002). This is known as counterintelligence and it is both a product and an activity. The product is reliable information about hostile foreign intelligence services and other threats, and as an activity it consists of two matching halves: counterespionage and security (Johnson and Wirtz 2004: 288). Counterespionage is the offensive, or aggressive, side of counterintelligence. It involves identifying specific adversaries and developing detailed knowledge about the operation they are planning or conducting.

Security is the defensive, or passive, side of counterintelligence. It entails putting in place defences against all hostile and concealed operations aimed at the state, regardless of who might be attempting to carry them out.

Counterintelligence also involves the protection of collectors from being known (Wettering 2009:283). The protection of collectors is of great necessity because if it is not done it may lead to the neutralisation of collectors and possible exploitation by other intelligence services.

Intelligence agencies do also conduct some secret activity abroad. This is referred to as Covert Action but the terminology for this differs from country to country. In France, covert action is termed 'action operation' but in the UK it is referred to as 'special operation'. Covert action is defined as the attempt by one government or other organisations, such as terrorist groups, to pursue their foreign policy objectives by conducting some secret activity to influence and manipulate political, military, economic, or social events and circumstances in a foreign country (Kibbe 2009:439). Covert action is often associated with the assassination of leaders or the overthrow of governments, but it includes a wide range of activity, from propaganda and disinformation to political influence operations, economic destabilisation, and paramilitary operations (Kibbe 2007). Records of covert action by the American Central Intelligence Agency include assassination plots against Fidel Castro and Patrice Lumumba, the disastrous Bay of Pigs invasion in 1961, which damaged the presidency of John F. Kennedy, and the illegal use of funds in the Iran-Contra scandal of the 1980s, which hurt the administration of Ronald Reagan (Goodman 2008:32).

The role of the government or other entity engaged in covert action is always not apparent or acknowledged publicly because covert action is carried out in such a way that the parties involved are able to distance themselves from it. Even if the result of a covert action might be known publicly, the perpetrators must be able to maintain plausible deniability.

It is a worth mentioning that there is an on-going debate among professionals and students of intelligence on whether covert action should be considered as part of intelligence at all. Some argue that,

contrary to collection and analysis that provide information on which policy may be based; covert action is not part of intelligence as it is only about the implementation of a nation's foreign policy (Johnson and Wirtz 2007). Others insist that cover action is among the elements of intelligence; it is the missing dimension of intelligence studies (Kinzer 2006; George and Kline 2004). Covert action is not directed only to hostile governments or organisations; it sometimes aims at secretly support a friendly regime. This is another approach for advancing a country's interests or implementing policy. In a wider sense, intelligence also means both obtaining information and preventing one's adversary from accessing valuable information or learning the truth. The latter is achieved through covert action and counterintelligence which involve affecting the behaviour of the adversary by manipulating his perceptions.

The other debate is on the justification of covert action. Some insist that cover action can by no means be justified as it involves the breaking of the law in foreign countries and is morally and ethically wrong[6] (The Economist US 2010). Others argue that covert action is necessary and justified (Murphy 2011). Their argument is based on the just-war theory specifically in the context of the 'war on terror'. In response to the September 11 attacks, the US Congress passed a resolution authorising the American president 'to use all necessary and appropriate force against those nations, organisations, or persons he determines planned, authorised, committed, or aided the terrorist attacks, or harboured such organisations or persons, in order to prevent any future acts of

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[6] For example, during the past few years, dozens of Iranian scientists, engineers and academics have either been abducted or assassinated by US-led covert ops. Most of them have been closely involved in Iran's nuclear research. Two years ago, Professor Massoud Ali Mohammed was killed when a booby-trapped motorcycle exploded outside his home in Tehran. Last year, in an attack identical to the latest, nuclear scientist Majid Shahriari was murdered when motorcyclists planted magnetic bombs on his car. Another scientist, Fereydoun Abbassi, who is now head of Iran's Atomic Energy Organisation, was seriously wounded in a simultaneous attack.

international terrorism against the United States by such nations, organisations or persons'. We may disagree with what Americans call 'use of all necessary and appropriate force' but we may not deny the United States government the rights to protect its citizens from terrorists' attacks even if effort for protection is done through covert means. It is on the basis of this justification that many do support the presence of NATO forces in Afghanistan and have supported the special operation that led to the killing of Osama Bin Laden.

However, there is an agreed consensus between practitioners and experts that covert actions should only be carried out abroad as they are an aspect of the foreign and military intelligence. This though raises a question of consistency of policies in a democracy as foreign and domestic activities of intelligence agencies are carried out differently. The domestic intelligence agencies are asked to strictly obey the law but foreign intelligence agencies are allowed to break laws in other countries as long as the infractions are plausibly deniable (Bruneau and Dombroski 2004: 13). The fact that the activities of domestic intelligence agencies can be directed according to a set of rules, principles and laws inherent to a democratic system has made many experts to consider the Domestic Intelligence Bureau as the ideal security intelligence agency in a democracy.

Domestic Intelligence Bureau differs from the Police although they both work to counter domestic threats. The actions of domestic intelligence aim to counter threats and reduce the states' vulnerabilities. To achieve this, they gather information for the purpose of developing strategic intelligence needed by foreign policy-makers. But the police gather information with respect to the commission of serious crime and in terms of action they arrest, charge and convict the perpetrators.

Gill (1994:127-128) suggests that the mandate of the Domestic Intelligence Bureau should be limited to collection and analysis, and they should not be politicised although they emanate from within the

state and directed at the organising ideology and institutions of the state; they should refrain from activities such as covert actions and should respect human rights and civil liberties.

2.4.3. Politicisation of Intelligence

The issue of politicisation of intelligence has pointed many intelligence experts to analyse the kind of relationship that exists or should exist between intelligence and politics. According to some experts, politicisation is often levelled when intelligence estimates actually support one political position over another (Johnson and Wirtz 2004:167). Some experts see the politicisation of intelligence as dangerous but others see it as a natural relationship that emerges between policy-makers and analysts (Ransom 2004: 171). Ransom argues that there are several meanings for the term politicisation of intelligence. He states that intelligence is politicised when it becomes "a point of contention between organised political groupings". This is known as "partisan politicisation"; intelligence is also politicised when it becomes "involved in public policy choices and the ordering of power" which is known as "bipartisan politicisation". And finally intelligence is politicised when its estimates are "influenced by imbedded policy positions" which is referred to as "intelligence to please".

Ransom further argues that because knowledge can convey political power, intelligence agencies will always been drawn into politics as they are the ones that are charged with collecting and supplying knowledge to decision-makers. In his view, what has to be identified and explained are the conditions necessary for intelligence organisations to provide policy-makers with estimates that are not designed simply to support them in their partisan battles. This simply means that intelligence services must be autonomous vis-à-vis the policy-makers, and as Flood (2004:9) puts it, 'intelligence assessment should be separated from policy formulation' because high-quality, impartial intelligence is essential to the execution

of national security. It can therefore be argued that the autonomy of intelligence agencies is proportionate to the degree to which intelligence is influenced by the state and society, and the level of the penetration of the state and society by intelligence agencies is also proportionate to the degree to which intelligence influences the state and society.

In assessing the relationship between politics and intelligence Gill (1994:80) developed a model he called the Gore-Tex State. In this model, he begins by identifying four levels of the state: intelligence community; executive body; legislative and judiciary bodies; and civil society. Based on the degree of autonomy and penetration, he classifies intelligence agencies into three categories: political police, independent security state, and domestic intelligence bureau.

Generally, the political police is the intelligence agency within an authoritarian regime; the independent security state is an aberration of the political police, while the domestic intelligence bureau is found in a democracy. He concludes by saying that the nature of the Gore-Tex State (weak or strong) reflects the mandate, structure and accountability of the intelligence community. According to Gill, the ideal relationship between politics (power) and intelligence (knowledge) is one in which intelligence professionals provide the best information to governments who then decide what to do with it (Gill 2005).

Experts such as Aspine (1980) and Jervis (2010) argue, in relation to the invasion of Iraq in March 2003, that the American intelligence stepped outside their traditional role, under greater pressure from the Bush administration, and became part of the process of making and advocating policy. Jervis (2010) states that the pressure was so huge that although intelligence agencies were well aware that Iraq did not possess weapons of mass destruction and has abandoned its efforts of producing chemical and biological weapons since 1991, they undermined their objectivity and went on to support wrong government policy. This is one way of how intelligence can be politicised.

The other way in which intelligence can be politicised is a situation when the accuracy of intelligence assessment can be unimportant, when the government has a predetermined policy and would need the backing of intelligence agencies so as to make their decision look like informed decision to citizens and observers.

Again in the case of Iraq, right when the Bush administration was installed, it was searching for ways to overthrow Saddam Hussein's regime in the name of 'defence of U.S. interests' (Stevenson 2004). The only role for intelligence was to provide support for a policy already determined. Intelligence was perfectly politicised. Politicisation of intelligence is not a problem only in developed countries; it also happens in developing countries.

Lowenthal (2003: 4-5) argues that, depending on their behaviour, politicians may exert influence at every stage of the intelligence process (intelligence requirements, collection, analysis, dissemination, covert actions). He further argues that the policy-makers do more than receive intelligence; they shape it. He suggests that there should be a great divide between policy-makers and intelligence. Meaning that the two spheres should be separated by a "semi-permeable membrane" that allows policy-makers to cross into the intelligence real, but not vice versa.

The commonly held view is that a close relationship between politicians and intelligence may result in the politicisation of intelligence. Politicians may use intelligence in order to promote their own political interests. This is made possible, as Michael Handel notes, by the special interaction between the intelligence community and policy-makers which consists of a trade-off between "the professional independence of the former and the authority of the latter" (Handel, 2003:26).

The politicisation of intelligence has several consequences: one is that once intelligence is politicised it usually produce biased information

that support certain political preferences. Other consequences are that politicised intelligence may provide biased information or what policy-makers want to hear and they may also manipulate policy-making in a certain direction (Reed and Ward 2007). It is therefore important for governments, especially in new democracies, to create institutions that would be tasked to regulate the interaction between the intelligence, the state and society. It is also important for consolidated democracies to strengthen those existing institutions.

2.4.4. Intelligence Failure

There are a number of cases that suggest that the politicisation of intelligence can lead to intelligence failure. According to Les Aspin (1980) the reasons for intelligence failure are preconceived notions, "mirror-imaging", misjudgement of strategic priorities, and bureaucratic pressure or politicisation. Jervis (2010) explains that intelligence failure is mostly the result of groupthink, excessive consensus, failure to challenge assumptions and the politicisation of intelligence. He emphasises that the most obvious sense of intelligence failure is a mismatch between the estimates and what later information reveals (ibid:2). Groupthink is a small-group phenomenon in which group members tend to seek the comfort and confidence that come from mutual agreement and approval (Thomas 2004). Members of these tightly knit groups always do refrain from disturbing the group consensus and they always shy away from disturbing thoughts (Jervis 2010:129). Pressure of conformity and mutual reinforcement within intelligence organisations can lead to the production of false assessments. Because of excessive consensus, once something is believed to be valid by a majority of people within a group, others will believe it to be so without further examination. This unthinking conformity is a danger in itself to any intelligence organisation as it

reinforces and perpetuates conventional wisdoms that stop intelligence staff from thinking outside the box.

There is a culture of conformity in most intelligence organisations which emanates from intelligence organisation determination to meet strategic tasks that have been assigned to them. In this situation, intelligence staffs at different levels are put under constant pressure to conform and any dissidence or deviation from the established culture is discouraged. But despite its negative impact on the production of good intelligence, conformity can be justified to some extent because it is practically not easy to separate unjustified from justified conformity.

Intelligence failures also come from the assumption that facts do speak for themselves. Once intelligence services have established that the behaviour of their target is consistent, they can build a number of assumptions about the consistent, coherent and unchanging nature of the target behaviour or policies. Any prediction made on the target's future behaviour is made based on all these assumptions without re-examining some of them. As mentioned earlier, sometimes governments do make policies first and then they instruct intelligence agencies to search for and produce intelligence that support these policies. Under such circumstances, intelligence agencies will bow to pressure and end up telling policymakers only what they wanted to hear. This is what happened with Iraq's programmes for Weapons of Mass Destruction (WMDs) (Respondent No.2). The U.S. and UK intelligence were highly politicised to the extent that they focused on the capacity[7] of Saddam Hussein's regime in order to back the decision to invade Iraq instead of focussing on the regime's intention of using WMDs. Soon after the invasion, investigations on Iraq's WMDs proved in the end that Saddam's regime stopped the development of WMDs programs in 1990s following international sanctions.

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[7]The former British Prime Minister Tony Blair claimed that Saddam was able to employ chemical weapons within forty-five minutes of deciding to do so.

There is one prominent finding regarding intelligence failure particularly as it relates to British and U.S. intelligence: the role of intelligence services in every state is assessed and their methods improved following a surprised attack (Betts 2009).

Between 1899 and 1903 the British suffered great loss into what was called the Boer War in South Africa. Lessons learnt from their intervention were important contributing factors in establishing effective human intelligence system in Britain. Since then the role of intelligence is assessed and reviewed continually. In 1994, for example, the British Parliament conducted an evaluation of intelligence methodologies in order to suggest, among others, the best ways in which intelligence work should be conducted. The evaluation has also been conducted after the July 2005 bombing in London, as it was the case in the U.S. after the September 11, 2001 terrorist attacks, and in relation to the Iraq and Afghanistan wars.

Like in Britain, the December 7, 1941 Japanese surprise attack on Pearl Harbour that brought the United States into the Second World War and which revealed a significant failure on the part of the US intelligence apparatus brought the Americans to evaluate their methodology and rethink about what intelligence really is. A public inquiry led by the joint congressional committee to investigate the causes of the Pearl Harbour attack was the basis for the creation, in 1947, of the National Security Council, which coordinates American national security policy, and the CIA which centralises intelligence assignment.

In the Britain, the 1990 inquiry into the threat of foreign espionage, known as the Haldane Committee, resulted in a series of recommendations that included the creation of a new Secret Service Bureau which then fragmented along domestic and foreign lines into the MI5(currently Security Service) and MI6 (Secret Intelligence Service). This was followed by an arrangement allowing government departments

to attach sections of their own intelligence branches to SIS headquarters to articulate their departmental requirements directly to the service's operational personnel. It should also be mentioned that the executive centralisation under the U.S. presidency is a factor in the centralisation of all-source intelligence analysis, much as the decentralisation of power in the British cabinet system influenced the decentralisation of analysis.

2.5 Security Sector Reform

Security Sector Reform (SSR) is an emerging concept of state transformation, post-conflict peace-building and development, and can be deployed to support conflict prevention, post-conflict reconstruction, human rights and democratisation (Brzoska and Law 2007; Fitz-Gerald and Jackson 2008).

It is the transformation of the security system which includes all the actors, their roles, responsibilities and actions, so that it is managed and operated in a manner that is more consistent with democratic norms and sound principles of good governance, and thus contributes to a well-functioning security framework (Wulf2004:10). Its overall objectives are 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 and to contribute to a secure environment that is conducive to development.

SSR is a relatively ambiguous concept, which refers to a plethora of issues and activities related to the reform of the elements of the public sector charged with the provision of external and internal security. But, despite its ambiguity, SSR is essentially aimed at the efficient and effective provision of state and human security within a framework of democratic governance (Brzoska, 2003).

In many post-conflict countries the security sector is always politicised, ethnicised and corrupt; there is a lack of professionalism and excessive military spending; poor oversight and inefficient allocation of

resources. The main objective of SSR in this situation is the prevention of renewed conflict, establishment of rule of law, democratisation, and sustainable development (Brzoska, 2007). SSR also aims to ensuring the prevalence of norms such as transparency, accountability and professionalism. These are democratic principles that remain the organisational logic with which SSR process is conceived and takes place. However, Knight (2009) warns about the developmental objective of SSR and its inherent democratisation and suggests that development can be achieved only when effort is made to improve citizen-state relation and if SSR is focused specifically upon the security and justice sectors.

The emergence of the concept of SSR can be trace back to the end of the Cold War when the geopolitical climate changed and opened up space in international security policy arena for new thinking on security assistance. Development actors entered that space empowered by new research that identified a direct causal link between security and poverty reduction (Sedra 2013:212) and when the term 'security sector reform' was pronounced in a speech in 1998 for the first time by Clare Short, then UK Secretary of State for International Development (Short 1998), international security assistance was redefined. This new security-development relationship changed the Western liberal policy of providing hard security assistance to their allies in the developing world (DFID 2000:63) with the advent of the human security paradigm which shifts the object security assistance from states to individuals.

Many academics argue that the increased popularity of the SSR concept is due to the fact that in the post-Cold War era the waves of democratisation swept across Eastern Europe, South America, East Asia and Africa where security agencies were the source of insecurity rather than the protector of citizens and the states. In these countries development was hampered by undemocratic regimes and uncontrolled

security forces. It was therefore necessary to transform the state in these parts of the world and democratise their security sector.

SSR does not concern only developing countries. In the 1990s the world experienced a global phenomenon; long-established democracies in Europe and in North America were also shaken by a new wave of governance and regulation of the security sector following scandals in the security services related to the abuse of power and violation of civil liberties and the emergence of transnational organised crimes. These democratic countries had also to reform their security sectors and develop new accountability and oversight mechanisms. The reform of the security sector in these countries was not a once off thing. The security sector is reformed continuously in order to respond to new security challenges imposed by current security threats including terrorist activities. In this review, some authors (Knight 2009; Brzoska 2003; Watts 2004; Bruneau and Boraz 2007) rightly agree that there has been a paradigm shift; the concept of security has been extended from the ability to withstand aggression from abroad concept from nation-states during the Cold War when perspectives on security focused much on security relations among states, to embrace non-traditional and non-military threats such as political, economic, social and environmental aspects.

Furthermore the authors argue that although both the Human Security and SSR are donor developed concepts whose agendas are rooted in the search for solutions to the challenges faced by multilateral and bilateral donors concerned with development and peace consolidation in the aftermath of the Cold War, there is a difference between Human Security and SSR. Human Security is considered to be a merger of development and security agenda (King and Murray, 2001) based on the understanding that security and development are interdependent thus without security development cannot be secured and without development neither can social peace, justice and

democratisation. But SSR departs from this understanding and focuses instead on broad principles such as democratic control and accountability, public participation and transparency, good governance and public expenditure management.

Still, authors place SSR within a development framework because by definition SSR concerns the transformation of the security system and has been developed and promoted within a wider framework of development principles that emphasise and focus on providing a secure environment for wider economic and social development. Knight (2009) observes that there is a tension between the traditional development paradigms and the post-Cold War leitmotif of democratisation. He argues that the tension is identified between the developmental objective of SSR and its inherent democratic articulation, and he suggests that SSR must be viewed as a democratising endeavour, specifically focused upon the security and justice processes, but retaining democracy, not development, as its intended measurable output.

Based on this I would argue that SSR is a democratising activity delivered utilising developmental approaches and methodologies focused upon security and justice apparatus and processes of a state in order that the state's responsibilities to individual citizens are met. This is a new understanding of the purpose of SSR which stands in contrast to its prevailing developmental understanding. it provides a framework for understanding the processes by which the complex adaptive institutions of the security system undergo transformation within the legal field as manifested within a specific issue area; here, intelligence reform. However, it important to bear in mind that the construction of a more robust and open system of democratic control to ensure improved accountability, coordination and management is a very challenging task when it comes to the nuts and bolts of a particular security environment (Baldino 2010).

2.6 Democratic Control of Intelligence Services

The aim of intelligence reform is to increase the efficiency of intelligence organisations and to improve their effectiveness through democratic control of their activities and budget, and accountability for their actions. Intelligence reform is also about the development of democratic civil-military relations[8] in post-authoritarian or post-totalitarian states (Matei and Bruneau 2011). Every intelligence agency in a state has to have a clearly defined mandate against which its activities should be scrutinised and its effectiveness measured. Defining what intelligence agencies should and should not do is the first step in the democratisation of intelligence. Two terms 'oversight' and 'control' are usually used when referring to democratic control of intelligence services. Although the term 'oversight' and 'control' of intelligence services are usually used interchangeably, they differ from one another. 'Oversight' means supervisions, watchful care, management or control; while 'Control' or executive control refers to both the direction provided by a Minister through the issuance of guidelines and through monitoring the activities of an intelligence agency, and the internal supervision and management of the intelligence agency as a bureaucratic institution (Caparini 2007:8).

Central to the concept of democracy are the principles of separation of power which divides the power and responsibility of the state into different branches – executive, legislative and judicial - in order to keep an eye on one another, and the principle of accountability which establishes checks and balances to ensure that all the activities of government institutions are conducted not for the interest of a particular individual or groups but only for the best interest of the state. The principle of accountability is applied to intelligence agencies and security services because no single area of government activity can be a

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[8] In order to restore the public trust into intelligence organisations which was lost due to what the intelligence apparatuses did during the period of dictatorship

"no-go" zone in a democracy (Born and Wetzling 2007: 317). The necessity for states to have various mechanisms to monitor and oversee action of its intelligence is what has led to the concept of intelligence oversight which signifies nothing else but the means of ensuring public accountability for the decisions and actions of security and intelligence agencies (Leigh 2005:7). Oversight also describes a system of accountability in which those vested with the executive authority in an organization have their actions reviewed, sometimes in advance, by an independent group that has the power to check those actions(Magnet 2007:330-331). Due to the nature of intelligence which is widely recognised as 'secret' and usually caused concerns for the public, the main objective of intelligence oversight is to ensure public accountability.

As mentioned earlier, security intelligence services in non-democratic authoritarian states usually function as "political police". They are used by politicians to identify domestic opponents and neutralised any opposition to the government. They do this through a variety of means including controlling the media and generating domestic apathy. Their central role has always been to protect the state's secrets from anyone outside the central core of power. In many cases, the scope of what they have to control was immense because almost anything could be defined as a state secret. This role made intelligence services in authoritarian states very important in the survival of the regime and over time and due to their centrality to power and the heavy reliance by the authoritarian regimes on them, they grew in size and power and acquired greater autonomy from policy makers and became insulated from any type of scrutiny. They then change from being "political police" to become "independent security state". – An extreme form of security intelligence organisation characterised by a lack of any external controls on intelligence activities (Bruneau and Boraz 2007:12). In other words, the more intelligence agencies become autonomous, the

more they become a danger to the state as over time the state will lose control over them.

In emerging democracies, the reform of the intelligence services aims at both the transformation of intelligence apparatus that supported the old regime and the establishment of control mechanisms; but in long established democracies, intelligence reform is about making changes in existing system by enhancing civilian control so as to improve effectiveness through the democratic control of intelligence. Müller-Wille (2006:491-506) argues in this regard that improvements in democratic accountability have positive effects on the performance of intelligence agencies at both the national and international level. The democratic accountability of intelligence services like that of any other institutions of government is not just about preventing the abuse of power; it is also about promoting good governance, which is understood, according to Behn (2001), as an efficient use of state authority for the good of the people.

Intelligence reform commenced in the Anglo-Saxon world – U.S., UK, Australia and Canada - and then the wave of reform spread to Europe. The major catalyst for intelligence reform in these liberal democracies was the exposures concerning abuses of power and violation of civil liberties by security and intelligence agencies and the emergence of transnational organised crimes. Other causes for reform included constitutional reform and legal challenges.

In the UK, for example, changes were introduced in the intelligence system after the Falklands war as a result of false assumptions before the war. Other changes took place in the UK following the July 2005 bombings in London. The September 11 attacks, which were considered by many as an intelligence failure, and the July bombing in London as well as the absence of WMDs[9] in Iraq also had a transforming effect on UK intelligence community.

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[9] The failed assessment was the precursor to the invasion of Iraq.

In non-democratic authoritarian states, where security and intelligence services were the source of insecurity rather than the protector of citizens and the state, it is the waves of democratisation that swept across Eastern Europe, South America, East Asia and Africa at the end of the Cold War that has been the major catalyst for reform of security sector, including the reform of intelligence services. Solomon Hailu (2009) notes that the collapse of the Cold War and Africa's increasing openness in the face of globalisation and democratisation have brought about the dissolution of old patterns of political affiliation and radical shift in Africa's post-Cold War security paradigm.

Although progress in reform has been slower outside Europe, there has been a growing recognition among the public and legislators throughout the world that even though security and intelligence agencies do protect democracy they can also be a threat to it. Threat may come from the invasion of privacy by information gathering and surveillance and directed attempts to manipulate the political process; by assignations and coups in foreign countries; and by control of information, infiltration of political movements, pressure groups, trade unions, and so on(Leigh, 2005). All these are done in secrecy.

Holt (1995:1) argues that secrecy is the enemy of democracy. This argument stands on the ground that secrecy may facilitate the cover-up of unauthorised actions making control by non-intelligence actors more difficult. However, secrecy is an essential factor that enables intelligence agencies to make valuable contributions to the production of security. Bruneau and Boraz (2007) assert that without good intelligence, a country may thrash about blindly or allow threats to grow without taking countermeasures against security threats. These two intelligence experts also warn against the danger that intelligence can pose to a state when intelligence services are inadequate. What needs to be done in order to strike a balance between the need for security and the need for

democratisation of intelligence services is to establish democratic control mechanisms. These mechanisms should not be applied only against the intelligence; they should also be used to prevent political manipulation of the intelligence by the executive.

Democratic control of intelligence is a two-part strategy – oversight and direction; the former refers to processes put in place by a democratic government to review all aspects of its intelligence community, the latter refers to a strategy that is put in place by a democratic government to inform civilians on the mission of intelligence organisations and to receive a day-to-day civilian feedback on intelligence.

There are five basic mechanisms for controlling intelligence in a democracy: executive, legislative, judicial, internal and external control. Among the external mechanisms there are mechanisms that are referred to as informal mechanisms and are exercised by the media and civil society.

2.6.1 Executive Oversight

Intelligence oversight is primarily the duty of the government and intelligence services which are the main institutions that implement intelligence (Lowenthal 2007:191). It is the executive that defines the mission of the intelligence community and organises and support it. The executive is also the primary consumer of intelligence; as such it has the duty to give direction to intelligence organisations and make sure that they work as directed. The key variable in ensuring that a state is using its intelligence organisations appropriately is the executive oversight or control whose objective is mainly to increase the success of intelligence operations. The executive control needs to be well balanced because when there is too little executive control the intelligence may become a law into itself and when there is too much executive control the government may manipulate the intelligence or be tempted to use them

for the purpose of domestic politics such as silencing political opponents.

The U.S. has a more developed mechanism of executive oversight and other states around the world look at it for examples. The American executive oversight has four categories - chain-of-command structure, inspector generals, ad-hoc oversight entity, and permanent oversight entity.

2.6.1.1 Chain-of-Command Control

The American system of government is known to be hierarchical in which elected politicians are at the top and take responsibilities for actions of all governmental organisations, including the intelligence services. In this hierarchical and bureaucratic system, those who are at the bottom of the ladder report to those higher up who in turn report to politicians who were elected by the American people. In the case of intelligence services, there are two levels of hierarchy. At the first level, junior intelligence officers report to the heads of sections who in turn report to the heads of division and then to the heads of agencies. After this level, intelligence is reported by heads of agencies to political superiors such as the Secretary of Homeland Security, the Secretary of Defence, the Secretary of State, and the President. The president is the highest authority and serves as commander-in-chief of the intelligence community.[10] The National Security Council (NSC) assists the president and provides him with advice on intelligence matters. Within the NSC there is an Office of Intelligence Programs (OIP) which oversees the

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[10] The U.S. Intelligence Community is made of the following intelligence organisations: Air Force Intelligence, Army Intelligence, Central Intelligence Agency, Coast Guard Intelligence, Defense Intelligence Agency, Department of Energy, Department of Homeland Security, Department of State, Department of the Treasury, Drug Enforcement Administration, Federal Bureau of Investigation, Marine Corps Intelligence, National Geospatial-Intelligence Agency, National Reconnaissance Office, National Security Agency and Navy Intelligence. Source: http://www.dni.gov/index.php/intelligence-community/members-of-the-ic accessed 18/10/2012

direction and policy of national intelligence (Lowenthal 2006:192). The president's principal advisor on intelligence affairs is the Director of National Intelligence (DNI).[11]He is below the NSC and is responsible for overseeing and directing all intelligence activities within the intelligence community. He also receives intelligence report directly from the CIA, which is the only entity that has no responsible cabinet member. Other intelligence agencies have responsible cabinet members to whom they report. For example, the National Security Agency (NSA) reports to the Defence Secretary and the Federal Bureau of Investigation (FBI) reports to the Attorney General. However, it is important to mention that in some circumstances the CIA does report directly to the President (Turner 2006:37).

As demonstrated above, the structure of the U.S intelligence emphasises vertical lines of authority and politicians are at the top of the pyramid to ensure that intelligence services are not under the control of themselves but the politicians who were elected by the American people. This chain-of-command control with clear lines of responsibility is very useful in a democracy as it prevents the abuse of power by intelligence agencies and makes it easy to establish the responsibility whenever things go wrong. It is suitable for the American system of government which is very large and in which bureaucratisation remains maximal both within the overall machinery of government and in specific departments.

Smaller governments like the British government have instead adopted horizontal lines of communication between the Cabinet and its different departments, and collegiality in its central intelligence machinery (Davies 2004). In the UK, executive power is not concentrated in the hands of one powerful politician but it is dispersed among powerful Departments of States and Cabinet Ministers as per its

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[11] The position of the DNI was established in 2004 following Post 9/11 investigations. http://www.dni.gov/index.php/about/history accessed 18/10/2012

constitutional arrangements of Parliamentary Cabinet government. The Prime Minister plays only a *primus inter pares* role. This *interdepartmentalism* has led to the creations of several committees[12] on intelligence within which intelligence coordination and control is done through influence rather than executive responsibility. In the UK, the creation of committees on intelligence favours consensual decision-making processes and departmental participation which ensures the output's acceptability without which there can be no agreed intelligence for decision-taking (Herman 1996:269).

As mentioned in relation to the US, the chain-of-command control has a crucial role in preventing intelligence agencies from misusing their power against civil rights and liberties. To achieve this and to prevent intelligence agencies acting on their own without proper direction from the authorities who were elected by the people, all American intelligence agencies are required to send a request before running any operation which might pose danger to human rights and civil liberties of people. Such requests are authorised by the President after going through all the bureaucratic hierarchy (Johnson 1989:109).

2.6.1.2 Inspector General

Inspector General (IG) mechanism assists the government to oversee intelligence activities by ensuring the effectiveness of the activities of intelligence agencies and preventing the misuse of intelligence that can lead to violation of civil liberties. This mechanism has 4 specific functions: 1) to ensure that every intelligence agency follows and responds properly to the directions and requirements of their directors; 2) to ensure proper implementation of procedures by the agency; 3) to receive and investigate complaints from both the public and staff of agencies regarding intelligence services; 4) to audit financial activities of intelligence agencies.

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[12]According to Herman (1996:269)the idea that intelligence needs committees is considered as the greatest British contribution to modern intelligence.

Inspector General mechanism is common in the American intelligence community and it comes into two distinct types of appointments: administratively appointed IG and statutory appointed IG.

1) *Administratively appointed IG*, which is a political appointment, is the original form of IG and was created to prevent scandals and illegalities by intelligence services which can damage the whole government or a member of the cabinet. This kind of IG is considered as 'eyes and ears' of the government and cabinet members and its appointment depends more on the consent of cabinet members and the head of the service (Weller 1997:385). This has a direct effect on the independence of the IG.

2) *Statutory IG*: appointment to this post is done by the President and is confirmed by the Senate. This type of IGs enjoys more independence than the former in conducting tasks. There is very little interference in the work of this mechanism by cabinet members and agency heads. Consequently, investigations are conducted freely without fear of being removed by the head of an agency (Intelligence Authorization Act of 1990 (103 Stat.1711). Such is the case with the IG of the CIA who, under normal circumstances, works under general supervision of the Director of the CIA and reports to him or her. The IG reports directly to intelligence committees in the Congress only in special circumstances when for example the Director of the CIA is the target of the investigation.

The oversight mechanism of IG monitors the effectiveness and efficiency of intelligence. It also plays the financial auditing role and the protection of civil liberty. In order to reinforce its operations and its role of ensuring good quality of intelligence, the recently reform that led to the passing of the Intelligence Reform and Terrorism Prevention Act of 2004 created a new position of *Civil Liberties Protection Officer* alongside the existing the position of the IG of the Office of the DNI (ODNI) who oversees routine internal affairs. The task of the so-called

Civil Liberties Protection Officer is specifically to ensure that the intelligence community strictly follows the legal requirement regarding civil liberty and privacy protection set by the ODNI.[13]

2.6.1.3 Permanent Oversight Entities

There are two types of permanent oversight entities in the U.S. - the *President's Foreign Intelligence Advisory Board* (PFIAB) and the *President's Intelligence Oversight Board (IOB).* The PFIAB is one of the oversight mechanisms of the executive whose function is to oversee the quality of intelligence in order to provide advice to the President in relation to the quality and adequacy of intelligence collection, of analysis and estimates, of counterintelligence, and of other intelligence activities. As an independent institution from other bureaucratic organisations and the intelligence community, the PFIAB reports only to the President and has full access to all foreign intelligence. Its 16 members are appointed by the President from qualified people outside the government.

The IOB, which is a sub-unit of the PFIAB, has four members selected from the 16 members of the PFIAB and appointed by the chairman of the PFIAB to oversee lawfulness of intelligence activity[14] and to review the oversight practice of the IGs of other intelligence services and to investigate any suspected misuse of intelligence.[15] Any findings of the IOB which the board believes can be unlawful are reported not only to the President but also to the Attorney General.[16]

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[13] 'Civil Liberties Protection Office', available fromhttp://www.dni.gov/ aboutODNI/organization/CivilLiberties.htm, accessed; 09 November 2012

[14] President's Foreign Intelligence Advisory Board', available from http://www.whitehouse.gov/pfiab/, [09/11/2012]

[15] 'Relationships with Other Government Organizations' available from http://www.dni.gov/who_what/printer_friendly/relationships_IC_print.htm, [09/11/2012]

[16] Executive Order NO.12334, Sec.2, available from: http://www.fas.org/ irp/offdocs/EO12334.htm, [09/11/2012]

2.6.1.4 Ad-hoc Oversight Entities

These are special committees that are established after an intelligence failure has occurred in order to look at what went wrong and suggest ways of preventing this from occurring again. Through its recommendations, this ex-post period inquiry is done to ensure effectiveness of intelligence. Ad-hoc committees are established and their members are appointed by the President. One of the examples of these ad-hoc committees is the National Commission on Terrorist Attacks upon the United States which was established to investigate the terrorist attacks after the 9/11. Significant intelligence reforms were undertaken following the publication of the Commission's report containing findings and recommendations.

2.6.2 Legislative Oversight

The legislative branch of government plays a significant role in democratically ruled states. It makes laws and oversees and monitors the activities and functions of the executive branch in order to make sure that the government properly implements its policies and strictly respect liberty and freedom of the people (Johnson 2005:57-59).

The word 'democracy' conveys the idea that all state authority emanates from the people, thus those who exercise state authority are accountable to the people. But the degree of how parliament holds the executive on account depends more on the concentration of parliamentary power. In countries such as the UK where parliament is the centre of power, parliament has close relations with the executive which may sometimes prevent parliament from exercising its power. But in countries where the separation of power between the three branches of government is clear, parliaments tend to be powerful and can independently use this power to oversee the activities of intelligence services. In both cases, when overseeing the operations of intelligence

services, parliament has to balance and find a compromised formula for national security and legality so as not to jeopardize national security.[17]

Born and Leigh (2007: 10) rightly argue that 'no area of state activity, including the intelligence sector, should be a "no-go zone" for Parliament in a democracy. The legislative oversight gives intelligence agencies legitimacy and enables peoples' representatives to address the principles that should govern this important area of state activity and to lay down limits to the work of such agencies.

The involvement of parliament in the activities of intelligence organisations provides direct democratic accountability[18] and helps to ensure that intelligence agencies are serving the state as a whole and are protecting the constitution rather than serving narrow political interests. It also ensures that the use of public money is properly authorised and accounted for.

The term 'legislative oversight' or parliamentary involvement in the security sector has different meanings: it means overviewing the government and setting broad guidelines for the government and its institutions; good governance; and control. It is a means of ensuring public accountability for the decisions and actions of intelligence agencies (Shpiro 2006: 630-648). The oversight begins with the provision of legal standards for intelligence agencies' heads through security tenure, the setting up of legal limits on what intelligence agencies can be asked to do, and to establish independent mechanisms for raising concerns about abuses.

Intelligence oversight by parliament is done in two forms: parliament can conduct its oversight duty before any intelligence failures or abuses

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[17]It is always assumed that for an intelligence operation to be effective it has to be conducted in the secret sphere because any public knowledge of the operation can jeopardize the operation and consequently national security. This is why intelligence oversight is most of time considered as an oxymoron.

[18]The accountability refers to a relationship based on the obligation to demonstrate and be responsible for performance in light of agreed expectations.

take place by assuming the duty of the police to detect and remedy any violations of legislative goals and, by its surveillance, discouraging such violations. Parliament can also respond to failure and abuse of intelligence after it occurs (McCubbins and Schwartz 1984:166). The first form of oversight is *police patrolling model* and the second is the *fire fighting model.* In the *fire fighting* styled model parliament always establish a system of rules or procedures to allow the examination of administrative decisions by individuals or interest groups, to charge government agencies that violate their rights and democratic goals, and to seek remedies for such violations.

Through its legislative intelligence oversight, the U.S. Congress ensures the quality of intelligence by considering its accuracy, effectiveness and efficiency in order to maximize the state security. It also has the important responsibility of ensuring compliance of intelligence to both the domestic laws and universal human rights (Born & Wetzling 2007:320; Walker 2006:702; Born & Johnson 2005:229). The U.S. Congress, like many other parliaments, is more engaged in the fire-fighting form of intelligence oversight than the police-patrolling one. This is not surprising as parliaments usually pay little attention to intelligence oversight in normal periods. Parliaments do, however, play a police-patrolling role only when a failure or scandal occurs and quickly respond to those situations by conducting investigations which mostly end with recommendations for reforms. This is how parliaments show their commitment to intelligence oversight function to the public.

2.6.3 Judicial Oversight

Judicial oversight refers to the review and interpretation, by an independent judiciary, of the legal framework for which the activities of intelligence organisations are conducted. Here, the judiciary uses its authority to monitoring the activities of the intelligence to ensure that they are compliant with the law. Judicial oversight can sometimes be

conducted by people within the intelligence organisations themselves. These legal counsels or inspector generals are tasked primarily to investigate complaints made by citizens against intelligence organisations, and to provide internal review of budget.

2.6.4 Internal Control

Traditionally one of the strongest mechanisms for accountability in secret services has been self-accountability through commitment to professional standards and ethics. As for the judicial control, internal control is conducted by legal counsels and inspector generals who provide internal review of budgetary, personnel and legal matters. Internal control is also about upholding professional ethos and institutional norms and looking for ways to promote civil-military relations. Nowadays many countries are following the U.S. model of creating multiple intelligence organisations. The multiple intelligence organisations strategy is considered as a control mechanism in itself as it prevent any single agency to have to monopoly on intelligence. Where there are more intelligence agencies, there is a great chance that these agencies will engage in a battle for resources and influence, thus eliminating the potential for one of them to be the sole source of knowledge and having the power that goes with it. This state of affairs creates opportunity for more democratic control.

2.6.5 External Control or Informal Mechanism of Oversight

This is the control exercised by civil society organisations, media, independent think tanks and private intelligence organisations. They use the limited amount of information about the activities of intelligence services which they have access to in order to advocate and effect changes in a state's policies. The media plays a very important role in the external control of intelligence in the 'information age' more than it

has done before. The increase in the capacity of NGOs, media and academics to hold intelligence agencies and their political masters accountable has not been made possible only by the development of new information technology but also by the access to information legislations passed in many democratic countries which allows the media and civil society organisations to do the 'regulation by revelation' (Aldrich 2009:13).

2.7 Chapter Summary and Conclusion

This chapter reviewed the literature on six areas that are relevant to the research subject, namely definition of intelligence, theory of intelligence, role and mission of intelligence services, security sector reform and democratic control of intelligence services. This review has demonstrated that much of the existing literature on intelligence is Anglo-American - there is very little on the intelligence services in the global South and only few comparisons are made in the literature between different African states. The choice of the objectives of this research (set in the introduction) has been made to fill this gap through the provision of in-depth analysis in the following chapters of this thesis.

The end of the Cold-War marked the beginning of a new period in during which new security challenges occurred and threatened the security of many states. Intelligence services in many states appeared not to be adapted to the new security environment which is characterised by terrorism and international organised crime. Several research were conducted to find out if intelligence were still able to contribute to understanding foreign entities, making good policy decisions, achieving military victory, or accomplishing other desirable outcomes.

Amongst various approaches to the adaptation of intelligence services to the new security environment, a common understanding of the roles of intelligence agencies in a state has been highly influential in the development of intelligence theories that can make intelligence more

precise if related immediately to the needs of intelligence producers and customers. The lack of one common definition of intelligence has been attributed to the fact that intelligence means different things to different people. But emphasis has been put on the difference between intelligence that is supplied to politicians or national policymakers and intelligence that is supplied to all other manners of decision-makers.

The outcome of research on the adaptation of defence and security organisations in the globalised world acknowledges the multidimensional role of intelligence services in the protection of democracy against attempts by foreign states and non-states entities to destroy or subvert them. While the politicisation of intelligence is considered to be the key driver of intelligence failure or surprised attacks, the need to clarify the type of relationship that should exist between intelligence analysts and policy-makers has to be taken seriously and important reforms have to be undertaken to increase the effectiveness of intelligence services.

The democratic control of intelligence services, which aims to prevent political abuse by upholding the rule of law and ensuring the proportionate use of exceptional powers in order to protect civilians, consists of formal and informal mechanisms of oversight. These mechanisms have not been successful in every state apart from those that have long history of democratic governance. Nonetheless, the crucial shortcoming of democratic governance framework for intelligence services appears to be the need for secrecy in the conduct of intelligence affairs which is the opposite of transparency, an important democratic norm that has be to be upheld by all state institutions. Given the importance of secrecy but whose increase makes it harder to ascertain and assess the features and performance of the services, there is empirical evidence that the subjection of intelligence services to the same democratic principles as all other government institutions can fill

the gap between the need for democracy and the need for security which comes from effective and efficient intelligence services.

This literature review has demonstrated that the security intelligence literature draws on the analysis of socio-legal studies which examined whether the subjection of intelligence services to the rule of law can positively affect their performance and at the same time make them socially acceptable. As the literature accumulated analytical evidence to demonstrate the advantages of putting all government institutions under the Constitution, it has expanded to look into the correlation between the democratic control of intelligence services, their efficiency and effectiveness.

This emergent field of knowledge is based on the evaluation of two broad variables – secrecy and transparency. The secrecy hypothesis asserts that all intelligence business has to be conducted in secrecy for it to be fit for purpose, especially with regard to counterterrorism and other operations that are very important for the protection of national security and require some degree of secrecy. However, the secret nature of intelligence has always caused concern to the public as many undemocratic or illegal acts may be committed by intelligence services under the cover of the *needed secrecy* if they are not subjected to public accountability and respect for the rule of law. Transparency is therefore widely accepted by political, legal and ethical studies as being an antidote to dangerous uncontrolled behaviours of state most secretive institutions.

While many of the existing studies consider the democratic oversight of intelligence services as important measure for preventing the abuse of power by intelligence agencies and for increasing the success rate of intelligence operations, the transparency hypothesis is criticised by some intelligence practitioners for being too political and unrealistic for it does not fully appreciate the existing difficulties and challenges in the world of intelligence.

Political, legal, and ethical studies do, however, recognise the need for intelligence services to operate in secrecy. They also recognise that there are moments when the requirements for intelligence services to uphold transparency may become incompatible with the tasks given to them by the government. These studies emphasise the need for governments, which must act on behalf of the people, and intelligence services, whose activities must be implemented only for the best interest of the state, to find a proper balance between the need for secrecy and the need for transparency.

The policy responses to abuse and failure associated with the work of intelligence services have, therefore, become increasingly global, and are often manifested in a framework for democratic governance of intelligence, control and oversight mechanisms which aim to overcome the shortcomings of unaccountable intelligence sector and the problem of compliance and efficiency in intelligence gathering and analysis in every state. This framework also reflects the concerns of the three arms of government - executive, legislative and judiciary-, civil society and regional and international partners.

Africa and Kwadjo (2009) claim that before 1990 the way intelligence services were governed in most African states raises urgent concerns for the safety and security of the public, and poses a real threat to democratisation efforts that are underway on the continent. It is crucial to address the issues of the reform of intelligence sector, especially because democracy calls for the proper use of government power to prevent the violation of civil liberty and the re-emergence of tyranny in Africa. There is, therefore, a great expectation for intelligence reforms to enhance efficiency and effectiveness of intelligence organisations through increased transparency and accountability, thereby preventing the abuse of power and intelligence failure. This research is crucial in examining the usefulness of democratic control of intelligence agencies in the case of the DRC where intelligence services are usually

used not for knowledge but as a source of action against the political opposition.

3

METHODOLOGY

"The employment of methods […] requires that the world be of one kind rather than another. Method is not a thing for all worlds. It presupposes a certain answer to a type of question. What must the world be like for the Methodist's knowledge to be possible?

<div align="right">Wolin (1993:28-9)</div>

3.1 Introduction

This chapter provides a brief summary of the methodology of this research to contribute to research on intelligence in the Global South, by analysing the roles of intelligence agencies in the DRC in order to demonstrate how the improvement of governance can make intelligence agencies in a post-dictatorial state work for the state not for the regime and why. It includes details about the approach of the research and the methods of data collection and analysis. It also includes an indication about the limitations of the methodology used.

This research undertakes to respond to research gaps on intelligence in the Global South in general and on the DRC in particular. As mentioned in the previous chapters (Chapters One and Two), there is very little information on the Global South and there are few

comparisons between different African states in the existing literature in which there is a strong Anglo-American bias. This research also aims to respond to the need for a theoretical framework to analyse reforms in intelligence agencies in the context of transitions from authoritarian regimes.

3.2. Philosophical Background: Research Philosophy

3.2.1. Constructivist

The research is founded on a constructivist epistemology. This philosophical concept considers the world as something that is subjective in which there are many truths that can be interpreted in different ways depending upon who is studying it (McNeil 1985:49). Constructivism rejects positivist objective view of the world and the idea that knowledge is always objective and factual, and once it is gained, it can be used to explain events in the natural world, to make predictions about what will happen in the natural world, and thus to control the world and make it behave in ways that are to the advantage of the controller (ibid: 49). Constructivism takes reality into account (Zehfuss 2002:250) and puts more emphasis on the ontological reality of intersubjective knowledge and on the epistemological and methodological implications of this reality (Alder 1997:322).

By demonstrating that the environment in which agents/states take action is social as well as material (Chekel 1998:325), constructivism opens up the objective facts of the world politics, which are facts only by human agreement. It is considered as one of the standard ways of analysing international politics (Walt 1998:38) because its analysis of international relations takes into account the fact that both the social and material worlds are construed, not given.

My preference of constructive approach over other models of inquiry is based on the fact that constructive approach makes it possible for

research questions to be answered while taking into consideration different understandings and perspectives on intelligence when addressing the issues of democratic governance of intelligence in the DRC. While other approaches may lead to their own unique insights (Oliver 2008), I find constructive approach to be more useful for inquiry into the world of intelligence where realities are multiples and are both socially and societally embedded (Grbich 2007:8). Furthermore, constructivist approach challenges positivist notion of unchanging reality of international politics and the idea that social phenomenon may be explained in the same ways as the natural world. Also, it does not take a relativist stance that all knowledge about social and natural worlds are merely construed, rather it recognises that knowledge can be at one and the same time socially construed and real (Parker 1998:23).

The main concern of this research is therefore to frame ideas around intelligence services and any findings as situated knowledge (Haraway 1988). Indeed, my experience of living, working and studying both in Africa and in Europe (mentioned in the foreword) has made me more aware of the fact that multiple realities about intelligence may be expressed differently by people in the North and the South as they tend to live such realities differently based on the political and social arrangements in their respective countries. In conducting research on intelligence agencies, I had to bear in mind that as government institutions, intelligence agencies are impacted by the political constructs and values they bring into any particular political context as well as the external constructs and values of the political context in which they operate.

3.2.2. Qualitative

In line with the constructive nature of this research, I have favoured a qualitative approach as this study focuses on things that cannot be quantified such as organisational change, culture, concepts, attitude and

activities, and the meaning that are attributed to them. It is because of this that the study had to be of a qualitative nature, looking at the understanding that intelligence agencies and those who benefit from their work have of the political context in which they find themselves, and how they understand this political context to be impacted by the reforms that have been undertaken.

The qualitative method enabled me to study and understand realities surrounding intelligence services and to question how people in the North and the South feel about how their intelligence services are governed. This facilitated the move from assumptions to research design, data gathering, analysis and interpretation.

3.2.3. Comparative Methodology

There is a strong normative element within the field of intelligence reform that information gathered by those undertaking research must have an influence on policy and practices of democratic governance of the security sector. The result of this expectation is that generalisations from any research undertaken have to be extrapolated to other similar cases or units of comparison.

It is in relation to this that I have decided to use comparative methodology for this research, paying special attention on the issue of control to ensure that comparison is carefully controlled so that it is possible to make generalisations about similar cases extrapolating from information gathered.

Bechhofer and Patterson (2002:2) contend that a good research design is one which manages well the two issues of comparison and control. But in order to make a good comparison, it is essential to know what it is that is being compared, what are the 'concepts' that are being compared, and how will this be done (Mair, 2008:179). I defined the research terms in an unequivocal manner to make comparison possible and easy, and although the research is about the DRC, I selected case

study of South Africa for reasons stated in the introduction chapter and more so because their respective intelligence services played an important role in the democratisation process and have been reformed. One cannot immediately compare a rich, powerful, industrialised, apartheid state of South Africa with a chaotic and weak state of the DRC, but light can be shed by comparing Congolese intelligence agencies and contrasting with agencies in South Africa. These countries are hereby compared to provide context, make classifications, test hypotheses, and make predictions (Landman, 2008:29).

The other reason why I selected the case study method is because case studies are designed to achieve experimental isolation of selected social factors or processes within a real-life context so as to provide a strong test of prevailing explanations and ideas (Hakim 1987:4). According to Yin (2003:10-14) the case study method is suitable when a "how" and "why" question is being asked about a contemporary set of events, over which the investigator has little or no control. In addition, a case study method is useful in dealing with a range of evidence including artefacts, documents, interviews and observations and it allows a better understanding of "complex social phenomena".

Social Sciences scholars agree that case studies are typically based on two or more methods of data collection and their fieldwork may incorporate the analysis of interviews, administrative records, reports, and other documents, observation and the collection of any type of evidence that is relevant and available (Hollway and Jefferson 2000; Hakim 1987; Landman 2008; Pennings et al 2006). The research employs a case study of the intelligence reform in new democracies supported by inductive, qualitative methods, using interviews, parliamentary reports, other documentations, and observations.

3.3. Research Strategy, Framework and Plan

3.3.1. Research Phases

This thesis revolves around field research in the form of twenty-eight semi-structured interviews and the interpretation of secondary sources such as government reports, archives of the Belgian colonies, research reports, and academic books and papers. Additionally, my field research was enriched through attendance to several conferences and workshops on intelligence and security, where I had conversations during coffee and lunch breaks with intelligence practitioners and academics from different continents. These casual conversations have been as enriching to this research as many of the formal interviews I have undertaken.

This thesis has also been informed in many ways by other diverse elements. In relation to the qualitative researcher who is compared by Denzin and Lincoln (2005:4) to a quilt maker or bricoleur who draws together many different threads and creates tapestries and collages with what they have found, I gathered together formal interviews, made phone calls, scribbled notes recalling casual conversations, formed impressions through reading and analysis of government and media publications, and took into consideration my past experiences of taking part in secret intelligence meetings during the Congolese peace talk and of working in the DRC during the transition period when intelligence reform process began. All of these diverse elements inform this thesis in many ways.

In order to arrive to the findings of my research, I went through the following steps:

Phase One: Review of Literature
Right at the beginning of my research I conducted an initial review of literature on what had already been written about the DRC from the perspective of security sector reform particularly on intelligence reform

in order to identify a number of specific key concerns I needed to pursue in detail.

As almost nothing has been written on the Congolese intelligence services, I also looked at the findings of intelligence reform studies in other contexts, for example in South Africa, U.S. and the UK, in order to identify key issues raised in these contexts and thus help identify gaps in knowledge that might be filled by studying the DRC.

I then undertook my first research trip to the DRC in December 2009, for a period of two weeks. This served two purposes: the first benefit was that it provided me with an introduction to people who were involved in the reform of the security sector, some of whom I have known while I was working for the Congolese government during the transition period. The second benefit is that it increased my curiosity and need to know more about the different kinds of reforms that were underway – economic reform, reform of the justice system, security sector reform, etc. and allowed me to carefully observe the level of involvement of local and international actors in these reforms and to have an ideas of potential challenges that could hinder the success of intelligence reform process. These observations helped me to ground my research in the present time, rather than in the context of when I previously lived and worked in the DRC. Crucially, I was then able to collect some important documents on security sector reform and to identify individuals who would act as key informants for this study.

Phase Two: Deeper Enquiry

After synthesising the information I gathered during my first field research with my knowledge of existing security intelligence literature, I was able to identify a number of key concerns, which I needed to study in further detail.

I therefore return to the DRC for the second research trip in December 2010, again for a period of two weeks and as I wanted to know more about intelligence reform in South Africa, I also went there

for a week. During this trip I conducted a total of 23 interviews and I also had informal conversations and chats (as mentioned earlier) with politicians, academics and human rights activists during a conference I attended in Kinshasa on security sector reform.

When I returned to the UK, I analysed the data I had collected and continued to review existing literature. I was then able to continually pull together the findings of both secondary and primary sources in order to locate where gaps existed and see how best the finding from the two data sources enriched each other.

Phase Three: Formalising Results

During this final phase my main activity was to produce the final thesis by pulling all of my findings together through a continual review of literature and a process of writing. Additionally, I attended meetings of the UK Group Study on Intelligence and a 3-day international conference on the CIA where I met most of the intelligence writers I have cited in my work and some former and current senior intelligence officers from around the world. I carried out 5 additional interviews and had other informal chats with experts who have been involved in intelligence reform around the world in order to check back the accuracy of my findings and to enrich them.

3.3.2. Strategies for Data Collection

3.3.2.1 Research Subjects

The key informants of this study were local and international intelligence practitioners, politicians, academics, lawyers, human rights activists and security sector reform experts. Their selection was based on criteria I identified before I commence my field research to ensure that research subjects would best inform my research. The key informants were to be either:

- Local or international individuals with substantial experience as participants in security sector reform process in the DRC,
- Current or former intelligence officers,
- Politicians who have been involved in intelligence reform process in the DRC,
- Academics and journalists who have a broad and critical understanding of the security intelligence field and who could objectively comment on the on-going process of intelligence reform
- They to be of a range of ages and of both sex.

Respondents were selected through the process of snowballing and among them there were more males than females. This is obviously because males are more engaged in politics and intelligence work than females both in the DRC and South Africa.[19]

3.3.2.2 Interviews

There is a popular belief that access to information on intelligence services is very difficult due to the secret nature of intelligence work. However, I did not experience that many difficulties in collecting data in the DRC for two main reasons. First, my past experience of working as the Chief Administrator for the Truth and Reconciliation Commission during which I coordinated the work of eleven regional managers made it possible for me to be in permanent contact with all intelligence services with whom I shared some information; it is this relationship that made it possible for me to identify the right people for interviews and to access some information that would have been difficult for other researchers to get.

Second, the Congolese politics is ethnically polarised. From independence in 1960 till the end of dictatorship in 1997, the DRC was ruled by people from the western part of the country. But since May

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[19] See Appendices 1 and 2 for full details of respondents profiling and sampling.

1997 the country is being ruled by presidents from east where I come from. All important government positions, specifically within intelligence services, are occupied by people from east and where someone from other provinces is made head of any government department or institution, his/her deputy is always from east and usually more powerful than their superior. It was therefore easy for me to get all information I needed because many senior security and intelligence officers are either from my home province or from other provinces in the eastern part of the DRC. Also, I have very good relations with the current DRC ambassador to the UK who has assured his superiors in Kinshasa that I am not against the regime as are many Congolese of the diaspora especially here in the UK.

During my research trips I conducted semi-structured interviews and used open ended interview technique to generate information from respondents. This technique enabled respondents to express themselves freely, which allowed for more and in-depth discussion. As already mentioned, a total of twenty-eight interviews were conducted. The limitation in the number of interviews/communications conducted is owing to the difficulty in identifying precise individuals in a foreign country and in gaining access to them, especially ministers and senior intelligence officers.

Because I needed to do some kind of comparative analysis of other cases of intelligence reforms to complement this in-depth analysis of intelligence reform in the DRC, I asked a series of common questions to all respondents during interviews paying attention not to force them into a predetermined framework of interview. I was able to examine respondents' relevant areas of experience and I also allowed free flowing dialogue between the respondent and me. In many instances this methods led to completely new lines of inquiry but I made sure that the free flowing dialogue does not generate into an anecdotal gossip. This is a 'romantic approach' which, as Alvesson argues, reduces the risks of

the interviewees talking what the interviewer wants to hear, and it makes the interviews more honest, morally sound, and reliable (Alvesson 2002: 108-109).

Through reflexivity and awareness, I made sure that my forceful presence is not undermined by respondents' experience in the field of intelligence as most of them answered my questions in ways I did not anticipate, often questioning me along the way to test my understanding of the world of intelligence. Such questions blurred the lines between researcher and subject and ultimately made this research highly reflective and stronger.

My approach during interviews was motivated by the need for research subjects to reach beyond their role as passive subjects to play an active role, which is recognized as an enriching approach to any social science research.

The simultaneous use of two interview techniques advocated by the two schools of interviewing[20] (Roy Hay cited in Thompson 2000: 225) brought best results and suited my personality.

Regarding other semi-structured interviews and communications made in Europe, I tried to collect broad accounts of former Congolese intelligence officers in the Diaspora and foreign intelligence officers who had contacts with Congolese intelligence or have been involved in security sector reform around the world. I developed two focus areas as the research progressed. Firstly, actors who worked and who are working for security institutions were prioritised as the key informants on the nature of intelligence services of the dictatorial and apartheid regimes and on what has been achieved through the intelligence reform processes. Secondly, non-Congolese actors who were engaged in the

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[20] One school of interviewing prefers the use of 'objective/comparative' approach usually based on a questionnaire, or at least a very highly structured interview in which the interviewer keeps control and asks a series of common questions to all respondents. The other school of interviewing suggests a free flowing dialogue between interviewer and respondent, with no set pattern, in which conversation is followed wherever it leads

provision of support to Congolese intelligence services during the Cold War period and those who support current intelligence reform process were also approached.

Congolese officials from the Ministry of Defence, the Ministry of Interior, the Ministry of Justice, the two chambers of Parliament, and different intelligence agencies were targeted for data collection. These officials were involved in the reform of the security sector from the beginning of political transition in 2003; they were therefore well placed to provide information on government's effort to make intelligence services more democratic. The key questions were around their perceptions of problems caused by intelligence agencies in the past and how these can be avoided in future; intelligence control and oversight; participants' ideas for improving security situation in the DRC; and their views on the impact of globalisation on intelligence. The reason for the involvement of politicians in this study is that politicians are involved in national policy making and as such they are in a good position to know about proposals by the government concerning democratic governance of intelligence agencies; Cabinet ministers and two members of DRC's National Assembly's Permanent Committee on Defence and Security - one from the opposition another from the ruling majority as well as two from the Senate's Permanent Committee on Defence and Security were interviewed and they provided valuable information on DRC's new strategic orientation and on what is happening in terms of oversight of intelligence services.

I also interviewed exiled intelligence officers of the former dictatorial regime in order to attain the same depth of understanding of former intelligence agencies. However, I limited their number to avoid information overload and as the experience of former intelligence services are beyond the scope of this research. My membership to the UK Study Group on Intelligence has made it possible for me to secure interviews with exceptional intelligence practitioners and academics in

South Africa who provided valuable information on the reform of the South African intelligence services and the analysis of intelligence reforms in the DRC, UK and U.S.A. I was also able to interview members of non-state institutions, namely, the United Nations Organisation Stabilisation Mission in the Democratic Republic of the Congo (MONUSCO) and the South African Institute for Security Studies because some of the work of these institutions focuses on intelligence and security. Their professional and research experience were very useful for this research.

Academics, journalists and human right activists were also interviewed in order to get a sense of how current reforms are perceived by the people of the Congo. They also provided valuable information particularly on informal mechanisms of control of intelligence services. Most of the research participants wished to remain anonymous; this is why I chose to omit their names as a measure of caution.

A research questionnaire with broad themes and some specific questions was used to guide the interview and respondents[21] were provided with an information sheet and a consent form prior to the interviews; however, none of them agreed to sign the consent form for fear of their security. I obtained a verbal agreement instead and was able to proceed. Interviews were conducted in French in the DRC and in English in South Africa and in the UK. Unfortunately, no interview was recorded because it could arouse suspicion in most of research participants. I had to take notes as much as I could to capture the main issues that emerged from the interview. Research data deriving from note-taking could have a degree of inaccuracy but I palliated these with other notes I took during conferences, informal meetings with intelligence experts, media reports and my own observation of the situation on the ground.

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[21] The profile of respondents is attached as appendix 1.

3.3.2.3 Archives

I also travelled to Brussels where I consulted the archives of the Belgian colonies at the Bibliothèque Royale and the general archives of Belgian Kingdom, *the Archives Générales du Royaume* as well as the archives of Belgian Ministry of Foreign Affairs, *the Service d'Archives du Ministère des Affaires Etrangères*. These archives provided valuable information on strategic changes in task and tasking of intelligence services in the DRC from the pre-colonial period to the end of the Cold War.

The table below explains the objectives and methods to achieve the objectives in more detail.

Table 1: Data Collection

Objectives	Methods of Data Collection to Achieve the Objectives
Chapter Four To analyse the political context of intelligence operations in the DRC during and after the Cold-War and to respond to research gaps on intelligence in the Global South in general.	Primary data from interviews with Senior Intelligence Officers, Government Ministers, Members of Parliament from both the ruling majority and the opposition, academics and human rights activists in the DRC in 2010, and 2011. Primary data from an interview with a senior intelligence analyst of the United Nations Peacekeeping Force in 2011. Secondary data from sources including archives in Belgium, academic publications, security sector reform conference in the DRC, NGO and media reports.
Chapter Five and Six To suggest ways in which the Congolese state might improve its	Primary data from interviews with senior intelligence officers and academics in South Africa

governance of intelligence and to shed further light on these agencies by comparing and contrasting with agencies in South Africa; Additionally, to conduct a comparative study on new and long established democracies in order to find out: • Whether Western mechanisms for democratic control of intelligence can work in a country such as the DRC that has a long history of non-democratic governance • Why it is difficult for intelligence culture to change at the same pace as the change in political culture • How best to address these issues and challenges of democratic governance of intelligence services in the DRC.	and in the UK. Secondary data from sources including academic publications, government websites, reports from research institutions, conference presentations, workshops of the study group on intelligence, NGO and media reports.
Chapter Seven and Eight To explain and analyse the strategic and operational tasking of intelligence agencies in the DRC by looking at: • Past and current strategic tasks of DRC's intelligence services and their tasking; • Whether it is the armed conflicts and conventional and nonconventional threats or something else that drove the changes in the tasks and the tasking of Congolese intelligence organisations; • How change in strategic tasks has led to operational changes in everyday working practices	Primary data from the interviews with former and current Congolese senior intelligence officers, intelligence analysts and government ministers in 2010 and 2011. Primary data from interview with a former European Spy in the DRC and a former Director General of Foreign Intelligence Services of an European country who worked in close collaboration with Congolese intelligence in 1990s Secondary data from sources including archives in Belgium,

of Intelligence agencies.	Acts of Parliament, media reports, an email from a current Congolese intelligence officer on training in China, and conference reports.

3.3.3. Data Analysis

Phase One: My first task when analysing collected data was to check whether any new themes occurred across interview transcripts apart from the major themes contained in my research questionnaire. I also had to check whether there were any surprising observations made perhaps by one or more respondents and which could present other interesting avenues for investigations but there weren't any.

After identifying common concerns raised by my respondents, I eliminated those concerns that were already well-explored in the existing literature, and then I drew up a list of the key concerns that corresponded with my research questions and which I needed to investigate further.

Phase Two: I began by transcribing interviews then went on to type notes from the field notebook from my research trips. Through coding, I looked for common responses across all my data in order to build answers to each of my research questions with the wish of coming up with findings that are informed of my own observations and the impressions, beliefs and experiences of respondents.

In analysing my data I was faced with the challenge of verifying if what each respondent said was true. I was also confronted with the hard task of proving the reliability of oral evidence and how it compares with documentary sources. Equally, I had to relate the evidence I have found to wider patterns and theories of intelligence bearing in mind that oral evidence brings to the surface a dilemma which underlines any historical interpretation because it takes the form of life-stories.

To overcome these challenges, I first used oral history technique as suggested by the famous oral historian Paul Thompson[22] to analyse collected evidence.

I put all single life-story narratives together and compared evidence from one interview with that from another, and then I combined it with evidence from published literature and official reports before making any conclusions.

But the method of narrative analysis has limitations in the sense that it does not allow the researcher to put evidence in a wider context in order to evaluate it.

To overcome this limitation I employed reconstructive mode of analysis[23], a tradition developed by sociologists, to assess each interview for internal consistency and to reconstruct in detail how intelligence agencies worked in the DRC and South Africa and how changes in their political systems has led to changes in intelligence governance and culture.

According to Verba et al (1994:6), the social world changes rapidly and because of this, any analysis that helps us understand changes requires that we describe those changes and we seek to understand them contemporaneously, even when uncertainty about our conclusions is high. This is an explicit method which helped me to analyse and assess the reliability of data but it also had its limitations (all methods – whether implicit or explicit- have limitations). The advantage of explicit methods is that it helped me understand the limitations, which was a step forward to addressing them. I finally employed triangulation in methods to pursue in-depth understanding of the phenomenon and to cross-

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[22] Thompson (2000) argues that 'as a whole, most of the essential skills in judging evidence, in choosing the telling extract, or in shaping an argument, are much the same as when writing history from paper documents'

[23] Verba (1994) clearly demonstrates how to use life-story interviews to reconstruct in detail how a social context or element works and changes. He argues that cross-analysis is essential for any systematic development of the interpretation of history.

analyse my evidence. By doing so, I added 'rigor, breadth, complexity, richness, and depth' to the inquiry (Denzin and Lincoln 2005: 5).

Different issues were identified from transcribed interviews. These issues were grouped into themes and relationships between different themes were identified after careful examination. The thematic analysis is useful in comparing diverse perspectives owned by different groups (Flick 2002).In this research, the thematic analysis focused specifically on the relationship between intelligence reform, effectiveness and efficiency. This focus helped to shape the arguments and conclusions of this study. To achieve an in-depth understanding of issues contained in each theme, I paid particular attention to the categorised data segments and referred to my secondary materials in order to identify the differences between the views of practitioners and policy makers and academic debates on intelligence reform and governance. This is a micro-approach and it is considered as one of the limitations of the constructivist approach (Grbich 2007).

3.4. Factors Specific to Researching in the DRC and South Africa

There are a number of issues worthy of note when it comes to undertaking research the DRC, summarised below:

Lack of Information Systems

Access to information is very limited in the DRC. Not only does the country not have a Freedom of Information Act but it also lacks public libraries. Its national archives are under supplied and not accessible to the general public. Even the official daily record of proceedings kept by parliament is not easily accessible and any request addressed to the institution that keeps records of laws and acts of parliament –*The Journal Officiel* - for documents or legislations related security and

intelligence organisations may arouse suspicion and possibly lead to arrest.

Political Pressures and Culture of Human Rights Abuse

Because of the persistence of the culture of human rights abuse and targeted killings, the identity of respondents remains anonymous throughout this thesis. This was appropriate as all of them wished to remain anonymous to protect themselves or their organisations. Some of the current Congolese intelligence officers specifically requested that I hide their identity. I therefore had to go to some length to hide their identity. During interviews some participants in this research who belong to the ruling political majority were very critical of the government. I came to understand that in the DRC many politicians from the ruling majority are not happy about the way their country is governed but are scared of saying openly how they really feel about certain issues (more so to a fellow Congolese who is conducting research on intelligence services and who might be spying on them) - particularly concerning issues surrounding human rights violations perpetrated by government against innocent civilians, opposition politicians and human rights activists.

Low Education of Population

With a literacy rate of only 67% (World Vision, 2013) it is difficult to find enough well-qualified intellectuals in every field of study. It is even harder for the few existing security experts or even members of the population as a whole to speak to a researcher on the subject of intelligence which is still considered as a taboo in the DRC. The population awareness on matters pertaining to intelligence services is still very low.

Difficult Travel

The DRC is a vast country – the eleventh largest in the world but it does not have adequate means of transport. This is due in part to chronic economic mismanagement that led to serious under-investment over many years, and also to the terrain and climate of the Congo Basin that present serious barriers to rail and road construction. The country has only about 5000km of tarred roads; its air carriers have been banned from European Union airports by the European Commission because of inadequate safety standards; and its railways are very old and unsafe. The water transport is the dominant means of moving around. Furthermore, there are 21 active rebel groups in the country. This situation makes it both difficult and dangerous for a research to travel around the country to collect data. I did not encounter any difficulties related to travel or insecurity in the DRC as all types of respondents I needed for my research could be found in the capital city Kinshasa.

3.5 Research Validity

Qualitative and constructive approaches to intelligence reform research, which takes the middle ground between positivists and relativists approaches within the social sciences (Alder 1997:323), and which helps in analysing international relations within which there is a strong element of unpredictability can raise concerns about the reliability and validity of the research. The reliability of such approaches might even be questioned when we take into account a growing number of intelligence reform studies that are solely theoretical or whose analysis is based on impact-centred and positivist approach.

Knowledge about intelligence services is subjective in so many ways, and as already mentioned in relation to the democratisation of intelligence services (Chapter Two), there are commonalities in the way intelligence services are democratically governed but every context is

different. As the findings of this research demonstrate in the final section of the thesis, it can be dangerous than helpful to prescribe off the shelf Western remedies to heal intelligence services in developing democracies – however lessons can be learnt by new democracies from long-established ones.

The research on the democratisation of Congolese intelligence services should not be understood as a scientific study that offers solutions to the problems of all intelligence services of developing democracies because it does not provide tried and tested evidence of how we should democratise intelligence services. Rather it provides an accurate picture of how the DRC went about to reform its intelligence services and establish mechanisms of control and oversight to ensure that its intelligence services remain effective and efficient.

I hope this study provokes reflection and debate amongst intelligence practitioners, academics and the general public – and points to some important questions anyone willing to engage in intelligence reform in a new democracy needs to ask themselves prior to their engagement.

The Final section of this thesis provides further examination of the applicability of the findings of this research.

3.6. Position of Researcher to Research

As stated in the foreword the roots of this research lie in my personal experience of taking part in the DRC peace negotiations after the war and of attending behind the scene meetings between the head of civil society delegation and intelligence officers from the warring parties. This fact is significant. The experience of working for the transitional government, working in close collaboration with intelligence agencies, observing the process of police and army reform, and the involvement of the international community in the political and economic development of the DRC had a profound impact on me. During this time I developed

interest in the work of intelligence services, gained knowledge about what was planned in relation to intelligence reform, and forged crucial contacts, which had great impact on this research.

The importance of knowing the context one wishes to research cannot be overemphasised. Because of my advanced understanding of the Congolese political context I set out on research journey with a sound understanding of who the key players were in the security sector reform scene. I knew the DRC territory well, being born and having lived there, and having worked with the Truth and Reconciliation Commission that enjoyed a network of contact throughout the country and in government institutions. I was aware of the complexities of the DRC context (politics, culture, ethnic divisions, customs, alliances, etc.). I worked with the ruling political majority, political opposition and civil society and been exposed to diverse interpretations of past and current political situation. And I received great assistance in the process of carrying out this research from people I had known previously; that not only saw the importance of my research for our country but also trusted that I could one day be useful for our nation and therefore helped me all they could. Many doors were opened to me.

Conversely however, having prior experience was not without challenges. Firstly, as I knew the context well, I also knew that my research would raise questions about objectivity because most intelligence researchers are subjective and subjectivity always affects their work. This is why Bell (2001:190) questions whether such research can ever be considered 'neutral'. But Letherby (2003:5) argues that 'all research is ideological because no one can separate themselves from the world'. This is not least because in the case of the DRC where intelligence services were deeply involved in targeted killings, disappearance and human rights violations, I was highly emotional in carrying out research and was exposed to unpleasant situations and

revelations that researchers do not face in other disciplines (Herman 2001:77).

It was difficult for me to separate myself from my Congolese world just as Richardson & St. Pierre argue in relation to social sciences' post-modern and hermeneutic approaches that 'the researcher and the subject are inextricably bound and that writing is always partial, situational and ourselves are always present no matter how hard we try to suppress them'(2005:962). All I had to do was to acknowledge myself in the research and the writing in order to make it clear that the production of knowledge is as dialectic loaded in favour of the researcher (Letherby 2003:9) thus avoid writing vulnerably in order to prevent readers from responding vulnerably based on Behar suggestions that 'when you write vulnerably, others respond vulnerably (1996:16).

Secondly, in carrying out this research I was immensely under pressure specifically as many of my respondents expected me to come up with recommendations that would help improve the governance of intelligence services in the DRC. Just like peace studies whose tradition is founded upon the notion that peace research must be useful (Patomaki 2001:726), research about intelligence services is also and always expected to influence policies and practices of intelligence agencies. However, I was aware of the suggestion made by Smyth & Darby (2001:35) that sometimes researchers do have unrealistic expectations about the influence that their research can have.

Finally, I felt a desire not to upset the Congolese government and people who have been victims of undemocratic behaviour of intelligence agencies, and described the nature of Congolese intelligence services sensibly, whilst maintaining objectivity.

3.7. Ethical Consideration

For ethical reasons, I planned to consult, in the last stage of the research, all those who participated in this research about the final draft of this thesis. I consider this to be an important ethical process because it allows research participants to check whether their views were presented correctly and that I have kept my promises of not revealing their identity or making it possible for readers of my thesis to guess who the research participants might be. It was therefore an obligation for me to ensure that the security of my respondents would not be compromised by the publication of this thesis.

However, this important ethical process has not been fully achieved for three main reasons: the first relates to personal security of respondents who live in the DRC; the idea was to send them electronic copies of the final draft but I realised that their security may be compromised in case they are found by Congolese authorities or security services with a copy of this thesis in their possession. Only a few respondents in the DRC were able to crosscheck my interpretation of findings - they informed me of changes that have taken place in the Congolese political structures after the November 2011 elections particularly in the permanent committees on defence and security of both the National Assembly and Senate. They also informed me of the new decision by the government to build the technical capacity intelligence services so as to acquire information superiority over the country's troublesome neighbours and the rebels. On the South African part, two research participants were able to comment on my analysis of the South African intelligence process and they provided me with new information on the current strategic focus of the South African intelligence.

The second reason relates to the problem of language as the majority of research participants in the DRC cannot speak English and were therefore not interested in reading this thesis. The third reason lies in the

very concept of a consultation following research where experienced social and political realities of many of the respondents may have influenced the way they expressed their particular views (Alvesson 2002: 108–109).

3.8. Chapter Summary and Conclusion

This chapter explained the methodology used in collecting and in analysing data so as to answer research questions set in the introduction. The chapter has demonstrated the challenges any researcher can be faced with when conducting research in the world of intelligence. These challenges are mostly related to the very secret nature of intelligence business. Most importantly, the chapter provides clear description of the approach taken by the researcher and the methods used to obtain reliable non-bias information without compromising the security of research participants.

The numerous positive aspects of understanding the context one wishes to research have been demonstrated – I set out on this research with a clear understanding of who the key players were in security sector reform scene and I knew the DRC territory and South Africa well having lived and worked there, and I had knowledge of factors that are specific to conducting research in both the DRC and South Africa. This research has thus been enriched by my prior experience.

4

DRC – HISTORICAL AND POLITICAL CONTEXTS

4.1. Introduction

The purpose of this chapter is to explain the national and particularly international dimensions of Congolese political dynamics in the context of recent history. These are essential for understanding the following chapters specifically about the country's intelligence services. However I do not present a revisionist or conceptually innovative perspective. The chapter is based for the most part on several recent publications which explore the issues in detail, for example Ndaywel*et al* (2009) and Péan (2010) which clearly demonstrates the negative impact of Western states and their multinational companies on the political and economic development of the DRC, and Lemarchand (2003) and Prunier (2009) in which the regional and local dimensions of the Congo Conflict are described and analysed.

The chapter intends to highlight the importance of historical and political contexts in the governance of the security sector in order to address the second research question set out in the introduction. The historical material is relevant to the present day and the topic of intelligence reform more so because some features of the Congo seem to be more or less consistent over the past 150 years at least: resource-rich, vast territory with poor transport, fragmented ethnicities, target for

colonial and post-colonial foreign powers, patrimonial politics, resource-poor but well-organised neighbours, etc.

One of my respondents correctly pointed out that:

> *'emphasizing these political and economic facts is also to indicate what is currently happening in the DRC, the extent of a crisis where multiple interests of local and international actors are convergent but not necessarily identical'.*[24]

The analysis demonstrates that unlike other African states, the DRC did not become a colony of any specific Western country at the Berlin Conference. It was instead put under the responsibility of an individual, King Leopold II of Belgium, in order to ensure access by all Western states to its abundant natural resources. The analysis further demonstrates that external interventions and interests have been shaping the history of the DRC before and even after the independence. This is why the fulfilment of foreign economic interests through the control over trade and exploitation of natural resources have been largely explained as being the causes of violent conflicts that the DRC experienced since 1996 (Keen 1998; Duffield 2001; Klare 2001; 2002; Le Billon 2004).

Having the above points in mind, this chapter sets out to analyse the role of Western states and multinational companies as well as the role of regional states and local forces in the DRC conflict, with a focus on the impact of foreign interventions on the political and security governance. The chapter also introduces several underlying issues in Africa's Great Lakes region - migration, manipulation of ethnicity, citizenship, and access to land, which have contributed to the creation of a very complex historical and political context.

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[24] Interview, 2010, Respondent No. 23

4.2 Brief History Prior to Independence

The problems of the DRC began long ago before independence and were caused mainly by the excessive interest of foreign forces for its abundant natural resources. This has been confirmed by several studies that proved the existence of a significant relation between natural resources abundance and the outbreak of civil war (Collier 2000; Collier and Hoeffler 2000; Collier and Hoeffler 2004). While these studies support that there is a link between resource dependence and civil war, other studies reject the idea of the existence of a concrete link between a situation of natural resource dependence and the onset of civil war (Fearon and Laitin 2003, Fearon 2005). However all these studies agree about the likelihood for the lootable resources such as diamonds and petrol to protract conflict (Ross 2004a; Humphrey 2005; Lujala et al. 2005) and therefore their findings can be applied to the case of the DRC which does not only possess abundant natural resources but also has lootable resources and its economy has always depended on natural resources.

External interests have been shaping the history of the DRC since late 17th century when the exploration of the African continent began as a consequence of the Industrial Revolution. Europe was in need of natural and mineral resources for its industry therefore it had to search for places where to find them. Several missions de reconnaissance and of scientific study of unknown lands were then organised in Africa by European explorers. These missions had three fundamental factors: economy, science and religion.[25]

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[25] The process of colonisation of the Congo was based on the 'colonial trinity' which had three components – commerce, education and evangelisation. The process of evangelisation was done through two distinct perspectives – Catholicism and Protestantism and priests and evangelists were intelligence collectors/analysts.

These exploration missions allowed Europeans to install exploitation and development colonies throughout Africa with logistical means and appropriate administrative management.

The first exploration mission was that of Tuckey in 1816 and whose expedition on the Congo River brought to Europe the first advanced studies on the Congo. In 1858 Burton and Speke arrived on Lake Tanganyika and two years later Baker reached Lac Albert. Other expeditions in the Congo were conducted by David Livingstone in 1870 followed by a missionary explorer Henry Morton Stanley in 1871 who was commissioned by the American newspaper, the New York Herald, and Veney Cameron in 1874.

At the end of these exploration missions, an international geographic conference was organised in Brussels in 1876 with the aim of proclaiming the end of slavery in Africa, civilising Africans and liberalising commerce in the Congo basin for all European Nations.

The *International Association for Africa* was then created and was composed of a central committee as well as national committees. The Central Committee was headed by Colonel Maximilien Strauch, a henchman of King Leopold.

In 1878 the Central Committee employed the British journalist Henry Morton Stanley to establish bases in the Congo; he thus became the first governor of the state-to-be of Congo. One of the missions given to Stanley was the supervision of the construction of a railway line by a French company called Batingolles which exploited Congolese people forcing them to do work that could normally be done by machine (Péan 2010:143).

In 1879 Leopold II changed the International Association for Africa into *International Association for the Congo*andas he considered Congo as his personal property he brutally exploited the natural resources of the Congo causing the death of half the population (an estimated 10

millions) through forced labour during the exploitation of rubber (Hochschild, 1999).

On 26 February 1885, at the Berlin Conference and by the Act of Berlin, all European states including the United States recognised the International Association for the Congo as a sovereign state. The sharing of African Rivers, amongst which the Nile and Niger and most importantly the Congo River, was one of the aims of the Berlin Conference[26] (Ndaywel et al 2009). However, media campaigns took place all over Europe and north America against the atrocities that were committed against the Congolese population in King Leopold's name and because of this pressure, the International Association for the Congo was transformed into Congo Free State on 29 May 1885 and few years later in 1908 it was made a Belgian colony[27], a year before the death of King Leopold II.

Unfortunately and just as King Leopold II, the Belgian state administered the colony without any regards to human rights; it employed a racially discriminative system and through involvement of the infamous trinity of state, the Catholic Church and mining companies, it continued the implementation of the agenda of international powers even after the post-independence period. It should be mentioned that in 1960s when total independence was granted to most African states, Belgium granted only political independence to the Congo not economic independence. This was in line with the neo-colonial system that was

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[26]The first intervention of the United Nations Organisation on the African continent was in the Congo and its largest peacekeeping mission is currently in the Congo. Despite their humanitarian dimension these interventions show how strategically importance Congo is to the world.

[27]A sovereign state (the International Association for the Congo) became a colony in 1908 before becoming once again sovereign in 1960. The question is whether Congo has ever been a colony or a sovereign state? Answers to these questions may help to understand why it is difficult for the DRC to have effective and efficient armed forces and intelligence services despite the political will of its current democratically elected leaders and their predecessors.

put in place by Western powers to ensure a continued control of Congo's resources and to prevent the economic incursion of other powers (Péan 2010:145).

As already mentioned in Chapter Two the role of intelligence services in a state is mainly to predict, detect and analyse internal and external threats to state interests and to inform and advise the executive about the nature and causes of these threats. The role of intelligence services in the Congo has changed several times during different phases of its political history. It went from protecting the interests of King Leopold II to protecting Belgian and Western interests during the pre-colonial period and changed into the protection of Western interests against covetous states and most importantly to discourage any idea of independence from the Congolese people (Respondent No. 2 & No.3).

The protection of Western interests continued to be one of the key functions of these services during the post-independence period. Congolese intelligence played an important role in the last confrontation between Washington and Moscow in Angola after the departure of Portuguese in 1974 which brought Agostinho Neto in power (ibid p.145). They were also involved in the killing of the pro-communist president of Mozambique Samora Machel in 1986. This has been confirmed by the current Mozambican President Armando Guebuza during a ceremony marking the 25th anniversary of Machel's death in a plane crash inside South Africa. President Guebuza claimed that:

> *"The context of Machel's death was a diplomatic drive by the Front Line States to attempt to separate South Africa from its regional allies - the dictatorships of Kamuzu Banda in Malawi, and Mobutu Sese Seko in Zaire. He stated that Machel, and the Presidents of Zambia, Kenneth Kaunda, and of Angola, Jose Eduardo dos Santos, had been mandated by a meeting of the Front Line States held in Maputo a week earlier to speak directly with Mobutu whose army and secret services giving direct*

> *support to Jonas Savimbi's anti-communist guerrilla movement*
> *of UNITA, União Nacional para a Independência Total de*
> *Angola, (The National Union for the Total Independence of*
> *Angola) in alliance with the apartheid regime of South Africa".* [28]

Congolese defence and security services played a role a gendarme of Western countries during President Mobutu's reign. Not only they were actively involved in combatting pro-Communist governments in Angola and Mozambique but they also ensured peace and stability in central Africa. They provided training to Burundian, Rwandan, Chadian and Togolese armies and intelligence services and supported governments in these countries in order to maintain stability; they also provided training to Angolan intelligence services and the Angolan army which has become one of the respectable and respected armies on the African continent (Respondent No. 4).

One of the intelligence analysts of the UN Peacekeeping mission in the DRC notes that:

> *"During the Cold War period Congolese intelligence services*
> *were involved in the last struggle that completely reduced Soviet*
> *influence on the African continent in favour of the West but now*
> *they are working closely with China and this may be less*
> *advantageous to the U.S. and its Western allies. He argues that*
> *economic war between the U.S. and China in the resource-rich*
> *DRC may be a deciding factor in determining the next world*
> *super power".* [29]

The respondent's argument is so correct in the sense that highlights the US-China rivalry that has been seen in the DRC since the signing in

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[28]Guebuza, A. (2011) 'Mozambique: Apartheid Murdered SamoraMachel', available from http://allafrica.com/stories/201110200009.html
[29]Interview, 2011, Respondent No. 17.

2008 of an $8.5 billion loan agreement between China and the DRC[30] for the construction of infrastructures such as roads, railway lines, hospitals and schools that the DRC lacked cruelly and its traditional Western partners did not provide. This loan agreement, which is considered by the Congolese government as a win-win contract, aroused indignation in the West. Unhappy with China's economic penetration in Africa, the International Monetary Fund, the World Bank and some Western companies called on the DRC government to review the agreement arguing that the DRC is exposing itself to a deep overhang and a great risk of macroeconomic imbalance. However Western experts such as Brautigam (2010) and Smith (2010) have condemned Western economic policies toward Africa and have acknowledged the rise in trade between China and Africa. Brautigam (2010:8) specifically argues in this regards that Africa is rich;   the West have not figured out a way to link Africa's riches to its development but the Chinese are actively trying to do just this.

In his response to the National Assembly's questions regarding the so-called "Chinese Contracts", the former minister of infrastructures who negotiated these contracts and who is now the Special Security Advisor to President Joseph Kabila, commented that:

> *"Westerners say that these are one-sided contracts which will bring virtually nothing to the Congolese state and to the Congolese people; they also say that Chinese always act without transparency, without consultation with other partners and in ignorance of the rules that govern international economic relations. They accuse them of ignoring rules of good governance and respect for human rights". He then concluded by saying that "Westerners have no lessons to give to China or the DRC and*

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[30]According to the loan agreement, the repayment of the loan will be made by exploitation of an equivalent quantity of mineral resources by Chinese companies.

that their reaction against the "Chinese Contracts" is due to the
fact that they are now forced to share the cake."[31]

Pressure continued to be made by the IMF and the World Bank on the DRC government but without any positive effect. However, an agreement was reached between these traditional partners in July 2010 - these international financial institutions agreed to wipe off DRC's debt and the DRC agreed to re-negotiation the Chinese contract. Consequently, the loan amount was reduced to $6.2 billion.[32]

The US-China rivalry demonstrates that the struggle between super powers on the African continent is no longer ideological but rather economic. This is a wake-up call for Congolese politicians to act wisely to avoid suffering of the DRC as it is always said that it is the grass that suffers when two elephants are fighting.

4.3 Political Independence

An anti-colonial movement took place all over the African continent in the late 50s and led to the independence of many countries. Pressure from this continent-wide movement and from an elite group of Congolese intellectuals known as the "*évolués*" who opposed themselves to the exclusion of the natives from the administration of their country left Belgium with no other choice but to grant independence to the Congo on 30 June 1960.

The country acceded to independence after 80 years of brutal rule and in different conditions to those that existed in other African countries. No efforts were made by Belgians prior to the granting of

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[31]Lumbi, P. (2008) Les contrats chinois en République Démocratique du Congo : Un nouvel ordre économique pour l'Afrique ?Available from http://www.alterinfo.net/Les-contrats-chinois-en-Republique-Democratique-du-Congo-Un-nouvel-ordre-economique-pour-l-Afrique_a20137.html

[32]Comments of Prime Minister of the DRC on Chinese Contracts. Available from http://radiookapi.net/actualite/2013/05/08/rdc-le-premier-ministre-reconnait-probleme-avec-le-partenariat-chinois/ Accessed on 25/06/2013

independence to develop a Congolese political class capable of governing the country efficiently after taking over from them.[33] This was deliberately done so that Congolese politicians may run back to Belgium after failing to run their new independent country (Pare 2000).

Whereas the accession of other former colonies had been preceded by intermediate stages, the DRC achieved its sovereignty without any transition. From being one hundred per cent a colony, it was suddenly one hundred per cent independent (Kanza 1972:277).Only six months were given to the Congolese people to prepare for independence whereas Nigerians were allowed ten years by the UK (Davidson 1984), and only nine Congolese people had university degrees at the time of independence.

Despite the non-preparations, the first democratic elections were held immediately after independence and a democratic government was established with Joseph Kasavubu as president and Patrice Lumumba as prime minister. The first post-independence cabinet was made of thirty-two members out whom only three had university degrees.

At independence the civilian intelligence service was headed for the first time by a Congolese national, Mr Nidaga, and its mission was changed after failing to discourage the idea of independence from Congolese people. Its mission was now to stabilise newly established institutions and to ensure that Western interests continue to be well protected.

Within the first trimester of independence there was an upsurge of secessionist movements and armed rebellions in mineral rich Katanga and Kasai provinces which eventually triggered the first Congo Crisis. The United Nations intervened with a 20 000-men peacekeeping force on request from the Congolese government. The UN force withdrew in

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[33] For more details see BBC World at http:news.bbc.co.uk/1/hi/world/10449507.stm

1964 after re-establishing the political order but lost its Secretary General, Dag Hammarskjold, in a plane crash in the DRC.

During this Cold War period, competition over the control of the African continent was fierce between the West and the Soviet Union. The West could not afford to lose the DRC to the Soviet Union and made everything possible to prevent Soviet influence in this large mineral-rich and strategically situated country. They however had one internal problem to resolve within the Congolese political class.

The threat to Western interests within the Congolese political class was the Prime Minister Patrice Lumumba who allegedly had ties to the Soviet Union. The West feared that he would seek support from the Soviet Union (ISS c2008; Nzongola-Ntalaja 2002) consequently, the US President, General Dwight Eisenhower ordered his arrest and this was followed by his assassination on 17 January 1961by Moise Tshombe and Belgian soldiers who received support from CIA officers (ISS c2008; Pare 2000, Peck 2000).

4.4 Beginning and End of Mobutu's Reign

After the successful removal of Lumumba, the West could not afford to leave a country of such a strategic importance in the hands of an unreliable person. They gave preference to a military man, a 35 years old Colonel Joseph Mobutu, who was the Army's Commander-in-Chief. Colonel Mobutu took advantage of the political instability that followed the assassination of the democratically elected Prime Minister Patrice Lumumba[34] on 17 January 1961 and with the help of the CIA agent who was involved in what has been described as 'the most important assassination of the 20th century' (De Witte 2003), he seized power in a coup d'état on 24 November 1965 (Nzongola-Ntalaja 2002; Peck 2000;

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[34] For more detail see De Witte, L. (2003) The Assassination of Lumumba, second edition, London: Verso

Young and Turner 1985) and install a dictatorial regime that had no regards to human rights.

Throughout his reign Mobutu was a key ally of the West; despite his bad human rights record he was supported chiefly by Belgium, France and the United States (McNulty 1999:58). The United States provided him with more than 400 million dollars in weapons and military training over 30 years (Savage 2006:9) and France provided military support for more than two decades, especially during the 1970s when competition between the superpowers over the decolonisation of Angola, Mozambique, and white-ruled Rhodesia and South Africa was intense (McNulty 1999).

Because of the military cooperation with the West, Congo had a well-equipped and very professional army and its intelligence services were very efficient although not well governed as they acted in total impunity. The democratic governance of the security forces of the Congo was not a priority for the West. The West was rather more concerned about the fulfilment of the mission assigned to the DRC security organisations in relation to the danger posed by the Soviet Union.

President Mobutu, a political creation of the US and a military strategist, began his reign by establishing a centralised administration so as to reduce the power gained by traditional authorities during the colonial period (Putzel *et al.* 2008) and to ensure that he has total control of the country. His horizontal elite networks administration reduced the power of long-established local networks because members of this administration were selected mostly from vulnerable ethnic groups. Mobutu took advantage of these groups because of their political vulnerability and their social status as minorities (Jackson 2007). He also used this strategy for appointments and promotions in the army and intelligence services.

In relation to eastern provinces of the DRC, President Mobutu chose representatives from the minority Tutsi Congolese to be part of the elite networks instead of those from Hutu Banyarwanda[35] and indigenous Congolese. One of the most influential members of the elite networks was Barthélémy Bisengimana, a Rwandese Tutsi who was the Head of the Office of the President and who favoured his fellow tribesmen and helped them acquire land illegally (Prunier 2008).

In 1972, under the influence of Bisengimana, Mobutu singed a citizenship decree to grant citizenship to all the Banyarwanda populations with the aim of securing the status of Tutsi minority.

Among the Banyarwandaare those who migrated to the DRC long before the colonial period (Lemarchand 1997), those who belong to the DRC because of colonial division (Mamdani 1998; 2001), those who were brought as labour supply to the agricultural plantations and mining centres through colonial promotion (Huggins *et al.* 2005; Mamdani 2001; 1998; Lemarchand 1997), and those who arrived as refugees from the political violence in Rwanda in the early 1960s (Lemarchand 1997). The signing of this decree led to conflicts and division between the Hutus and the Tutsis just as it was correctly perceived by the Hutus and the Congolese autochthones that form the majority of the population in eastern DRC as representing a rise in power of Tutsis. Tutsis have ever since been occupying key positions within the military and political circles of successive regimes in the DRC (Putzel *et al.* 2008; Nest 2006b, Lemarchand 2003).

Several reforms were implemented by Mobutu during his early times. He transferred the ownership of all mineral rights and land to the state by passing the Bakajika Law in 1966 in order to solve intrinsic conflicts between the customary system of land tenure and the land law

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[35]Banyarwanda are people from Rwanda (Hutus and Tutsis) or people of Rwandan origin. The prefix 'Banya' means 'People From.

system based on individual land ownership that was established during the colonial period (Meditz and Merrill 1993).

He also introduced an authenticity campaign in 1971 leading to the change of the country's name to Zaire and his own name from Joseph Mobutu to Mobutu Sese Seko Koko Ngbendu Wa Za Banga which literally means 'the all-powerful warrior who, because of his endurance and inflexible will to win, will go from conquest to conquest, leaving fire in his wake' (History.com n.d.). No Zairian was allowed to have a Western name or to wear a tie.

The authenticity campaign was followed in 1973 by Zairianisation campaign which led to the seizure and nationalisation of all foreign-owned businesses and the passing of a new Land Law, the General Property Law, which enabled purchases of individual land rights from the state, which officially owned all lands (Van Acker 2005; Meditz and Merrill 1993).

These campaigns were political strategies that helped Mobutu and his political elite patrons to gain control of the nationalised businesses for their benefit (Young and Turner 1985) and to personalise both private and public funds, resulting in a notorious kleptocracy (ISS c2008).

At all these periods, the price of copper was very high and this allowed Mobutu to provide good public services to his people. But in 1974 the price of copper, which was the country's main source of income (Young and Turner 1985), collapsed causing a deep economic crisis. This affected state revenues directly, through nationalised mining companies, and impacted economic and social development thereafter (Nest 2006b). Zaire's economy began to decline and the country defaulted on debt payments to international financial institutions.

Mobutu was asked to implement reforms in order to overcome the budget deficits through structural adjustment programmes prescribed by the IMF (Zeilig 2009). He partially implemented the reforms by cutting

expenditure in 'non-productive' sectors such as education and health but continued to default on debt payments. The World Bank and International Monetary Fund then demanded the privatisation of the Zaire's two main state-controlled mineral conglomerates - *La Société Minière et Industrielle du Kivu (SOMINKI) and La Générale des Carrières et des Mines (GECAMINES)* in order to qualify for aid. Mobutu refused to privatise the mineral economy when all countries of the world under the Washington Consensus of the Breton Woods Institutions and the US Treasury were required to open up markets for free trade. It was then decided to refuse any loan or credit to Mobutu's government which, by the late 1980s, has increased its external state debt to 8billion US$ (Nabudere 2002:3).[36] Mobutu refused to privatise the economy at the time when a new conglomeration of Anglo-American corporations was interested in the mines of Zaire. This gave good reason to the financiers and those mining interests to require change in that country.

The effect of the economic collapse was, hence, significant (Zeilig 2009). The civil servants and soldiers were poorly and irregularly paid and the value of the meagre earnings of the population was dramatically reduced by inflation forcing the population to live at subsistence level. To avoid any internal pressure, Mobutu changed his strategy and abandoned the horizontal elite networks. He formed vertical networks based on ethnic and regional affiliation in order to maintain his power (Putzel *et al.* 2008:vi). Unfortunately, this shift in strategy gave rise to regional strongmen or 'warlords' who gained control over mineral production and trade through their connection with him and control of coercive forces (Nest 2006b; Reno 1998) and whose groups later expressed resistance to the Congolese states and appropriated themselves sovereign functions (Beswick 2009:338).

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[36]This amount comprised debt inherited from Belgians totalling 5 billion plus 3 billion Mobutu had added since he took power in 1965.

Local forces that had been marginalized by the Zairian state were also manipulated by neighbouring countries to claim the redrawing of the boundaries for greater autonomy since their security and existence could no longer be guaranteed from Kinshasa.

4.5. Failed Democratic Transition

Despite his mistakes Mobutu was viewed by the West as a guarantor of stability not only in the DRC but also in Central Africa. Having understood what he represents for the West, he strategically used this backdrop to make himself indispensable (Young and Turner 1985) and managed to remain in power for three decades. But, with the end of the Cold War, Western strategic interests in Africa changed and old allies were no more that important. Consequently, his former allies withdrew their diplomatic, financial and military support and urged him to step down. This significant change in international relations, combined with growing pressure for multi-party democracy from both the international community and domestically through riots and protests, pushed Mobutu to accept multi-party democracy in 1990 (Nzongola-Ntalaja 2002).

Mobutu was then advised by the USA to hold a national dialogue with the opposition. A Sovereign National Conference (*Conférence Nationale Souveraine)* was held and a transitional order was put in place with Mobutu as president and the leader of the opposition Etienne Tshisekedi as prime minister. But, because of the continued support he received from the US, Mobutu made every attempt to sabotage the transition by manipulating the existing divisions (Jackson 2007). He also maintained significant powers, including the control of the security systems and central ministries, through his divide-and-rule strategies (Wrong 2001; Zeilig 2009).

For many years, Mobutu used his army and security services to violently suppress protests against his regime. It is only when students

were massacred at the University of Lubumbashi in 1990 through a very well planned and carefully executed operation by his secret services that the whole world, including the US, realise that Mobutu was an enemy of freedom as such he had to be dealt with.

However, it was not easy to oust Mobutu democratically as he maintained control of the army, the secret services and the economy and there were no viable political opposition. The only remaining option was to remove him by force.

It is in this context that the rebellion of AFDL, Alliance des Forces Démocratiques pour la Libération du Congo *(Alliance of Democratic Forces for the Liberation of Congo*) formed in South Kivu province by Congolese of Rwandan origin on 18 October 1996 and led by Laurent Désiré Kabila was welcomed by the Congolese population and political class. The rebellion managed to oust Mobutu with military and political backing of Angola, Rwanda and Uganda. Mobutu was overthrown by AFDL and replaced by Laurent Désiré Kabila on 17 May 1997.

 Mobutu failed to understand that his time was over and that the US was no longer in need of his services especially as the Soviet Union did no longer pose any military or ideological threat to Western interests in Africa.

The end of the Cold War marked the beginning of economic globalisation. The threats to the economic globalisation were the nation-states like Mobutu's Zaire which, with their nationalistic policies, were hindering the expansion of transnational corporations throughout the world (Nabudere 2002).

4.6 The First Congo War

As illustrated in previous section, in ousting Mobutu, Laurent Kabila's AFDL received military and political support from Rwanda. The AFDL was not truly a Congolese rebellion. It was armed, trained and directed chiefly by Rwanda (Reed 1998; McNulty 1999; Nzongola-

Ntalaja 2002; Lemarchand 2003) but it strategically portrayed itself as a Congolese rebellion to overthrow the dictator Mobutu in order to be accepted by the Congolese population (Reed 1998; McNulty 1999; Mwanasali 2000).

Prior to spearheading the AFDL, Kabila was the head of the Marxist People's Revolutionary Party and he was engaged in gold trading in Tanzania with which he financed the war effort. He made contracts with mining and resource companies, including De Beers and American Mineral Fields (Reed 1998; Nest 2006b; Takeuchi 1997). These contacts with commercial companies, nonetheless, gave him a label of a typical African warlord rather than a revolutionary guerrilla leader (Nzongola-Ntalaja 2002).

Rwandan creation and backing of AFDL aimed to revenge to the support that Mobutu gave to the former Rwandan government that was led by a Hutu president Juvenal Habyarimana during the fight between his government and the Tutsi rebel group of Rwandan Patriotic Front (RPF) that was led by General Paul Kagame, the current Rwandan president (Péan 2005).

Zairian Armed Forces, *Forces Armées Zaïroises,* intervened in Rwanda in 1990 during the *Opération Noroît*, a French-led intervention, when the Habyarimana government was under heavy attacks from the RPF. Together with French troops, Mobutu's forces managed to prevent RPF victory. During this intervention, Mobutu's ill-disciplined army got involved in illegal activities - they caused chaos by looting and raping Rwandan civilians (Reed 1998; McNulty 1999).

After the genocide of 1994, Mobutu continued to provide assistance to the defeated army and the Hutu-led government and helped them maintain their well-equipped troops and key command structure in eastern DRC.

The Rwandan refugees arguably took virtually everything from Rwanda when they fled, including the military capacity, skilled and

educated human resources, and state-owned assets that were located both domestically and abroad (Reed 1998). They created a mini state within eastern DRC from where they continued to promote the genocidal ideology and organised cross-border attacks on Rwanda (Prunier 1998; Reed 1998; Nzongola-Ntalaja 2002) in order to reconquer Rwanda and complete the genocide (Nzongola-Ntalaja 2002).

Moreover, while Zairian soldiers were unpaid for several months, Mobutu allegedly assisted with supplying the former Rwandan government with arms (Evans 1997; Reed 1998). When it was revealed that the former Rwandan government was planning to carry out a full-scale invasion of Rwanda, the new Rwandan army led by General Paul Kagame linked with anti Mobutu rebels of AFDL and crossed into the DRC to fight against the former Rwandan government (Evans 1997; Reed 1998) and successfully help AFDL to overthrow Mobutu without any major resistance from his army. The Congolese population saluted the 'liberation' because of the extreme level of suffering they were in and which was caused by economic collapse.

The AFDL also received military backing from Uganda and Angola in response to the support that Mobutu offered to Ugandan and Angolan opposition groups when they were launching attacks from then Zairian territory. President Yoweri Museveni of Uganda and Jose Eduardo Santos of Angola therefore were keen to get rid of Mobutu.

For many years Mobutu allowed Jonas Savimbi's rebel forces of UNITA to operate from bases in Zaïre during their fight with the Angolan government and its ruling party of MPLA, *Movimento Popular de Libertação de Angola - Partido do Trabalho* (Nest 2006b). With Mobutu's help, UNITA was able to sell diamonds, to buy weapons and to sustain its fight against the Angolan government. UNITA allegedly supported Mobutu when his regime was under attack in order to protect their bases and supply routes in Zaire from the AFDL (McNulty 1999). In contrast, the Angolan government allowed the AFDL to enter Zaire

from its territories and sent in its troops (Reed 1998). With help from these countries the AFDL eventually managed to overthrow Mobutu and Laurent Kabila became the president of Zaire and he immediately changed the country's name in the Democratic Republic of Congo.

When he took power, Kabila tried his best to increase his legitimacy by consolidating his authority all over the country and by rebuilding state capacity and reforming the country's economic, political and social configurations.

This strategy did not work as his regime had lost its legitimacy in the eyes of the international community and the Congolese population because of the massacre[37] of civilians and Hutu refugees that were committed by his and Rwandan forces in eastern DRC (Prunier 2009).

Kabila was also under pressure from local opposition who treated him as a puppet of Rwanda as he continually followed the agenda of Rwanda even when he was already in power. Furthermore, Congolese people were not happy with the overwhelming presence of Tutsis and Banyamulenge in key positions within the military and the political circles of Kabila's regime (Lemarchand 2003; Nest 2006b; Putzel *et al.* 2008; Prunier 2009). To regain legitimacy, Kabila began to look for ways to detach himself from Rwanda with a view to gathering support within the country by manipulating and intensifying anti-Tutsi feelings (McNulty 1999; Lemarchand 2003; Reuters AlertNet n.d.). He publicly denounced the continued Rwandan attacks on the Mai Mai (People's auto-defence force) in eastern DRC and he disappointed his backers by refusing to cooperate with Rwanda in providing security at the borders (Nest 2006b) and he also accused Ugandan officials of profit seeking in their intervention in the DRC (McNulty 1999).

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[37]Presidents Kabila and Kagame did not allow UN investigators to investigate the alleged massacre of civilians and Rwandes refugees. Consequently the international aid for the DRC was blocked (Prunier 2009) as it was the case when Mobutu's regime was sanctioned following the massacre of students in 1990 at the University of Lubumbashi. .

As in the case of failure by Mobutu's strategists and intelligence services to understand intervening changes in Western relations with Africa at the end of the Cold War, Kabila's intelligence services and strategists also failed to understand and advise him on the consequences of his brutal detachment from his backers. Kabila ordered all foreign troops including Rwandan troops to leave the Congolese territory on 27 July 1998. This decision prompted the Second Congo War which in its beginning was wrongly presented as a revolt of Tutsi Banyamulenge against the injustices of Kabila regime rather than a strategy by Rwanda and Uganda to oust Kabila (Vlassenroot 2002).

4.7 The Second Congo War and Africa's First World War

The ordering of Rwandan troops to leave the DRC territory was saluted by Congolese people; it also led to anti-Tutsi sentiment throughout the country. On 2 August 1998 clashes took place in military barracks between Tutsi and non-Tutsi soldiers prompting a second rebellion which spread rapidly from the eastern DRC across the country (Nest 2006b; ICG 1998). This was followed by the formation of a Tutsi-led rebel group *RCD, Rassemblement Congolais pour la Démocratie* (the Rally for Congolese Democracy) on 16 August 1998. Upon formation, the RCD immediately announced its uprising and with the backing of Rwanda and Burundi, it rapidly took control of several towns and advanced to Kinshasa on 26 August but failed to oust Kabila. At the same period another rebel group MLC, *Mouvement de Liberation du Congo (*the Movement for the Liberation of Congo*)* was created by a businessman Jean Pierre Bemba with the aim of overthrowing Kabila. This group received the backing of Uganda and launched its attacks from the north of the DRC.

Kabila did not have a strong army that could fight the new Rwandan and Ugandan backed rebellions. He did not even have control over his

army. He had to seek help from the Southern African Development Community (SADC) and from several ethnic-regional groups such as the Mai Mai, the Interahamwe, the Burundian FDD, *Forces pour la Défense de la Démocratie* (Forces for the Defence of Democracy), and the FDLR, *Forces Démocratiques de Libération du Rwanda* (the Democratic Forces for the Liberation of Rwanda) in order to fight against the rebels and their backers. There has never been good relationship between the Mai Mai and the Hutu militiamen Interahamwe prior to the second Congo War. The only glue holding together this disparate group of counterinsurgents was their common hatred of the Rwandan occupying forces and their local allies (Lemarchand 2003: 31).

Only Angola, Namibia and Zimbabwe responded positively to Kabila's demand among SADC members. The official justification of their intervention in the RDC was to respect a collective security chapter of the SADC (Lemarchand 2003; Prunier 2009) but they all had strategic objectives to achieve. Angola for example intervened in the DRC in order to be able to influence Kabila and to destroy UNITA's rear bases as they feared that UNITA would establish new military supply networks if they managed to approach Rwanda and Uganda (Lemarchand 2003).

Zimbabwe intervened in the DRC with a view to preventing South Africa's domination in southern Africa and maintaining Kabila as the head of the country so as to ensure that they could recover their loans to the DRC government (Prunier 2009).

Namibia also intervened for the same strategic objective of reducing South Africa's domination in the region. It also wanted to ally with Angola in facing UNITA's infiltration on its territory (Nest 2006c; Prunier 2009).

Fighting was fierce between the anti - and pro Kabila forces and it continued until the war reached a stalemate. Numerous rebel groups and seven countries were involved in the second Congo War making it

Africa's First World War and the deadliest conflict since the Second World War.   Consequently, the country was divided roughly into two territories by the fractured frontline; the south-west was controlled by pro-government forces and the north-east by the anti-government forces (Grignon 2006).

The stalemate eventually led to a ceasefire and the signing of a peace agreement between all warring parties in Lusaka Zambia in 1999. The Lusaka Peace Agreement opened a window of opportunity for a peaceful resolution of the Congo conflict. This agreement called for the organisation of an Inter-Congolese Dialogue (ICD), the disarmament of all negative forces and the withdrawal of all foreign troops from the DRC territory. A UN peacekeeping force of 5537 troops (The United Nations Organisation Mission in the Democratic Republic of the Congo) was then deployed in the DRC in February 2000 to monitor the ceasefire.

4.8. The Peace Process

Following the Lusaka Agreement and with pressure from the African Union, President Laurent Kabila initiated peace talks with rebel groups in order to establish a new political system in the DRC. However, he was not keen to proceed with the political talks at the ICD as these were to end with a power-sharing agreement which was part of the implementation procedures of the Lusaka Peace Agreement. He put all his efforts into preventing genuine power-sharing (ICG 2000; Grignon 2006) and any dealings with the economic dimensions of the conflict (ICG 2000; Lemarchand 2003; Grignon 2006).

Kabila was a major obstacle to the democratic transition (ICG 2000; Lemarchand 2003; Grignon 2006). Progress was made in the implementation of the Lusaka Peace Agreement only after his

assassination.[38] He was replaced by his 29 year-old son Joseph Kabila who continued the peace talks till the signing of an all-inclusive peace agreement.

There were so many scepticisms about Joseph Kabila's ability to lead the conflict-ravaged DRC due to his young age and the lack of previous political experience but he made significant progress in the resolution of the conflict (Lemarchand 2003; Nest 2006b). He facilitated the implementation of the Lusaka Peace Agreement and with some pragmatic economic reforms he managed to improve the relations between donor governments and international financial institutions with his country.

The ICD was held between February and April 2002 in Sun City, South Africa under the facilitation of Sir Ketumire Masire, the former president of the Republic of Botswana. Few months later a first agreement was signed between Kabila and the leader of the MLC, Jean-Pierre Bemba, the Sun City Agreement, on 19 April 2002 which specified a framework for the establishment of a transitional government and a timeline for the organisation of democratic elections.

This agreement stated that during the period of transition Joseph Kabila would remain president of the DRC and Jean-Pierre Bemba would become prime minister. However, the unarmed opposition and the RCD did not sign this agreement which eventually resulted in the collapse of the first agreement (Grignon 2006). Negotiations continued between all parties to the ICD for other few months and at the end an all-inclusive peace agreement was finally signed in Pretoria, South Africa on 17 December 2002.

The All-Inclusive Peace Agreement achieved a political reconciliation between Congolese and laid down a framework for the interim government during which Joseph Kabila would remain president

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[38] Laurent Kabila was shot in his own office by his bodyguard on 16 January 2001.This killing remains mysterious even today.

and would share power with four vice-presidents from the government, the unarmed opposition, the MLC and the RDC.

Although the Global and Inclusive Peace Agreement marked the end of the war in the DRC it regrettably disregarded the ethnic and regional balance as well as questionable political legitimacy of the former rebels who had committed serious crimes against the population (Prunier 2009). Moreover it did not cover issues regarding the unification of the army. It is only in April 2003 that a protocol on security sector reform was agreed upon by all parties including the international committee for the accompaniment of the transition.

4.9 Chapter Summary and Conclusion

This chapter has examined the trajectories and nature of the political instability in the Democratic Republic of Congo (DRC), from the Berlin Conference (1884 -1885) through the Belgian colonisation and the Cold War period (1908 - 1989) to the on-going conflict up to 2003, with a focus of the impact of historical and political contexts on the governance of the country and on the stability of its institutions.

The political governance in the DRC has been depicted as weak and unrealistic and the experienced conflict has been described as a 'multi-layered' conflict (Prunier 2009) or a 'complex hybrid' conflict (Carayannis 2003). This conflict was not easy to resolve because of the number of players involved and the fact that it occurred not only at local level but also at national and regional levels. This was not just one but several conflicts which were intensified and complicated by the interaction between parties involved (Cramer 2006a; Grignon 2006; Wake 2008).

The analysis provided in this chapter has demonstrated that prior to the conflicts, the DRC political institutions were in a state of apparent collapse and they had lost their political legitimacy. The country's economy had declined, civil servants and the military were unpaid, and

consequently militaries had to live off the population. They became a source of insecurity rather than a source of security.

The above examination of historical and political contexts has identified the need for Western states to maintain control over the DRC and its natural resources as one among the underlying causes of the political instability in the DRC. International actors failed to tailor state-building approaches to better reflect Congo's 'political geography, limited governance capabilities, dearth of infrastructure, and abundant mineral wealth (Kaplan 2007:300).

The analysis has also highlighted the exceptional treatment that the DRC received from the international community since the Berlin Conference and which has impacted on its political and economic development. This geological scandal is strategically important for the West, particularly the US and as such it cannot be left uncontrolled. The United States Agency for International Development, cited in Section 101 (3) of the Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2006, confirms that given its size, population, and resources, the Congo is an important player in Africa and of long-term interest to the United States.

At regional level, the DRC is surrounded by small countries with dynamic demography and limited natural resources. Its vast unoccupied land and the abundant mineral resources have nourished the greed of its neighbours who have decided to get their share by fuelling the conflict. Destabilizing activities undertaken in the DRC by governments of neighbouring countries are considered as a major impediment that prevents the accomplishment of US policy objectives which include the support to security sector reform by assisting the Government of the DRC to establish a viable and professional national army and police force that respects human rights and the rule of law, is under effective civilian control, and possesses a viable presence throughout the entire

country, provided the DRC meets all requirements for United States military assistance under existing law. [39]

To ensure he had total control of the country, Mobutu subjected Rwandan migrants to political manipulation (Mamdani 1998; 2001) and used horizontal elite networks (Putzel *et al*. 2008) to govern the country. After equipping Rwandan migrants with citizenship through the citizenship decree of 1972 and after acquiring vast land following the enactment of the land law in 1973 (Huggins *et al*. 2005; Van Acker 2005; Jackson 2007), the non-indigenous Tutsis Banyarwanda became prominent. But after 1974 the prominence of Banyarwanda was resented by the locals who were now privileged by Mobutu when he replaced the previous patronage system by new vertical networks as the economy was in sharp decline (Putzel *et al.* 2008).

A new citizenship law was passed in 1981 which removed the citizenship from the Banyarwanda.

The Banyamulenge[40] were excluded from the democratic transition attempted in early 1990s and because the National Sovereign Conference did solve the issue of their citizenship, they began to arm themselves and this intensified the situation (Lemarchand 2003; Prunier 2009). They took arms against the DRC during the first Congo War, and with the support of Rwanda, their rebellion successfully allowed them to regain the citizenship.

The Banyamulenge were again involved in the second Congo War and after the war, they occupied key positions in the military and the transitional government but lost their political significance following defeat in the 2006 elections (Prunier 2009). Seeing that the majority-driven political system established after the 2006 elections marginalised the ethnic minorities (Mamdani 2002), the Banyamulenge decided to

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[39] Section 102 (5) of Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2006

[40] Congolese of Rwanda origin who live in the mountains of Mulenge in South Kivu Province

form a new rebel group, the CNDP, and this led to intensified conflict in the Kivus (Autesserre 2008).

The struggle against Mobutu's dictatorship and for democracy paid off after the signing of the Global and Inclusive Peace Agreement at the end of a long process of peace negotiation. President Laurent Kabila tried his best to spoil the negotiations for fear of sharing power with rebels but after his death his son Joseph Kabila who succeeded him allowed the peace process to move forward and accepted to share power during the transitional period with four vice-presidents – one from the Tutsi-led and Rwanda-backed RDC, one from the Uganda-backed MLC, one from the unarmed opposition and one from the DRC government.

There has been a lack of strategic thinking and planning on the side of Congolese leaders for many years. This has led to wrong definition of strategic objectives that needed to be achieved. When the Cold War ended, President Mobutu did not understand that time had changed. He failed to understand what the relation between his country and the West would be in the post-Cold War period.

Likewise, when President Laurent Kabila requested Rwandan help in his struggle to overthrow Mubutu, he did not understand what Rwanda would want to gain in return. It was obvious that Rwanda could not allow his territory to be used as a rear base and it could not send its soldiers in the DRC to support Kabila's rebellion if it did not know exactly what strategic objective it was going to achieve. According to Charles Onana (2009:165), Rwanda achieved two strategic objectives: 'to avenge the killing of Tutsis during the genocide by massacring Hutu refugees in refugee camps in the DRC and to ensure a long term control of eastern DRC and its mineral resources'. The current president of the DRC, Joseph Kabila, seems to have learnt lessons from the mistakes of his predecessors. He has understood the importance of improving relations with his neighbours and for his country to have well-equipped

and disciplined army and police forces as well as professional intelligence services.

Soon after the establishment of the transitional government he began the process of security sector reform which continues with its ups and downs as described in the next chapter.

The table below provides a simplified representation of the complex history of the DRC.

Table 2: Political History of the DRC

Important Dates	Congo	Key Events
1871	European explorations	Discovery of the Congo Basin, control of the Congo by King Leopold II and perpetration of human rights violations against the Congolese people particularly during harvest of rubber
1885	Congo Free Sate	Involvement of other European states in trade and commerce in the Congo
1908	Belgian colony	Administration of the Congo by Belgian government and continued violations of human rights against the people of Congo
1960	Independence	Anti-colonial movement, foreign influence, assassination of Patrice Lumumba
1965	Mobutu takes power	Dictatorship, Foreign influence, Congo's involvement in ideological struggle between the Soviet Union and the West
1997	Kabila Senior takes power	War of liberation, Overthrow of President Mobutu, foreign influence (regional and international, War of Aggression, UN Peacekeeping intervention

2001	Kabila Junior takes power	Assassination of Kabila Senior, signing of peace agreement, Political transition, beginning of security sector, and continued foreign influence
2006	Democratic elections	Establishment of democratic institutions, continued foreign intervention and security sector reform, change in the mandate of UN Peacekeeping force, China-DRC cooperation

5

SECURITY SECTOR REFORM IN THE DRC: 2003–2011

"The modern state, for a variety of reasons, faces rather serious problem of credibility and acceptability among its citizens".

Hans Weiler (1983)

"The medicine …if not administered under the very strictest and widest supervision [could] … have the effects which are damaging as the disease".

Porter, cited in Gill & Phythian (2006)

5.1 Introduction

This chapter provides an analysis of the Security Sector Reform process undertaken in the DRC between 2003 and 2011 with a focus on the reform of intelligence service that played a central role in maintaining President Mobutu's dictatorial regime in place for 32 years and also played a decisive role in breaking down the same regime. This chapter argues that local ownership of intelligence reform process was a key driver behind the accomplished achievements. It addressed the limitations of the Western standardised approach to SSR observed in the reform of the National Police and allowed Congolese authorities who best knew the political context and the needs of their state to use

available resources to build an efficient and effective intelligence service.

The analysis demonstrates that like in many other authoritarian states, Congolese intelligence services were highly politicised and internally focused during Mobutu's era and their prime targets for surveillance were the military and the police forces as well as the domestic opposition (Agaba and Pulkol 2009:141). Like the Serbian intelligence services under Milosevic, they were well suited to spy on, blackmail and intimidate political opponents because of their access to privileged information and their experience in fields such as surveillance and espionage (Edmunds 2008:35). It was therefore unlike for any attempt at political liberalisation, be it by the militaries, to occur and succeed without intelligence services' connivance or tolerance.

The analysis further demonstrates that the authoritarian regime policies and strategy of divide-and-rule created intense conflict between and within Congolese intelligence agencies and because of contestations that arose from this. Marginalised agencies and agents decided to support the path to political liberalisation. They eventually got foreign support and entered into a pact with the militaries; because of this pact, the militaries did not intervene when the regime was faced with popular demonstrations.

5.2 The Transitional Period and Security Sector Reform

Right after its formation on 30 June 2003, and in conformity with the peace agreement, the transitional government decided to embark on the journey of reforms which included SSR and the reform of the justice system as they believed that 'a reformed security sector, incorporating armed forces geared towards regional cooperation, police forces serving all the people, and a judicial sector that delivers justice, is clearly a contribution to conflict prevention' (Brzoska 2003:13).

The reform of the security sector had three legal bases: the Global and Inclusive Peace Agreement which has a chapter on defence integration, the interim Constitution and the Dar-Es-Salam Statement of Commitment for Peace (*Acte d'Engagement*) which was signed by armed groups that were not represented in the peace talks and did not sign the Global and Inclusive Peace Agreement.

SSR aimed in the short run to enable the DRC's institutions to provide basic security, while, in the long run, it had to pursue the ambitious goal of reconstructing state governance to ensure that the army, the police and intelligence services serve the interests of society (Peake at al 2006b). Although there is a consensus in the international development and security policy over the importance of SSR 'for the consolidation of peace and security, in preventing countries from relapsing into conflict and in laying the foundations for sustainable peace' (UNSG 2008:3), the Congolese government feared that a Western model which does not take into account the unique context of the country was going to be imposed by the donor community.

Additionally, political considerations come into play due to the variety of actors involved in post-conflict reform and governance processes. These include international agencies, international militaries, private companies and non-statutory security actors, encompassing parties such as warlords, as well as civil society and government itself (Jackson 2012: 255).

The DRC was not the first post-conflict state to have some scepticism about Western approach to SSR. Governments in Guinea-Bissau, Nepal and Timor Leste were also not interested in "SSR", either as an analytical tool or operational concept (Ball & van de Goor 2011:24). Critics of the liberal peace approach, and by implication the orthodox approach to SSR, concede that what is really required is a rebalancing of external regulation and internal voice that could lead to an effective state that is locally accountable (Jackson 2011:1818). The

attitude of Congolese officials was not surprising because; as Mark Sedra (2013:222) notes, the uncomfortable reality for many security sector reformers is that recipient actors often don't want what donors are selling.

The Congolese government wanted to limit the level of foreign involvement in SSR process and avoid the construction of unsustainable security structures they cannot afford without massive subsidies from the international community (Respondent No. 19). As pointed out in the previous chapter, the DRC was already highly indebted and its economy was slowing down because of the on-going conflict in the eastern part of the country. It would have not be wise for the country to contract anymore debts as this was going to be politically and economically suicidal for the country that was still searching for ways to revive its economy.

Foreign involvement was also viewed by Congolese official as an intrusion because it 'touches the heart of the state's sovereignty and its monopoly of coercive means' (Hansen, 2004: 176). However, this issue was partially resolved; the international community was allowed to fully take part in the reform of the army and that police but not in the reform of intelligence services.[41]

In December 2003, officials in Kinshasa and the international community agreed that the new Congolese armed forces, *the Forces Armées de la République Démocratique du Congo* (FARDC) should have a combined force of between 100 000 and 125 000 soldiers and the new police force, *the Police Nationale Congolaise* (PNC), between 70'000 and 80'000 men and women (Kibasomba 2005:9; Sebahara 2006:6). They further agreed that the defence and police transformation should take place during and after the transition period and should begin with the Disarmament, Demobilisation and Reintegration (DDR) of ex-

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[41]Albrecht Schnabel and Hans Born argue that full-scale SSR is a realistic option for any transitional or post-conflict situations, but the latter are generally not ready for immediate, full-scale application of SSR (2011:8).

combatants and the Disarmament, Demobilisation Reintegration, Resettlement and Repatriation (DDRRR) of foreign combatants. The disarmament of combatants was prioritised because it was necessary for stopping the war in the eastern part of the country and for ensuring security during elections. It was not clear how the disarmament was going to be achieved in east DRC where the state had ceased to function and communities have established informal systems of governance. The disarmament[42] of combatants is always viewed as a necessary first step in establishing a secure environment but it does not provide an automatic guarantee for a secure environment (Pugh 2000). Like in many other transitioning countries, the donor community was faced with the challenge of bridging a security gap during the transition period (Marenin, 2000) to allow for the smooth implementation of the peace agreement.

After the establishment of the transitional government, an international committee for the accompaniment of the transition, *Comité International d'Accompagnement de la Transition* (CIAT) was created and had as members the representatives from the African Union (AU), the European Union (EU), the United Nations Mission in the DRC (MONUC), the five permanent members of the UN Security Council, and representatives from Angola, Belgium, Canada, Gabon, South Africa and Zambia. CIAT was a neutral third party which, as Özerdem (2013:228) suggests, facilitated the formation of a 'social contract' between the post-conflict government and ex-combatants in the DRC.

Apart from Gabon and Zambia, all the other members of CIAT took part in the SSR process. Local actors included the Head of State, his Security Advisor, the Prime Minister, the Minister of Interior, the Minister of Defence, and the Chief of the Armed Forces and the Head of

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[42]The Integrated Disarmament, Demobilisation and Reintegration Standards sets four main phases in the disarmament programmes: information collection and operational planning; weapon collection; stockpile management; and destruction (IDDRS 2006)

the Police. But despite a strong presence of experienced members of the international community, it was not easy to reach a consensus on how to conduct SSR in the DRC.

Figure 1: Actors in the Congolese SSR Process
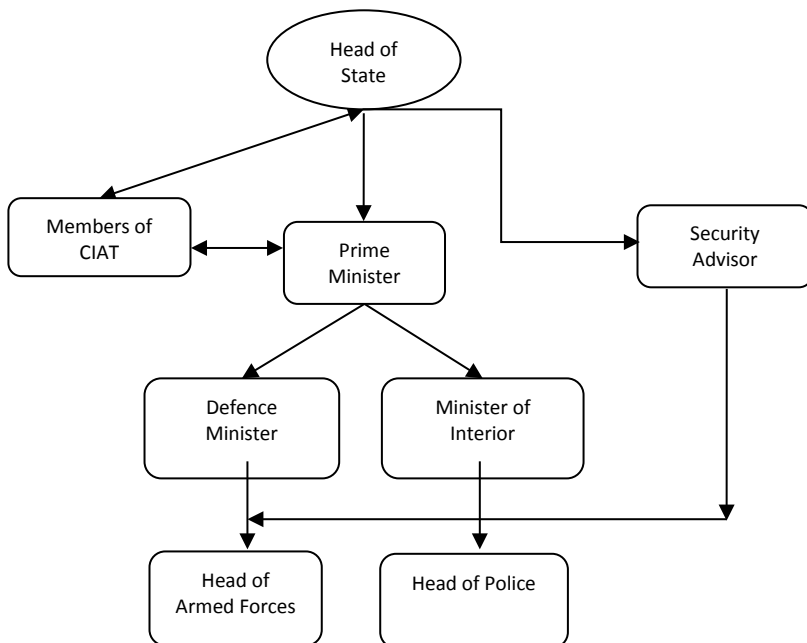
The two first years of the transition elapsed without any strategic plan for SSR being agreed upon by all parties involved. During this period, SSR activities were undertaken before any comprehensive review of the security sector could be conducted. At the same time some members of the FDLR were already assimilated into local communities after a decade of their residence in the DRC, and because of the weaknesses of Congolese defence and security organisations they were able to consolidate their position in the Kivus (ICG 2005; 2010) from where they crossed the border to launch attacks on Rwanda. The

Congolese government was therefore accused of spoiling the negotiated peace (Vlassenroot and Raeymaekers 2009) but although it was not the only responsible for failing to disarm the FDLR. The refusal by the Rwandan government to open up political space for dialogue between the Hutus and Tutsis also made difficult the disarmament and repatriation of the FDLR (Chatham House 2009).[43] It was only in June 2005 that a strategic plan for SSR was adopted by all parties following the promulgation of the law on defence and armed forces on 12 November 2004. This strategic plan was divided into two phases: the pre-election and the post-election phases.

The table below shows the activities that were planned and achieved during the first phase:

Table 3: Achievements and Challenges

Situation	Activities/results	Type
Achievements	Establish higher defence council	Policy-making structure
	Enact the Defence Law	
	Establish committee for planning and coordination	
	Establish unified command for the Armed Forces	Field implementation
	Appointment of 10 regional military commanders	
	Training and deployment of 6 operational brigades in conflict zones	

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[43] Rwanda has economic interest in eastern DRC; it would have not wanted the FDLR to leave the DRC and return to Rwanda. The FDL presence provided the Rwandan government with an excuse to maintain its presence in eastern DRC and to continue to benefit from the conflict situation

	Election security measures	Election security and peace support mechanisms
	Empowerment of special paramilitary police forces for urban operations	
	Joint MONUC and FARDC peace support operation in the East	
Challenges	Eradicate parallel structures through the establishment of proper chain of command	Policy environment
	Completing Disarmament, Demobilisation and Reintegration of Congolese ex-combatants	Disarmament
	Disarm and repatriate foreign combatants	
	Develop domestic capability and sustainable resource mobilisation	Resource mobilisation

Adapted from Roger Kibasomba's model (2005)

The post-election phase consisted of the training of the remaining 12 army brigades and their deployment in the remaining regions. It also consisted of continued training and equipping the police force, and building the capacity of oversight bodies. The peace agreement provided for the integration of combatants from former rebel groups into the national army in order to create a unified armed force. Different steps had to be followed as shown in the figure below. The integration was to be done through the process of *brassage* which sought to disband former militia units, to retrain ex-combatants, to establish new lines of command and to move integrated soldiers away from their area of origin so as to cut geographic ties[44]. *Brassage* also involved, to some extent at

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[44] In its resolution of December 2007, the UN Security Council called on Congolese authorities to remove human rights abusers from the security forces.

least, the exclusion from the army of those suspected of committing gross human rights violations. According to Prosper Nzekani Zena, retired Colonel and former military professor and trainer with the Armed Forces of the Democratic Republic of the Congo, the decision to integrate former militias into the national army is typically a political expediency that impedes military professionalism and increases the likelihood of human rights abuses and instability (Zena 2013).

Figure 2: Important Steps in Army Integration Process in the DRC
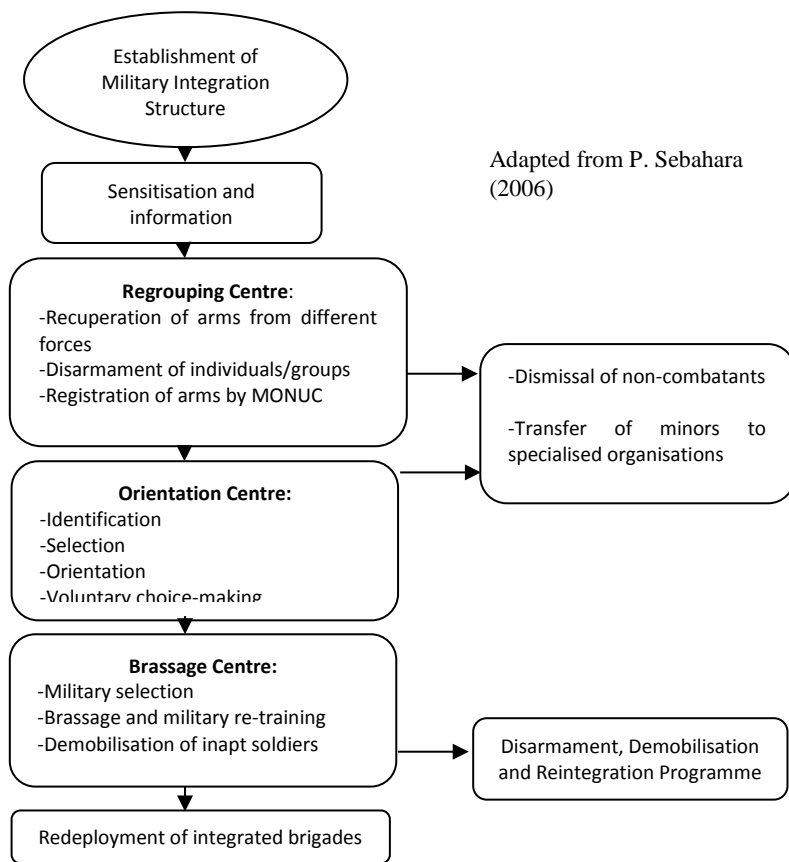
Vetting was then tabled at the Security Sector Reform Round Table convened by the government in February 2008 (Davis and Hayner 2009:35).

Due to the complexity of the tasks and the need to overcome challenges, international experts came up with a new strategy called *mixage* which did not involve checking human rights records of combatants before their integration. This new strategy was welcomed by the Congolese government which has been arguing that peace is what was urgently needed in the country rather than justice. Kasuku (2012) notes that had the Congolese government focused more heavily on prosecution of perpetrators, the country would very likely still embroiled in major conflict (quoted in Mould 2012:65). However, Congolese civil society was strongly opposed to the process of mixage for they saw it as a way of perpetuating impunity in the country.

Through the mixage process General Bosco Ntaganda[45], who is indicted by the International Criminal Court (ICC), was able to join the Congolese armed forces after a secret agreement was reached between the Kinshasa government and General Laurent Nkunda, the leader of the National Congress for the Defence of the People, Congrès national pour la défense du peuple (CNDP) in 2009.

The international community then realised that they had made a mistake by suggesting this new strategy and for not listening to the Congolese civil society. Pressure was put on Kinshasa to remove Bosco Ntaganda from the army, arrest him, and hand him over to the ICC, but this has not had any effect on the Congolese government which feared that the country would lurch back into war if General Ntaganda is, in fact, handed over.[46] This conflict of interests reveals how inherently

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[45] During his briefing to the UN Security Council in December 2009, Alan Doss, the Special Representative of the Secretary General of the United Nations in the DRC, spoke about the dilemmas faced by the United Nations Mission in the DRC. Their mandate inherently enjoins UN peacekeeping forces to give the highest priority to the protection of civilians, while at the same time the UN forces work with the FARDC, which includes elements that have been responsible for human right violations (Doss December 2009).

[46] General Ntaganda has handed himself up to the U.S. embassy in Kigali in March 2003 and has been transferred to the ICC

complex and politically challenging SSR can be in the post-conflict environment.

Scholars of Security Sector Reform argue that it is necessary that the reform process be locally-owned and locally-driven and that civil society groups and interested citizens should be allowed to participate in the process(Africa 2009; Brzoska 2003; Ball 2004; Cawthra 1997; Yasutomi and Carmans 2007).

They further argue that the success of any SSR process depends on all-inclusive consultation to be conducted right at the beginning of the process and its transparent nature (Jackson 2011; Sedra 2013). Traditional leaders, who for many years have been responsible for security provision in rural areas where the police are non-existent and civil society organisations were not consulted and have been excluded from the process.

The police reform initiative was led and inspired by the international community whose members outnumbered Congolese members by a ratio of three to one in the Mixed Reflection Group on Police Reform, the Groupe Mixte de la Réflexionsur la Réforme et la Réorganisation de la Police Nationale Congolaise (GMRRR) that was established in November 2005 (Rauch 2008:7). The debates within the group were dominated by the international members who were sometimes in contradiction with one another. International members did not speak with one voice as some were Francophone others Anglophones.[47] This was not surprising because the reality about donor-funded SSR is that different donors bring different capabilities and interests to the table in

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[47] The francophone legal system is highly codified; their SSR approach is based on this jurisprudential foundation but the Anglophone approach is based on a non-codified legal system or common-law system. According to Michael Brzoska (2003:11), the division of labour among the various external actors, especially among peace-keeping troops, UN administrations, humanitarian organisations and development donors during peacekeeping operations is often unclear.

SSR missions that are not always easily reconcilable. Often the result is disjointed and even contradictory SSR programming that can result in resources wastage and even instability (Sedra 2013:217). There was clearly a lack of coherence in the international community's support for SSR in the DRC. This lack of coherence has undermined the ability of these missions to assist national authorities in reforming their security sectors and thus to transition from post-conflict recovery to longer term development (Bryden 2011:8).

The Development Assistance Committee (DAC) of the Organisation for Economic Cooperation and Development (OECD) lays out the core liberal principle of SSR that donors should engage in SSR with three major overarching objectives: i) the improvement of basic security and justice service delivery, ii) the establishment of an effective governance, oversight and accountability system; and iii) the development of local leadership and ownership of a reform process to review the capacity and technical needs of the security system (OECD DAC 2007:10) but these objectives are sometimes difficult to reach because of unrevealed and sometimes conflicting economic agendas of intervening donor countries in a post-conflict mineral-rich state.

Although misunderstandings, factual inaccuracy, and suspicion existed between the two blocs of international members in the GMRRR, still the international 'experts' have successfully managed to impose their views on how the SSR process should be conducted in the DRC . This attitude can only be explained by the fact that the SSR process was totally funded by the international community. It confirms what Francis (2006: 241) stated that 'Africa's excessive external economic dependence considerably limits the potential and the capacity to building sustainable regional peace and security systems'. The external economic dependence of the DRC has limited its decision-making power in the SSR process.

Through a Western model of SSR, a new army and police force were formed and trained by different countries and with different methods of operation and engagements. This added another challenge to a security system that was still struggling to establish joint command of its forces. There was fear on the part of Congolese officials that the imposed Western model of SSR would constitute a form of neo-colonialism for those promoting it and would cause more harm than good. This fear also founded on the experiences of other countries. Such experiences reveal for example that during an international community-led SSR in Fiji, the American CIA trained the foreign intelligence service and Hong Kong trained the domestic security service. These two services did not get on well as their concepts were hard to link up (Aldrich and Kasuku 2012). This fear led the DRC government to object any interference of the international community in the reform of its intelligence sector and to limit the involvement of its Western partners in this process to an advisory capacity as demonstrated in the following chapters of this research.

5.3 Intelligence Reform

Security Sector Reform concerns the whole security sector which is understood as including: [The] military, police, paramilitary, gendarmerie [and the] machinery associated with ensuring accessible justice (police, judiciary, penal system), intelligence, customs enforcement and the civilian management and oversight authorities, including the ministries of defence and finance (DFID 2004).

The Congolese intelligence services more particularly needed be reformed because of their abusive past behaviour. Intelligence reform is a critical element of democratisation, but it is frequently relegated to the back burner in the early days of post-authoritarian regime transitions due to a reflexive aversion to what was commonly the most brutal legacy of the former regimes (Watts 2001:1). The Congolese government needed

to reform the structures, the working procedures and practices of its intelligence services and to subject them to the same democratic principles like all other government institutions and to increase their efficiency and effectiveness.

As mentioned in the previous chapter, during the Cold War period the DRC had very effective intelligence services that were trained, equipped and funded by Western countries. Western states, especially the United States, relied on the Congolese intelligence services in their ideological struggle against Communism and the Soviet Union. These secret services played an important role in the protection of geostrategic interests of Western countries in central Africa and in maintaining peace and political stability in the region. While protecting Western interests they also protected the regime with special blessings from the United States and its allies.

In order to assert his position as the most reliable ally of the United States in its Cold War schemes on the African continent and to prove to his foreign masters that he had total control of over the army and intelligence services, Mobutu decreed several more intelligence organisations and used the divide-and-rule strategy over them. Recruitments within intelligence services were not done on the merit of competence but on ethnicity. In the long run this caused more harm than good to Mobutu's regime.

Throughout his reign, President Mobutu manipulated ethnicity in order to gain support and to create fear in those who opposed themselves to his rule. He did this with the political class, the military and even the intelligence services. As mentioned in chapter four the manipulation of ethnicity for political purposes has been used in the DRC before and after independence and is counted among the root causes of the Congo conflict.

During the colonial period the civic authority was racialised and the customary native authority was ethnicised. While the civic authority was

de-racialised after independence, the native authority remained ethnicised. In the post-colonial period, the ethnic citizenship has been given much importance than the civic citizenship[48] because, as Mahmood Mamdani (1998) rightly notes 'civic citizenship in the DRC is associated with many issues including entitlements[49] and security, migration, access to land, and resources, whereas ethnic citizenship shapes the socio-political context at national and local levels because of its connection to changing relationships which characterise the Native Authority System'. People of the same ethnic group or clan as the ruling leaders at all levels of society have always been favoured throughout the Congolese political history.

Because of the deliberate manipulation of ethnicity, the chain of command was never respected within the intelligence services and the job of senior intelligence officers was never secured. This state of affairs generated conflicts between and within intelligence agencies. And as Honore N'Gbanda, the former defence minister and personal security advisor to the dictator Mobutu notes, these conflicts were so violent that they badly affected the objectivity, honesty and effectiveness of the Congolese intelligence services (N'Gbanda 1998:52). Every head of intelligence organisation had to spend his energy and time to protect himself against false accusations from his colleagues and from his

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[48] This is a direct consequence of two colonial legal regimes: ethnicised customary native authority and racialised civic authority which determined one's membership in either the Native Authority or the Central State. After independence, when civic authority was de-racialised all natives gained both the civic and ethnic citizenships. As time went on, politicians in central state begun to use ethnicity to control rural populations making them discriminate against those who only had civic citizenship.

[49] Indigenous people are more favoured by the system than the non-indigenous. This creates frustrations. The second Congo war waged by the Banyamulenge or Congolese of Rwandan origin and which began in the Kivu provinces was a consequence of the injustices laid down by the three-tiered native authority in these provinces, which allowed only the natives to have chiefs at locality and groupement levels and a *Mwami* at collectivité level.

deputies and intelligence organisations had to compete for resources that were distributed by the president.

All intelligence agencies in the DRC were answerable only to the president; there was no parliamentary oversight or executive and judicial control of the intelligence services before the beginning of security sector reform process nor were they any real legal framework for intelligence services apart from the presidential decree on intelligence and administrative accountability and control mechanisms that were not in practice used on the no-go zone of intelligence world.

According to Matei (2009) A legal framework for intelligence (1) delineates the rights, obligations, and powers of intelligence organisations, as well as the arrangements for their governance and accountability; (2) provides for intelligence system guidance as to what it can and cannot do; (3) indicates who is in charge and who oversees the activity of intelligence; (4) ensures that the intelligence apparatus is responsible before the law in case of abuse; and (5) makes sure that the intelligence community benefits from legal protection if it observes the legally agreed guidance and directions.

The fact that Congolese intelligence services were not constitution bound meant that they could use their special powers to harass those opposing the government and to infringe civil liberties.

Mobutu also created a two-track army whose elite units – the Special Presidential Division (DSP) with its infamous dragon battalion, the Paratrooper Corps, and the Military Actions and Intelligence Services, *Service d'Action et de Renseignements Militaires* (SARM) – received preferential training, pay and living conditions, while the rest often had to resort to extortion to make ends meet (ICG 2006:2).

He was happy with the situation as it made him the only person in control of state security organisations particularly intelligence organisations which, as Laurie Nathan (2009:3) confirms, 'are undoubtedly the most formidable mechanisms of state coercion'.

Mobutu was therefore the only person capable of resolving the conflict within and between intelligence agencies and to who senior as well as junior intelligence officers could run to for protection.

Unfortunately for him the divide-and-rule strategy proved to be a double-headed sword which also killed his regime.

Academic writings on the role of the military and intelligence services in authoritarian regimes confirm that armed forces and intelligence agencies are likely to back transitions from authoritarianism when there is intense conflict within the military (Schmitter 1985; O'Donnell 1986; Lee 2009).

When Mobutu refused to liberalise the mineral economy, marginalised intelligence organisations, which were collaborating with Western intelligence services, knew what the consequence of that Mobutu's rejection of orders from the World Bank and the International Monetary Fund would be on his regime. They saw this as unique opportunity to inflict harm to Mobutu and to their rivals within the intelligence community. Like in Serbia were intelligence services were aware of the bankruptcy of Milosevic and his inability to protect his institutional, financial and criminal interests (Sikavica 2001:18), in the DRC both the faithful and the marginalised intelligence organisations entered into coalition with the already fractured armed forces, and with external help from neighbouring Uganda and Rwanda they begun the process of elimination of the regime.

Mobutu's authoritarian regime received its hardest blow in 1990 when he appointed his home-town boy and one of the most controversial army generals, General Likulia, as head of the Agence Nationale de Documentation (AND). This appointment made General Likulia more powerful and difficult to control. He used his position for his own political positioning and demystified the most feared African president opposing himself to Mobutu's decisions (N'Gbanda 1998: 64) by siding openly with the opposition and refusing to intervene when the regime

was faced with popular demonstrations. This is what led to the end of 32 years of dictatorship.

Unfortunately for the DRC, President Laurent Kabila who replaced him turned out to be another dictator, not much different from his predecessor, in the eyes of many observers (Lemarchand 2003; Nest 2006b; Putzel *et al.* 2008; Prunier 2009).

Because of lack of strategic thinking, this new dictator took uninformed decisions which negatively affected his relations with neighbouring countries and the international community. He did not understand that strategic intelligence is an indispensable means toward achieving détente or international co-existence (Swenson & Lemorzy 2009:1). One of the respondents argued that Laurent Kabila failed to learn a lesson from Mobutu's negative experience which was caused by the failure of its secret services to understand the post-Cold War American strategic orientation in Africa in which President Museveni of Uganda and Paul Kagame of Rwanda are considered as serious partners of the West. According to him:

> The new American strategy aims on one hand to create a security belt around Israel by building alliances of anti-Islamic states in Africa that would thwart the Arab policies towards Africa and the reduction of Chinese influence on the other hand.[50]

It is therefore wise for all political leaders and strategists on the African continent to understand this new American strategic vision and take it into account when elaborating their own strategies and thus avoid entering into collision with the USA - a rich and powerful nation.

In contrast, Joseph Kabila who replaced his father Laurent Kabila show some signs which indicated that he understood the importance of intelligence and strategic thinking. He immediately began negotiating

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[50] Interview, 2010, Respondent No. 22

peace with the rebels and neighbouring country with a view to improve relations between his country and its neighbours. He also understood the importance for his country to possess a strong and dissuasive army, professional police and professional intelligence services. In line with the peace agreement, he began the process of democratisation of intelligence services which is an evolutionary process of establishing the rule of law in any given country, whereby specific societal roles are developed for executive, legislative and judicial branches of government, along with the press or mass communications media (Ibid:2).

The democratisation of intelligence services comprises the evolution, in any country, of a national system that ranges from the use of an institutional framework to address primarily internal security issues that threaten the survival of *principal* officials of the state (a Security State), to its use to ensure the survival of democratic *principles* in a State of Law as it contends with other countries of the world (Farson 1989).

This process aimed not to create new intelligence organisations rather it aimed at the professionalization of existing ones by reforming their organisational structures and improving the working practices of intelligence agencies and by acquiring technical capabilities and most importantly by putting in place internal and external mechanisms of control and oversight to ensure that the new intelligence agencies always work within the law. Intelligence reform process took place in a closed-circuit but produced good results as expected by the government (Respondent No. 17). Detailed analysis of this process is provided in the next chapters of this study.

5.4. Assessment of SSR Process

Before analysing what has been done in relation to locally-driven intelligence reform in the DRC, it worth assessing what has been achieved through the internationally-led police and army reform. As a

project aimed to solving the problem of the security sector, any SSR process needs to follow some standard approach which includes: defining the problem that will be solved by the project; formulating a vision for the end result; developing strategies for the project; beginning working on the project; and monitoring progress in the project. The word *problem* refers to the gap between the current state of the security sector and the state those involved in the reform process want it to be in. Problems facing the security sector in new democracies are always complex and consist of many aspects that require analysis and insight. It is therefore necessary to fully understand the problem or opportunity before embarking on the reform process. The problem has to be correctly defined in order to avoid making the mistake of developing the right solution for the wrong problem (Kaplan 2007).

For example one may ask whether in the case of a post-conflict country like the DRC it is correct to talk about Security Sector Reform or we should be talking about Security Sector Construction. David Law (2006) argues that although similarities may exist, the approach taken to address the problems of the security sector in post-conflicts countries is not the same as in non-conflict countries. This is why is important that all suggestions made by internal and external actors as to how to go about implementing SSR programmes must be harmonised beforehand so that both policy making and operational activities can be conducted in ways that promote mutually reinforcing synergies (Bryden & Hänggi 2005:34-35).

After defining the SSR project and developing strategies it is normal to move to the implementation phase and keep on reviewing progress periodically to ensure that the project is on target. Monitoring the progress in a project is necessary as it allows detecting any deviation from the project plan. When a significant deviation from plan occurs, the project manager has to take corrective action to get back on target or revise the plan (Lewis 2008:277).

The assessment of the effectiveness of SSR process has to be done bearing in mind the concept of social impact of this process, and it is against this that its effectiveness has to be assessed. Social impact assessment includes the processes of analysing, monitoring and managing the intended and unintended social consequences, both positive and negative, of planned interventions and any social change processes invoked by those interventions (Rowan 2009:185).

To assess the effectiveness of SSR process in the DRC we therefore need to assess how effective the new Congolese security structures are – how able they are in protecting national territory against aggression and internal threats, how much do they adhere to the rule of law, and how able they are in protecting and respecting basic rights of citizens (ICG 2006:2).

The effectiveness of SSR programmes in the DRC can also be assessed by analysing the impact of the security sector (re) construction effort on violence levels; how it has affected GDP; the extent to which locals are involved in the programmes and assume control for their operation; the extent to which the conflict zones have been able to integrate or re-integrate into their regional environment; how it has helped in resolving ethnic and clan-related issues; and how sustainable the reforms are (Law 2007:108).

The table below provides a visual representation of criteria to be used in assessing the effectiveness of SSR programmes as proposed by SSR experts.

Table 4: Criteria for Evaluating SSR in the DRC

2003 -2011		Outcomes
International Crisis Group Criteria	1. Ability to protect national territory against internal and external threats	Partially achieved/Capability of the FARDC & PNC has been increased considerably

	2. Adherence to the rule of law	Not achieved yet but progress is being made
	3. Protecting and respecting citizen's basic rights	Not achieved yet but progress is being made
David Law Criteria	1. Violence levels	Considerable reduction of violence in the East
	2. GDP	Slight growth. GDP could grow more if it wasn't for the international financial crisis
	3. Local ownership	Partially achieved
	4. integration/ re-integrate of conflict zones	Achieved
	5. De-ethnicisation	Partially achieved
	6. Sustainability of reforms	Achieved

When using only the key barometers suggested by the ICG to assess the effectiveness of security structures in the DRC, we may conclude that the new security structures that have been put in place so far through the process of SSR are not effective at all as they are still unable to effectively protect national territory. Violent conflicts are still on-going in eastern provinces of the DRC and the army has not been able to deal efficiently with the situation. Laura Davis and Priscilla Hayner (2009:9) argue that the national Congolese army is ill-disciplined, poorly trained, and badly paid, and the police are incapable of installing law and order. Although this is true to some extent, we need to appreciate the fact that (re)constructing an army is a lengthy and difficult process and changing the culture of impunity cannot happen overnight.

The ICG method of assessing the effectiveness of the security structures paints a very dark picture of the DRC's security situation, but the situation in 2011 is no longer as dark as it was before the transition

period. In the last quarter of 2009; a new rebellion started in the North-West province Equateur in April 2010 and the Congolese army dealt with the situation professionally under the watchful eye of MONUC. The second democratic elections have been held in November 2011 and the security institutions successfully secured the process although some undemocratic behaviour was observed (UN 2011).[51]

Additionally, the justice system has been deeply reformed; notions of human rights are now integrated into all trainings that are offered to the army and police; vetting is now taking place and some human rights violators have been removed from the army and the police and have been tried and put behind bars. This is a response to suggestions made by Davis that SSR programme must also take a justice-sensitive approach in order to improve the country's human rights record (Davis 2009). Davies argues that the DRC's human rights record can be achieved by screening candidates for police or army employment and excluding those who have a bad record in respect of human rights standards, and by changing the nature of institutions of the security sector by putting in place external oversight mechanisms and internal disciplinary processes. This is what is being done and accountability and oversight mechanisms are being adapted to the country's political dynamics as it became clear that Western models of intelligence oversight and accountability cannot be adequate in a state such as the DRC which has no developed traditions of democratic governance and which has weaknesses in its wider political culture (Respondent No. 2).

Some of the people who are interested in the DRC situation try to judge the performance of the new government without first understand that the conflict in the DRC has several dimensions and actors - local,

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[51] The joint report issued on 9 November 2011 by the Office of the High Commissioner for Human Rights (OHCHR) and the UN peacekeeping mission in DRC (MONUSCO) documented 188 violations apparently linked to the electoral process that occurred between 1 November 2010 and 30 September this year.

regional and even international. This country is the only country on the African continent that shares borders with nine other countries. Such geographical position makes the security situation very complex. It can be challenging even to more advanced and professional security forces to deal with such a situation.

In assessing the effectiveness or the suitability of SSR programmes in the DRC one has also to bear in mind that this reform is taking place in a post-conflict setting. This environment differs from a non-conflict setting. Multiple peace and ceasefire agreements have been signed between the Congolese government and different warring groups and neighbouring countries and it is now time to implement them even though the signing of some led to entrenched impunity. Going against the spirit of peace agreements can have negative consequences.

As mentioned above, a project is assessed against set objectives or expected outcomes. During the period of political transition, both the international community and the Congolese government made the restructuring of the security sector and the provision of security top priority. This was to allow elections to be held peacefully throughout this vast country-continent. Because elections have taken place in the DRC twice after the end of the wars without major violence, then it can be correctly said that one of the key objectives of SSR has been achieved and that things are going in the right direction. Intelligence cooperation has also been improved between the DRC and its neighbouring states; and with the assistance of Rwandan and Ugandan as well UN forces, the Congolese army has been conducting military operations which focussed on disrupting and dispersing forces of the Lord's Resistance Army (LRA) and FDLR in order to end their control of population centres and to weaken their capacity to exploit the country's natural wealth. The results of these operations have so far been satisfactory. Violence against the population has been reduced and many internally displaced people have returned to their homes. Most

conflict zones in the East are now under government control (apart from two districts that are currently under the control of M23 rebels) and people and their goods are moving around the region more freely than before. SSR programme has also led to renewed trust between the DRC and Rwanda.

The DRC is now part of different regional and sub-regional security bodies as the government has begun to understand that governing the security sector involves taking into account regional and trans-regional dimensions of the country's security needs. And most importantly, the army and the police have been de-ethnicised - there is now ethnic balance within the army and the police as their elements are taken from a mix of ethnic backgrounds.

Jurgen Brauer's framework for evaluating a comprehensive peace system is hereby used to conclude our assessment of the effectiveness and suitability of SSR programme in the DRC.

The framework used in the table below indicates that much has been achieved in the reform of the Congolese security system but there are challenges that need to be overcome for the reform process to be a complete success.

Table 5: Summary of Achievements and Challenges to SSR in the DRC

Steps	Source of problem	Level of achievement
1	Agreement on goals	All actors have agreed on the need for the formation of a professional and modern army and police forces for defending territorial integrity and maintaining law and order
2	Detecting deviations from goals	SSR process is on track, thanks to prominent role played by international actors

3	Economic and ethical or political incentives for commitment	Soldiers and policemen are not well and regularly paid. Somme officers are still involved in illegal mine trading and there is continued off-the budget spending. Notions of human rights are incorporated in every training given to the army and the police
4	Short-sightedness and lack of long-term planning/budgeting	The risk of belligerent politics that was feared after elections has been eradicated and a 10-year plan has been developed and agreed upon by all actors
5	Prejudices	Soldiers from former rebels groups are still reluctant to fully integrate and be deployed to other geographic areas. Although their capabilities have been reduced, rebels of the FDLR and LRA continue to pose a threat to security in the East
6	Lack of resources and knowledge	Improved governance practices have allowed government to access donors' pledged funds. Despite limited institutional capacity, the government has been able to generate need-based budgets and to mobilise domestic resources

Adapted from Jurgen Brauer's model (2004)

5.5. Current Congolese Intelligence Community

The Congolese intelligence community is currently made of 7 intelligence agencies – The National Intelligence Agency with its domestic and foreign branches, the National Police Crime Investigation Service, the Military Intelligence, the National Financial Intelligence

Unit, the Directorate General of Migration, the Republican Guards' Intelligence Service, and the Foreign Intelligence Bureau[52].

Most of these agencies are placed under the watchful eye of an elected minister except for the National Intelligence Agency and the intelligence section of the Republican Guards which are under the authority of the President of the Republic and whose heads are appointed and removed by him without any legal obligation to consult the Cabinet although, most of the time, he does seek the view of the Prime Minister who is the country's top administrator. There is no minister for intelligence in the DR; The ministers to whom the other 5 intelligence agencies report to are individually responsible before Parliament for the actions of their respective agencies while the Prime Minister is collectively responsible for the action of the intelligence community.

Apart from the agencies, the Congolese intelligence community also has a coordinating body, the *Conseil National de Sécurité*, which is headed by the Special Security Advisor to the President of the Republic. This body is also the central intelligence analysis centre and it manages conflicts between intelligence agencies. Conflicts over resources and competence are inherent to all intelligence communities. In the DRC, they arise mostly from the apparent overlapping missions between some intelligence agencies and have occurred many times between the foreign branch of the National Intelligence Agency that reports directly to the president and the Foreign Intelligence Bureau which is placed under the authority of the minister of foreign affairs (Respondent No. 17).

5.6. Chapter Summary and Conclusion

This chapter has analysed the process of Security Sector Reform undertaken in the DRC between 2003 and 2011. The analysis has

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[52] See Figure 4 on page 253

demonstrated that The Global and Inclusive Peace Agreement provided for the reform of the security sector during the transitional period and that the army and police reforms were was a donor-driven and not locally-owed whereas intelligence reform was government-driven.

The analysis has highlighted the political context in which the reform process was undertaken to demonstrate that any analysis and evaluation of the transformation agenda of the security organisations of the DRC must be anchored to its specific political and cultural context.

The analysis has also demonstrated that SSR was undertaken without prior consultation of the Congolese civil society and interested citizens who should have been allowed to participate and without any strategic plan (Brzoska 2003; Ball 2004; Yasutomi and Carmans 2007). There was also a lack of coherence between international actors which undermined their ability to assist Congolese authorities in reforming their security sector and thus to transition from post-conflict recovery to longer term development (Bryden 2011), and Congolese authorities did not want any foreign involvement in intelligence reform process as it touches the heart of the DRC sovereignty and its monopoly of coercive means (Hansen 2004). However, a common ground was later found between all parties involved in the process and the coherence of international support for SSR was improved through a combination of improved programming procedures and the leveraging of political will.

Since independence from Belgium in 1960, the DRC has never had a security system capable of protecting its population or national territory against internal and external threats. The colonial and post-colonial security agencies were designed to protect and reinforce the interests of the rulers, not the ruled (Davis 2009). The army and the police were primarily predatory organs used by politicians and officers to pursue individual political aims and economic goals while perpetrating massive human rights abuses (ICG2006) and the intelligence services were used not to provide security for the country as a whole but for the regime

which lacked legitimacy and relied on dictatorship for survival. Intelligence agencies' exclusive focus on the defence of foreign interests and the non-prioritisation of the interests of the local population over the interests of the West during the colonial and post-colonial periods impacted negatively on the country's security system. However, when there were conflicts between and within intelligence agencies resulting from President Mobutu's divide-and-rule policies, marginalised intelligence moved against the regime and entered into a pact with rebel groups, the militaries and the opposition (Schmitter, 1985; O'Donnell, 1986; Lee, 2009), and they eventually broke the regime down. Congolese intelligence agencies did not only contribute in the ending of the dictatorial regime; they also played a role in the peace negotiations and are now working for the state, not for the rulers.

These services have been democratised and mechanisms of oversight (described in the next chapter) have been established to ensure both the effectiveness and efficiency of the Congolese intelligence agencies.

FORMAL AND INFORMAL MECHANISMS
OF DEMOCRATIC GOVERNANCE
OF INTELLIGENCE SECTOR IN THE DRC

Modern political democracy is a system of governance in which rulers are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and cooperation of their elected representatives.

Philippe C. Schmitter & Terry Lynn Karl (1993:40)

6.1. Introduction

In this chapter, I present an analysis of mechanisms of democratic governance of intelligence that have been put in place in the DRC following the reform process. I argue here that the intelligence culture is now more in tune with the social values[53] and the political culture and as a result, the Congolese population is more satisfied than ever before with the way the intelligence sector is governed. I do not suggest that all is now well in the DRC as I recognise that despite the efforts made by the Congolese government there will always be limitations in the mechanisms of democratic governance of the intelligence sector. Furthermore, I recognise that the role of democratic control over intelligence agencies and their accountability calls for the redefinition of

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[53] Here, social values or social culture refers to what people expect from the intelligence services in a state.

roles and missions of intelligence agencies and the setting of new priorities within the rule of law where a link exists between the preoccupations of the general public and the work of the intelligence services.

Progress has been made in democratising the Congolese intelligence sector but this has not been fully acknowledged by the donor community and the population because of the high expectations they have about what intelligence can do in a democracy. All debates about governance of the intelligence sector have failed to recognise the unavoidable limitations of intelligence in a new democracy and the difficulties in changing a country's political and intelligence culture.

As mentioned in Chapter Two the most important aim of secret services is to provide security to the people and the state. Thus, the accountability and democratic oversight constitute a clear link between the general public and the intelligence services. It endows intelligence agencies with legitimacy and gives them the permission and authority to undertake the tasks assigned to them by the government on behalf of the people. However, democratic oversight over secret services has some limitations. These limitations come from the very nature of secret intelligence to use covert actions, espionage and deception. Hence, there is always a moment when the need for the secret services to uphold transparency and the need to accomplish the tasks assigned to them become incompatible.

The aim of accountability of intelligence services is to ensure compliance and to improve efficiency in intelligence gathering and analysis. It may take various forms among which formal and informal, and internal and external forms of oversight and can serve different purposes in different countries.

In the DRC, prior to the beginning of the process of intelligence reform, President Joseph Kabila did not give much importance to recommendations of intelligence services when it comes to foreign

policy-making. One of the reasons for this was that he was not convinced of the quality of intelligence produced by the country's agencies; he relied instead on intelligence produced by a network of foreign intelligence agencies which included not only Western networks as was the case during President Mobutu's era but also Chinese and African intelligence providers (Respondent No.1).

But despite the fact that President Joseph Kabila had little interest in the work of intelligence agencies, he made sure that no one else (not even the Prime Minister) uses these special administrations apart from him.[54] He used intelligence agencies for personal objectives because he did not consider them as a source of knowledge but as a means of action; thus hijacking their vocation of exclusive service of the state.

By keeping a wider control of intelligence services, he reinforced the idea that Congolese intelligence agencies are instruments to the service of the president rather than being the provider of service for the benefit of the whole nation. His behaviour was not different to that of his predecessors who have never been in favour of the instauration of a legislative control over the activities of intelligence agencies because they did not want people's representatives to intrude this reserved domain.

The process of intelligence reform has brought about some changes in his behaviour even though the new Constitution of the DRC stills reaffirms the pre-eminence of the head of state instead of modifying the administrative authority of the Prime Minister over the intelligence services.

The executive oversight of intelligence services is no longer solely internal and administrative; legislative and judicial oversight have now been established alongside informal oversight mechanisms that are

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[54] Intelligence services appeared to be one of the attributes of the head of state who would not concede this extraordinary power to anybody even though he does not use it.

conducted by the media, the church and the civil society. Formal and informal mechanisms are essential elements of the governance framework as they monitor and regulate the decision-making environment and confirm that the decision-making and implementation processes function in accordance with the constitutional, legal and normative framework of the state (Hutton 2007:2). They also ensure that public funds are allocated to and spent on stated goals in agreement with national values.

6.2. Challenges of Democratic Governance of Intelligence

The demands placed on Congolese intelligence during the post-transition period have been so huge and have not taken into account what intelligence cannot reasonably be expected to do because of the on-going conflict situation in the country and the number of enemies it has to face. In a situation of no-peace and no-war in which the DRC has been throughout the period under study, intelligence services had to face four types of enemies: inside enemies, innocent enemies, inherent enemies(Betts 2007:264) and external enemies.

The Inside and Outside Enemies

Inside enemies are literally the different rebel movements that still operate in the eastern provinces of the DRC. The outside or external enemies are neighbouring countries that are backing rebel groups and multinational corporations that are fuelling the conflict. Intelligence agencies have not only to divine the capabilities of rebel groups and foreign adversaries but also to thwart their plans.

Innocent Enemies

As mentioned in Chapter Four, the aggression of the DRC by its neighbours and the wars that followed were the results of failure by intelligence services to anticipate problems and to foster proactive adaptation to the post-Cold War security environment. The lack of

necessary skills, the institutional myopia, the inefficiencies of intelligence services, as well as negligence in standard procedures are the innocent enemies that need to be defeated by the Congolese intelligence services.

Inherent Enemies

It was widely assumed within the Congolese political circle and within intelligence organisations themselves that these enemies can only be defeated by recruiting new people and by training and organising them properly. The prescriptions against intelligence failures are thus focused on organisational reform which is part of the general process of transformation of the Congolese political system. But organisational reform alone cannot eliminate limitations that exist in the practice and the nature of intelligence. These limitations are inherent enemies and they pervade the process no matter who is involved, and are extraordinarily resistant to change although they can be defeated.

Intelligence has always been a sensitive issue within Congolese political discussion, and generally not an area with lively public debate or political controversy. However, since the transitional period of 2003-2006, the Congolese public began to show interest in the activities of intelligence services and calling for transparency and accountability of the intelligence organisations. At the end of the peace talks, when an all-inclusive government was formed, the leadership of the two main rebel groups (MLC and RCD/Goma) moved into the capital city Kinshasa with their intelligence agencies as they were afraid of falling into government trap. They kept a close eye on government intelligence agencies and publicly exposed them whenever intelligence services were suspected of being involved into activities that could endanger the signed peace agreement.[55] Human rights groups and churches as well as

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[55]Mr Azarias Ruberwa, the leader of the RCD/Goma, who was the vice-president of the republic in charge of defence and security during the transition period publicly incriminated the National Intelligence Agency for the massacre of Congolese refugees in Gatumba Refugee Camp in the Republic of Burundi

members of the political opposition follow suit and began to speak fearlessly about the violation of civil liberties by intelligence organisations. Ever since, intelligence is increasingly debated on public arena.

Whilst there is an increase of public awareness on intelligence matters and call for control and oversight of intelligence, I argue here that the success of intelligence oversight depends more on the level of democratic culture within a country or the type of regime that is in place, and which involves, as Braman (2004) describes, government, governance and governmentality - government consisting of the formal institutions, rules, and practices of the state; governance referring to the formal and informal institutions, rules, and practices of both the state and non-state actors; and governmentality denoting the cultural and social context out of which modes of governance arise and by which they are sustained (Braman 2004:13).

Revealed here is that although a government is in place in the DRC the system of governance, the mechanisms for steering social systems toward their goals (Rosenau 1995:14), are inadequate and the process that guide and restrain the collective activities of institutions, both formal and informal, are still poorly developed. And the authoritarian governmentality that has been in place for many years and which did not favour the control and oversight of intelligence services is changing slowly. All this is linked to the democratic immaturity of political and social leaders. Consequently, not much can be achieved in terms of democratic governance of intelligence sector in the DRC, a country that has just transited from authoritarian rule to liberal democracy.

Unlike in long-established democracies such as the U.S. and the UK where the culture is in favour of public oversight and intelligence services are subjected to the public scrutiny, Congolese intelligence

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that happened during the night of August 13, 2004 see http://www.gatumbasurvivors.org/

apparatus is still faced with a challenging and changing environment and is operating within quite different culture and norms which still hindering all efforts for democratic governance. But despite all these challenges the country has implemented some changes, proving that things are heading in a right direction.

6.3 Formal Mechanisms of Democratic Governance of Intelligence in the DRC

The DRC is a bi-cephalous regime in which the President of the Republic holds the supreme power and as the "Supreme Magistrates" and the "Guardian of the Constitution" he does not bear any responsibility for the law for this is the task of the 'Republic's Top Administrator', the Prime Minister, who carries out all the decisions of the President of the Republic and represents him in Parliament. This model is different from the model in many Anglo-Saxon countries that have a single level of Executive and where the focus of government and intelligence coordination centres on the President of the Republic or the Prime Minister.

In the DRC, tension of power-sharing existed within the dual (presidential and ministerial) executive before the reform process when the problem of concentration of power in the President's office was affecting the proper control of the activities of intelligence services (Respondent No.17). Military as well as civil intelligence agencies were answerable to the president and were attached to his Office, not to that of the Prime Minister who's in charge of day-to-day running of the government.

In this country, a particular mind-set has been forged by practices that emanate from historical and cultural experience that sees democratic forms of intelligence accountability and transparency as responses to ethical and deontological questions rather than a process of tying in accountability and transparency with efficiency. There has been a belief

that as long intelligence services, whose works depend on political strategic circumstances, do their job in respect of government guidelines, then the government must assume responsibility for their actions. This belief led Intelligence services to exercise their power without any serious parliamentary interference as Parliament retained only a symbolic control over intelligence organisations. Nonetheless in the early 2000s, intelligence scandals such as the assassination of President Laurent Kabila in his office, covert action in the bordering town of Gatumba in Burundi, and the killings of journalists and human rights activists, forced the Parliament to seriously monitor and oversee the activities of intelligence services. This resulted in interpellation of government ministers by Parliament, the dismissal of very senior intelligence officers and the arrest of a number of people including high ranked military officers. The actions of Parliament indicated that a shift was taking place and an end was soon to be put to the traditional Parliamentary deference the President of the Republic and his government enjoyed in intelligence and national security matters. And as a matter of facts, progress was made during the process of intelligence reform and mechanisms of oversight were put in place as detailed below.

6.3.1 Executive Oversight

The Executive is responsible for transparent, efficient and effective management of intelligence agencies in the DRC. This entails identifying intelligence failures and preventing their occurring in the future (DCAF 2003:43). There are three categories of executive oversight mechanisms in the DRC: chain-of-command structure; Council of National Security and la Cour des Comptes (*National Audit Agency*).

Unlike countries such as the UK, U.S. and South Africa where executive mechanisms of intelligence oversight do function towards two

main objectives of preventing violations civil rights and ensuring the quality of intelligence, the executive oversight in the DRC only aims at ensuring the success and quality of intelligence. The civil liberty of the people is on the agenda but rather on paper, as the culture of human rights is still in its infancy in whole country.

- Chain-of-Command Control

The current Congolese system of government is hierarchical and bureaucratic. Elected politicians are at the top of ladder and are responsible for the actions of the intelligence agencies. There is two levels of hierarchy within this system of intelligence governance: at the first level, junior intelligence officers report to the heads of sections who in turn report to the heads of division and then to the heads of agencies. After this level, intelligence is reported by heads of agencies to political superiors such as the Minister of Interior, the Minister of Defence, the Minister of Foreign Affairs, the Prime Minister, and the President of the republic who is the highest authority and serves as commander-in-chief of the intelligence community

In order to prevent tension between the office of the President of the Republic and that of the Prime Minister with regard to the control and oversight of intelligence services a collegial and organic system of management was established within the Cabinet. The Cabinet, which consists of the President, the Prime Minister and Ministers, has overall responsibility for transparent, efficient and effective management of intelligence agencies. It oversees the direction and policy of national intelligence and ensures that the intelligence services function properly. The Cabinet is assisted by the Councilof National Security, *Conseil National de Sécurité* (CNS) which provides advice on intelligence matters and is responsible for overseeing and directing all intelligence activities within the intelligence community.

The CNS is located within the Office of the President and is headed by the President's Special Security Advisor who also is the president's principal advisor on intelligence affairs.

As mentioned in Chapter 5 all Congolese intelligence agencies have responsible cabinet members to whom they report. However, it is important to mention that in some circumstances intelligence agencies do report directly to the President and the Prime Minister.

- Council of National Security

A new dimension of coordination of intelligence agencies which would facilitate exchange between them was desperately needed within the Congolese intelligence system. The CNS was thus created as a coordination body that relays the instructions of the Cabinet to each intelligence agency and which enables all intelligence agencies to work with each other.

With regard to accountability, the head of the CNS has the authority to follow the activities of intelligence agencies and to monitor them. This ensures a continuous and uninterrupted flow of intelligence between agencies and their compliance with rules that are set out by the government in the form of guidelines. The CNS is an important step towards the improvement of internal forms of democratic control of intelligence services by the Executive and a step towards the standardisation of Congolese intelligence structure. So far the CNS seems to satisfy government's expectations but another mechanism has been drawn up to extend needed checks and balances specifically in relation to the use of financial resources by intelligence services.

- La Cour des Comptes

La Cour des Comptes conducts external audit of all institutions of the state[56] and is considered as an important element in Executive

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[56] Article 173 of the Constitution of the DRC

control and accountability. The purposes of external audit are many and include: (1) the assessment of the compliance with the law by every state institution in the exercise of authority given to them by the executive. In this case, external audit reviews the practices and outputs of each intelligence agency and identifies where things have gone administratively wrong and people who should be held accountable; (2) the enhancement of organisational learning through the assessment of performance in public management; (3) the assessment of the effectiveness and efficiency of funding provided to state institutions through the scrutinising of accounts to check if funds were used as allocated.

The *Cour des Comptes* has been given strong powers that allow it to conduct even the audit of intelligence services. Their control is rigorous although not detailed but it ensures, at least, that no operations can be hidden from the government by intelligence services. The *Cour des Comptes* therefore is a proper mechanism that holds the Executive financially accountable for intelligence services' expenditure. Every year the *Cour des Comptes* publishes a public report but these reports never make mention of things that touch on intelligence agencies as such reports are internal and contain highly sensitive issues that have to be kept secret for obvious reasons (Respondent No. 6).

6.3.2 Legislative Oversight

As the representative of the people, the legislative branch of government plays a significant role in democratically ruled states. It makes laws and oversees and monitors the activities and functions of the executive branch in order to make sure that the government properly implements its policies and strictly respect liberty and freedom of the people (Johnson 2005:57-59). The degree of how parliament holds the executive on account depends more on the concentration of parliamentary power. In countries such as the UK where parliament is

the centre of power, parliament has close relations with the executive which may sometimes prevent parliament from exercising its power. But in countries where the separation of power between the three branches of government is clear, parliaments tend to be powerful and can independently use this power to oversee the activities of intelligence services. In both cases, when overseeing the operations of intelligence services, parliament has to balance and find a compromised formula for national security and legality so as not to jeopardize national security.[57]

Like in many other countries intelligence oversight by parliament is done in two forms in the DRC: parliament conducts its oversight duty before any intelligence failures or abuses take place by assuming the duty of the police to detect and remedy any violations of legislative goals and, by its surveillance, discouraging such violations. Parliament also responds to failure and abuse of intelligence after it occurs (McCubbins and Schwartz 1984:166). The first form of oversight is police patrolling model and the second is the fire fighting model.

In the fire fighting styled model parliament always establish a system of rules or procedures to allow the examination of administrative decisions by individuals or interest groups, to charge government agencies that violate their rights and democratic goals, and to seek remedies for such violations. This is also the case in the U.S. where through its legislative intelligence oversight, the Congress ensures the quality of intelligence by considering its accuracy, effectiveness and efficiency in order to maximize the state security. It also has the important responsibility of ensuring compliance of intelligence to both the domestic laws and universal human rights (Born &Wetzling 2007:320; Walker 2006:702; Born & Johnson 2005:229).

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[57]It is always assumed that for an intelligence operation to be effective it has to be conducted in the secret sphere because any public knowledge of the operation can jeopardize the operation and consequently national security. This is why intelligence oversight is most of time considered as an oxymoron.

The Congolese parliament, like many other parliaments, is more engaged in the fire-fighting form of intelligence oversight than the police-patrolling one. This is not surprising as parliaments usually pay little attention to intelligence oversight in normal periods. They do, however, play a police-patrolling role only when a failure or scandal occurs and quickly respond to those situations by conducting investigations which mostly end with recommendations for reforms. This is how they show their commitment to intelligence oversight function to the public.

Three mechanisms are used by the Congolese parliament to oversee the activities of intelligence agencies– the legislative branch as a whole, permanent committees, and ad-hoc committees.

- National Assembly, Senate and the Congress

Members of the National Assembly, Senators, and the Congress which refers to the union of members of both the National Assembly and the Senate, play a very important role in the oversight of Congolese intelligence. As the main function of parliament is to pass the law, it is therefore understood that it has the responsibility to approve all laws relating to intelligence services and their activities. Unfortunately, the Congolese parliament is not exercising this function fully. It has approved laws relating only to the reform of the army and the police but not to intelligence services and activities. It is hoped, however, that as democracy grows, Congolese parliament will be able to fully exercise the power vested to them in the Constitution.

- Permanent Committee on Defence and Security

There is within each chamber of parliament a permanent committee on defence and security that were established to oversee the activities of the Executive in the specific areas of defence and security. Both the Senate's Permanent Committee on Defence and Security and the

National Assembly's Permanent Committee on Defence and Security are made of members of the ruling political majority and members of the opposition who are elected by their peers. The functions of these permanent committees are broadly defined as to consider any national security matters and do not specify anything about intelligence (Respondent no. 7).

Although these committees have been trying their best to hold the executive accountable for the actions of defence and security organisations[58], their oversight of intelligence is still weak.

The legislative intelligence oversight power hasn't been fully exercised due to the non-existence of committees that would be directly in charge of overseeing intelligence activities. Such select committees on intelligence could have been of much help in this country were intelligence has always have a bad image and has never been held fully accountable for their actions. Learning from the American Senate[59] experience such select committees could for example be given the responsibility of overseeing and making continued studies of intelligence activities and programs of the Congolese government, and of submitting appropriate proposals for legislation and reporting to the two chambers of parliament concerning such intelligence activities and programs.

- Ad-hoc Committee

This form of the legislative oversight is normally established by each chamber of the Congolese Parliament to investigate scandals and

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[58] Several investigations have been conducted by these permanent committees which looked at the commission of rape by members of the National Police and the Armed Forces in the Eastern DRC and the implication of intelligence services in the killing of a leading Congolese human rights activist, Floribet Chebeya in 2010 and which led to the dismissal of National Police Chief, General John Numbi, and the arrest of several police and army officers.

[59] 'Jurisdiction: Overview' in http://intelligence.senate.gov/jurisdiction.html, accessed; 28 March 2011.

security failures within all defence and security organisations including the intelligence community. These ad-hoc committees also give recommendation to improve the activities of security organisations. As already mentioned, this type of committee is usually formed in the DRC as a part of legislative response in the fire-fighting model.[60]

- Analysis of the Effectiveness of Congolese Legislative Oversight

The effectiveness of the Congolese legislative oversight can be analysed by using Born and Johnson's (2005:237) proposed guideline which is based on (1) independence of the legislative branch of government from the executive; (2) its investigative capacity; (3) access to classified information; (4)ability to maintain secrecy; and (5) expertise and adequacy of support staff.

- Independence from the Executive

The 2006 Constitution has established clear separation of power in the DRC's semi presidential political system. Parliament enjoys a degree of independence from the executive branch even though a great number of its members are from the ruling presidential majority. Moreover, the government does not interfere in the appointment of members of the oversight bodies who are appointed by the members of parliament. Important measures have been put in place to ensure independence of the permanent committee on defence and security and of ad-hoc committees on intelligence from the executive branch and the intelligence services. These measures include the inclusion, within the composition of these committees, of other members of parliament who have no previous knowledge and expertise in intelligence matters alongside former members of intelligence services who have been

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[60]Recently after the November 2011 elections, the National Assembly conducted an inquiry to investigate the involvement of members of both the Military Intelligence and National Intelligence Agency in post-election violence.

elected as members of parliament and who have become overseers in parliament.

Despite the long history of undemocratic regimes in the country since early 1960s, the Congolese Parliament has been able to transform itself from an institution that only gave approval and legitimacy to the government to an institution that democratically and unreservedly scrutinise the activities of the government and approves and controls its budget. The only setback is the limited capability of parliament in the control the activities of intelligence organisations.

- Investigative Capacity

Despite the power vested in it by the constitution, the Congolese parliament is still not fully involved with intelligence activities of the government because intelligence still is considered in the DRC as the government's affairs in which no other institutions of the state need not to interfere.

Born and Johnson (2005:237-238) define 'investigative powers' as 'the notion that an oversight body can decide to inquire into whatever subject it chooses.' Based on this definition we may say that the investigative capacity of the Congolese Parliament on intelligence matters is less advanced and is still very limitedcompared, for example, to parliaments in countries such as the U.S. and UK where parliaments are allowed by law to set up hearings and call on any intelligence officials they deem appropriate to testify in hearings (Lowenthal 2007:199-200).

- Access to Classified Information

In the U.S, parliament enjoys total access to all classified intelligence. The UK parliament does also have the power to access classified intelligence but not at the same degree as its American counterpart. Heads of intelligence agencies in these two countries are

obliged by law to make available to intelligence select committees any requested information.[61]

In the DRC, the law gives parliament full authority to oversee all areas of government activities but the right of accessing classified intelligence information is only theoretical. The relevance of full access to classified intelligence which is necessary for the successfully conduct of parliament oversight work is not fully appreciated by members of parliament. Nonetheless, the speakers of the two chambers of parliament and their deputies as well as members of the permanent committees on defence and security usually have access to only regular monthly intelligence report from the three main intelligence organisations; this report is also available to the two other branches of government (Respondent No.10).

From time to time, members of the permanent committees on defence and security do call intelligence officials to testify regarding certain intelligence activities; but members of these committees hardly demand any detailed classified information concerning intelligence operations because of the lack of proper understanding and interest about intelligence (Respondent no.8).

- Ability to Maintain Secrecy

This issue has not been of concern to the Congolese parliament for many years before the establishment democracy when parliament did not have role in intelligence affairs. But since the beginning of the transitional period when parliament became more and more interested in intelligence, no intelligence leakage has occurred from the parliament's side. The reasons for this include the fact that not much sensitive intelligence is reported and available to the Parliament, the fact that the majority of people who have access to regular intelligence reports are

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[61]Section 508 (a), Intelligence Authorization Act for Fiscal Year 2006, available from: https://www.congress.gov/bill/114th-congress/house-bill/4127

former intelligence officials, former government ministers and well-respected senior politicians who have experience in dealing with secrecy and who understand better the importance of maintaining secrecy and preventing intelligence leakage, and also the fact that when it comes to very sensitive intelligence, the number of people who can participate in the discussions is limited only to the president of each chambers of parliament and the presidents of the two permanent committees on defence and security. So far the Congolese parliament has achieved a high standard of maintaining secrecy even though it still lacking modern facilities for storing sensitive materials.

- Expertise and Adequacy of Support Staff

The Offices of the Secretary General of the Senate and the National Assembly provide operational and support staff assistance to the Congolese Parliament. With regard to intelligence, the Secretary General of the Senate is an experienced intelligence official who has the expertise and experience in conducting investigation and research on intelligence matters. Apart from him and few other staff who have experience in intelligence and security matters, the staffs from these two offices have been recruited from people who only have good general knowledge that is deemed useful for the work of the whole Parliament. They were recruited among people with different backgrounds including politics and economics and were required to possess good language and presentation skills. Nevertheless, the two permanent committees on defence and security hardly recruit someone with understanding and expertise in intelligence and security matters. Actually, members of staff within these committees are mostly the personal assistants of committee members and their role is limited to taking notes and preparing documentations for each meeting (Respondents No. 8 & 10). All this indicates that the Congolese Parliament does not have enough supporting staff with understanding and expertise in intelligence matters.

The above analysis demonstrates that the Congolese Legislative Oversight is still less effectiveness and this is related to the infancy of democracy in the country. However, the few progresses that have been achieved indicate that as democracy grows, the legislative oversight will also be strengthened.

6.3.3 Judicial Oversight

The administrative arrangements within the DRC establish one possibility for people to complaint about the misconduct of intelligence agencies and government officials. This is through the Attorney General of the Republic. The Attorney General of the Republic[62] has the mandate and power to investigate complaints made by members of the public about misconduct or abuse of power by every state institution including the intelligence agencies. In so doing, he ensures the legality of government's activities including intelligence (Leigh 2007:77) and provides opportunity for redress to individuals if they suffer injustice at the hands of the public administration.

The Attorney General of the Republic can also initiate his own investigations any time he suspects that the law might have been broken by a public or private institution or even by an individual. He also has the right to access any type of information during his investigations even those classified as top secret.

However, despite the power conferred to him by law to oversee the activities of intelligence organisations, the Attorney General of the Republic has received on a few complaints from the public and intelligence officers mostly because of the fear of retaliation from the intelligence agencies. The few complaints involving misuse of power by the intelligence agencies that the Attorney General has received so far

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[62]The Attorney General of the Republic, also known as the General Prosecutor of the Republic, is in charge of the consistency of the exercise of public action and the respect of the guidelines defined by the minister of justice

came mostly from local human rights organisations but the outcomes of his investigations have not been satisfactory enough because of the politicisation of the judicial system (Respondent No.16).

The DRC's judicial intelligence oversight mechanism is weak. This weakness is due to the malfunctioning of the judicial system in general. Despite recent reforms the judicial system is still faced with constraints linked to the texts on its independence and is plagued by weaknesses such as the ageing of administrative staff for which the capital city Kinshasa is filled with 54% of the workforce; the lack of enough qualified personnel; the lack of logistical support; corruption, etc. (Respondent No. 15).

6.4 Informal Mechanisms of Democratic Governance of Intelligence Services in the DRC

6.4.1 Churches and Media

Churches and media are currently playing an important role in the oversight of security sector in general and of intelligence service in particular. Since the beginning of the political transition, intense media reporting of intelligence misconduct has been taking place in the DRC and has been made possible by the emerging communication and information technologies that allow individuals to access information without being bothered by government regulations. This unprecedented reporting on intelligence activities has raised public awareness and interest in the work of intelligence agencies. There are now so many media programmes on intelligence and security services which are presented on private and community radios and television as well as on the internet, and the public seems to have thirst for them (Respondent No. 5).

Through these programmes, intelligence failures are publicised but successes are rarely spoken about. This highlights the challenge for

intelligence agencies of being held to account by the media and confirms Omand's argument that the world of secret intelligence and journalism have often been forced to interact but have never co-existed without stain (Omand2009:38). The depictions of intelligence in popular culture provide a fragmentary and distorting view of intelligence activity which leads the public to think that it understands the agencies and what they do (Dover 2009:201). But however incorrect this cultural representation of intelligence can be, it provides an understanding of who threatens the security of the state and why and it also forge an understanding of a common national bond with common values (idid, p. 202). Most importantly it allows the public to assess if the agencies are doing enough to contain or overturn threats to their security and it ultimately provides a justification for the public to hold agencies accountable.

Churches are also exercising check and balance on the Congolese government and its intelligence agencies. Despite the apparent good relation between the current regime and churches, the heads of religious confessions[63] have always been critical of the government and intelligence agencies. They speak critically whenever the rights of the population are infringed by the government to the extent that they have sometimes been accused of siding with the opposition.

Since early 1990s when the process of democratisation began and throughout the transition period religious confessions have maintained the same position of speaking on behalf of millions of voiceless Congolese condemning abuses by government officials and security agents. Through their Peace and Justice Commissions, the Catholic and Protestant Church have been able to document and report on human rights abuses throughout the country, particularly those committed by intelligence agencies and foreign backed rebel groups. These two most popular churches in the DRC appear to have well organised and more

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[63]There are 7 religious confessions in the DRC: Roman Catholics, Protestants, Muslims, Orthodox, Revival Churches, Independands, and Kimbanguists

efficient intelligence services which professionally collect information inside the country and all around the Sub-Saharan region and process it more professionally than government agencies (Respondent No. 5).

One respondent confirmed during interview that 'during war when we had no resources to effectively operate inside the two countries that were backing the rebels (Rwanda and Uganda) and when our intelligence services were highly infiltrated by the enemy, we benefitted a lot from both the networks of the Catholic Church and Protestant Church in those countries; the information we got from them helped us to act pre-emptively to counter some threats' (Respondent No. 1).

Being aware of the popularity of the Church and its capacity to destabilise his government, President Kabila Junior made huge efforts to build a good relation with the Church.[64] The notion of spiritual security has been invoked not only by him but also by his key political lieutenants to underline the connection between the Church and state security and intelligence services as it is currently the case in Russia where the connection has been made between Orthodoxy and the Federal Security Service (FSB) with a view to restoring its prestige, moral credibility and morale (Fedor 2011:162). The connection between the Church and the FSB in Russia has nurtured to the extent that a church representative sits on the new oversight body, the Public Council, tasked to conducting public oversight of the FSB's activities.

In contrast, the heads of religious confessions at national as well as provincial levels receive special privileges from political authorities and heads of intelligence agencies in the DRC and have been invited to officiate during official ceremonies including the sworn-in ceremony of Joseph Kabila following the contested re-election in November 2011.[65]

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[64] A catholic priest was appointed by President Kabila to head the Independent Electoral Commission and to oversee the organisation of presidential and parliamentary elections in 2006. This priest was replaced by a protestant bishop who oversaw the organisation of elections in 2001.

[65]The controversial Zimbabween President Robert Mugabe was the only head of state present at this ceremony. All other heads of state and government

The linkages forged between state security and religion is viewed in the context of the drive to present the Congo Conflict as a conspiracy by neighbouring countries to occupy the eastern part of the country so as to reduce their high demographic catastrophes, and decisions by multinational companies to exploit natural resources for almost no price. This relationship has led to national awakening which has made it impossible the balkanisation of the DRC (Respondent No.28). The rhetoric of 'existential threat' has become a central feature of current DRC discussions on national security and spiritual security as it is assumed that the international community wants to see the DRC divided into several mini-states that will be easy to control. To counter this existential threat, religious confessions are emphasising the special position of spiritual security in the defence of the state. Spiritual security is portrayed as the first line of defence which the enemy will seek to destroy by inculcating new values and ideas into people's consciousness. And once people's spirituality is destroyed, the enemies will move on to violate Congo's territorial integrity.

Besides, the existing relationship between the church and the state has not stopped the Catholic and Protestant churches to conduct informal oversight of the intelligence agencies. The misdeeds of intelligence agencies are reported on Christian radios all over the country and church print media, and press conferences are held regularly during which the misconduct by security services are exposed and the government and parliament are called to take their responsibilities to end impunity and ensure that the rights of the people are protected. Intelligence, which was once a taboo, is now making headlines and the Congolese people are becoming accustomed to it.

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boycotted the ceremony and this proved how illegitimate Kabila's reign is perceived both inside and outside the DRC

6.4.2. Human Rights NGOs and Culture

Just like the media and the Church, human rights NGOs are playing an important role in the oversight of Congolese intelligence. They have raised public awareness towards intelligence through public reports and education and have greatly increase people's knowledge about intelligence. These human rights NGOs have a good knowledge of government activities and are usually informed about intelligence misconduct by whistle-blowers inside intelligence agencies. They also have amongst their members some intelligence experts from former governments, analysts from think-tanks and academics in educational institutes who play an important role in intelligence education and public awareness (Respondent No. 16). The relation between a variety of intelligence experts and local human rights organisations is increasing the attention of the population over intelligence matters and is consequently leading to the end of the narrow confinement of intelligence in the government's sphere. There are reasons to believe that the consequential raise in public awareness will ultimately lead to more scrutiny and professional oversight by civil society organisations.

Another important driving force which has shaped the characteristics of intelligence oversight in the DRC is culture. Culture is here understood in its narrow sense as the customs and achievements of Congolese people during the transition period. According to Plato, governments vary as the dispositions of men vary, and there must be as many of the one as there are of the other. He argues that states are made of the human natures which are in them and not out of "oak and rock" (Plato n.d.: 307). If it can be accepted that culture varies from one period of time to another within a society and is a force that can shape any human society, therefore intelligence as an activity of human society must also be influenced by this force. In relation to this, Adda Bozeman (1992:25) explains that intelligence and diplomacy are derivatives and expressions of the particular society, culture or ideology in terms of

which they are being activated; they are not conceptually autonomous universal givens. This view is also supported by Michael Herman (2001:138) who argues that 'intelligence is an integral part of government, not an isolated activity; and it reflects the character of national constitutions and the societies in which it is set.'

The impact of cultural forces on intelligence oversight in the DRC can be measured the degree of public participation and of the freedom of expression, or just the political culture. The Congolese political culture is not a developed culture yet nor can it be described as a 'participant culture' even though people are developing the culture of expressing themselves and speaking freely about anything they do not agree with. However, it is important to mention that the freedom of speech is protected by the Constitution and is making it possible for Congolese people to speak about their opinion without the fear of being arrested. Although the fear of government retaliation is still there, Congolese people are becoming more sensitive to government activities and are playing a more active role in the affairs of the state. They increasingly scrutinize the activities of government—more particularly the activities of intelligence services—in order to ensure that they not misuse their power. Due to this new form of culture, Congolese intelligence agencies are subject to accountability and oversight by the pressure and power of the public.

6.5 Effectiveness of Congolese Intelligence Oversight

If it is possible to assess the effectiveness of one or some of the mechanisms of intelligence oversight, it is difficult to assess the effectiveness of the system as a whole because effectiveness of different oversight results in different outcomes. For example the effectiveness of oversight for intelligence quality results in intelligence success while the effectiveness of oversight for legality can result in both the ability to prevent intelligence agencies from violating people's rights and freedom

and the ability to detect intelligence agencies' wrongdoings after they already occur.

It is not easy to judge effectiveness of oversight for quality since intelligence failure is mostly what usually makes headlines whereas successful intelligence operations hardly made public.

Moreover, it is also difficult to assess effectiveness of oversight for legality because most of the time intelligence abuse is not widely known and even when people know about it they might lack proper channel to report it. As already mentioned the effectiveness of oversight can only be clearly observed when the overseers are able to deter wrongdoers from abusing their power or to detect wrongdoings and catch wrongdoers after abuse has occurred.

It is perhaps early to judge the effectiveness of intelligence oversight system in the DRC but the analysis provided above demonstrates that current mechanisms of intelligence oversight are firmly grounded in the Constitution and important efforts are being made by the three branches of government as well as the civil society to subject intelligence agencies to democratic control.

The other ways of assessing the effectiveness of democratic control of intelligence in the DRC is to first compare existing mechanisms with those that are in place in another developing democracy such as South Africa and then to compare them with classic mechanisms in developed democracies like the U.S. and UK. One of the Congolese high court judges we interviewed suggested that:

> *'As almost every state has a foreign intelligence service, efforts should be made to find mechanisms to control the activities of intelligence agencies beyond national territories'.*[66]

This suggestion has been made before and institutions such as NATO and the EU have developed mechanisms to regulate international

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[66] Interview, 2011, Respondent No. 15

intelligence cooperation. Such international mechanisms aim to reduce risks to human rights protected under international law, to ensure that intelligence that is shared between foreign partners has been obtained legally and that intelligence services that share information are all properly subjected to legal controls and oversights of the authorities in their respective countries (Wills 2010:26). The African Union has followed suit and in 2004 it established the Committee of Intelligence and Security Services of Africa whose objectives include the coordination of strategies to facilitate interaction amongst intelligence services and exchange of intelligence on all common security threats. Although there is no indication that African Union's guidelines for intelligence cooperation are less effective, it is not clear however if intelligence oversight mechanisms used by the different sub-regional organisations on the African continent are effective and of high standard.

6.6 Formal and Informal Mechanisms of Democratic Governance of Intelligence in South Africa

6.6.1 Background and Overview of the South African Intelligence Governance

The South African system of governance is founded on the principle of constitutionalism which constrains the coercive power of government by placing substantial checks on its exercise of power. The concept of constitutionalism was adopted during the peace negotiation between then apartheid regime and the ANC in order to restrict the democratic right of the black majority to govern the new South Africa and thus offering a peace of mind to the minority white population that feared revenge from the back population and also to meet the aspirations of the black majority.

The ruling National Party that was to become an opposition party after the negotiation insisted that security services be bound in the constitution because they knew that these organisations are the mechanisms of state coercion that the ANC-led government could use against the white community (Respondent No. 22).

The ANC, whose members have suffered a lot from the abuses of the apartheid security services, welcomed the idea of constraining the power of the state as they wanted to move away from the position in which security services in general and intelligence agencies in particular were used as a tool of control and oppression. This led to the adoption of a democratic constitution[67] in 1996 which is binding on all the organs of the state including the intelligence agencies, the executive, the legislature, and the judiciary.

Nathan (2009:2) notes that the Constitution contains a set of higher-order principles and rules that can regulate the security services and the manner in which they are governed. This supreme law clearly states in its section 199(5) that security services must act, and must teach and require their members to act, in accordance with the Constitution and the law. The principle of civil supremacy contained in the Constitution puts all security organisations under civil authority through both the executive and parliament and gives the power to multiparty parliamentary committees to have oversight of the security services.

Prior to the adoption of the new Constitution, a long popular debate about the reform of intelligence took place throughout the country and ended with the adoption in 1994 of White Paper on Intelligence. The white paper provided a framework for understanding the philosophy, mission and role of intelligence in the new democratic dispensation.[68]

[67] It is clearly marked in the preamble of the current constitution of the Republic of South Africa that the constitution lays the foundation for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law.

[68] The White Paper can be viewed at http://www.info.gov.za/whitepapers/1995/intelligence.htm

This important document defines intelligence as 'the *product resulting from the collection, evaluation, analysis, integration and interpretation of all available information, supportive of the policy and decision making process pertaining to the national goals of stability, security and development'*. It states that intelligence serves the Constitution and is a tool for furthering the aims and objectives of the democratic government. Based on the principle of constitutionalism and civil supremacy the following formal and informal mechanisms of intelligence control and oversight were established:

6.6.2 Mechanisms of Executive Control

As mentioned in Chapter 2, the terms oversight and control are often used interchangeably but a distinction can be made between the two: oversight is exercised in parliament and is more about the review of the activities of intelligence organisations; and control is exercised at the executive and administrative levels and it concentrates more on the effectiveness of intelligence bodies, that is, the ability of intelligence services to fulfil their functions and tasks.

Ministerial and Intra-Agency Control

The Constitution of the Republic of South Africa states that President as the head of the national executive must appoint the head of each intelligence service, and must either assume political responsibility for the control and direction of intelligence services or designate a member of the Cabinet to assume that responsibility.[69] The position of Minister for Intelligence Services was established within the Cabinet and 'The Minister' was given the power to control the activities of intelligence services.[70] This includes the power to create the posts of Deputy Director-General and Assistant Director-General; to establish

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[69] Section 209(2) of the Constitution of the Republic of South Africa
[70] Section 1 of the Intelligence Services Act 40 of 1994

chief directorates and directorates and divisions; and to prescribe the functions and post structures thereof.[71] The Minister has also been empowered by the National Strategic Intelligence Act 29 of 1994 (Section 5 A.1) to ensure the efficient functioning of the National Intelligence Structures[72], and to control and supervise the co-ordination of intelligence supplied by them. The creation of these posts and structures aims to ensure proper internal control of each intelligence service, which is the second level of executive control after the Cabinet level.

The minister for intelligence determines the budget and provides guidelines for the functioning and priorities of the services (ISS 2007:19) and is empowered by national legislation to take responsibility for formulating policy, to receive reports from the agencies and have the right to approve matters of political sensitivity or undertakings that affect fundamental rights (Born and Leigh 2005:58). His powers and functions are clearly specified in the intelligence legislation; they are real and precise, and make it easier for the minister to control and direct intelligence agencies. Consequently, the South African Minister for Intelligence can be held liable for the actions of the intelligence agencies and can be called to account by parliament.

- Inspector-General

The Inspector-General of Intelligence is appointed by the President as per Section 210 of the South African Constitution and is approved by the National Assembly through a supporting vote of two-thirds of its members. He or she has the mandate and power to investigate

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[71] Section 4(1) of the Intelligence Service Act
[72] South African Intelligence Structures are: the National Intelligence Agency (NIA), the South African Secret Service (SASS), the National Communications Centre (NCC), the Office for Interception Centres (OIC), the National Intelligence Co-ordinating Committee, the South African National Academy of Intelligence (SANAI), and the Electronic Communications Security (COMSEC)

complaints of misconduct, illegality or abuse of power by the intelligence organisations (Ministerial Review on Intelligence 2008:108) which can be made by the Joint Standing Committee on Intelligence (JSCI), a member of an intelligence agency or a member of the public.

It is a criminal offence in South Africa to deny access by the Inspector-General to any intelligence information even when such information is classified as top secret or to deny access to premises that are under the control of intelligence services. This is a very important aspect of the South African intelligence control mechanisms; it allows the Inspector-General to fully perform his duties of monitoring compliance by intelligence organisation with the Constitution, reviewing the activities of any intelligence service, and investigating complaints. The Inspector-General is assisted by staffs that have expertise and experience in intelligence which allows them to detect illegality and misconduct that might be difficult for external investigators to detect.

Although appointed by the President, the Inspector-General is accountable to the JSCI.

- Auditor-General

In South Africa, a comprehensive and sound legislative framework has been established to govern funds and the financial oversight and control of intelligence services. Within this framework there are 2 modern pieces of legislation that reflect the key principles of financial governance in South Africa – the Public Finance Management Act No. 1 of 1999 which prescribes the way in which public funds must be managed by government departments and specifies the responsibilities of the heads of departments, and the Public Audit Act No. 25 of 2004 which provides for the functions of the Auditor-General and the auditing of institutions in the public sector.

The financial control in the intelligence services is conducted both internally and externally. Internally this is conducted at three levels:

1. Through the issuing of directives by the Minister for Intelligence relating to intelligence operations' expenditure;
2. At the level of heads of intelligence agencies where directives that regulate the financial administration are issued to ensure adherence to existing procedures and control systems;
3. Through internal auditing committees within the intelligence agencies that monitor compliance with the directives.

The auditor-General conducts annual audit which he or she presents to both the JSCI and the Minister for Intelligence. He/she undertakes both the performance audits and regularity audits and also reviews the financial policies of the intelligence agencies and informs senior management about the weaknesses of their control mechanisms.

The adequacy of the financial management system has allowed the Auditor-General to help intelligence services to improve their financial control systems. Through regular meetings between the Auditor-General and intelligence agencies' audit steering committees constructive discussions are taking place on the financial planning and execution as well as the findings of the audits and these have proved to be efficient and effective (Respondent No. 25).

• The South African Human Rights Commission

The South African Human Rights Commission (SAHRC) is the national institution established to support constitutional democracy. It is committed to promote respect for, observance of and protection of human rights for everyone without fear or favour.

It was inaugurated on 02 October 1995 under the Human Rights Commission Act 54 of 1994 and its mandate[73] is of promoting the respect for human rights and a culture of human rights; promoting the protection, development and attainment of human rights; and

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[73] Section 184 of the Constitution of the Republic of South Africa

the monitoring and assessment of the observance of human rights in the Republic. It does also have a specific mandate[74] to promote the right to access information and monitor compliance with the legislation.

The SAHRC has the power to investigate and report on the observance of human rights; to take steps and to secure appropriate redress where human rights have been violated; to carry out research; and to educate.[75]It is in relation to this power that the SAHRC plays a role in the oversight of intelligence services.

6.6.3 Mechanisms of Legislative Oversight

The South African intelligence oversight mechanisms are said to be virtually unsurpassed anywhere in the world because they are more elaborate in their control framework and transparency and are based on high-sounding principles that reinforce the necessary Parliamentary and public control (Kasrils 2009:13). Not only that the political culture has been changed during the post-apartheid period but also the institutional culture of the intelligence services has also changed completely (Respondent No. 24). The change in attitudes, dominant values and practices of the members of South African intelligence organisations has been a key factor in determining their adherence to the rules and their professionalization.

This change has been possible because of the following:

1. The perfect alignment of the executive policy on the governance of the intelligence services with the Constitution and democratic principles;

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[74]This specific mandate is set out by the Promotion of Access to Information Act No. 2 of 2000.
[75]http://www.sahrc.org.za/home/index.php?ipkContentID=1&ipkMenuID=28

2. The requirement imposed on intelligence services by operational directives, executive policies and the Constitution to exercise non-partisanship in discharging their mandates;

3. The emphasise of operational directives of the intelligence services on the compliance with the Constitution and the law;

4. The promotion of democratic values, respect for the law, and ethical conduct in the intelligence community through the introduction of a civic education programme by the minister for intelligence.

The South African Parliament executes the oversight of intelligence domain through the Joint Standing Committee on Intelligence. This multi-party parliamentary committee was established by the Intelligence Oversight Act 40 of 1994 and is empowered to fulfil the following functions while balancing the need for secrecy and transparency:

1. Obtaining audit reports from the Auditor-General on intelligence services' financial statement

2. Obtaining reports on the review and evaluation of secret projects from the Evaluations Committee

3. Obtaining reports on functions performed by judges who authorised investigations of intrusive nature

4. Playing an active role in the passing of intelligence legislation

5. Review and make recommendations regarding demarcation and rationalisation of function relating to counterintelligence and intelligence and the interdepartmental cooperation.

6. Order investigations into complaints from the public

7. Hold hearing on intelligence and national security matters, including financial expenditure and administration.

6.6.4 Mechanisms of Judicial Oversight

The clear separation of power and the constitutionalism principle ensures a proper judicial oversight of intelligence in South Africa. The oversight mechanisms at judicial level ensure intelligence services' compliance with legal standards and the rule of law and include the granting of directions that authorise intrusive methods of investigation and the grating of warrants. An Act of Parliament, Regulation of Interception of Communications and Provision of Communication-Related Information Act No. 70 of 2000, adequately outlines the conditions under which such directions can be authorised. There is a general prohibition within the Regulation of Interception of Communications and Provision of Communication-Related Information Act No. 70 of 2000 on the interception of private communication but a member of an intelligence agency is allowed to apply to a designated judge (a retired judge) for an interception direction permitting the interception of a person's communication without their knowledge. An interception direction is issued for a period of no more than 3 months if the judge is satisfied that there are reasonable grounds to believe that the gathering of information using such method is necessary.

6.6.5 Oversight by NGOs and Churches

South Africa is one of the states in the world that have taken the step of codifying in law the constitutions of their security forces. Intelligence services in this country have been tainted by a repressive past and there are always concerns that the culture of human rights abuses may continue if strict measures are not taken. The constitution has been the primary frame of reference for the transformation of South Africa's intelligence dispensation since the end of apartheid. It has provided the basis for forging democratic governance arrangements, safeguarding rights and reforming the intelligence organizations that were

once instruments of deadly repression. This in turn has contributed to the consolidation of democracy (Nathan 2010:209).

Intelligence services enjoy legitimacy as they derive their power from a legal regime that makes it possible for civil society organisations and concerned citizens to assess whether actions taken by intelligence agencies are done on behalf of the state or not and to call the government to take responsibility for these actions in case they affect people's rights and liberties.

It is universally recognised that legality requires that security forces act only within their powers in domestic law. Consequently, only lawful action can be justified by way of interference with human rights under the European Convention (Born & Leigh 2005:19).

The South African Council of Churches, which provided support to victims of gross human rights violations during the investigations of the Truth and Reconciliation, and the Khuluman Support Group, are taking advantage of the existing legal framework to keep an eye on the actions of South African intelligence. As one respondent pointed out:

> *'the South African people have suffered a lot in the hands of apartheid security services; they are like a person who has been bitten by a snake and who is on constant alert and can react even to a simple movement of a grass that is shaken by the wind.'*[76]

This shows how serious NGOs and Churches take the issue of intelligence oversight in South Africa.

The former chairman of the South African Truth and Reconciliation Commission, Archbishop Desmond Tutu, whose religious identity shaped the truth and reconciliation process (Beitler 2012:3), has been very vocal in stating the need for the security serves not to abandon the commitment to the rule of law which characterises the South African democracy in the pretext of 'National security'. This has been echoed

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[76] Interview, 2010, Respondent No. 21

throughout the country by the national Inter-Faith Council of South Africa which also works for peace and social justice and in collaboration with the South African Human Rights Commission.

South Africa has a very well organised civil society in which are academics and NGOs that are interested in the work of intelligence services.

On the academic and research side, the Centre for Security Studies, whose expertise and experience in intelligence matters cannot be equated on the African continent, plays an important role in the oversight of South African intelligence services through its policy briefs, reports and press conferences. The Khulumani Support Group, an NGO that was formed in 1995 by survivors and families of victims of the political conflict of South Africa's apartheid past, is also actively involved in intelligence oversight and has recently submitted a complaint to the Special Rapporteur on Extrajudicial Killings on 1September 2012 following the strike by mineworkers in Marikana area. It was mentioned in this submission that: 'The findings of autopsies conducted on the bodies of those who were killed in the police action, suggest that a significant number of the striking mineworkers had been shot in the back, presumably while trying to flee from police shooting … and that the deaths that resulted from the actions of the police, seem to have arisen as a result of higher level instruction from the state's security agencies' (Jobson 2012).

6.7 Comparative Analysis between South Africa and the DRC

Despite being both newer democracies, there is significant difference between intelligence oversight of South Africa and of DRC. Firstly, there is a variety of oversight mechanisms in South Africa. Different tools of oversight designed to serve at the same time the purpose of improving effectiveness and ensuring legality of intelligence are enjoyed

by both the Parliament and the Government. With regard to the executive control and oversight, South Africa possesses four different mechanisms: ad-hoc oversight committee; permanent oversight committee; inspector general; and chain-of-command control. It also has a minister for intelligence who is answerable to Parliament. The South African Parliament also possesses a number of oversight tools: ad-hoc committee; permanent committee; and the whole Congress. The role and mandate of intelligence services are clearly defined in the Constitution of South Africa and there are specific legislations on intelligence which regulate among other things the appointment and dismissal of directors-general of intelligence agencies.

In contrast, the executive, judicial and the legislative oversight mechanisms are much more limited in the DRC. The chain-of-command control is the sole mechanism of intelligence oversight which has been accepted within the Executive. As for legislative oversight, the Congolese parliament hardly passes any legislation regarding intelligence. There is no within the Congolese Parliament any specific permanent committee on intelligence; this demonstrates that Parliament does not possess any direct oversight mechanism for intelligence. The closest institution is the Permanent Committee on Defence and Security which rarely exercises its power on intelligence matters.

Secondly, in South Africa there is an equitable distribution of intelligence oversight. The government and parliament share the responsibility of intelligence oversight in order to prevent any potential abuses and to ensure the best quality of intelligence. On the contrary, in the DRC, apart from the government, other oversight bodies have little or no access to intelligence activities. Intelligence oversight, like most other matters related to intelligence, is a responsibility of the government.

Thirdly, despite a number of problems which can arise from the oversight mechanisms, the South African intelligence oversight system

is still more effective than that of the DRC. This is because the existence of several mechanisms of oversight in both the government and the Parliament. The effectiveness of these mechanisms also comes from the fact that they complement each other and reduce the weaknesses of one another. For example, following the concept of "separation of power", the South African Parliament helps prevent any self-bias of government's control and oversight mechanisms and the intelligence services' own oversight. Unlike South Africa, the effectiveness of DRC's oversight mechanisms is clearly lower because its oversight elements are very limited and they mostly belong to the executive. There is in the DRC the lack of sufficient mechanisms to help balance biases and weaknesses of oversights bodies and of each oversight mechanism.

Finally, it has already been demonstrated that intelligence is a product of culture of each society, civilization, and social interaction but not an isolated act. It can be therefore confirmed undeniably that these social factors are the root causes of the existing differences of mechanisms of intelligence oversight in both South Africa and DRC. Culture and public awareness[77] towards intelligence are crucial factors that play a significant role in shaping intelligence oversight in the two states. The level of public awareness towards intelligence is higher in South Africa compared to the DRC and since the establishment of a democratic mode of governance in South Africa there exists a culture of transparency and accountability which cannot be compared to the one in the DRC, consequently intelligence oversight mechanisms more effective and widely-used. On the other hand, in the DRC where the culture that does not support challenging the authority of the state still prevail and the degree of public awareness is much lower, intelligence oversight is considered more as the business of the government as a result, it is ineffective and often ignored.

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[77] Public awareness towards intelligence refers to the knowledge of the people regarding what intelligence is all about, who uses it and how it can affect their lives (Bruneau 2001: 332-333).

6.8 Comparative Analysis between New and Old Democracies

First, from the details provided in chapter two on the U.S. mechanisms of democratic governance of intelligence services and the reference made there about the UK, it is clear that the objective of intelligence oversight in old democracies is mostly to ensure legality and effectiveness of intelligence. These countries do possess a variety of mechanisms aiming to achieve the above-mentioned objective. In contrast, the mechanisms for intelligence oversight are much more limited in the DRC and their aim is mostly about improving the effectiveness of intelligence.

Second, in new democracies such as the DRC the responsibility for intelligence oversight is a government business whereby in an old democracy like the U.S. and the UK this is equally distributed between the Congress and the government.

Third, there are always some weaknesses in any type of intelligence oversight. Long-established democracies have taken steps to ensure the effectiveness of their oversight mechanisms by creating multiple mechanisms which complement one another's weaknesses. South Africa has followed the example of the U.S. and UK in order to increase the effectiveness of its oversight mechanisms but the DRC has very limited entities of oversight and this is limiting their effectiveness.

Fourth, the characteristics of intelligence oversight in new and old democracies can be explained by existing culture and the level of public awareness.

Although there are many differences between oversights mechanisms used in the DRC and those used in the U.S. or UK, there are similarities between French and Congolese secret services. Like in France, democratic forms of accountability and transparency is seen in the Congolese mind set as responses to questions that arise from ethical and deontology rather than a tie between accountability and

transparency with efficiency. Because the end goal of intelligence services is dependent to political and strategic circumstances in a country, there is a powerful belief in these two countries that the means used by secret services is legitimated by the objective to be achieved.

In France as in the DRC intelligence services' professional ethic is covered by that of the state. The government assumes full responsibilities for the actions of the services so long as they act and behave in such a way that does not reduce the trust the government has in them. These two countries are both bi-cephalous regimes. Their intelligence services are linked to the Ministry of Interior and the Ministry of National Defence, and they are answerable to the President of the Republic and to the Prime Minister (Faupin 2002:3). In these two countries, the Presidents of the Republic hold supreme powers and their decisions are carried out by the Prime Ministers who are the Top Administrators of the Republics and who represent the Presidents in Parliament. Both France and the DRC have no parliamentary legislations on intelligence services. Instead, they have decrees that operate in a form of closed-circuit state accountability system and have the same powers and weight just as any other statutory laws although they are technically not comparable to statutory laws.

As part of their intelligence reform these two countries have each created coordinating bodies (*Conseil National du Renseignement* for France and *Conseil National de Sécurité* for the DRC) in order to coordinate the activities of foreign and domestic intelligence. These bodies are comparable to the British Joint Intelligence Committee (JIC) and are under the sole control of the executive. But the problem is that this reform raises again the sensitive question of concentration of power in the hand of the President of the Republic instead of distributing it equally between the executive and parliament.

A comparative analysis of the legislative oversight of intelligence in the US and the DRC demonstrates that both the Congolese Parliament

and the U.S. Congress are responsible for passing legislation regarding all defence and security organisations including intelligence services before it becomes effective. They also share a common function of approving intelligence budgets. However, history demonstrates that governments in the DRC always avoided engaging the Parliament with intelligence matters this is why the Congolese Parliament (Senate and National Assembly) has never had any opportunity to pass any intelligence law leaving the intelligence sector being governed by a presidential decree. On the other hand, the U.S. Congress has more power concerning intelligence than the Congolese Parliament. Its Senate holds significant authority not only to confirm nomination of many high-ranking intelligence positions such the DNI and the DCIA (Lowenthal 2007:200).

6.9 Chapter Summary and Conclusion

In this chapter I have analysed the different types of formal and informal oversight mechanisms that are used in the DRC and have compared them with those used in South Africa and in the so called-developed democracies to understand how much the DRC has learnt for the experiences of other countries. Through a critical analysis of DRC's mechanisms of democratic control of intelligence services I have demonstrated that despite all democratic oversight arrangements that have been put in place, presidential preference is still affecting the governance of Congolese intelligence services; Parliament, the judiciary and the public are playing a negligible role in holding intelligence services accountable.

The analysis in this chapter has also demonstrated thatthe choice of oversight mechanism depends more on the type of government that is in place in a country (see Table no.5 below). In relation to executive oversight, I have demonstrated that in both the old and the new democracies executive oversight mechanisms have the same objectives

of ensuring effectiveness and efficiency of intelligence, preventing abuse of human rights and civil liberties, and conducting financial audit of intelligence agencies. Most importantly I have demonstrated that the reform of the Congolese intelligence services has been a success but the major setbacks in this reform of are: the non-existence of a statutory law which defines in details the mission and mandate of intelligence services and expressly put intelligence services under elected politicians who would be held responsible for the intelligence misconducts; the reform process did not amend the practice of the executive. It has done this on paper but in practice the President of the Republic still has too much power over the intelligence matters and this is affecting the effectiveness of oversight system - intelligence services are still functioning under presidential decrees that of course do have the same weight and power as other statutory laws and in which control and regulation are vested. These decrees bind all intelligence agencies into a legal framework and grant them specific capacities but they are not detailed enough and are not publicly available.

In conclusion, it is right to say that despite the lack of legislation on intelligence, Congolese intelligence governance is now firmly grounded within a legal framework as more formal oversight mechanisms have been introduced by the Constitution of 2006.

Table 6: Types of Mechanisms of Executive Oversight

Regime type	Country	Executive oversight mechanisms
Presidential	U.S. and South Africa	Inspector Generals
Semi-presidential	France and DRC	Administrative and legal frameworks
Parliamentary	UK	Special Committees

This table shows that countries where a president of the republic is on top of the hierarchy tend to favour Inspector General Mechanisms. However, Special Committees on Intelligence are preferred in

parliamentary systems of government where there is no President and where the Prime Minister and Cabinet emanate from Parliament.

In semi-presidential countries where power is shared between the President and the Prime Minister oversight of intelligence is done through administrative and legal frameworks that are applied to all other government institutions.

7

STRATEGIC CHANGES IN TERMS
OF TASKS AND TASKING
OF INTELLIGENCE AGENCIES
IN THE DRC

"One of the hardest things to do in the world of intelligence is to discern change…. When people's behaviour has been consistent, you tend to predict the future based upon the past."

David Kay

First Head of the Post Iraq Survey Group

7.1 Introduction

This chapter provides an analysis of changes in the tasks and the tasking of Congolese intelligence services during the post-Cold War period with a focus on the period 2003 – 2011 covered in this study. This chapter has two main aims. Firstly, its goal is to give the reader an understanding of what were the strategic tasks of Congolese intelligence organisations before the establishment of democracy in the DRC and how these organisations were tasked; Secondly, it explores how armed conflicts, and conventional and nonconventional threats drove the changes in the tasks and in the way Congolese intelligence organisations have been directed by the Executive.

The key argument here is that change to the main focus of intelligence services of a state takes place as result of the existing or perceived security threats and targets. This change cannot produce better outcomes unless the state possesses a correct understanding of current security environment and is able to act proactively, interactively and reactively against threats and targets.

The analysis in this chapter demonstrates that the DRC adopted a hybrid form of intelligence during the Cold War period. Intelligence was part of its foreign policy as it was and still is the case in many Western countries such as the U.S. and the UK. Intelligence was also an integral part of the DRC internal security policy as it is the case in many countries of the Global South (China, India, Brazil, etc.).

During the Cold War period Congolese intelligence agencies had a double mission of protecting the interests of Western powers by countering the spread of Communism in the Sub-Saharan Africa, and of protecting President Mobutu's dictatorial regime. These services were tasked accordingly in order to fulfil these sometimes conflicting missions. The analysis further reveals that in the post-Cold War period, particularly during the period under study, the DRC adopted a security intelligence style which aims primarily to ensure security inside national territory and in Africa's Great Lakes region and to influence trade issues and economic development in order to improve the condition of life of Congolese people.

Like many other African intelligence services, the Congolese intelligence services have always been described not as institutions that serve the nation as a whole but as a force for maintaining undemocratic regimes in power. However the fourth chapter of this thesis, which examined the trajectories and nature of the DRC political instability, has demonstrated the role played by Congolese intelligence not only in protecting President Mobutu's dictatorial regime but also in protecting

Western. By examining the strategic missions of the Congolese intelligence service throughout the country's political history and how these missions have changed over time, this chapter seeks to identify the current strategic tasks of Congolese intelligence agencies and how their tasking is currently done.

After analysing strategic changes in the tasks and the tasking of Congolese Intelligence Agencies, this chapter provides, in the second section, a brief literature review on strategic tasks and tasking of intelligence services as understood by the Americans and the British who, as mentioned in Chapter Two, have produced most of the literature about intelligence and who always presume that their view about intelligence is universal. The chapter also provides a different view from the Anglo-Americans by describes how strategic tasks of intelligence services are defined in the Global South particularly in China, Russia and South Africa. This helps in understanding the reasons behind the approach taken by the DRC with regard to assigning new strategic tasks to its intelligence services.

The last section makes a comparative analysis between the "old" and the "new" democracies and highlights how easy it can be for a 'new democracy' to implement changes and reforms than it has been for countries such as the U.S. and the UK.

7.2 Strategic Tasks and the Tasking of Congolese Intelligence Services during the Cold War

As mentioned in chapter four, President Mobutu was an important ally of the United States during the Cold War. During President Mobutu's reign, intelligence services were part of DRC's foreign policy and internal security. Their primary mission was to protect Western Interests and the regime. Change to this approach only occurred at the end of the Cold War.

President Mobutu who was an important ally of the U.S. during the Cold War failed to understand that the U.S. foreign policy toward Africa has changed with the end of the Cold War and that his services were no longer needed.

In late 1980s, the U.S. stopped their support to dictatorial regime and was now in need of a new breed of leaders to advance U.S. policies on the African continent. These policies aimed primarily to democratise the continent and to open up the economy of African states to free market. Failure of Mobutu's regime to think ahead and to embrace strategies of economic liberalisation gravely affected the DRC's power in the region. His regime could not cope with intense challenges of the new outward oriented production and international trade environment which transferred the influence the DRC enjoyed to markets.

In the past fifteen years the DRC experienced different forms of violent conflicts in which states and non-states actors were involved and which intelligence services failed to predict. Several UN reports[78] have indicated that DRC's neighbouring states of Rwanda and Uganda have

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[78] The first report of the UN Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (UNSC 2001a) identifies the pervasive link through which the illegal exploitation of natural resources financed and sustained the second Congo War. It also suggested that there was a change in focus after Rwanda and Uganda made huge profits from the plunder of natural resources during the first Congo War. The report provoked diplomatic pressure from some Western governments (Lasker 2008) because it also highlighted the role played by private companies, supported by their home countries and international financial institutions (Khan 2008). The second report (UNSC 2001b) also suggests that the exploitation of natural resources has become a 'primary motive' for Rwanda and Uganda, although they initially invaded the DRC for security reasons. The UN Panel of Experts (UNSC 2001b: 23) states that the RCD-Goma was 'the creation of the Rwandan State, and that it depended financially, politically and militarily on Kigali'. The UN Group of Experts (UNSC 2008a) demonstrated that Rwanda discreetly supported the CNDP and the FARDC officers extensively collaborated with the FDLR. The Human Rights Report released on 4 June 2012 alleged that Rwanda is supporting and arming the new rebellion in East DRC and is harbouring an International Criminal Court war crime suspect, the renegade General Bosco Ntaganda

been involved in the DRC wars either directly through their regular armies or indirectly by providing logistic, training, and tactical support to several rebel groups that operated in the eastern part of the DRC. These reports have also revealed the involvement of multinational companies in the Congo Conflict.

The failure by Congolese decision-makers to understand changes in the balance of power that was taking place in the Great Lakes region led them to embracing wrong strategic choices. One of our respondents argued in this regard that:

> *"The biggest challenge facing the Congolese nation is its capacity to promote correct understanding of issues that affect its destiny; it is about ensuring a proactive, interactive and reactive appropriation of forces that are favourable to the situation in the country".*[79]

Apart from his own experts, President Mobutu was surrounded by foreign security and defence advisors from the US, Belgium, France and Israel who played important role in strategic planning – the inventory of possible security risks in the Sub-Saharan Africa, and in strategic intelligence – the definition of tasks that had to be achieved by all security and intelligence services in order to counter/prevent internal and external security risks.

Countering or preventing external security risks implied helping the West in their geopolitical struggle against communism on the African continent.

During this period, Congolese intelligence agencies were tasked by the president and his foreign security advisors to observe, inform and protect the interests of the U.S. and its allies in the region and the interests of their people and companies inside the Congolese territory (Respondent No.11). They conducted anti-Soviet operations in

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[79] Interview, 2011, Respondent No. 5

Mozambique and Angola and defeated Gadhafi's army in Chad with technological backing of Israel whose periphery doctrine aimed at disrupting relations between President Nasser of Egypt with Moscow and preventing political unity of Arab nations on the African continent (Péan 2010:152). Mobutu was specifically asked by Israel to provide support to black and Christian rebels in South Sudan known as the Anya-Nya who were manipulated by Israel in order to fight against the Arab Muslims of north Sudan (Bloch & Fitzgerald 1983) and thus allowing Israel to keep an eye on the Arab republic of Sudan which situated in a strategic position in the south of Egypt (Respondent No. 8).

Anti-Soviet operations were also conducted inside the DRC; Communication interception equipment's were provided to Congolese intelligence agencies by the CIA and MOSSAD – The National Intelligence Agency of Israel - and were installed on top of different building in Kinshasa particularly on the building near the Soviet Embassy on the Avenue de la Justice (Respondent No. 11). One of the long serving intelligence practitioners who is also a member Defence and Security Permanent Committee of the Congolese Senate contends that intense spying and surveillance of Soviet embassy staff and local politicians and business people who had contacts with the Soviet Union took place throughout the DRC and were conducted jointly by Congolese intelligence services and their Western counterparts (Respondent No. 12).

Intelligence services were also tasked to counter any other threats to the regime. It is in relation to this that Congolese intelligence services were accused of working to maintain the dictatorial regime in power. But it should be remembered that Congolese intelligence agencies were tasked to pursue priorities that were set by the decision-makers.[80] They operated in the parameters that were a product of values, beliefs and

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[80] This is also done by Western intelligence services in furthering the agenda of their democratic regimes

interests of the ruling regime and of the international community as well as the Congolese society.

President Mobutu was able to prevent and manage conflicts that arose as result of conflict between Western interests, regime interests and the interests of his people; this is why he stayed in power for three decades. But in the late 1980s Mobutu's government and intelligence services failed to predict the change in international political environment. The failure to predict the future led to Mobutu's overthrow during the so-called war of liberation.

Mobutu's government was taken by surprise but, according to one of his key lieutenants (Respondent No. 4), the problem was not that intelligence agencies failed to warn the government, but it was the political response to the warning given by intelligence agencies on the intentions and capabilities of the Laurent Kabila's rebel group. There was no failure in intelligence collection and analysis or in communicating with the government but like in many other surprise attacks, this happened as result of failure by the decision-makers and army generals to take decisions promptly based on received intelligence.

7.3 Changes in Tasks and Tasking of Congolese Intelligence

During the last days of President Mobutu's reign, the dictatorial regime had no more control over its defence and security organisations nor was it able to cater for the social needs of members of the army and intelligence agencies. As result, intelligence agencies were transformed into criminal networks that lived off the population and were involved in money laundering and fraudulent mineral exploitation and trade (Davis 2009). This is situation is not unique to the DRC; generally, when the wind of democratisation blew on the African continent following the end of the Cold War, the nature of "domestic" or "internal insecurity" in most African countries changed from being primarily political to being

primarily criminal (Cawthra 2004:105) as a result of poverty, unequal distribution of resources and unemployment.

When the late President Laurent Desire Kabila came to power the country did not have viable intelligence agencies. He had to put in place a new intelligence service in order to counter security threats that were caused by his former allies (Rwandan and Ugandan) who invaded the DRC from the eastern part after falling out with him just a year after they helped him to topple down the dictator Mobutu. This new intelligence service was a mixture of intelligence officers from the old regime who had the knowledge that the new regime needed for its survival and new officers who were recruited not on the basis of experience or training but mostly on political obedience. Training was provided to the new intelligence services by Zimbabwean experts and new guidelines were put in place to bring about discipline and coherence throughout the intelligence community (Respondent No. 12).

Amongst the changed introduced was the increase of the salary of civil servants[81], the strict respect of the chain of command and severe punishment for intelligence officers who are believed to be working with the enemy (Respondent No. 18). However, introduced changes did not completely change the practices and culture of intelligence services which were carried over by intelligence officers from the old regime who were still in majority in every intelligence agency. As old habits die hard, the DRC ended by having the most incompetent intelligence service it had never had. The result of this incompetence was the assassination of President Kabila in his office on 16 January 2001.

As already mentioned in Chapter Five, when the transitional government began the process of security sector reform in 2003, international experts sent by the donor community suggested that there were no viable security organisations to transform in the DRC; the only

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[81] Salaries were multiplied by ten. Before the war of liberation the lowest paid civil servant received $10 per month but when Laurent Kabila took over from Mobutu the lowest monthly salary was $100.

option, according to them, was to dismantle the existing intelligence organisations which were involved in state repression and organised criminality and to create new ones that would serve the newly established democratic regime. This view is supported by many experts who argue that the capacity building of security structures may be addressed by reforming or reconstructing them from the ashes (Brzoska and Law 2007; Hailu 2009).

However, what international experts ignored was that the dismantling of intelligence organisations and the creation of new ones requires time and huge financial resources which the DRC did not have. There was a political will on the part of Congolese leaders but political will is never enough on its own.

The newly elected democratic government has shown the willingness to reform the intelligence sector and to socialise it to the new political environment but these reforms have been slow due to the lack of resources and continued pressures from the on-going armed conflict in eastern provinces of the country.

But despite these challenges an institutional framework for governance of the security sector was created which entails, as Hans Born (2004:281-82) contends, the establishment of constitutional, legal and institutional provisions that delineate the roles and responsibilities of the executive, bureaucracy, legislature and intelligence agencies themselves.

The new Constitution of the DRC establishes the following security organs that are subjected to civil authority: National Defence Council[82],

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[82] The *Conseil National de la Défense* is constituted by the President of the Republic, the Prime Minister, the Minister of Finance, the Minister of Foreign Affairs, the Minister of Defence and the Minister of Interior. This constitutes a body of elected officials and as such is considered as a component of democracy because its members have the power to hold intelligence agencies to account. It is this body that sets security policy parameters and intelligence collection priorities as well as annual budgets for all intelligence organisations.

Conseil National de la Défense (CND), Armed Forces, National Police Force and the Intelligence Service.

The Armed Forces of the DRC, *Forces Armées de la République Démocratique du Congo* (FARDC), are placed under the jurisdiction of the Defence Ministry and the National Police Force, *Police Nationale Congolaise* (PNC), is under the Ministry of Interior. The National Intelligence Agency, *Agence Nationale de Renseignements* (ANR), is theoretically placed under the jurisdiction of the Ministry of Interior but in practice it is under and it reports to the President of the Republic. This is one of the weaknesses of the system of intelligence governance that has been established in the DRC.

The command channel is not strictly respected- sometimes junior officer report directly to the Minister or superiors within the ruling party and not to senior intelligence officers; other times instructions are given by senior politicians to junior intelligence officers without senior intelligence officers' knowledge. This weakens intelligence organisations and makes the job of the heads of agencies very difficult at both national and provincial levels (Respondent No. 24). It also demonstrates that old illiberal traditions of governance still persist both in the political sphere and in the intelligence services themselves despite institutional restructuring, constitutional reform, and a degree of formal democratisation.

As it was the case in Serbia after Milosevic, Congolese intelligence agencies have been able to maintain many of their existing functions, prerogatives and privileges in the face of political change and reform (Edmunds 2008: 26)after the overthrow of the dictator Mobutu. They still see themselves as being above the law and are sometimes used by the ruling party (the President) to intimidate the opposition.[83]

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[83] It is important to recognise that the DRC has made great improvement with regard to freedom of speech. Despite negative reports by international NGOs and local human rights organisations that are funded by foreign donors; I would argue that there is no country in the Sub-Saharan Africa where people (citizens,

The advent of democratic rule in the DRC after the signing of the Global and All Inclusive Agreement in 2002 and the organisation of the first ever democratic elections in 2006 resulted in comprehensive and fundamental reform of the Congolese security architecture. Efforts have been made to form new security forces that reflect the ethnic, regional and political diversity of the country. Most importantly efforts have been made to transform the intelligence service from being a political police to becoming a truly intelligence service respectful of human rights and capable of protecting the DRC from potential risks and dangers.

The DRC has now adopted a security intelligence style; its defence and security strategic objectives are now to ensure security inside national territory and within the Great Lakes region, and to acquire an unprecedented understanding of strategies and tactics used by its neighbours and rebel groups in their military engagements against the DRC.

The other strategic objective is to influence other countries' foreign policies such as investment and trade with the DRC (Respondent No.12).

The tasks of intelligence services have been redefined in order to help the government to end the on-going war in the East. Consequently, intelligence services use their know how in order to identify countries and multinational companies that support the rebels. The government then uses processed information provided by intelligence services go persuade these countries and multinational companies to do business with it instead of fuelling the conflict (Respondent No. 1).

The mission of the new Congolese intelligence services is currently defined in socio-economic terms because the government believes that it

human rights activists and the opposition) speak freely against the government and the President of the Republic like in the DRC. In Kinshasa alone there are over 40 TV channels, over 50 radio stations and about 10 newspapers. The majority of these media companies belong to churches and leaders of opposition parties and are always very critical about the government.

is only by improving the condition of life of the Congolese people that threats to the country's security will be minimised. It has been established that foreign-backed rebel groups received popular support in the DRC because of the incapacity of the government to satisfy the basic needs of the population Intelligence agencies are tasked accordingly and are allowed to be self-tasking in certain circumstances as long as their operation remains within the defined national integrated security strategy (Respondent No. 24).

Apart from their classic missions, intelligence services have been given a new strategic mission of ensuring security of the election process and voters on Election Day in a similar way as South African intelligence services played a role in the security of special events such as the FIFA World Cup preventing risks to the electoral process (General Cele 2010; CNN June 10, 2010).

The involvement of intelligence services in the electoral process needs to be understood with the context of the need for intelligence organisations to maintain a strategic interest in the stability of the state so as to prevent an outbreak of violent conflict so common in post-conflict environments and emerging democracies.

Since independence, the culture of organising regular democratic elections did not exist in the DRC but now elections are held every five years.

During the 2006 and 2011 elections, the key role of intelligence in the preparation for these elections was to provide assessments of possible security risks to the electoral process such as violent protest[84]

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[84]Generally, violence arising from election results contestation is not considered as an intelligence failure because often the pressure to hold elections may outweigh any intelligence warning of possible violence arising from them. But in situations where the security of electoral process is among the strategic missions of intelligence services, as is the case in the DRC, post-electoral violence can be considered as intelligence failure. Intelligence services serve the government of the day and the ruling party is a contestant in an election, so intelligence services may find it very difficult to advise their 'client' objectively in such circumstances.

etc. and to provide recommendations on how to prevent them.[85] They also had to look into the voter registration process to prevent possible frauds especially the registration of people from neighbouring countries; they provided security reports on all presidential and parliamentary candidates and security during electoral campaign. Most importantly they had to find out who among the 7 presidential candidates was favoured by neighbouring countries, investors and international donors. This is another way how African politics has been affected by globalisation. Contrary to European countries were the will of the people counts more than anything else in the selection of the Presidents of the Republic or Prime Ministers, to become a President of the Republic in Africa one must be loved by the people but at the same time he or she must be seen by powerful nations as being capable of protecting their interests.

The international community, particularly Western countries and international organisations have been actively involved in the security sector reform but their involvement was mostly in the reform of the army and the police. The Congolese government has been reluctant to the involvement of foreigners, particularly Westerners, in intelligence reform process as they considered the intelligence sector as the most sensible area on which the stability of the state depends. However, the Congolese government was not that reluctant to the involvement of China and other African countries in the intelligence reform process. According to a member of the National Assembly's Defence and Security Special Committee, 'the intelligence system of the DRC was

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[85]The National Intelligence Agency (ANR) played a more 'activist' role by providing the ruling party with strategies on how to win elections in each of the 11 provinces of the DRC. Because the ANR had the exact knowledge of grievances and expectations of the population in each province, its senior members were asked by the ruling coalition to provide the first draft of the speech that the candidate Joseph Kabila had to say during the electoral campaign. This speech was tailored according to specific needs of each province (Interview with Respondent No. 1, December 2011).

designed by their Western partners since the colonial times,… these partners knew our intelligence system inside out; they passed secret information about our strength and weaknesses to our enemies and they built the capability of intelligence services of our enemies… this is why we have not been able to win any war or to timely know the intentions and capabilities of neighbouring countries that invaded our country and the capabilities of several rebel groups they have created in our country in order to loot our mineral resources,… our people have suffered a lot, we cannot make this mistake again'[86] (Respondent No. 35). This view is shared by many Congolese politicians and the population who in majority are in favour of their government's strategic choice of new partners in Africa, Asia and Latina America.

Angolan, Chinese, Tanzanian and Zimbabwean experts have provided training in specific areas of intelligence as decided by the Congolese National Defence Council, and several intelligence agencies' personnel have been sent for training to China which has economic and infrastructure development relationship with the DRC (Respondent No.23).

A senior Congolese intelligence officer who has been sent for training to China and who is currently doing doctoral studies on intelligence in Belgium has informed us that the government of Congo has not put an end to intelligence collaboration with the West as this is important in ending the current war and in prevent future conflicts in the region; it has rather expanded its collaboration in order to also learn from the experiences of countries of the global South.

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[86] This is also the view of many officials in the Congolese government who confirmed to the researcher that Rwanda and Uganda have received technical support from the U.S. and the UK as a reward for international community's late intervention in Rwanda when genocide was taking place. The researcher hasn't been able to verify these allegations.

Intelligence capacity building has been integrated in commercial and development agreements[87] for two reasons: first, the country does not have enough financial resources to commit to the building of the capacity of intelligence agencies; secondly, as a sovereign state the DRC wants to establish new security and intelligence relations with new partners such as China, India and Brazil.

Strategic changes in terms of tasks and tasking of Congolese intelligence did not take place only at policy (government) level; it also took place at organisational level. The government has identified a new purpose of intelligence organisations and the plans and actions have been identified to achieve that purpose. Consequently, some organisational changes also took place within the intelligence sector in order to adapt the intelligence structures so that they can deliver on the new strategic objectives assigned by the executive. This is in line with the theory of strategic management[88] which identifies a two-level strategy for both the public and private sectors. Corporate level strategy implies the mapping out of future directions that need to be adopted against the resources possessed by the organisation, and business-level strategy is the match between its internal capabilities and external relations or the way in which an organisations can respond to its suppliers, its customers, its competitors and the social and economic environment within which it operates (Ansoff 1969; Lynch 2010).

The change in the purpose of Congolese intelligence happened for two main reasons:

1. Proactive choice and activities of the newly elected democratic government.

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[87] Several intelligence officers are currently on training in China following the 9 billion USD infrastructure-for-mineral resources deal between China and the DRC (Respondent No. 23).

[88] Strategic Management is the pattern of major objectives, purposes or goals and essential policies or plans for achieving those goals, stated in such a way as to define what business the company is in or is to be in and the kind of company it is or it is to be. (Andrews 1971:28)

2. Reactive response of the Congolese government to activities and choices of state and non-state actors within the Great Lakes region as well as global changes

Right after the elections of 2006 the new leadership under President Joseph Kabila began by identifying both internal and external sources of instability and then they defined strategic objectives that were to be achieved in the short, medium and long term in order to bring stability in the country and the region and make the DRC regain its geopolitical weight and influence within the region and internationally. It is based on this redefinition of strategic objectives that the new mission of the intelligence community was identified and changes were introduced in their structures and working practices. This shows the extent to which internal and external dynamics[89] can influence the change in the purpose of an organisation and can be illustrated as follows:

Figure 3: Internal and External Dynamics

Purpose

Internal dynamics factors

1. Internal innovations
2. Leadership
3. Stakeholders
4. Ownership

External dynamics factors

1. External innovation
2. Competition
3. Cooperation
4. General environment shifts

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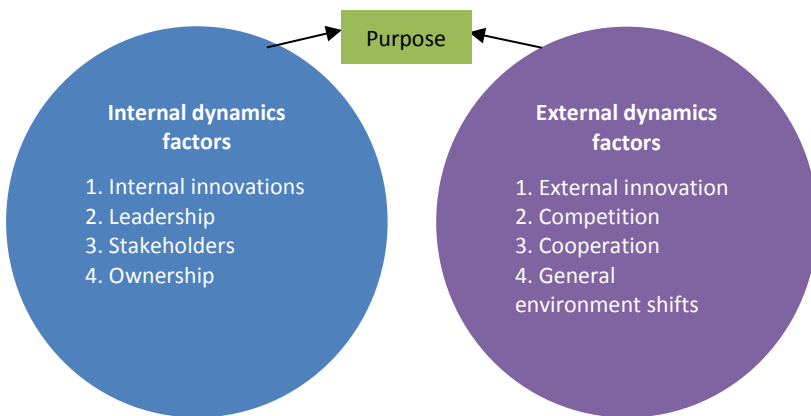
[89]Dynamics means movement, and concern with the dynamics is concern with the patterns phenomena display as they evolve over time. Dynamics phenomena are ones that display patterns of change over time, and the study of dynamics is concerned with what generates these patterns and what properties of stability and instability, regularity and irregularity, predictability and unpredictability they display (Stacey 2011:28).

The above figure demonstrates the relation between the structural evolution of Congolese intelligence and the context in which changes took place. From the standpoint of organisation theory, intelligence organisations have two environments which act upon their internal structures (Davies 2004:318): the intra-government administrative and political environment and the operational or extra-government environment. As mentioned in chapter 5, in the DRC, intelligence reform took place during the transition period when many other reforms were taking place. Internal political factors and new innovative government style brought about by the new leadership influenced change in the relationship between intelligence services and policymakers and in internal structures of intelligence organisations.

The need for the government to remain well and timely informed on the political, economic and social developments in Africa's Great Lakes region pushed intelligence organisations to innovate so as to remain competitive while cooperating with other intelligence organisations in the region. The operational environment of intelligence services was thus expanded due to regional and international political environment.

Although the continuously changing regional and international security environment is believed to be the main factor that influenced DRC's change in strategy, it is also important to take into account the historical strategy perspective because the previous history of an organisation is a key determinant of its future development. According to the historical strategy perspective, the purpose of on organisation and its outcomes must, at least in part, be seen as being influenced by the organisation's present resources, its past history and its evolution overtime (Lynch 2010:172). The political history of the DRC informs us that the mission, the objectives, and the structures of the Congolese intelligence have been changed every time when the country was faced with new major security challenges.

The Congolese intelligence services, under President Mobutu, have been good in predicting changes in the international political system; this has allowed his government to take proactive measures to counter all security threats and this is why Mobutu was been able to maintain security within and outside the borders of this huge country. During that period, the DRC had a vision of becoming a superpower in Sub-Saharan Africa at the same level as Nigeria and South Africa but this vision could not be achieved with a non-democratic system of governance. Now that democracy is being established and efforts are being made to reform the security sector and change the current intelligence culture, there is hope that the DRC will achieve this ambition soon. The country is on the right path although there still a lot to be done with regard to the governance in general and governance of the intelligence sector in particular. More resources are allocated to intelligence than ever before and the government is managing better the dynamics of the environment because its intelligence services are now more able to predict the regional security environment (Respondent No.3). The goal of strategies taken both at Cabinet and intelligence agencies level is adaptation to current change and evolution overtime, resilience to setbacks, and the ability to locate constantly changing sources of advantage. Ultimately, it means engaging in continual revolution (Brown and Eisenhardt 1998).

The tasks of intelligence services are defined by the Cabinet[90] after receiving recommendations from the National Security Council and the Prime Minister is assigned the duty of directing all intelligence services. This is a very important aspect of current reforms because leadership and culture are very important at this board general level. One of the issues that need to be addressed is the non-respect of command structures and the fierce competition between intelligence agencies - they are fighting over scarce resources and for winning the trust of the

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[90]The Cabinet is made of the President of the Republic, the Prime Minister, Deputy Prime Ministers, Ministers and Deputy Ministers.

President, the commander in chief of all defence and security institutions.

7.4 Change and Continuity in Strategic Tasks and Tasking of Western Intelligence: The American and British Example

During the Cold War period the primary strategic objectives of the U.S. and its allies was to outspend the Soviets in the arms race and to counter the propagation of Communism around the world. The Soviet Union posed a real threat to Western interests and as such strategic measures had to be taken in order to protect these interests. The tasks of intelligence services in most of the Western countries were defined in relation to security threats which were expected to come from the Soviet state and its allies. It was believed that states always act predictably and rationally; therefore intelligence agencies were tasked accordingly and their resources were used to meet all the challenges that could come from states, not from non-state actors.

The set strategic objectives of Western intelligence services were met when the Cold War was brought to an end in the late 1980s. The end of this war was viewed by many as the end of bipolarity and of challenges and risks to the Western bloc. It was also viewed as the beginning of a new era during which new types of threats were to occur. Therefore, intelligence services had to adapt themselves to the new security environment especially as it became clear after the 11September 2001 terrorist attacks that security challenges and risks in the post-Cold War period are mostly not state-based and are not based on the same principles as in Cold War.

Some internally driven innovations were expected to take place within intelligence communities of countries in order to create intelligence organisations that are able to adapt their work to the development of society and to meet anticipated or evolving challenges.

No major changes were expected to take place in strategic tasks of intelligence organisations but just a simple process of fine-tuning the intelligence system or innovation.[91]

However, the occurrence of new form of threats in the post-Cold War period has forced Western governments to change[92] the strategic tasks and organisational structures of their intelligence, not just to innovate.

The new form of threats include the (re)appearance of terrorism, organised crime, piracy, the rediscovery of state espionage and the proliferation of weapons of mass destruction. Consequently, it was necessary for changes to take place in states' early warning systems designed to detect sources of risks and threats (Nicander 2011:540).

Ever since, the U.S. and other Western states continue to implement changes in the way their intelligence services respond to security risks and threats every time that this is necessary.

Best (2009) argues that reform and innovation within intelligence communities are undertaken for the following reasons:

1. To increase the efficiency of an intelligence community. This happened within the context of the Cold War;
2. As result of failures of impropriety (the Iran-Contra deal, the Bay of Pigs, etc.) in order to counter criticism;
3. To refocus the structures and requirements of intelligence community; this is what is happening in the post-Cold War era and has led to changes in the tasks of intelligence agencies. In the light of current conventional and non-conventional threats, the

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[91] Innovation is here understood as 'the development and implementation of new ideas by people who over time engage in transactions with others within an institutional order' (Van De Ven 1986:590).

[92] The theory of innovation according to Lars Nicander (2011) suggests that change is most often something imposed upon an organisation, especially in the wake of an obvious failure, while innovation, which can be internally driven, is a process of fine-tuning the system in order to meet evolving or anticipated challenges.

mission of U.S. intelligence agencies is to safeguard U.S. interests from those various threats. Their tasks are primarily to supply intelligence customers (foreign policy customers) and to maintain information superiority. Information is gathered and analysed to support policy and for better coordination of actions.

The biggest and common change in the tasks and tasking of intelligence services in the post-Cold War period is the development of new coordination and accountability mechanisms and the adoption of new national intelligence strategies in almost all Western countries including the U.S. and the UK. Coordination mechanisms are a tool for monitoring performance within intelligence community and for ensuring accountability (US DNI 2009). To be more effective these mechanisms need to be developed with the idea of learning from the past. Both organisational learning and individual learning from the past are necessary for intelligence to be fit for purpose in the era of new security threats. The Central Intelligence Agency (CIA), for example, has undergone changes since the end of the Cold War after the re-evaluation of the need for and use of intelligence agencies in a different kind of security environment. There was no major structural reorganisation but the Office of Leadership Analysts was dissolved and new technologies and techniques were developed and incorporated into its production processes. Its analytical corps also underwent significant changes - at first it shrunk as part of the peace dividend, and then it expanded as part of the post-9/11 adjustments to security sector requirements - the infrastructure supporting its analytical function was expanded and solidified (Marrin 2011:1).

While it is true that the September 11 attacks had a transforming effect on U.S. intelligence community as a whole, it is also true that the absence of Weapons of Mass Destruction (WMDs) in Iraq had a greater transforming effect on U.S. intelligence community analysis. Because of

this alleged intelligence failure[93], the emphasis of U.S. intelligence community is now on current intelligence analysis not on strategic or estimative intelligence analysis. The kind of change that the U.S. had to implement in the wake of the September 11 is a responsive change and is different from changes implemented by the DRC during the process of intelligence reform. Changes in the DRC intelligence system are proactive changes in the sense that the DRC had a choice to launch or not to launch them. The U.S. had no other choice but to manage adaptation for survival.

The U.S. intelligence system has undergone transformation in order to achieve strategic advantage over al-Qaeda and other new security threats while the aim of the DRC intelligence transformation was more about showing international donors that the government is complying with their demand for democratic governance of the security sector in the DRC (Respondent No.3).

Historically, changes or responsive changes in tasks and tasking of intelligence services occurred in many countries as a result of a failure.

Lessons are best learnt by intelligence services as well as other organisations from setbacks and defeats; not from successes. After a setback or defeat, organisations tend to identify, document, and capture lessons derived from past practices in order to learn from and improve on past successes and failures (CIA 2005). This is exactly what the UK

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[93]Some academics and practitioners argue that the 9/11 was a policy failure, not a failure of strategic intelligence analysis. They argue that U.S. decision-makers had enough intelligence which could help them prevent the attacks. Richard K. Betts argues in this regard that poor or late political response to ample warning makes surprise attacks successful even when the victim has achieved adequate raw intelligence that offers warning in advanced (1983; 2009). Daniel Byman (2009) has been critical of both the U.S. government and the intelligence community; he argues that agencies such as the CIA at times did impressive work against the terrorist organisation, but in general the U.S. government and the U.S. intelligence community in particular, lacked a coherent approach for triumphing over the skilled terrorists it faced. In hindsight, it is clear that numerous mistakes at all levels of the U.S. government and the broader U.S. analytical community made strategic surprise more likely.

has done by creating the Joint Terrorism Analysis Centre (JTAC) and the Joint Terrorism Task Force (JTTF). The UK's JTAC is an operational fusion centre and has become a model for the U.S., Denmark, France and the Netherlands.

Following the UK example, the U.S. created the Interagency Intelligence Committee on Terrorism (IICT), which has a coordinating role. The UK's approach to change was a bit different from that of other Western countries. It included both proactive and reactive measures.

According to the Office for Security and Counterterrorism, the UK counterterrorism strategy has four key elements and is based upon the principles of the four Ps:

1. *Pursue* – to stop terrorist attacks
2. *Prevent* – to stop people from becoming terrorists or supporting violent extremism
3. *Protect* – to strengthen UK's protection against terror attack
4. *Prepare* – where an attack cannot be stopped, to mitigate its impact (Home Office Counterterrorism Policy 2013)

The UK has learnt a lot in fighting terrorism from its Northern Ireland experience. During the Cold War, the strategic tasks of UK intelligence agencies were primarily to identify and monitor security risks that were to emanate mostly from the Soviet Union and Northern Ireland and to provide policymakers with necessary intelligence. But in the post-Cold War period UK intelligence community[94] has adopted an adaptable posture. All its security organisations continue to be tasked each according to its specific mission but they all have two main

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[94] The UK intelligence Community includes the three security and intelligence agencies – the Government Communications Headquarters (GCHQ), the Security Service (MI5) and the Secret Intelligence Services (MI6) – As well as the Defence Intelligence (DI), the Joint Intelligence Committee (JIC), the Joint Terrorism Analysis Centre (JTAC) and intelligence staff in other government departments, all operating within a strict legal and oversight framework

objectives that are set out in the National Security Strategy. The two objectives are:

1. To ensure a secure and resilient United Kingdom by protecting British people, their economy, infrastructure, territory and ways of life from all major risks;

2. To shape a stable world, by acting to reduce the likelihood of risks affecting the UK or its interests overseas, and applying its instruments of power and influence to shape the global environment and tackle potential risks at source.

Intelligence agencies are expected to provide strategic intelligence on potential threats to UK security and for opportunity for the UK to act against any type of threat or to deter the most extreme threats (National Security Tasks and Planning Guidelines).

In line with the Strategic Defence and Security Review for Intelligence UK intelligence Community is to operate flexibly and to:

- Focus intelligence collection and assessment on providing strategic insight and understanding, to inform policy and decision-makers
- Provide early indications and warnings of the intentions of hostile or potentially hostile states and non-state actors, and insight into their capabilities
- To work to identify the scope and scale of terrorist and weapon proliferation networks, which can inform efforts to disrupt them, including work with allies to interdict illegal shipments
- Carry out investigations into terrorist activity, from early attempts to radicalise through to detailed attack planning
- Maintain UK's ability to provide timely technical assessments of emerging weapons systems and technologies, to inform defence planning and the defence equipment programme (UK Strategic Defence and Security Review 2010:43) .

The UK Intelligence Community has also to further expand its relationship with other nations with whom the UK has shares security interests through joint operations and intelligence exchange. It is also working with newer intelligence partners to help them to develop their capacity and skills, to improve their combined efforts. It is in line with this last task that the UK has been involved in the reform of the Congolese security sector since 2003.[95]

From the above it is clear that some strategic changes have been made in the UK on the way that intelligence agencies are tasked and their tasks have been extended. Changes have taken place but there is also continuity. The focus of intelligence agencies is still more on prevention but they are also working to increase UK's ability to respond to more developed threats. To be more effective, some lessons are being learnt from other countries both in the West and in the Global South. The UK should for example try to understand why a country such as France, which has a large ethnic population drawn from North Africa and the Middle East, has suffered no significant terrorist attacks since the mid-1990s and why Indonesia has been successful in fighting insurgency.

Changes have also taken place in the U.S. in terms of tasks and tasking of intelligence agencies. The geopolitical ambition of the U.S. has and will always remain the desire for dominance. The U.S. goals have always been to maintain a predominance of power, neutralise threatening challenges, and protecting freedom of action. Since the end of the Cold War the U.S. is enjoying hegemony after its victory over the Soviet Union but it is not sure whether it will be able to preserve this hegemony for a long time as China's power is rising. U.S. strategic tasks will not be easy to achieve even though the annals of the past demonstrate that no rising challenger, however capable, has ever

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[95] The UK is currently the DRC's biggest donor.

succeeded, at least thus far, in supplanting any prevailing hegemony through cold or hot war (Tellis, 2008).

It is well understood that the struggle for supremacy or power in global politics will not be limited to encounters between the U.S. and China. This struggle will also involve non-state actors who are involved in global economic processes. It is with this in mind that the U.S. administration has redefined the U.S. strategic tasks, whose main aim is to strengthen its power position, to ensure it remains powerful than its friends and allies as well as its rivals.

The U.S. security and intelligence agencies' tasks have been reformed to allow them to effectively and efficiently contribute to the development of sound policies that favour innovation and economic growth. Joint Intelligence Operations Centres were created since 2001 to allow intelligence agencies to respond to myriad of unanticipated and anticipated requirements in military operations; and new capabilities are being developed to detect, recognise, and analyse new forms of warfare as well as to explore joint approaches and strategies to counter them (U.S. National Defence Strategy 2008).

The EU-US and intra-European intelligence cooperation, which has been in train during the Cold War era, has been enhanced in the post-Cold War period.[96] The increase in international intelligence cooperation, known also as 'liaison', is caused by the globalised nature of new threats.

Most of the targets that intelligence agencies have been asked to address since the end of the Cold War have an increasingly globalised dimension and in response intelligence and security agencies are being forced to transform their activities (Aldrich 2009a:27). Changes resulting from globalisation include the privatisation of some key

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[96] While cooperation between certain Western states in some areas of intelligence operations (such as signals intelligence) is longstanding, since 9/11 there has been an exponential increase in both their scope and scale (Born et al 2012)

functions of intelligence agencies and increased intelligence cooperation between domestic intelligence services of different countries. Several contracts have recently been signed between governments and private intelligence firms allow them to perform tasks that are usually done by state intelligence. Iraq is an exemplar of this. Also, domestic intelligence services of the West are now collaborating with domestic intelligence services in the global south whereas international intelligence cooperation used to be between foreign branches of intelligence services.

Globalisation refers to the supraterritorial spaces which have been developed lately and which exist alongside the conventional territorial sovereignty. In using the word 'globalisation', social scientists mostly emphasise spatial aspects of it. Their focus is always on political and social geography. Globalisation is used in this thesis as shorthand for an array of phenomena that derive from unorganised and stateless forces but that generate pressures that are felt by states (Kirshener 2006:1).

Globalisation impacts upon intelligence in three ways. First, in terms of targets, globalisation has created a borderless world in which states move clumsily but where their many illicit opponents move elegantly. While states secret services continue with their custom of not acting rapidly or sharing high-grade intelligence material on anything but a selective and bilateral basis (Aldrich 2004:734), the new religious terrorist networks and organised criminals work faster and share killer punch intelligence using both the new communication and information technologies and the old and seemingly neglected human intelligence techniques. Secondly, the role of intelligence services had to be reshaped in order to make them more action-oriented and capable of helping the engines of global governance to police the well-advanced economic globalisation. Thirdly, although globalisation has failed to produce effective global governance, it has spawned a vast network of global civil society and human rights campaigners who have brought

high expectations for ethical foreign policy, regulation, transparency and accountability (Aldrich 2009b).

In this globalised world, states no longer have the monopoly of collecting and using intelligence. Many non-state entities, including banks, NGOs, Oil Companies and terrorist organisations have intelligence services.

Change is taking place generally in all organisations in order for them to meet new challenges. I should point out that although there is a change to which intelligence organisations have to respond to, this change is not unprecedented. After every surprise attack or change in the balance of power within the international system it is normal for an intelligence system to implement change in its structures and operations. Grey (2003:4) rightly argues in this regard that 'the past seems more stable than the present because it is familiar to us, and because we experience the past in a sanitised and rationalised form yet it is possible to point to any number of periods in the past when, for those alive, it must have seemed as if the world was changing in unprecedented and dramatic ways'.

As there are now a disperse range of threats, there are also a disperse number of intelligence collectors and customers. This reflects the world in which it is very easy to connect people and to share information (low classified information) between people, corporations and state intelligence organisations. Corporations like TESCO, BT and HSBC have become big intelligence collectors and customers. The laws passed in many Western countries, which put an obligation on citizens to report any suspicious situation have also extended the boundary of intelligence, making all of us the collectors of intelligence.

7.5 Change and Continuity in Strategic Tasks and Tasking of Intelligence Services in the Global South: China and Russia

The primary function of the intelligence communities in many countries of the global South has always been to secure the regime. The Congolese intelligence services have somehow been an exception to this as they were assigned the dual mission of protecting both the regime and Western interests during the Cold War period and that of protecting the democratic dispensation during the post-Cold War period. In contrast to weak and constrained domestic intelligence branches in Western countries, most domestic security agencies in the so-called underdeveloped world enjoyed arbitrary power (Andrew & Elkner 2003); they were responsible for the gathering and interpretation of political intelligence which was used for silencing internal political opposition and countering any other threats to the regime.

Intelligence services of Russia for example, devoted their resources not only to domestic surveillance within their own borders but also in domestic policing abroad against opposition groups that had sought asylum in other countries. This is the security intelligence style that has been followed by most if, not all, countries in the Global South.

Security intelligence is still the model in most of these countries because they are more concerned with those issues that directly affect their internal security and don't bother much about global security issues and also because the distinction between 'foreign' and 'home' is no longer valid in this globalised world. During post-Cold War period Russia has continued to multiply efforts in order to return to the rank of a great power. Since the 2000s, Russia's central objective has been to become an independent centre of power and influence (Tsygankov 2001:1). It has created international coalitions, particularly strategic alliances across the world and within the former Soviet region. Its intelligence services are working to reduce the possibility of a major war

with the West and to help the Kremlin to shape the international economic and political system and make sure Russia is recognised for such efforts.

Following the end of the bipolar Cold War world, Chinese leaders and strategic analysts were troubled to find out that, contrary to their expectations, the international security situation did not shift to a more multipolar balance of great powers (Gill 2007:3). The global primacy of the U.S. and the possible achievement of its security goals through the mobilisation of powerful allied force were of concern to Chinese leaders and their strategists who feared that China's interests would be endangered if the U.S. decides to use force in support of the increased intentions for independence expressed by Taiwan.

At the same time, the Communist regime was faced with increasing difficult economic, social and political challenges at home.

To overcome these challenges, China developed a Grand Strategy that has two strands. The first is an active multilateralism designed to reassure Asian neighbours, and by extension the rest of the world; and the second strand is to nurture partnerships with the major world powers, especially the U.S., Russia and the EU, despite inevitable tensions (Hunter & Cheng 2008:846).

A change was also made in its intelligence approach. In their effort to assist the ruling Communist Party to implement a programme of action, intelligence services were no more required to devote their time and resources to the production of strategic intelligence to support policy-making but to work hard to support policy implementation.

China's intelligence targets are focused on a long-term goal pursued over decades and designed to exploit fundamental weaknesses in the security infrastructures of the West (Brenner 2001). Its approach to security includes diplomatic alliances and military actions. In this integrated strategy, an emphasis is put on stratagems including deceiving putative enemies and undermining their home fronts; secret

logistical preparations; winning over enemy civilians, soldiers, and leaders; avoiding defeats and casualties; maximising victories; and predicting the aftermath of war before engagement (Sunzi cited in Hunter and Cheng 2008:840).

Since the mid-1990s, China has changed its security diplomacy from practices that were not consistent with broad international practice and norms to a more proactive, constructive, and practical approach to global and regional security affairs. In response to increased U.S. strategic presence in Asia and its global counterterrorism engagement following the 11 September 2001 terrorists' attacks, China has established new partnerships in Central and Southeast Asia, Europe, Africa and South America which seem to be productive and increasingly solid. This has enhanced China's reputation as a responsible and non-aggressive player on the world stage.

The combination of this diplomacy with economic growth and pragmatic security policies that are more consistent with U.S. interests, regional expectations and international norms have improved China's image and position in the international system.

China's intelligence services are tasked to contribute to China's rise in power. They have developed capabilities in intelligence collection in cyber-space and are playing an important role in the establishment of economic relations with Africa; putting the communist state a step ahead of the West in economic affairs. Western interventions in Africa aim at creating stable states based on democracy and the rule of law but China's intervention is based primarily on strengthening African governments' ability to meet economic needs of their people.

China's strategic approach has been welcomed and appreciated by many African nations. This has frustrated the U.S. and its allies who appear to have made their policies based on false assumptions. They failed to understand that economic development is what African people need most, not democracy. Through intelligence services' assessments,

Chinese authorities came to understand that during the post-Cold War period security risks to African states would result mostly from the non-satisfaction of socio-economic needs of the population. They therefore made a strategic decision of investing in Africa more than ever before and the way they conduct their business is considered by most Africans as a win-win situation.

China's intelligence community continue to support the communist regime but it also has the strategic task of countering regional threats which might disturb its internal security.

7.6 Changes in Strategic Task and Tasking of Intelligence Services in Africa: The South African Case Study

Changes in the tasks of intelligence services and the way intelligence agencies are tasked in Africa began in late 1980s and took an increased speed after the 11 September terrorists' attacks on the U.S. These changes were brought in as result of peoples' pressure for more accountability and the need to redefine the relationships between African countries and the world superpower (U.S.), on one hand, and with the world new raising power (China), on the other hand.

While continuing to work to counter/prevent threats to the regimes, most African intelligence services are now working to prevent security risks to their people and are helping governments to meet socio-economic needs of their populations. This confirms the argument put forward by Hunter and Cheng that 'states determine policy according to their strategic interest, rather than lining up behind the superpowers' (Hunter & Cheng 2008:845).

African intelligence services are now engaged in regional security cooperation. Most of them now have counterterrorism mission and are conforming themselves to broad international norms while retaining their core mission of protecting the regime. It may be right to say that

some changes have taken place in African intelligence services but there has also been continuity in the way they are organised and operate. The most successful story about intelligence reform in Africa is that of South Africa.

One of the findings of the first Human Security Report published by the Human Security Centre at the University of British Columbia is that since the end of the Cold War, there has been a dramatic and sustained decline in the number of armed conflicts (HSC, 2005). The report also indicates that 95 per cent of today's armed conflicts are fought within, and not between, states (HSC, 2005:15). The decrease in external risks emanating from other states and the increase in internal security risks, that may be caused by people's grievances, natural disasters, HIV/AIDS, organised crime and terrorism, have led to change of strategic orientation in South Africa, a country situated in sub-Saharan Africa, the world's poorest region where most of today's armed conflicts are being fought. The situation in this region confirms that there is a clear relationship between conflict and poverty (Cilliers, 2007:66).

During the Cold War period, South Africa's strategic orientation was that of confrontation. Its national security system was defence oriented and military-led as both bureaucrats and politicians had the perception that the military produced superior and timely ideas, and that military men were leaders who best knew how to do things (Seegers, 1991:253); its intelligence services were very effective in handling perceived and actual threats to nation's existence. During this period, when the apartheid regime was faced with internal and external attacks from the military wing of the African National Congress (ANC), the Umkhonto we Sizwe, which was harboured in southern African countries of Angola, Botswana, Tanzania, Zambia and Zimbabwe, security organisations, including intelligence services, were tasked accordingly and had to work toward the achievement of clearly defined strategic objectives. Their main task was to protect the apartheid regime from

Umkhonto we Sizwe's attacks and ANC's underground work within the country. They also had to warn the government against the intentions of the above-mentioned states to support the ANC and to go to war against the apartheid regime. The threat of conventional war between South Africa and its neighbours remained high throughout the Cold War period; it decreased only when peace negotiations began between the ANC and the apartheid government and which were subsequently followed by the election of Nelson Mandela as the first ever democratically elected black president in 1994.

The issue of relationship between the society and national security organisations, which is of great strategic importance, was not taken seriously by the apartheid regime. The apparent penetration of the majority of the population (black population) inside the country and of the ANC's political and military structures in exile by apartheid's intelligence services as well as the success of the strategy of brute force to quell resistance (Kasrils, 1993:244) gave the impression that the country's most important strategic objective was met. However, later situations revealed that government's defence and security policy was not based on accurate assessment. The military strength of the ANC and its closed links with the oppressed majority as well as the effect of international pressure were underestimated. Consequently the government was forced to negotiate a peaceful transition and ever since Civil-Military Relations have been central to every strategic planning.

After the fall of the apartheid regime, South Africa's strategic orientation changed from confrontation to collaboration. This was not a sign of weakness because South Africa has the strongest army and well governed intelligence services in the Sub-Saharan Africa; it was rather a strategy for improving political relations between South Africa and its neighbours and for increasing trade relations between them. Many countries in the Sub-Saharan region are transiting from dictatorship to democracy and are in the post-conflict reconstruction period and their

economies are still weak compared to that of South Africa. The conflict situation in this region provided new business opportunities to South African firms and a strategic advantage to the South African government. South African businesses, including Private Military and Security Companies, were found on both sides of the conflict in several countries including the DRC. Since when the wind of democratisation blew on the African continent in the post-Cold War period, the South African government has been actively involved in peace negotiations all over Africa and its army has been involved in peacekeeping operations - its defence and security services are tasked to support the government's effort to contribute to human security on the African continent. Through its diplomatic engagement in the resolution of conflicts on the continent and its support in peace-building, the South Africa government has been able to place itself on the list of best friends in many countries. This has given South Africa a sort of '*droit de regard'* on every strategic decision that is taken by regional and international organisations about the African continent, specifically in Sub-Saharan Africa.

The change in a country's strategic objectives leads to change in the tasks of intelligence services and in ways in which intelligence organisations are tasked. For the first time in history, South African intelligence services are tasked by elected politicians who are directly accountable to the South African people. Contrary to apartheid intelligence services that protected a minority against the majority, intelligence services of the new South Africa are designed to protect the majority against a minority, a minority engaged in crime, who subvert their democracy and, inter alia, undermine South Africa's international political and economic relations (Gilder 2009).

Internal security in South Africa is now being sought primarily through efforts to meet the socio- economic, political and cultural rights and needs of South Africa's people. This new role of the South African intelligence community is a government response to massive socio-

economic problems which would render the political changes meaningless if they are not accompanied by a significant improvement in the quality of South African people's lives (White Paper on Intelligence 1994).

This new strategic task of intelligence services has broadened the mandate of intelligence community and has raised the expectations of what intelligence agencies can do. It has also opened up the possibilities for intelligence services to abuse, manipulate or misdirect the special powers and capabilities that have been provided to them because of their obligation to provide intelligence on a range of social and economic issues affecting the country (Kasrils 2009). But thankfully, all the three branches of the government have been so efficient in preventing such abuse of power.

In South Africa, the notion of human security is interpreted in a way that gives intelligence services the rights to be involved in every aspect of public life. When intelligence services focus at the same time on economic and political intelligence, this leads to the securitization of the state (Williams 2004), which is contrary to democratic norms.

Although South Africa has made huge advances in relation to democratic governance of its intelligence services compared to the DRC, there are lots of similarities between the strategic tasks of their intelligence services and in the way these are tasked. They are all tasked by elected politicians and they primarily work to help their respective governments to meet socio-economic needs of their people. The major differences are that in South Africa intelligence services are placed under an elected civilian authority – Minister for Intelligence and they operate within the parameter defined by an Act of Parliament; also the Republic of South Africa is not under threat from its neighbours. However, intelligence services of the DRC are organised by a Presidential Decree and there is a big difference between what the law says and what is done in practice regarding the management of

Intelligence services in general and the respect of the chain of command in particular.

As it can be seen on Figure 4 below, all Congolese intelligence agencies are placed under the authority of elected ministers (Interior, Foreign Affairs, Finance, and Defence). It is assumed that these services do always report to the ministers who in turn report to the Prime Minister and the President. However, in emergencies and super sensitive information, intelligence agencies report directly to the president.

President Of the Republic

Prime Minister

Parliament

Provincial Assemblies

Permanent Committee on Defence and Security

National Intelligence Co-ordinator/Security Advisor to the State President

Minister of Interior and Security

Minister of Finance

Minister of Foreign Affairs

Minister of Defence

Republican Guards GR

National Intelligence Agency ANR

Provincial Intelligence Bureaux

Directorate General of Migration DGM

National Police Inspector General

National Police Crime Investigation Service

National Financial Intelligence Unit

Foreign Intelligence Bureau

Chief, National Defence Force

Military Intelligence Service DEMIAP

Figure 4: Congolese Intelligence Structure[*]   (Previous page)

Table 7: Change in the Main Focus and in the Tasking of Intelligence Services

Country	Main Focus of Intelligence Services		Tasking Bodies	
	Cold War period	Post-Cold War period	Cold War period	Post-Cold War period
U.S.A.	Counter Soviet threats	Maintaining information superiority; Counterterrorism and fight organised crime	National Intelligence Coordination Body	Interagency Intelligence Committee on Terrorism
UK	Counter threats from the Soviet Union and Northern Ireland	Global stability; counterterrorism; fight organised crime;	Top level: Joint Intelligence Centre; Lower level: Cabinet Departments; Self-tasking (MI5)	Joint Terrorism Analysis Centre
CHINA	Regime security	Internal and regional security; economic development; technologic development (cyber-space); partnership with major world powers (U.S., Russia, and EU).	Communist party	Communist party

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[*] Knowledge accessible with authorisation from the Director General of the Journal Officiel of the DRC 7, Avenue Lukusa, Kinshasa/Gombe, DRC
E-mail: diffusion@journalofficiel.cd; www.journalofficiel.cd

RUSSIA	Counter threats from the West; Silence internal opposition (domestic policing abroad)	Return to the rank of Great Power; shaping world political and economic system.	Kremlin	Kremlin
SOUTH AFRICA	Counter threats from the ANC and possible war with neighbouring countries	Collaboration; socio-economic stability; protection of democracy	Top level: Apartheid (non-elected) Cabinet Lower level: self-tasking	Top level: Cabinet Lower level: responsible ministers
DRC	Regime security; protection of Western interests (struggle against Communism)	Economic development; Internal and regional peace and stability; protection of democracy	President and his close lieutenants	Cabinet made by elected politicians; Self-tasking

7.7 Comparative Analysis between the "Old" and the "New" Democracies

The focus of intelligence services in old democracies is narrow compared to new democracies. The focus of Western intelligence is on issues pertaining to security and stability while that of many developing countries is on issues pertaining to the goals of development, security and stability.

In the West, intelligence services work to prevent threats that could undermine the physical security of citizens and the established constitutional order. These threats or potential threats include organised crime, subversion and terrorism. The focus of civilian intelligence services is restricted by legislation and the task of fighting crime is rather left to the police's crime intelligence units. These countries have a

limited domestic intelligence function. In response to both "the new" and the "old" threats, these countries spend the majority of their intelligence budget on collecting foreign intelligence. This has been the case during the Cold War period and continues to be the case after the Cold War. Reportedly, in early 1990s the British GCHQ received £850 million from a total intelligence budget of £1.1 billion whereby MI5 received only about £125 million.

In contrast, intelligence services in new democracies, particularly African countries, work to prevent threats that can emanate from socio-economic disparities and poverty; this is why they are tasked to play a strategic role in the broader national policies of development. Through their respective security sector reform programmes, efforts have been made by the Congolese and the South African governments to understand what constitutes threats to their national security, stability and development. The perception of threats drove the development of the capacities of intelligence communities of these two countries and have provided, as Lauren Hutton (2009:3) notes, an indication of (a) the role that intelligence services can play in countering such threats and (b) the possibility that other state agencies or institutions of democracy ought to be central to countering such potential threats.

The improvement of citizens' condition of life is considered by many states in the so-called developing world, including the DRC and South Africa, as a strategy for countering internal security threats.When reforming their intelligence sectors, the DRC and South Africa defined the mission of their intelligence services in socio-economic terms because their political leaders are convinced that it is only by meeting the demands and the needs of the people and by promoting free trade within the Sub-Saharan region that internal and regional security can be maintained.

Efforts have particularly been made by the Congolese government to improve relations with all its nine neighbouring countries.[98] Among these efforts are the push for the creation a Joint Fusion Intelligence by countries of the region under the supervision of the United Nations peacekeeping mission, the payment of a contribution of over 50% of the budget of the Economic Community of the Great Lakes, the active participation of its services in the activities of the Joint Intelligence Committee of SADC countries and the use of regional mechanisms such as the Regional Conference on the Great Lakes Region in resolving issues with Rwanda and Uganda who have once again been accused by UN Experts of supporting the M23 rebels. Congolese political leaders have understood that the transition to a sustainable peace in the DRC will necessitate regional and international cooperation on an unprecedented scale because the major problems facing Africa's Great Lakes societies are global in nature, and thus require global solutions. This in turn requires peaceful cooperation between nations not only at government level but also at community level across borders. Killelea (2012) argues in this regard that 'peace is a pre requisite for the survival of society', therefore all global problems can't be solved unless we have a world that is basically peaceful. The strategic mission of Congolese intelligence services now includes the promotion of peace between the DRC and its neighbours.

The role of Congolese intelligence has been and is still remains to manage risks – to assist the ruling regime to implement a programme of action. Intelligence agencies are assisting the new democratic government in responding positively to the needs of the Congolese people within the limit of their mandates and in ways that are acceptable to the Congolese people; they do not need to do things the same way as Western Intelligence services for the security and economic situation in

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[98]Sub-Saharan Africa is no longer the least peaceful region in Africa. The levels of peacefulness have increased steadily since 2007 with improvements in 'Relationships with neighbouring nations' (Global Peace Index 2012)

the DRC is not the same as in the West. China's presence in the DRC is an illustration of how serious the government of the DRC takes the improvement of social and economic needs of its people. The role that intelligence services played in helping the government in taking the risky strategic decision of leaving their traditional development partners to seek help from China cannot be ignored.

Nathan (2010:12) has underlined the contested nature of the relationship between the constitution and the intelligence services which is defined very differently by the two schools of thought – 'intelligence exceptionalism' and 'strict constitutionalism'. Operationally what is acceptable and the parameters in which intelligence services are allowed to operate are a product of values, beliefs and interests of the ruling regime as well as the society in which they operate. Africa's intelligence therefore need not to be assessed only in terms of their adherence to democratic criteria but also in terms of how much they have responded to social, economic, cultural, political and security needs of their people. This brings us to suggest that any analysis of the transformation agenda of intelligence services must be anchored to specific political and cultural contexts.

Table 8: Framework for Analysis of other Typologies

Type of state	Examples	Key regime interests	Key intelligence paradigm/ tradition	New challenges
Post-Communist regimes	Russia, China, Romania	Authoritarian development	Internal security	Terrorism, pressure groups
Major new industrial powers	China, India, Brazil, South Africa	Regional stability +Economic development	Internal security	Sustainable development

Developed economies	France, Germany, Japan, UK, U.S.	Stability, preserving privilege	Foreign policy analysis + anti-terrorism	Terrorism, economic and financial crisis, China's economic and military rise
Oil states	Saudi, Bahrain	Looting revenues for elite	Internal security + Oil intelligence	Democracy movements Islamist movements
Low income countries	Nicaragua, Ethiopia, Indonesia	Economic development	Internal security	Insurgency, piracy, drug trafficking
Fragile states/ conflict zones	DRC, Somalia, Haiti	Peace and economic development	Internal security	Rebel groups, civil society pressure groups

7.8 Chapter Summary and Conclusion

In this chapter I have demonstrated how the strategic objectives of Congolese intelligence services and their tasking have changed, and I have described this as a process of pragmatic transformation and organisational empowerment. I have emphasised that this is a formal process, which has occurred as a result of government wanting to adapt to donors requirement of democratic governance of intelligence sector and new opportunities offered to Congolese intelligence to play a role in economic development of the DRC and the regional integration, which is the vehicle to sustainable peace in Africa's Great Lakes region.

Through the examples of strategic management approaches and the theory of organisational change, which can be described as the conceptual link between political leaders and intelligence services' understanding of the new strategic environment, their new orientation and activities of intelligence services on the ground, I argue that a change in strategic tasks and in the tasking of intelligence services need not take place as a result of donors request, but rather that through

government having a new vision and being willing to serve their own people, and intelligence agencies becoming increasingly capable to work towards creating a new kind of society different from that which existed prior to the establishment of democracy.

The change in strategic tasks of Congolese intelligence services led the intelligence services to focus on issues pertaining to economic development but at the same time they work to prevent threats to security and stability of the nation. I argue that the broadening of the mandate of intelligence services may not be good for a country that has less financial resources and weak institutions but still this is a choice made by a democratically elected government. The success of Congolese intelligence services need to be assessed in terms of how much they have achieved the mission assigned to them by the Congolese government. As it will be demonstrated in the next chapter, the redefinition of the DRC's strategic objectives has impacted on the organisational structure and working practices of the intelligence services and has subsequently led to the increase of their collection and analysis capabilities.

8

OPERATIONAL CHANGES IN TERMS OF EVERYDAY WORKING PRACTICES OF CONGOLESE INTELLIGENCE AGENCIES

"Real change can result only from the emergence of many pockets of innovation rather than from any single individual or organisational entity".

Kevin M. O'Connell, Former Director of RAND Corporation

8.1. Introduction

This chapter demonstrates how change in strategic tasks has led to operational changes in everyday working practices of Congolese intelligence agencies. I argue in here that contrary to countries such as the U.S. and the UK where changes in intelligence were driven by new threats and targets, the drivers for change in Congolese intelligence system were the democratisation and development agendas which contributed to enforcing reformist norms within intelligence communities, and threats from rebel groups and neighbouring countries as well as technology. Adding to these was the determination of President Joseph Kabila and his close colleagues within the ruling political majority to initiate intelligence reforms.

The DRC followed same strategies as many other countries in its efforts to reform its intelligence services. It introduced reforms in order to improve effectiveness and efficiency; it redefined the roles and missions of its intelligence agencies to make better use of available resources and reorganised its intelligence system to improve responsiveness. However, these efforts could have failed if they did not address the problem of how to plan and produce intelligence in the Information Age environment (Berkowitz and Goodman 2000:30). This chapter thus aims to demonstrate how the capability of Congolese intelligence community has increased through technology usage. This chapter does not intend to give a detailed account of the types of technologies that the Congolese intelligence community has acquired and where they are located or what measures have been taken to protect them; it focuses rather more on why these technologies have been acquired and how they are improving the intelligence production capability.

The analysis in this chapter demonstrates that the structural evolution of the Congolese intelligence sector has been from a top-down expression of intelligence consumers' needs to a system of horizontal communications between consumers and producers of intelligence which had a positive impact on the management of intelligence sector and on intelligence operations.

In this new system, the Requirement side does not only task the Production or Operational side but it also provides them continuous feedback. As result, a new kind of relationship has been established between the Requirements and Production or Operational sides of intelligence on which a collegial and organic system of management has been built.

The establishment of a collegial and organic system of management was necessitated by the information-sensitive nature of intelligence gathering in a highly variable operational environment, one in which

intelligence requirements change with the ebb and flow of international politics (Davies 2004:336), and this has required the Congolese intelligence community to reorient its priorities completely during the post-conflict period as described in the previous chapter.

The analysis further reveals that there is now close working relations not only between the Requirement and Production sides but also between different government ministries, and most importantly between senior and junior intelligence officers. The Treasury and the National Intelligence Agency have representatives in each and every government department. The representative of the Treasury are there to prevent misuse of funds and represent all spending concerns, and to communicate the department's expenditure and spending needs to the Treasury.[99]

Representatives of the National Intelligence Agency are channels through which government departments express their needs to the intelligence community; they also circulate intelligence information to the government departments.

Financial control has been introduced as a form of accountability and is conducted not only by the executive but also by parliament. The oversight through parliamentary participation in the intelligence budget cycle is a common principle which based on the assumption that parliamentarians can be effective in intelligence oversight through active participation and by controlling the four main phases of the typical budget cycle: preparation, approval, execution and audit (Handbook for Parliamentarians 2003). However, in the DRC parliament is never involved in the execution phase of the budget cycle.

Also, equilibrium has been found between the "pull" system born out of the combination of collegial government department joinery and intelligence demand which increased the forces of intelligence

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[99] The newly established Parliament has demanded tighter control of government expenditure. It is in response to this demand that evolved the unique position of the Treasury vis-à-vis the other government departments.

consumers in the production process, and the "push" system in which intelligence agencies are allowed to take initiatives. Water Laqueur has noted in this regard that 'in the first instance consumers may not know what they want', and even when they do, what they want may not be feasible; therefore, much of the initiative must come from the intelligence agencies themselves (Laqueur 1985:21). Intelligence producers are now given the place they deserve in the Congolese decision making process. For the first time in DRC security history, intelligence services are acting, as Philip Davies suggests, as entrepreneurs, 'selling' their 'product' to consumers who would not otherwise know what intelligence can do for them (Davies 2004:341). However, time will tell if the DRC will be able to manage this hybrid system of 'pull' and 'push' architectures. The 'push' system has its own drawbacks and leads most of the time to overproduction of intelligence. Michael Herman correctly argues that large-scale intelligence production through 'push' architecture runs the risk of producing a surplus supply of product, overwhelming consumers and resulting in information overload (Herman 1996: 295-6).

8.2. Intelligence Operations

According to a former government minister (Respondent No. 25), the operations of Congolese intelligence services are conducted within two spheres – foreign intelligence and security intelligence. The former relates to intention, capabilities or activities of foreign countries, rebel groups, multinational companies, international NGOs and individuals, and is expected to serve Congolese national interests, including its economic, environmental, military and geostrategic objectives. The latter is collected to help protect national security and maintain public safety. It addresses possible threats to DRC's domestic security, such as politically motivated violence or foreign-influenced situations.

In the DRC, both the Special Services of the National Police and the domestic branch of the National Intelligence Agency, *Agence Nationale de Renseignements (ANR)*, have been assigned responsibility for security intelligence (Presidential Decree No. 003 of 11 January 2003). Responsibility for foreign intelligence is assigned to ANR's foreign branch and the Military Intelligence, (RM) *Renseignements Militaires* (Ibid Art.10).

Among the current priorities of intelligence services are the on-going armed conflict in the Kivu provinces, cross-border and transnational organised crime, trade and economic intelligence, proliferation of light weapons, and enemy, neutral as well as friendly neighbouring countries (ibid Art 3). Economic intelligence is now a significant function of Congolese intelligence services just as it is in many other countries. Governments collect economic intelligence in order to identify opportunities and warn of threats to national macro-economic, trade policy, commercial or scientific/technological interests (Rudner 202:5).

The attention of DRC's security and foreign intelligence is also directed at the connection between the exploitation of mineral resources on the one hand, and rebel groups activities and their criminal connection with neighbouring countries and organised criminal enterprises, on the other hand (Respondent No. 23). It is argued that organised crime is a natural phenomenon in new democracies that replace repressive regimes. Following the demise of repressive regimes organised crimes usually flourish to become an alternative to legitimate business as result of the opening of the economic, political and social space (Wantchekon & Yehoue 2002; Allum & Siebert 2003; Dobousek 2008). If not dealt with organised crime can undermine a new established democratic order and the state authority, and consequently affect people's well-being (Wantchekon & Yehoue 2002:5). Sovereignty hasn't been meaningful in the DRC because of organised criminal networks and a growing number of rebel groups.

In the eastern part of the country the government has lost its position of being the only source of authority; rebels are also making and enforcing the law and are conducting the business on behalf of the people instead of the government. Corrupting and sometimes violent activities by internal and transnational non-state actors are eroding sovereign state powers and this is reducing national and regional security severely (Humphreys 2012:1065). For some communities in the rebel-controlled areas, the government is seen as the enemy of the people as it has failed to provide security in its holistic dimensions. Despite the violence that rebel groups committed before they capture part of the national territory, they are now seen as messiahs. The agencies of the state have been overwhelmed and some of their members have become complicit with the rebels. This adds more challenges to the existing complexity of a network war that has been fought in the Great Lakes regions for years now and in which power-brokers rely on force. The networks that support this war cannot easily be separated out and criminalised in relation to the networks that characterise peace because they are both part of a complex process of actual development (Duffield 2001:190).

The government of the DRC has taken measures to combat organised crime. An intelligence-led strategy has been put in place in order to deal with this challenge. This strategy is based on a sound knowledge of the foundation and nature of organised crime which has been provided by a task team that was set up by intelligence services (Respondent No.23). This task team conducted research and analysis in order to understand the social, political and economic factors out of which the threat of organised crime emerged. While the police and the prosecution services investigated different cases of organised crime, corruption and complicity, intelligence services directed their efforts to the understanding, prediction and pre-emption of these security threats (Respondent No. 18). This is because the primary function of

intelligence services is not to arrest but to advise enforcement agencies and policy-makers before the materialisation of any security threat.

Tactical and systematic operations are conducted by intelligence services and prosecuting authorities against organised crime[100]. Corrupt officials, police and militaries are also targeted. The people of the DRC have been frustrated by the failure of the state to deal effectively with organised crime. The popular belief is that this failure is caused by corruption of government officials and the complicity of the security services with criminals. In order to clean their tarnished image, intelligence services launched a large-scale engagement with several players throughout the country including members of provincial governments, academics, church leaders, traditional leaders and leaders of political parties that form the current ruling Presidential Majority.

Engagement with the political opposition and the media is still very challenging because the attitude of the media and the opposition towards intelligence services, especially towards ANR and RM, is that they are simply instruments that the ruling Presidential Majority uses to further its political objectives.

Conducting intelligence in a new democracy that remains fractious and confrontational; where opposition parties and the media are constantly looking for the worst in the new government and expect only the worst from its intelligence services is very challenging (Gilder 2012:210). The attitude of Congolese media and opposition is justifiable to some extent because the ANR continues to collect intelligence on media and political parties (Respondent No. 10).

Engagement with some communities has also been a bit difficult due to previous practices of intelligence services that led to assassinations and arbitrary arrests of innocent citizens. Following the post elections violence that erupted in Kinshasa in 2006 after the electoral victory of

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[100] A new organisation has recently been created to tackle this problem and is called Cellule Nationale de Renseignements Financiers

President Joseph Kabila over Jean-Pierre Bemba, intelligence services conducted special operations on people from the same province as Mr Bemba to establish whether they have supported the armed struggle that led to the death of hundreds of people in the capital city.[101] As result of these special operations many people from the Equateur Province were arrested and sent to prison without trial.[102]

Every year, the Congolese intelligence community presents to the Cabinet a National Intelligence Estimate – a comprehensive document that draws on intelligence from different agencies in which intelligence community outlines the key issues it believes are security concerns on the domestic and international terrains (Respondent No.25). After discussion, the Cabinet, which has overall responsibility for intelligence and security, decides on what the priorities of intelligence should be for the next year. These priorities then become the official guide for the intelligence services who draw up their operational plans for that year with details on how to attend to them. These priorities specifically define who the targets of intelligence services are going to be and what intelligence methods should be employed on them, taking into account the available human, technical and financial resources.

Operational targets and methods used by Congolese intelligence are never divulged but media accounts and various government reports do provide some indication of the purpose of intelligence activities and their direction by the Cabinet.

Prior to the period under study Congolese intelligence worked to protect the regime. Their operations were directed towards the political opposition and human rights activists who were considered as possible threats to the regime. Nowadays that intelligence services are working to

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[101]DRC News (28 June 2013) available fromhttp://www.apareco-rdc.com/a-la-une/actualites/1308-ivre-de-rage-laganr-kalev-mutond-terrorise-les-cadres-de-direction-avec-son-revolver.html
[102]Interim Report of the Truth and Reconciliation of the DRC 2007 indicated that the majority of political prisoners and military officers detained at Prison Makala in Kinshasa are from Equateur Province

protect the state - the target of their operations are all possible sources of threats to national security and interests. They continually collect information from different sources, including open source, and process and transform it into intelligence. The continual collections, verification, and analysis of information allow intelligence staff to understand the problems or situations in actionable terms and to tailor a product in the context of customer's circumstances (Brei 1996).

Because of the interconnectedness of conflicts in Africa's Great Lakes region and in order to facilitate regional operations against transnational criminality and to reduce suspicion between regional states, a Joint Operations Committee was set up in 2006 by the DRC, Burundi, Rwanda, Uganda, Angola and the United Nations Organisation Stabilisation Mission in the DRC, *Mission des Nations Unies pour la Stabilisation du Congo* (MONUSCO). This committee coordinates the collection of intelligence in the region including on rebels of the FDLR, who have been disturbing peace and security in Rwanda through their regular incursion onto Rwanda territory from the dense Congo forest.

As part of its proactive strategies, the government of the DRC invited the Rwandan military and intelligence services into its territory to participate in joint military operations against the FDLR which were conducted by the DRC's army and the UN peacekeeping force. This was not just a proof of DRC's commitment to peace and stability in Africa's Great Lakes region; it was also a strategy that aimed to remove any reasons for Rwanda to illegally send its military on the Congolese soil under the so-called *principle of responsibility to protect,* and to attract international community's attention on the true agenda of Rwanda. This strategic decision by the Congolese government produced expected results - it exposed Rwanda's economic and expansionist agenda in the Eastern DRC and prompted new investigations by UN experts into the causes of continued armed conflicts in Eastern DRC despite the signing of a peace agreement and the organisation of democratic elections

(Respondent No. 17). The investigations of UN experts and of some international non-governmental organisations working in the DRC demonstrated clearly that Rwanda has a hand in what is going on in the Kivu provinces of the DRC.

The report of UN experts was followed by international condemnations and the suspension of financial aid to Rwanda by some Western countries including Germany, Sweden, Netherlands, UK, U.S.A. and EU. This demonstrates how much a country a country can gain when its intelligence services work to secure the state not the regime, and how intelligence services in weak and mineral-rich countries can help decision-makers in taking decisions that can turn state weaknesses into strength. Handel (1990:69) argues in this regard that good intelligence acts as a force multiplier by facilitating a more focus and economic use of force.

Inviting the Rwandan intelligence and military forces onto the Congolese soil was an intelligence-based action that worked as an antithesis to the justifications of the continued presence of Rwandan forces in East DRC. However, this does not suggest that there is a clear wiring diagram for the connections between intelligence items and specific action (Herman 1996:142) because if intelligence is used, users consciously and unconsciously select from what is presented to them.

8.3. New Strategic Collaboration and Innovations

Changes that have taken place within the Congolese intelligence services can be understood within the theory of organisational change which, as Whetten (1989) proposes, contains four elements:

1. What (construct): factors that should logically be considered as explanatory parts of what is being considered, for example, if organisational, such factors as strategy, culture, and performance;

2. How (linkages): how factors under what relate to one another, typically portrayed in the form of boxes and arrows; what comes before what (strategy before structure) and what causes what;

3. Why (conceptual assumptions): the logic underlying the theory or model;

4. The fourth element in Whetten's criteria set includes the combination of who/where/when: these temporal and contextual factors set the boundaries of generalisability, and as such constitute the range of the theory (Whetten 1989:492).

Different principles have been understood by both policymakers and intelligence staffs and these have led to effective change in the security and intelligence services of the RDC. These principles are, as Gladwell suggests in his Tipping Point: (1) change is continuous, (2) small causes can have big effect, (3) change occurs at one dramatic moment, not gradually, (4) we tend to believe that to have a large impact, we need to do something dramatic and big (Gladwell 2000).

From the establishment of the first ever democratic government in 2006 to date there has been change in both the doctrine and strategy of security forces of the DRC. Doctrine is here understood as the fundamental principles by which security organisations guide their actions in support of national objectives; and strategy[103] is simply the means to achieving an objective.

After being victim of several military attacks from rebel groups and neighbouring countries, the Congolese government conducted an audit of its intelligence organisations with the aim to identify intelligence shortfalls and capabilities (Respondent No.24). This audit identified an increased number of shortfalls which were hindering the ability of intelligence services to gather and maintain a high level of situational

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[103]There are two types of strategies: new-mission related strategies for addressing threats to national security; and business-related strategies for transforming how organisations operate and perform (Barger 2005:111)

awareness inside the country and within the Great Lakes region. In order to multiply its force and to enable its intelligence services to provide timely, accurate and complete intelligence to policymakers and army commanders, the DRC government created a Joint Intelligence Operations Centre, the Council for National Security, *Conseil National de Sécurité (CNS)*. The primary goals of the CNS are to increase the effectiveness of intelligence organisations and the efficiency of the intelligence process; to identify gaps in intelligence and to formulate strategies to proactively acquire them; and to connect the dots in information provided by each intelligence agency so as to produce all-source intelligence.

The CNS is therefore an all-source analysis centre. The CNS is also a coordination centre. It coordinates the intelligence supplied by members of the Congolese Intelligence Community and interprets such intelligence for the use by the state and the cabinet; it coordinates and prioritises intelligence activities with the Intelligence Community and makes representation to the Cabinet on intelligence priorities; and most importantly it produces and disseminates intelligence which may have an influence on any state policy for consideration by the Cabinet. The CNS ensures that all intelligence staffs understand the intelligence requirements and are capable of providing force commanders[104] with a clear understanding of the operational environment. All Congolese intelligence organisations do conduct extensive collection, processing, analysis, and dissemination activities. They routinely provide support to Joint Force Command while continuing to support national decision-makers.

Although each Congolese intelligence agency has its area of concern and clearly defined function, and effective and efficient interoperability and cooperation between them has been established. This cooperation

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[104] Commanders use intelligence to anticipate the battle, visualise and understand the full spectrum of the operational environment and influence the outcome of operations (US Navy Department 2012)

and interoperability exists both horizontally among intelligence agencies and vertically among national and provincial echelons.

Intelligence cooperation is not limited only to national intelligence organisations. As stated earlier, multinational Joint Operations have been established between the DRC, Rwanda, Burundi, Angola and Uganda under the facilitation and continued collaboration with MONUSCO. Intergovernmental intelligence collaboration has also been established between the DRC and SADC and between the DRC and countries of the Economic Community of Central African States, *Communauté Économique des États de l'Afrique Centrale* (CEEAC). Collaboration has also been established between intelligence organisations and local non-governmental organisations, traditional leaders and church leaders who provide regular situational reports to intelligence agencies. Operations (combat, peacekeeping and humanitarian) are becoming a norm in the DRC and are making intelligence sharing increasingly important. The most crucial function of the CNS in operations involving multinational, intergovernmental and non-governmental partners or interagency is to establish a common view of the problem on the ground and to inform all partners. The Security Advisor to the Head of State acts as Foreign Disclosure Officer. He decides on what information should be release to third parties and ensures that proper procedures are followed by all intelligence staffs (Respondent No. 4).

Table 9: Entities Encountered in Multinational Intelligence Operations in the DRC

Multinational	DRC, Burundi, Rwanda, Uganda, Angola, Congo Brazzaville
Intergovernmental	MONUSCO, CEEAC, SADC
Non-governmental	Traditional leaders, Church leaders, Local NGOs
Interagency	ANR, SSPN, RM

ANR	Agence Nationale de Renseignements
	National Intelligence Agency
CEEAC	Communauté Économique des États de l'Afrique Centrale
	Economic Community of Central African States
MONUSCO	Mission des Nations Unies pour la Stabilisation du Congo
	United Nations Organisation Stabilisation Mission in the DRC
RM	Renseignements Militaires
	Military Intelligence
SADC	Southern African Development Community
SSPN	Services Spéciaux de la Police Nationale
	Special Services of the National Police

8.4. Operations Requirements and Resources

Critics have been levelled against the operations of intelligence services mostly because of the fact that most of these operations were not authorised by the government. Intelligence agencies in the DRC, have been enjoying large freedom and could act with impunity without fear of been condemned by the government. In normal circumstances the strategies of any intelligence operation must reflect four perspectives: top-down, bottom-up, government requirements and operation resources. It is the reflection of what the government want to do – the interpretation of higher level government strategy. The improvement of any operation cumulatively builds government strategy – operations should learn from day-to-day experience. It involves translating government requirements into operations decisions – satisfy government requirements. It also involves exploiting the capabilities of operations resources in chosen areas. As one of the members of the parliament points out in the case of the war in eastern DRC, it is scandalous for the defence minister and the minister of interior to deny having any knowledge of secret meeting between senior officers of the ANR and MR with members of the inner circle of the renegade General Bosco Ntaganda three days before his surrender to the American embassy in

Kigali which was followed by his transfer to the Hague.[105] This is raises the issue of respect of chain of command structure and the challenge of establishing responsibility in case of intelligence failure or surprise attack.

Tension between government requirements perspective and the operations resource perspective is central to all operations strategy decision making. This tension can be reduced if intelligence managers develop strategies for reconciling government requirements with operations resources and to develop a long-term capability just like in business market where operations managers must obviously satisfy the requirements of the market in order for their enterprise to survive in the long-term (Slack and Lewis 2008:17). After the requirements of the government are reconciled with operations resources, it is useful to measure the performance of operations and to draw lessons from past experiences so as to improve the quality of operations.

The performance of intelligence operations can be judged in relation to the following performance objectives: cost, speed, quality, flexibility and dependability. Cost is the most important performance objective; it refers to the financial input to the intelligence operation that enables the operation to produce expected outcomes. In the DRC, many well-planned operations have failed to take place or produce good results because of the length of time that exists between the payment to intelligence agencies and the reception of funds by those involved in these operations (Respondent No.9). It is therefore important to speed up the process of handling the day-to-day financial transactions of intelligence business.

The faster intelligence agencies can get payment for their planned operations the faster they can deliver on government requirements. This also has a direct impact on the second performance objective –speed. Speed indicates the time between the beginning and the end of an

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[105]Telephone Interview 2013, Respondent No. 14

intelligence operation, in other words, the time when the government requests a product or service and the time when it receives it. Intelligence managers must therefore define the speed of intelligence delivery. The quality performance objective refers to the need for intelligence services to ensure that the outcome of their operations are fit for purpose, that they achieve conformance to specification given by the government. The performance objective relating to dependability is almost the same as the speed performance objective but it refers more to the need for intelligence organisations to keep its promises by reducing the difference between the time of delivering outcomes of operations and the due delivery time that they have given to the government when they received the assignment.

It is important to bear in mind that the capabilities and constraints of the operations resources and processes may themselves be less than predictable, especially when they are being introduced into an existing operation (Slack and Lewis 2002:66). The performance of intelligence operations also depends on how much intelligence staffs have adjusted to the process of change that is taking place continually within the intelligence community. Thoroughly addressing the emotional and behavioural aspects of intelligence staffs is as important as addressing operational issues.

Among existing theories of change there is a popular belief that operational changes succeed once the mind-sets and work practices of the workforce have been changed. It is therefore necessary to help intelligence staffs to adapt to change by teaching them the basic principles that guide and govern the actions of intelligence community. This will reduce resistance to change. Many individuals do not know how strong their emotional resistance is to change until that resistance is tested (Duck 2001:272). Deborah Barger (2005:80) argues that organisations do not change until the beliefs and behaviours of the people within it change. Intelligence services to undergo significant

change means as Burke (2008) suggests 'to turn the organisation in another direction, to fundamentally modify the way things were done, to overhaul the structure – the design of the organisation for decision-making and accountability – and to provide organisational members with a whole new vision for the future.

Changing intelligence staffs behaviour and work practices, which constitutes the institutional culture – the unwritten rules, norms and values that govern Congolese intelligence institutions, is not an easy thing in the DRC where intelligence services are used to operate outside the rule of law and sit outside the constitution. In this country intelligence services saw themselves as the guardians of the Constitution. So long as they worked in the interest of national security, they were opposed to transparency and believed that the end justifies the means. For real change to take place intelligence leaders and managers need to challenge every management principle inherited from the age of dictatorship, such as intelligence agencies should not be self-tasking or cannot set strategies as these are the responsibilities of the executive, and embrace a new doctrine which revises this thinking and emphasises the need to teach members of intelligence leadership team what is expected of them Also, it is helpful to establish another level of leadership model within different levels of the intelligence organisations and then hold those groups accountable for the result (Hemel 2000:220).

Another belief within the theories of change is that the use of new technology can update existing operations. For transformations to take place an organisation needs to find a new technology and have a clear plan. Operation changes then occur as a consequence of the two. Technology enhances existing intelligence operations and reshapes intelligence organisations behaviours. Despite the lower levels of expertise and lack of enough financial resources to satisfy procurement needs, it has been much easier for the DRC that, in the past, has made very little usage of technology in its intelligence operations to

incorporate technology in its collection, analysis, and dissemination of intelligence than it has been for countries such as the U.S. and the UK which have long history of technology usage by their intelligence organisations. Changes in the nature of security environment force intelligence organisations in many developed countries to adapt to new technologies ensuring that the progress offered by technology matches the pace of the change. Christensen (1997:4 and 24) suggests that the use of new technology by a company depends more on customers. If the company wants to satisfy existing customers who are not ready to adapt to a new technology, then the company will focus on sustaining technologies, that is, technologies that will improve the products they are already making. However, if the company wants to attract new customers, or if it has existing customers who are ready to move on to the new technology, then the company has no other choice but to adapt to the new technology or lose market share.

8.5. Development of Technical Capability

Although the DRC has acquired some sort of technical intelligence capabilities, this is still not advanced compared to countries such as the UK or U.S. As such, it is still impossible for collected unanalysed data to be made simultaneously available to intelligence analysts and commanders during military operations for the production of current intelligence and for time-critical decision making. Lacking such an important intelligence capability is very damaging for a vast country that has enormous natural resources and shares borders with nine countries. The importance of technical intelligence capability cannot be overemphasised. If DRC intelligence services had this capability, they would have been able to maintain an unimpeded flow of automatically processed and exploited combat information which could be useful in threat warning alerts, time-sensitive targeting and personnel recovery that are essential to the preservation of vital resources and/or life.

According to a Congolese army general, the recent victory of the M23 Rebels over the Congolese Armed Forces in the North-Kivu province can be attributed to technical and geospatial intelligence capability the rebels acquired through Rwanda.[106] This capability enabled M23 rebels to capture Congolese Armed Forces' equipment and provided rebels with critical information on their strength and weakness. It also supplied them with geospatial intelligence that described, assessed and depicted physical features and location of Congolese militaries (Respondent No. 17; Report of UN Experts 2012). It can therefore be argued that technical and geospatial intelligence favourably influenced rebels' operation planning and action.

The use of technology was tested once in the DRC during the last elections when the U.S Africa Command (AFRICOM) used drones to watch over the borders between the DRC and Rwanda (Respondent No.19). This technical capability allowed Congolese forces and the UN Peacekeeping force to take pre-emptive measures to prevent possible actions by the FDLR and Rwandan Forces to engage in any activities that would have disrupted the smooth organisation of presidential and legislative elections in the volatile eastern provinces of the DRC.[107] The positive results that came from the use of this modern technology prompted the Congolese government to invest more in the acquisition of new technology.

The use of drones and the technology to intercept telephone communication is enhancing the possibility of Congolese intelligence to meet their objectives which nowadays include the preservation of peace

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[106] Interview 2012, Respondent No. 17

[107] Following the report of UN experts that has proven once more the support of Rwandan Armed Forces the M23 Rebels the United Nations Under-Secretary-General for Peacekeeping Operations, Hervé Ladsous, announced on 9 January 2013 that the UN Peacekeeping Force in the DRC will soon deploy 3 drones for the surveillance of the East-DRC. The U.S., France and the UK have agreed with this idea but Rwanda has categorically rejected it. See http://www.bbc.co.uk/afrique/region/2013/01/130109_rdc_drone_onu_rwanda.s html

by continued monitoring of peace agreements, crisis anticipation, supporting post-conflict resolutions, preventing conflict and mitigating strategic surprises. This role does not obscure intelligence requirements of supporting military operations.

The new technology has also enabled the rapid sharing of information between Congolese intelligence agencies; this was not the case 10 years ago. Efforts is being made by the Congolese government to implement its strategy by developing an integrated solutions to the country's problems in which technological solutions are synchronised with organisational and operational adjustments in intelligence affairs. This is in line with the assertion that technology alone, without accompanying doctrine and organisation, cannot produce a revolution in intelligence affairs (Hundley 1999:19). Like the revolutions in military affairs, revolutions in intelligence affairs are the result of multiple innovations in technology, doctrine and organisation (ibid p.23). A task tem was set up by the government to conduct research on the kind of technology that would bring about change in the conduct of intelligence in the DRC and now the country is moving into the phase of technology application (Respondent No.1).

Technological application is still in embryonic stage but there is now a strong "need to know" and the "need to share" within the Congolese intelligence community. Political leaders as well as intelligence leaders now strongly believe that information technology can improve intelligence operations; therefore, analytical collaboration and information sharing should become a central part of the mission of Congolese intelligence. New technological capability has been sought by the government in close collaboration with the UN peacekeeping mission and other partners, and new technology is now being used by intelligence and military communities. Intelligence policies and procedures have been reformed and have changed the way intelligence staffs do their work. These new policies and procedures have, most

importantly, established new behaviours that are in accordance with universal norms and values which came about as result of the donor community's strong emphasis on human rights, civil-military relations and good governance during the army and police reform which those involved in intelligence reform have also copied and applied on the intelligence sector.

New operational innovations are driven by new technological opportunities, new strategies and unmet challenges. These innovations focus on both the core functions and the business functions of intelligence services.[108]

The application of theories of change; the clarification of means to achieving new strategic objectives; the understanding of fundamental principles by which intelligence and security organisations guide their actions in support of national objectives; and operational innovation have led to the development of a coherent conceptual framework for the creation of new intelligence apparatus in the DRC. Institutional resistance to change and finding shortfalls have been overcome by many other factors including experimentation and risk. Most importantly there has been people who pushed the change to take place. These architects of change have demonstrated exceptional leadership qualities and have brought about internal consensus which was lacking for many years.

The impetus to prevent a surprised armed attack like the one which led to the demise of the dictator Mobutu led to technological experimentation during the past decade. A number of architects, or visionaries brought about significant change within the Congolese intelligence community over the past 10 years. The most important, by all accounts, were President Joseph Kabila, his senior strategist (the late

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[108] Core functions of intelligence services are: collection, analysis, processing, dissemination, clandestine activities, scientific research and development. Their business functions are: security, strategic planning, system requirements and acquisition, program and cost analysis, performance evaluation, and personnel management.

KatumbaMwanke) and his current Special Security Advisor (Pierre Lumbi).

After the singing of the All-Inclusive Peace Agreement the leadership of Congolese intelligence organisations remained in the hands of experienced senior intelligence officers who were dedicated to the missions and ideals of their agencies. During this period there was a common mission within the Congolese intelligence community to prevail against rebels and neighbours' threats. A consensus existed on the need for the government to invest in new technology so as to improve the capability of intelligence organisations even though there was disagreements on how best to counter security threats (Respondent No. 11).

There is no doubt that during the post-conflict/post-war period the fundamental changes in Congolese intelligence led to revolution in intelligence affairs. But this needs not to be a one-off thing. Congolese intelligence community needs to always be a step ahead of intelligence failure. To achieve this continuous transformation needs to take place. Implementing revolutionary change in intelligence affairs is never easy but can be achieved if the majority of people within the political and intelligence community strongly believe that fundamental changes have to be made systematically in intelligence affairs. The implementation of this systemic change has to be preceded by solid strategic thinking and strategies have to be updated continuously in order to bring about innovations in intelligence organisations, technology and operations. For the change process to be effective, it is important to develop new performance measures that would assess any change proposal.

The Congolese intelligence is operating in a very large national security environment. This presents a huge challenge with regard to accomplishment of intelligence services' mission. The dramatic changes that are happening within this national security environment call on intelligence services to also change rapidly. This means that intelligence

services have to be engaged simultaneously in revolutionary and evolutionary change activities. Managing these two competing change activities is very challenging and if not managed well can kill transformation efforts. The intelligence community needs to have people with special skills in spotting trouble before it happens and in communicating this to policymakers so that action can be taken. There has been an endemic lack of skilled trend-spotters within the Congolese intelligence community for over a decade now. This happened as result of intelligence recruitments conducted both under President Mobutu and Laurent Desiree Kabila based on ethnicity and political affiliation rather than on merit. Also, no continued training has taken place in order to build the capacity of intelligence services and to provide intelligence staff with new skills because of the suspension of military cooperation between the DRC and its former partners.

Congolese policymakers have also been historically slow in responding to warning from intelligence services. Some of the reasons for this is that intelligence has always been considered as a private affair of the President of the republic, not that of the government. Congolese presidents have also relied on intelligence assessments provided to them by intelligence services of countries they considered as friendly to their regimes. But the shameful end to the regimes of President Mobutu and L.D. Kabila has proven how useless and dangerous it is for political leaders in developing countries to rely completely on the services of foreign countries and neglect their own intelligence services.

The current president of the DRC appears to have learnt a lesson from the experience of his predecessors. There is now a continued sense of urgency within both the government and intelligence sector to conduct fundamental change within the intelligence community. A number of capacity-building training is taking place inside the DRC and abroad and intelligence is now a central part in government decisions (Respondent No.15). To keep the momentum going and ensure that

every time intelligence services will correctly anticipate development in national security environment that would help the government chart the revolution in its affairs, revolutionary changes in intelligence do not lag behind. Intelligence agencies have to identify and courageous and skilful people in their midst who would identify big thinkers, good listeners and respected politicians within the three arms of government and report to them and ask them to act on their behalf to influence the cabinet to take the issues of intelligence very seriously. These intelligence activists would form a group that would challenge the status quo and encourage the incubation of new ideas (Barger 2005:98).

The intelligence community of the DRC has always attached more priority to organisational and operational innovation than to technological innovation. However, as the new information technology offers many advantages, including the possibility for political leaders to hear the authentic voices of their enemies, revolutionary change is being implemented following a step-by-step plan as demonstrated in the figure below and is leading to the creation of innovative intelligence structures and new intelligence functions.
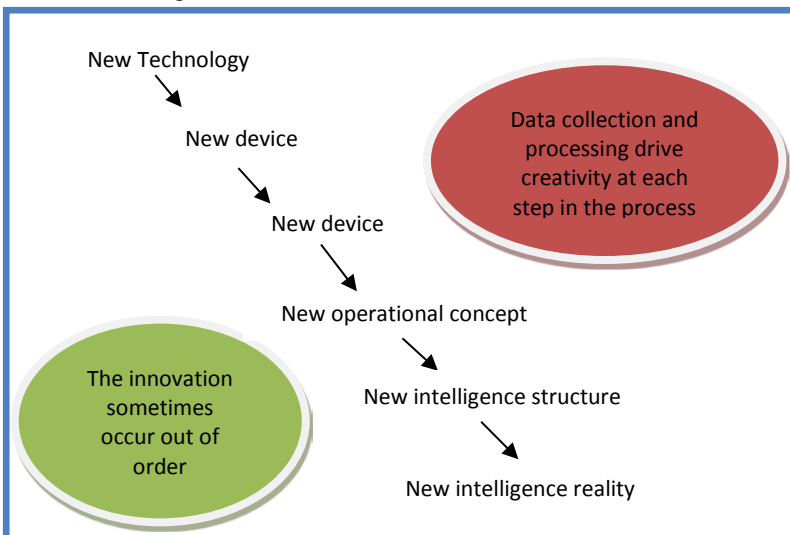
Figure 5: Model of Revolution in Intelligence Affairs Process.
Adapted from Richard Hundley's model of Revolution in Military Affairs
(1999:23)

The revolution in intelligence affairs is bringing about new operational innovations (significant changes in intelligence activities and process) and change in work practices of intelligence staff.

Technological change is taking place rapidly than one would expect and it will improve more because of the love that Congolese presidents have toward intelligence. Congolese presidents love intelligence because it gives them an insight into the minds of their political enemies. When the reform process began in 2003, a system of high-frequency radio communication was installed in the DRC by South African and British. This was seen as a useful tool but was not that efficient because its transmissions were easily monitored by neighbouring enemy states and organised criminal networks who took advantage of the global communications revolution. As Aldrich (Aldrich 2010:9) notes, 'globalisations, and in particular the global communication revolution, has brought many benefits, but it has also allowed miscreants to communicate and organise anonymously.

To reduce the vulnerability of its communication system, the DRC government ordered the modification of the acquired radio system, and took the decision to use landlines with fibre-optic cables as this is more reliable (Respondent No.10). The innovative application of existing technology and the development of new technology is the catalyst of the revolutionary change in Congolese intelligence affairs. A modern and secure communications network has been built and its backbone has been established in the city of Muanda in the Bas-Congo province. This ambitious communication project has three objectives. The first is to connect the DRC to all SADC countries via fibre-optic cables; the

second is the connection of all countries of the Gulf of Guinea[109]; and the last is the connection of all African countries on the Atlantic coast with Europe. Thousands of miles of fibre-optic cables have been laid under the ocean by a French company Alcatel for the strategic connection of Africa to Europe in order to provide Africans with high speed internet and better telephone communication. Research and other efforts are also being made with other partners to build a modern communications headquarters, smaller but similar to the British Government Communications Headquarters, GCHQ, which should reduce DRC's security vulnerability. The British GCHQ plays a central role in the protection of Britain's' security as it connects strategic intelligence gathering from satellites, and every other kind of source, with soldiers on the ground (Aldrich 2010:533). This is the kind of capability the DRC security and intelligence agencies plan to acquire within the next two decades (DRC Government Vision 2030).

The rise in piracy[110] within the Gulf of Guinea has prompted a response from all national intelligence services of the region from the recognition that action to improve safety in maritime operations would be more effective if carried out at an international level rather than by individual countries acting unilaterally and without coordination with others (IMO 2013). The UK Navy and the International Maritime

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[109] Gulf of Guinea is the area between Senegal and Angola. It is strategically important because it is an important maritime route used for transportation of oil and other mineral and natural resources to Europe, America and China. The fattest rate of oil discovery is in this region but there is also rise in piracy, illegal fishing, illegal transportation of arms, people and stolen crude oil, political challenges and poverty.

[110] Piracy is defined as any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship and directed on the high seas, against another ship, or against persons or property on board such ship, or against a ship, persons or property in a place outside the jurisdiction of any State; or any act of voluntary participation in the operation of a ship with knowledge of facts making it a pirate ship ; and also as any act of inciting to or of intentionally facilitating such acts (UNCLOS article 101).

Organisation as well as AFRICOM are playing a leading role in the fight against piracy in the Gulf of Guinea and in building the capacity of regional countries in dealing with maritime security issues and with their root causes on the ground in these states. In order to respond to this challenge, the DRC is re-building its navy and is building the capacity of navy personnel, maritime patrols and surveillance. A command-control centre is being built and operation equipment is being acquired including satellite technology for detection. A maritime security strategy is being developed by security and intelligence agencies as well as senior policy-makers in order to put an end to existing political and intelligence blindness on maritime security issues. Operational procedures have also been developed which includes sub-regional interoperability.

Piracy and armed robbery against ships are a consequence or symptom of wider problems ashore. Researchers have confirmed that Piracy and armed robbery in Africa are primarily a governance issue (Trelawny 2012; Dénécé and Rodier 2012; Avis 2003) which needs to be resolved by governments through the development of strategic plans that should include fight against corruption, bad governance and clientilism, and the promotion of equal distribution of national resources and economic development. The DRC has been losing a lot of economic resources to illegal fishing that is taking place in its waters. The lack of capability on the part of its navy and the non-existence of industrial fishing companies in the country have provided an opportunity for illegal, unreported and unregulated or pirate fishing which has caused a loss of between US$10 billion and US$23.5 billion per year to the world and have severely compromised the food security and livelihoods of coastal communities (EJF 2012).

The participation of the DRC in regional and international efforts against maritime security threats is in line with its international obligations among which are the fight against terrorism and international

organised crime. So far there is no evidence of relationship or link between piracy and terrorisms but it is clear that seaways and ports are so vulnerable to terrorist attacks (Avis 2003:13). The DRC has therefore to increase its counter-terrorisms capability so as to be able to deter, prevent, detect, prosecute and remove terrorists from its territory. As argued earlier, the new operational and technological innovations have taken place within the Congolese intelligence sector as result of change in strategic tasks of Congolese intelligence agencies. Change proposals have been implemented for some time now but it is important to evaluation them in order to ensure that that country is still on a right course.

8.6. Evaluation of Change Implementation

When western donors advise African states to reform their security sectors the idea has always been to transform and make them look like western security sectors by putting them under civilian rule and introducing notions of democratic governance. While the concept 'democracy' is in itself subject to several interpretations and does not mean following blindly the so-called universal norms and values set by Western nations, some Western governments have conditioned the payment of aid money to the introduction of democracy and involvement of their so-called experts in security sector reform processes in many African countries.

The DRC was opposed to this kind of neo-colonialism, but it had to agree to the involvement of the West in police and army reform but refused categorically any foreign interference in the reform of its intelligence sector. Under the leadership of President Kabila whose father was assassinated in his office as result of intelligence failure, a group of talented people from both the ruling political party and the intelligence community generated proposals for revolutionary change in intelligence affairs. These change proposals were objectively evaluated

before their implementation to determine if they will produce expected outcomes and to avoid mistakes.

A five-step evaluation process was developed to allow intelligence agencies to experiment change implementation and to assess how much and how quick they achieve stated goals. A change of course could then be made during the implementation process as result of progress assessment.

The first step in the evaluation process was the need for the intelligence community to understand the context or the motivation behind the proposed change. The proposed changes in Congolese intelligence affairs were designed to address both systemic and specific problems. The proposal to create the National Defence Council was generated to specifically respond to a perceived problem in the way the security sector was controlled. The establishment of a National Security Council, on the other hand, was motivated by the need for better coordination of intelligence agencies and the need to strengthen analytical capability of the intelligence community.

The Congolese intelligence workforce understood better the issues and problems that the proposals for change were attempting to address this is why they fully supported the process. Although experience has demonstrated that when a strategic inflection point sweeps through an industry, the more successful a participant was in the old industry structure, the more threatened it is by change and the more reluctant it is to adapt to it (Grove 1996:50), Congolese intelligence workforce did not resist to changes mostly because most of the changes were initiated by intelligence organisations themselves. This confirms what Utterback has noted that 'discontinuous innovations that destroy established core competencies …almost always come from outside the industry (1994:208). At the end, a linkage was determined between the change proposals and the projected outcomes.

The second step in this analytical framework was the clarification of the mission and business objectives of intelligence services. The transformation of the existing intelligence system, organisations and operations hoped to radically change the mission performance of intelligence agencies and to improve their business performance. The mission performance aimed to increase the capacity of intelligence services to detect and prevent any surprise attack or to provide timely and specific information to armed forces during wars and other military operations. The improvement of business performance was to lead to improvement in analytical collaboration, information sharing and acquisition of new intelligence technology.

An overarching strategy was developed for the achievement of the two objectives of intelligence. This is always considered as an essential element of the process of intelligence transformation. Self-assessment by intelligence agencies revealed that there are some missions that Congolese intelligence community could not accomplish before the reform process due to the changing nature of international security environment and warfare unless a revolutionary change is fully implemented.

The third step in the analytical framework was the evaluation of proposed innovations. Innovations have taken place in intelligence operations and organisations after the acquisition of new technology.

The heads of the army, air force and navy as well as the heads of all intelligence agencies were asked to evaluate all proposed innovations, particularly technological innovations, in order to determine if that are feasible and affordable, and if they will allow intelligence services to collect and process information better and to maximise opportunities offered by new technology. These architects of change were also asked to put in place an exit strategy to be used in case an innovation does not work or when it does not produce expected outcomes.

Determining the usefulness of proposed revolutionary change was the fourth step in the evaluation process. These changes aimed to increase efficiency and effectiveness in Congolese intelligence affairs. The number of intelligence staff and budget was increased to make it possible for intelligence agencies to achieve the higher goal of preventing threats to national security and giving the DRC a specific advantage over its adversaries and control and oversight mechanisms were established to ensure that the intelligence sector is governed democratically and its agencies are respectful of human rights and are working for the state not for the regime. Through this evaluation, intelligence reformers were able to strike a balance between maximum efficiency and maximum effectiveness.

External and internal conditions that could lead to positive change had to first be identified in order to determine the feasibility of change implementation. Two main questions were asked by those involved to assess whether the necessary condition for change were in place: 1. Is there any mission of intelligence or security threats that cannot be met as the intelligence community is currently structured and operating? 2. Does the environment in the DRC and in Africa's Great Lakes region encourage organisational, operational and technological innovations? This was last step in the analytical framework.

The development of an analytical framework demonstrates that proposed revolutionary changes in Congolese intelligence affairs were grounded in a very serious analytical approach. Performance measures were put in place and some intelligence agencies were allowed to experiment new operating procedures and technology before the entire intelligence community commits to it. The constant reassessment of the need for change has generated unique solutions to the many problems that the Congolese intelligence was faced with. All this was based on the belief that the Congolese intelligence community has a particular responsibility to change ahead of times, not with times. For this change

to be effective, the proposed revolutionary change will require consistent political attention from both the executive and parliament as well as the attention of senior-level managers within the intelligence community. The dynamic of knowledge imposes one clear imperative to managers: every organisation has to build the management of changes into its very structure (Drucker 1995). The attention or involvement of external actors will also be sough at some stage in order to bring this revolutionary change to fruition.

8.7. Chapter Summary and Conclusion

In this chapter, I have demonstrated how changes in strategic tasks of intelligence services have led to change in the operations and every day working practices of Congolese intelligence services. Most importantly I have demonstrated that the although the process of intelligence reform began during the transition period when the government was made of representatives from former rebel groups, the unarmed opposition and former government as per the peace agreement, real change in intelligence operations and in everyday working practices of Congolese intelligence services took place only after the democratic elections of 2006. As mentioned in the introduction section of this chapter, democracy was the first driver of change in the intelligence operations. The power given to them by the people allowed the new democratic government to take measures that would reduce threats to people and state security emanating from continued attacks by rebel groups in the eastern part of the DRC and the aggression by neighbouring states of Rwanda and Uganda. Because of these threats, the government introduced changes in the doctrine and strategy of security forces after setting up the country's new strategic objectives. And, following an audit of intelligence organisations which identified their shortfalls and capabilities, weaknesses were found in the country's warning system and the government decided to invest in new technology.

The DRC has acquired a technological capability which allows its security services to intercept telephone communications and to listen into radio communications of its suspected enemies. Although this is not yet more advanced, the use of technology such as drones has at least improved the collection capabilities of Congolese intelligence agencies which are now able to support to military operations and to rapidly share information between them. Technology has also enhanced the analysis capability and the usage of intelligence by the "the intelligence consumers", the policymakers. Intelligence compiled by the analysts is now put into the hands of the consumers promptly and in clear intelligible form which allows it to relate to the policy problem with which the policymakers are concerned. Both the descriptive analysis and opportunity-oriented analysis are performed by the Congolese intelligence services. The former relates to the description of trends within the different communities and in within the Sub Saharan region; the latter, which complements the former, focuses on the strategic and tactical vulnerabilities of rebel groups and neighbouring states and illuminate opportunities to advance the interests of the DRC through diplomatic, military, and economic means, public diplomacy, and covert action (Godson 1989:6; Respondent No. 12).

Mechanisms for intelligence post-mortem have also been put in place to examine effectiveness in the handling of received intelligence by the consumers and the level of forewarning given by intelligence agencies (Respondent No. 1).The purpose of the post-mortem is to obtain something in the nature of a batting average of the alertness of intelligence services (Dulles 2006:150). If there has been a failure, either in prior warning or in handling the intelligence already at hand, the causes are sought and every effort is made to find means of improving future performance (ibid:151).

The Congolese intelligence production process is functioning according to different principles among which are the carefully

controlled relationships between intelligence producers and the consumers. Berkowitz and Goodman (2000:74) argue in this regard that the best way to ensure that an intelligence product meets the needs of the consumer is to put the consumer in touch with the analysts preparing the product. Thus, the process should constantly operate so as to minimise the distance between intelligence producers and intelligence consumers, permitting enough interaction so that the product is naturally tailored to the needs of the consumers. In relation to the relationship between intelligence producers and intelligence consumers, measures have been put in place to maintain a delicate balance between intimacy and detachment because, as Michael Handel (1989:5) notes, when this relationship is too intimate intelligence producers may identify so closely with consumers' past policies and decisions and lose all sense of objectivity. On the other hand, a too distant relationship may enable the intelligence consumers to maintain their independence at the high price of losing contact with the intelligence community.

This chapter has demonstrated that the need for institutional arrangements based on consensual decision-making processes and horizontal lines of communications between the Cabinet and the intelligence community and within intelligence agencies themselves came about as result of the need for coordination over both specific intelligence operations and policy and interdepartmental consultation.

The implementation of systemic change in intelligence affairs was preceded by solid strategic thinking and strategies were updated continuously this is why they brought about innovations in intelligence organisations, technology and operations.

9

KEY FINDINGS AND CONCLUSION

*The trajectory for Africa is strong and positively moving forward
in every area – in democracy and governance, in economic development
and growth, and in increased stability and peace…*

*What you need to look at is not the headline, which frequently brings
only the most troubling of news, but to look at the broader and fuller
story and look at it in the context of both time and history.*

Johnnie Carson,

U.S. Assistant Secretary of African Affairs

Brookings Institution, 11 February 2013

9.1. Introduction

It is through my longing to understand the role played by the
Congolese intelligence services in the overthrow of the dictator Mobutu
Sese Seko and in the peace negotiations between the then government of
the DRC and rebel groups that this research came about. As I explained
in the foreword, it is a journey that began when I went into exile in
South Africa where I witnessed the transformation and democratisation
of the security sector and had the opportunity to take part in the Inter-
Congolese Dialogue that was held in Sun City and facilitated by the
former president of the republic of Botswana, Sir Ketumile Masire. As
the personal assistant to the head of the civil society delegation to the
Inter-Congolese Dialogue, I had the opportunity to participate in secret

meetings between intelligence services of warring parties and which made it possible for a peace agreement to be reached.

I commenced this research with some naive assumptions about intelligence and intelligence reform. I mistook intelligence as something bad from which no good can come and intelligence reform as a process of making intelligence services more efficient and democratically controlled. Yet, as I realise, intelligence is very important for state and people's security and intelligence services of many non-democratic states are efficient although not democratically-governed.

I then decided to undertake this research taking into account the three main approaches to the study of intelligence namely the critical, the historical, and the political approaches.

Through the critical approach I have confirmed what many previous studies on post-independent African intelligence have discovered that the Congolese intelligence were used by President Mobutu and Kabila Senior as a tool of oppression (Pateman 1992; Africa and Kwadjo 2009). The historical approach helped to explain the relationship between Congolese intelligence agencies and the process of policy-making within successive governments. And, the political approach helped in explaining current intelligence reforms and bureaucratic arrangements.

This research has argued in its Chapter Five that the intelligence services in the DRC - beyond protecting dictatorial regimes and Western interests - have played a crucial role in the democratisation process and are now working for the state.

At the heart of President Mobutu's 32-year dictatorial regime lied the intelligence services which were engineered and designed to maintain the dictatorship and to ensure that the interests of his Western masters are well protected. Nothing that could endanger the existence of that regime or Western interests would have occurred without being detected and crushed in its planning stages by intelligence agencies which had

access to privileged information and which spied on, blackmailed and intimidated political opponents.

Mobutu knew that intelligence services were necessary for the survival of his regime but he also knew that they could be a danger to it. This is why he took preventive measures such as the creation of several intelligence organisations that were answerable to him and over which he used the divide-and-rule strategy. The centralisation of intelligence sector allowed the dictator not only to assert his personal control over the intelligence apparatus but also to control other arms of the state power as well as all government institutions.

Unfortunately the divide-and-rule strategy happened to be a double-edged sword for his regime; it created intense conflict between and within intelligence agencies and led marginalised intelligence organisations and staff to enter into connivance with the military to support the path to political liberalisation. The involvement of intelligence services in the elimination of the dictatorship was secretive not open and two strategies were used in the process: to provide the dictator with false intelligence or completely deny him information; and not to take action against demonstrations that were held against the regime by civil society organisations and the opposition.

Intelligence agencies' decision to turn against the dictatorial regime was a well-planned strategy to eliminate their rivals within the intelligence community as well as the regime.

Following the overthrow of the dictatorial regime, and as per the All-Inclusive Peace Agreement, the process of security sector reform (including intelligence reform) was undertaken and new security institutions were established, including new intelligence organisations which were put under civilian control. As mentioned in Chapter Two, Intelligence reform is not only about increasing the efficiency of intelligence organisations; it is also about the improvement of the effectiveness of intelligence agencies through democratic control of

their activities and budget and accountability for their actions. But in post-dictatorial, authoritarian or totalitarian states, intelligence reform also means the improvement of democratic civil-military relations.[111]

In the DRC, intelligence reform has been narrowly interpreted – particularly amongst political actors and human rights actors - as a process of transformation of intelligence apparatuses that supported the old undemocratic regime and the establishment of control mechanisms which would help to prevent the abuse of power by intelligence agencies and promote good governance within the intelligence sector.

This research argues that reforming intelligence in the DRC means so much more than this. Reforming intelligence means moving from the culture of strong men to that of strong institutions; the banning of favouritism based on ethnic origin and political affiliation; and the putting in place of a system of management that allows for the merit of every intelligence staff to be recognised and which prevents the politicisation of intelligence.

It is also about creating opportunities to foster strategic thinking skills that the country has long been lacking so that the government and its defence and security institutions can be able to understand the international environment in all its aspects and be able to develop and implement strategies to allow the DRC to remain one of the key players in the international system. One respondent suggested that,

> *'Intelligence reform means providing the government with institutions that allow it to know the undisclosed needs and aspirations of Congo's neighbouring countries and multinational companies that continue to support rebel groups in the DRC, and agencies that are capable of providing the government with correct advice on how these foreign actors can get what they*

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[111] In order to restore the public trust into intelligence organisations which was lost due to what the intelligence apparatuses did during the period of dictatorship

want directly through the government in a win-win situation thus avoiding unnecessary wars'.[112]

I tentatively propose here that chronic rebellions will end in the DRC if intelligence agencies are sufficiently empowered to provide clear understanding of grievances of all Congolese ethnic groups and the correct analysis of the reasons of the support by neighbouring countries and multinational companies to rebels. Such an understanding and consequential strategies will transform DRC's abundant mineral and natural resources into a source of strength.

This research shows that effectiveness and efficiency of intelligence services in a new democracy do not come about first and foremost through transforming intelligence apparatuses that supported the old undemocratic regime and establishing control and oversight head-on. They come rather from the new democratic government's need to be well and timely informed about potential threats to the state and the wellbeing of the people and its ambition to make the country a trustworthy partner in international system.

As for the DRC, the efficiency and effectiveness of intelligence services came from the government need to possess a continued understanding of the post-Cold War international and regional environment and its ambition to make the DRC a regional power in Sub-Saharan Africa, and whilst this is consistently recognised amongst local experts, it has not been grasped by the wider intelligence research community and international intelligence reform experts who continue to evaluate intelligence reform in the DRC in terms of adherence to democratic norms based on Western model (Born & Wetzling 2007; Davis 2009; Poteman 1992). For example Davis (2009:25) argues, in the case of the DRC, that its security institutions can only be successful if they adhere to the rule of law in the provision of safety and security. The lack of control of intelligence agencies by elected government, poor co-

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[112]Interview, 2010, Respondent No. 25

ordination between different agencies and rivalries between different agencies as well as the overlapping of duties are also believed to be the result of the assessment of African intelligence agencies (Pateman 1992:579). Pateman's arguments were totally correct in the 1980s when most African states were ruled by dictators and intelligence services did not try enough to balance the genuine needs of national security with the protection of civil liberties. The validity of his arguments can be called into question in this post-Cold War period where most African states including the DRC have taken the path of democratisation and are reforming their respective intelligence systems. These reforms have brought about improvement in the oversight of intelligence system and the co-ordination of intelligence agencies and helped in clarify the mission and mandate of each intelligence organisation in a state.

Rivalry between different intelligence agencies is not a phenomenon that can be attributed to African or Congolese intelligence services only. In the U.S., intelligence rivalry is a constant fact of life as it was and still is in Israel were the 1973 war happened as result of rivalry between intelligence agencies and the inability of intelligence chiefs to recognise the validity and significance of intelligence produced by a wing of service that was regarded as poor and obscure (Rositzke 1977).

In contrast to the process of transformation of the army and the police which was externally-led, positive transformation of organisational structures and working practices of Congolese intelligence community did not stemmed from the formal activities of international SSR experts who flooded the DRC at the beginning of the transition period. Rather transformation has taken place through a more organic – and difficult to map - process of *integrating* intelligence services of former rebel groups into national intelligence organisations, through which the transitional government, created many opportunities for intelligence staff to access new opportunities and to have their minds committed to protecting state interests. In many ways the intervention of

international experts in advisory capacity has been less important than the opportunities the transitional government presented for successful transformation and professionalization of intelligence agencies and staff. When asked how success might be measured in intelligence, the world's most respected intelligence scholar, Christopher Andrew, stated simply,

> *'The success of a security service is better judged by things that do not happen (which are necessarily unquantifiable) than things that do'* (2010:841).

The DRC has lost much politically and economically due to intelligence myopia of its politicians and the bad governance of its intelligence sector. How deeply politicians were committed to changing the status quo; how much they cared about their country; how sensitive they were to the needs of Congolese people; how much they allowed themselves to become involved in state-building; how mature and able they were to engage into strategic thinking and planning; are all important factors that need to be taken into consideration when measuring the success of intelligence reform.

Whilst much intelligence reform research is 'techno-democratic': forged on assessing the adherence of intelligence to democratic rules and norms, through this this study I have attempted to show that the ability of the Congolese government to make a difference in matters related to intelligence depended upon the willingness and commitment of its members to gain strategic advantages over their regional adversaries in order to be able to protect their national interests and to put security and intelligence institutions under the law so as to control and avoid any possible risks that may emanate from uncontrolled security and intelligence organisations. Despite all the negative headlines, there are clear indications that the news about Congolese intelligence reform is much more positive than it might appear.

9.2. Key Findings

Less literature on intelligence of the Global South and particularly on the DRC

As mentioned in Chapter Two, intelligence has been regarded for many years as the only profession that lacked a serious literature. Sherman Kent (1994) argued that 'as long as this discipline lacks a literature, its methods, its vocabulary, its body of doctrine, and even its fundamental theory run the risk of never reaching full maturity'. One of the objectives of this research was to contribute to the development of serious literature about intelligence services of the global South, particularly the DRC, which would help us escape from Western intelligence monoculture and allow us to embrace a more global approach to intelligence studies using concepts that bear strong relationship to mainstream intelligence activity around the world such as intelligence being an integral part of internal security policy not of foreign policy and intelligence as an important tool for economic development and commerce.

Through this research I have discovered that there is now a sizeable literature about intelligence but most of it is about Western intelligence. Much of this literature, as demonstrated in the literature review chapter, has been produced by Anglo-Saxon scholars who always presumed they are describing intelligence in universally applicable terms, although they tend to view intelligence as adjunct to American foreign policy-making. This literature is also largely about foreign intelligence, since the very concept of domestic security intelligence is intrinsically problematic in the United States. Paradoxically, American ideas of intelligence have flourished partly because of Washington's relative innocence in the world of intelligence. At the outset of the Second World War, Washington lacked a central intelligence machine; it was forced to raid the East Coast universities for talent to create an analytical centre and, at

the end of that conflict these people took the idea of intelligence back to their colleges and classrooms. The result was an early intersection between intelligence agencies and universities. This intersection led to the offering, in the United States, of the first university courses dealing with intelligence and the writing of the first important academic texts among which was Sherman Kent's Strategic Intelligence for American World Policy.

The predominance of the American paradigm in the field of intelligence has led many writers and commentators to assert that intelligence studies as an academic subject is "under-theorised" (De Derian 1993; Andrew 2004; Svendsen 2009) although it might be more accurate to assert that the subject is unevenly theorised. This Western predominance prevents us from getting enriched view of what new forms intelligence should take in this era when intelligence is changing fast and significant change is taking place in the world, forcing intelligence and security agencies to globalised their activities (Aldrich 2011:25-26). Also, during this period, a strong global civil society has developed, adding more burdens onto intelligence agencies and obliging intelligence services to shift their focus from things to people.

Furthermore, I have discovered that most of the literature on intelligence reform in new democracies focuses on how control and transparency can be achieved instead of looking at how to achieve efficiency.

This research has demonstrated that most states in the world have a substantial tradition of intelligence and internal security organisations and even many non-state entities such as banks, oil companies and terrorist organisations have long maintained significant intelligence capabilities. The research therefore argues that there is a need for a more global concept of intelligence which would allow better theorisation and the realisation of the true potential of intelligence.

This research has provided insight on Congolese intelligence based on both the political history of the DRC and the history of its intelligence services. This history has been a central part of this research as it prevented it from being too remote from the real world in which Congolese intelligence operates. Christopher Andrew rightly argues that economics without economic history and politics without political history, without, in other words, a dependable record of past experience, would be what Sherman Kent forecast; intelligence would remain without a serious intelligence literature – immature discipline (2009).

Wrong interpretation of intelligence reform by the donor community – the idea of making intelligence services of the DRC look like Western intelligence

While Congolese politicians consider security sector reform as a process that is linked inextricably to the wider political process in the country (Clément 2009), the donor community understands it as a purely technical issue aimed at improving the governance of the security sector (International Crisis Group 2006; Davis 2009) and making intelligence services work for the state rather than for those who are in power. That intelligence reform has so narrowly centred on creating new intelligence agencies and establishing new democratic legal frameworks so as to make them open, transparent and accountable (Born & Wetzling 2007; Bruneau & Boraz 2007; Brzoska & Law 2007; Davis 2009; Matei & Bruneau 2011) reflects an insufficient understanding of the aim of intelligence reform in new democracies, along with a sustained failure to understand the political history of the DRC and its geostrategic importance.

This research recognises the need for intelligence services of the DRC to be subjected to the rule of law as being one of the aims of reforms undertaken since 2003, but it is not simply that the lack of accountability rather than efficiency was the problem during the dictatorial period, and that therefore Congolese intelligence apparatuses

had to be overhauled from uncontrolled and repressive security systems into democratic state security organisations that are both transparent and effective. I argue here that the process of democratisation contributes to enforcing reformist norms within intelligence communities but the presence of democracy is not inherently more peaceable or apt to intelligence abuses especially in a state (new democracy) that has less developed traditions of democratic governance; it is, however, a step to the right direction.

As already mentioned in the introduction chapter, the DRC did not have a peaceful transition and the process of security sector reform (including intelligence reform) took place at the same time as political and economic reforms. Most importantly, during this period the war was still on-going in the eastern part of the country involving local, regional and international actors. Contrary to South Africa where intelligence reform process followed only the path drawn by democratic consolidation as at that time South Africa had no major internal or external security threats, intelligence reform in the DRC followed two paths drawn by both the existing regional security environment and democratic consolidation. The process became rather complex as it had to address at the same time the issues of transparency and accountability which were both the problem during the transition period, and how intelligence services should effectively fulfil their roles and missions, and cooperate with regional and international intelligence organisations in ending the war in the country and in fighting new security threats such as organised crime and terrorism.

The challenge was also about how to restore Congolese people and donors' trust into the new intelligence agencies. It is true that because of the transgressions and non-democratic past of intelligence services transition populations always prefer the destruction of intelligence apparatuses to their reform (Watts 2004) but it is not always easy to completely destroy intelligence apparatuses of former undemocratic

regime and built a completely new intelligence system with new personnel, premises, and assets as this requires time and resources. As discussed in Chapters Six and Seven, the DRC courageously opted for the maintaining of intelligence personnel of the dictatorial regimes and resolved the issue of professionalization of intelligence agencies by offering employment opportunities to a new generation of intelligence experts from former rebel movements and university graduates, by building the professional and technical capacity of the agencies and by introducing new management practices in order to prevent the continuity of previous intelligence culture and practices.

The fight against neo-colonialism is making many African states suspicious of some reform proposals from the West. Claims that transition governments have little (or no) experience on how to undertake intelligence reform (Bruneau and Matei 2010), which are nothing else but a call for these states to seek the expertise[113] from Western countries, can no longer stand especially in the case of the DRC which had the most professional intelligence services in the Sub-Saharan region during the Cold War. The international political and economic environment having changed considerably after the Cold War and after realising that after ten years of donors-driven security sector reform the country did not have professional police force and army capable of protecting peoples and their belonging as well as the territorial integrity of the DRC, the government wisely undertook the reform of its intelligence services with the help of national intelligence experts who knew exactly what kind of reforms were needed, and who, when they needed extra help, turned instead to other African states and China. Rarely was the advice sought from Western countries.

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[113] This service is never offered free of charge

Progress has been made in relation to intelligence working for the state, not for the regime. More still to be done

Contrary to police and army reforms that were externally-driven, Congolese intelligence reform was locally-driven. Its success is a direct result of the government's new strategic vision.

Since the organisation of first ever democratic election in 2006 the Congolese population is enjoying more freedom of speech than before. This is due to the on-going process of democratisation and also to the massive presence of international human rights organisations and the largest UN Peacekeeping force in the country that adds pressure on the government. The population and local human rights organisations have grown in confidence and do no longer fear to denounce any undemocratic behaviour by government officials or intelligence agencies.

There has been a decrease[114] in a number of reports from the public about misuse of coercive powers by the three main intelligence services (National Intelligence Services, Military Intelligence and Special Forces of the National Police) but much still to be done with regard to the promotion and protection of human rights in the DRC in general.

Local human rights NGOs, which in majority are funded by foreign donors, have also been complaining about the non-involvement of Western experts in the process of intelligence reform and about the secrecy in which intelligence reform has been conducted.[115]

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[114] Reports of human rights abuses by intelligence agencies are on increase in eastern parts of the country where the government is still struggling to maintain order and to protect the intangibility of national borders.

[115] Due to the chronic abuses of powers by intelligence services in the country, it was expected that proper public debate would have been provided by the government on intelligence reform and proper justifications would have been given to other government institutions, especially the parliament, about the necessity of proposed changes.

Despite these few setbacks, intelligence reform in the DRC has made significant achievements. As illustrated in chapter seven and eight, the collection and analytical capabilities of Congolese intelligence agencies have greatly improved. Their assessments of the security situation are more correct and timely than ever and because of this all current government decisions are intelligence-based (Respondent no. 19).

Intelligence organisations have been transformed and thousands of intelligence staffs of former rebel groups have been integrated into the new organisations giving them livelihood opportunities thereby reducing the number of potential criminality in post-conflict and unstable contexts.

New oversight mechanisms and executive and internal control mechanisms have been established, marking the beginning of democratic governance of the intelligence sector which requires that the same principles of good governance that bound the other institutions of the state be applied to intelligence services. More importantly the parliament, the judiciary, the media and civil society are imposing a sort of constant vigilance in order to make sure that intelligence organisations do not use their power covertly to infringe on human rights, personal freedoms or national values.

This research recognises though that there are still in the DRC some challenges that need to be addressed and which arose from inadequate intelligence legislation, generalised corruption and even penetration of intelligence agencies by organised crime cartels. If not addressed, the newly created Congolese intelligence agencies may take advantage of the situation and carry on with bad practices and therefore resist transparency or any democratic control. The research recognises also that the success of intelligence reform is contingent upon the progress of political and judicial reforms or the progress of democratisation process in general, but this does not mean that intelligence reform should be designed to directly achieve these ends or compensate for their

shortcomings. An overly expansive intelligence reform program could actually undermine reform's prospects and traction by neglecting the needs and interests of intelligence reform's core constituency – intelligence agencies. What intelligence reform can do is to help smooth a transition and mitigate the impact of setbacks and other obstacles. This is in my view what is being done in the DRC.

Measuring the success of intelligence governance (reform) in relation to conformity to democratic norms as understood by the West

As already mentioned, Christopher Andrew correctly notes that the success of a security service is better judged by things that do not happen (which are necessarily unquantifiable) than things that do (Andrew 2010:841). For example, the main priority of British Security Service before 9/11 was counter-espionage. The efficiency of this service was measured by the number of caught foreign agents or spies rather than by its efforts to turn the UK into a difficult target for espionage and sabotage. The inadequacy of such an assessment of efficiency can be well understood when looking at the current situation where there is a 60% rise in terror arrests but the possibility of terror plots the size of 7/7 remains strong.[116] The assessment of the efficiency of counter-terrorism operations of the Security Service needs to be based not on the number of would-terrorists it arrests but on the strength of its terrorism prevention strategy both at home and abroad. This is what should dictate the choice of performance indicator in the assessment of intelligence services.

Equally, the efficiency of any state intelligence organisations, including those of the DRC, should be measured in relation to how much such organisations meet the strategic tasks assigned to them by the

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[116] According to Aidan Radnedge quoted in Metro newspaper of 22 March 2013 the British Police have detained 245 terrorism suspects in the 12 months to September 2012 – up front 153 the previous year but despite this the UK threat remains at substantial, which means that a terrorist attack could occur without warning.

executive. Respect of human rights and civil liberties as well as the Constitution must be emphasised.

Intelligence reform in the DRC has to be first analysed before being assessed. The assessment needs to be conducted by systematically and rigorously comparing set goals against actual outcomes. For instance, although both intelligence reforms processes in South Africa and DRC took place in post-conflict setting, in South Africa the transition from apartheid to democracy happened peacefully and the country had no internal or external enemies when intelligence reform was undertaken. The internal political situation was favourable for the holding of popular consultations on matters pertaining to intelligence and this had a positive impact on the success of the reform. But in the case of the DRC, the dictatorship was brought to an end by an armed struggle involving a plethora of foreign armies and rebel groups that continued to fight the newly established democratic government because of their economic agenda. Intelligence reform was thus undertaken when the country was still at war against internal and external enemies. Conducting popular consultations or involving foreigners in the process was viewed by Congolese authorities as a security risk. This does not mean that no lessons from the experiences of other countries have been taken into consideration by the Congolese.

In order to clearly identify the application of such intelligence reform lessons, one must collect better baseline information on the backgrounds of Congolese intelligence services, the needs and the expectations of the government, the people and the intelligence agencies themselves and cross-reference these with the outcomes of the reform process. Valuable insights can be derived from this analysis making it easier to assess elements of intelligence reform that were most successful and those that had little noticeable impact.

9.3. Conclusion

The main aim set out in the introduction of this research was to contribute to research on intelligence in the global South, by analysing the roles of intelligence agencies in the DRC between 1990 and 2011. This research was guided by five main research questions, which in essence were: to identify established theories about the roles and definitions of intelligence in democratic states; to understand the DRC's experience of intelligence reform; to compare intelligence reform agendas in the DRC and South Africa; to identify mechanisms of democratic governance of intelligence that are used in long established democracies and assess if they really do work and whether there are any lessons that can be learnt by the DRC from countries where these mechanisms have worked well; and to identify the sort of strategic tasks and operational practices of intelligence that might be reformed in the DRC.

These five questions were to be answered through the analysing of the DRC's political history, its strategic needs and intelligence reform process, and the comparing of this intelligence reform process with that of South Africa, and finally the comparing of intelligence reform process in these two newer democracies to the same process in long-established democracies – U.S.A. and UK.

Additionally, three key assumptions were highlighted at the outset to underpin this research. These are: that the intelligence sector of the DRC has been reformed with some success; that established control and oversight mechanisms are helping intelligence agencies operate within the law and are making them more efficient and effective; and that change in political culture in the DRC is leading slowly but surely to change in intelligence culture.

When undertaking this research project, I chose to use the qualitative method as I identified that there is a need to analyse the impact of

reforms on intelligence agencies and personnel and on government decisions.

As the above summary of key findings illustrates, I have addressed each of the proposed five research questions. I have analysed in depth the reasons behind the reform of intelligence sector, the two paths followed by the reform process – one drawn by the existing security environment another by democratic consolidation, the impact of these reforms on the national security of the DRC, and ways how external and internal actors assess the reform process and where their assessment have differed or converged.

I have shown in Chapter Seven (7.3) how external actors - mostly African states and China - have been most supportive to intelligence reform in the DRC and where the Congolese government have missed the mark, whilst also identifying regional economic integration and intelligence co-operation as factors that will bring about lasting peace in Africa's Great Lakes region. My assumption that the democratisation of intelligence services in a developing democracy requires the total transformation of the political system and the democratisation of all the institutions of the state has been brought to life here, alongside, the lack of theoretical framework to analyse intelligence reforms in the context of transitions from authoritarianism, and the non-existence of enough literature on intelligence services of the Global South particularly the DRC have been made explicit.

Moreover, I have demonstrated the necessity for any study of intelligence governance to recognise that the need to strengthen democracy, accountability and transparency of intelligence services should not come at a cost to the efficiency and effectiveness of the secret services. The efficiency of the intelligence services in a democracy would, in fact, have to be measured in terms of the behaviour of the intelligence community; this behaviour should be consistent with accepted democratic practices and the rule of law. The underlying

premise is that the intelligence services will become more efficient when they operate under a mandate in line with the democratically defined security needs of the state, and that excesses will be avoided through better coordination and accountability.

Based on the description and analysis provided in this thesis which have demonstrated that the criteria for assessing intelligence reforms need to be identified not only in relation to adherence to democratic norms but also in relation to how those involved (government, civil society and international community) in these reforms believe they can lead to transparent, effective and efficient intelligence services, I hereby propose the following framework to analyse intelligence reforms in the context of transitions from authoritarian regimes:

Table 10: Theoretical Framework for Analysing Intelligence Reform in the Context of Transition from Authoritarianism

1. Political context	-What was the political situation before the transition? -Is there any major security challenges facing the country? -Are there any other reforms that are underway and that can be considered as priority over intelligence reform?
2. Reasons for reform	-Why the reform was initiated (will of country leaders or pressure from outside?) -What were the objectives? (to respond to current and future security challenges; to democratise intelligence sector the same as all other government institutions or just to show the international community that the country complies with its international obligations?)

3. How was the whole process conducted	-Were the outcomes to be achieved clearly defined? Were the weaknesses of intelligence system clearly identified objectively? -Did any consultation process take place during which the views of the 3 branches of government, intelligence services, civil society and international community were collected? NB: The elected government of a sovereign state has the responsibility to decide what is best for the country, including the kind of intelligence capability the country should have in order to protect its interests and to respond to its international security obligations.
4. Legislation on intelligence which came as result of reform	-Have the intelligence services been sufficiently put under the rule of law? -Does the role of each organisation clearly specified? -Is the mission of intelligence community clearly defined (not with broad mandate but a specific one) -Are formal and informal mechanisms of oversight been established, do they function properly?
5. Assessment at the end of the process to find out if all objectives were met	-Who were involved in the reform process? -Has the country's strategic objectives or security policies change? -Have intelligence agencies become more transparent, effective and respectful of human rights and civil liberties? -Has the attitude of the population changed vis-à-vis intelligence services? Does the population trust the country's intelligence services or they still fear them?

9.4. Applicability and Value of this Research

The research topic is first and foremost an analytical account of intelligence reform in the DRC. It shows the determination of the post-dictatorial government to positively transform intelligence sector in order to make its intelligence agencies effective, accountable and transparent capable of providing the government with timely and

accurate intelligence necessary for policy-making and action; it demonstrates the positive impact of the reforms on intelligence agencies and personnel as well on government decisions and it provides an analytical framework for assessing intelligence reforms in other developing democracies.

Despite all challenges related to conducting research in the secret world of intelligence, I decided to go ahead with this research project because I find the topic of intelligence reform in Africa extremely important during the post-Cold War period where the West is engaged in a quiet economic war with China over the control of Africa's natural resources and African governments are fiercely opposed to neo-colonialism.

Firstly, through the analysis of the DRC's political history in Chapter Four and the analysis of the failed Western-led police and army reforms in Chapter Five, the topic demonstrates the complicity of the Western world in Congo's lack of strong and well-organised security and defence systems, including intelligence services, which could prevent the aggression and violation of its national territorial integrity by neighbouring countries and the looting of its abundant mineral and natural resources.

Secondly, the analysis demonstrates that this situation required an urgent response from the Government of the DRC in order to put an end to chronic and externally-funded conflicts.

My initial intention when setting out on this research project was to create a study that would be applicable to other post-authoritarian, post-dictatorial settings. Whilst no doubt exists about the transferability of certain of the key findings of this study, I have reservation about the idea of imposing findings from one context to another and I instead suggest a process of transfer of knowledge that is on-going and reflective. Based on this argument, I present the findings of this research as a single case study of intelligence reform which can be applied to

other contexts but I emphasise that *first and foremost each setting has to be analysed individually*.

For example, the emphasis placed in this study on the special status of the DRC within the international community since the Berlin Conference and throughout the colonial and Cold War periods, which is related to the diversity and abundance of its mineral and natural resources and which led to the labelling of the DRC as a 'geological scandal', and had an impact on the quality of its security and intelligence agencies, may or may not be relevant to settings beyond the DRC. These issues relates also to the DRC's particular political and economic landscape - and to a 'cocktail' of factors that have contributed to the maintenance of undemocratic regime in place for over 3 decades.

The behaviour of Western countries in the DRC is of relevance to all post-Cold War security sector reforms in the developing world – they arrogantly seek to make all intelligence agencies look like Western agencies with an undisclosed mission of maintaining control over them, and I have made explicit my commitment that as countries seeking to 'do good' in the world, the West should first address their own process of inner transformation, learn from their past mistakes and change their policies toward Africa and the rest of the so-called developing countries.

Arguably, at this time I need to emphasise more than ever that as we continue to witness a proliferation of intelligence literature forged on Western interpretation of intelligence which does not take into account the fact that non-Western countries and even some non-state actors also have a long tradition of intelligence, the analysis of intelligence reform appears to be moving towards being solely the study of procedures aimed at enhancing the "control, effectiveness and transparency", or entirely conceptual debates on the democratic governance or otherwise of Western model of intelligence governance. I deeply regret the non-emergence of a new generation of security and intelligence researchers

who are willing to tackle the study of intelligence from a global perspective.

Additionally, the other relevance of this research is wider and it centres on the methodology used. Through focusing on both the impact of intelligence reform on intelligence organisations and staff as well as on government policies, I have brought to the fore the complexity of intelligence reform in a country that has no long history of democratic governance in relation to how much the actions of government are lightened by the product of the intelligence community, and particularly how those who served under the un-democratic regime *feel* about engaging with the issues which the democratic governance engenders, and especially in relation to how they have experienced the imposed changes.

9.5. Opportunities for Further Research

I close this conclusion by highlighting that the image the Congolese populations had about the country's intelligence agencies is starting to change based on government's recent well-informed diplomatic engagements to end the chronic conflicts in the East especially the caution and professionalism that government delegates used when negotiating with rebels of the M23 movement in Kampala/Uganda, the transparent reporting to the nation on the advancement of the negotiations as well as the strategy of involving Rwanda and Uganda in the search for sustainable solutions to the chronic conflict in the region and most importantly the signing in February 2013 by Congo's neighbouring countries and other AU members of the Peace, Security, and Cooperation Framework Agreement[117]proposed by the UN

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[117] The agreement also calls for the respect of DRC's sovereignty and territorial integrity by its neighbours. It is a foundation, both within the DRC and in the region, for a sustained and serious dialogue to ensure that the signatories hold each other accountable for their commitments.

Secretary General and which forbids the provision of any type of support to local and foreign armed groups operating in the DRC by any state. There is no more doubt about the increase of DRC's intelligence capability or on the weight of intelligence products on government policies which came as result of current intelligence reform. A number of avenues for further research on intelligence in developing democracies, particularly African intelligence, are revealed here:

Firstly, this is essentially a Congolese-centric study of intelligence reform in Africa which used a comparative approach, and there remains a tremendous need to understand better the nature and functioning of post-colonial African intelligence. This area is still sorely under-researched.

Secondly, Africa, particularly Sub-Saharan Africa, has experienced more wars than any other continent in the world since the end of the Cold War. Now that these wars are ending and all states in the region are building up their security and defence systems, there continues to be a need to pursue intelligence reform research to understand the role of intelligence services in arms acquisition and the extent to which the reforms have impacted on arms procurement procedures. Such studies may lead to the forging of news theories which can contradict the conventional typologies of post-colonial African intelligence that emphasise the centralisation of intelligence tasking and analysis and completely ignore the possible existence of decentralised parallel and informal structures which are heavily involved in arms trade outside the central coordinating body (Dover 2007).[118]

Thirdly, other future researches should look: at whether reform and regulation of intelligence sector should be consequentialist or

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[118]In this exceptional study Robert Dover specifies that the main use of intelligence in the export arms trade is to provide crucial contextual information about the situation in which the material will be provided, the dual-use potential of any particular piece of equipment, and the end uses for the equipment (2007:87).

deontological; whether there should be a framework in which activities of intelligence agencies are balanced against threats and dangers; and finally if there should be a list of things that agencies should do and should never ever do or a mixture of both. Such studies, when conducted on developing democracies, would need to use an anthropological approach through longer term observations of how the consolidation of democracy, the proximity between politicians and intelligence officials and the longer term observations informal intelligence systems to supplement the scarcity of information on African intelligence. This would require a holistic analytical approach that could be offered by the concept of anti-corruption to analyse collected data from the three arms of government and intelligence organisations and if possible from foreign arms manufacturers and traders.[119]

Fourthly, this research raises important questions about why intelligence reforms revolving around Western models continue to be favoured, when we know that exporting the Western approach has proved problematic even in the context of co-operation between Western countries, especially in Europe, and reveal the limitation of this approach. A much broader debate of the limitations of the Western approach to intelligence reform in non-Western countries would lead to a re-evaluation of this approach and to a more globally orientated approach to intelligence which is viable.

Finally, this thesis reveals the value inherent in conducting research on intelligence through the eyes of local and regional actors, and through globally orientated approach based on the reality of each region as each region has its own specific and appropriate intelligence culture with its own set of ideas.

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[119]Arms trade is highly lucrative but is considered as the most corrupt sector of the economy in the United States and the UK. It is argued that corruption is not a sleazy add-on to the global arms trade but a central to procurement decisions and makes the industry far bigger than it needs to be. (See Isenberg 2005; Joe Roeber 2005; Leigh and Evans 2005)

Europe is an exemplar of this as since the end of the Second World War the predominance of the European Court gradually led to a regional approach which emphasised legality both in intelligence and counter-terrorism. The European Union may be politically weak but it is legally coherent. Equally, the African Union is growing stronger and is more than ever determined to finding solutions to problems of African intelligence services.

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APPENDICES

Appendix 1: Profile of Respondents

Profile of respondents					Table 1
Respondent Number	Background	M/F	Age	Profile	Country
1	Local	M	>35	Current Senior Intelligence Analysts	DRC
2	Local	M	>35	Professor of International Security who was actively involved in Congolese Security Sector Reform	DRC
3	Local	M	>35	Exiled former Special Advisor to President Mobutu	DRC
4	Local	F	<35	Intelligence Officer	DRC
5	Local	M	>35	Investigative Journalist/ Former Immigration Inspector	DRC
6	Local	M	>35	Professor of International Security	DRC
7	Local	M	>35	Senator/Member of Defence and Security Special Committee (From the ruling party)	DRC
8	Local	M	>35	Senator/ MP/ Member of Defence and Security Special Committee (From the opposition)	DRC
9	Local	M	>35	MP/Member of Defence and Security Special Committee (From the opposition)	DRC
10	Local	M	>35	MP/ Member of Defence and Security Special Committee (From the ruling party)	DRC

11	Local	M	>35	Army Colonel and former head of military intelligence of CNDP – Rebel group	DRC
12	Local	M	>35	Army General	DRC
13	Local	M	>35	Former Head of Communications of the National Police	DRC
14	Local	M	>35	Intelligence Analyst/UN Peacekeeping Mission	DRC
15	Local	M	>35	High Court Judge	DRC
16	Local	M	<35	Human Rights activist	DRC
17	Local	M	>35	Current Senior Intelligence Officer	DRC
18	Local	M	>35	Former Head of Intelligence in East DRC	DRC
19	Local	M	>35	Government Minister	DRC
20	International	M	>35	Senior Intelligence Officer	South Africa
21	International	F	>35	Former Senior Intelligence Officer/Professor	South Africa
22	International	M	>35	Senior Researcher/Former Army General	South Africa
23	International	M	>35	Former Director of France's external intelligence agency	France
24	International	M	>35	Intelligence Reform Expert	South Africa
25	International	M	>35	Former Head of South African Secret Services	South Africa
26	International	F	>35	Intelligence Scholar	South Africa
27	International	M	>35	Army General	South Sudan
28	International	M	>35	Former Belgian Spy	Belgian

Appendix 2: Respondents Sample

Age, background, Gender across respondents					Table 2
Age	**No. of respondents**	**Background**		**Gender**	
		International	**Local**	**Female**	**Male**
<35	2	9	19	3	25
>35	26				
				Total: 28	

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Intelligence Reform in the Post-Dictatorial Democratic Republic of Congo

A Critical Analysis of DRC's Intelligence Service

John Kasuku

Dr. John Kasuku is an Associate Professor at the Department of International Relations of the Université Pédagogique Nationale in Kinshasa/Democratic Republic of Congo. He also works in the Office of the President of the Democratic Republic of Congo, where he is in charge of Strategic Affairs. John holds a PhD in Intelligence Studies and a Master's Degree in Peace and Security Studies from the University of Coventry in the United Kingdom.

Located in the realm of security sector governance, John's PhD research identified challenges to intelligence reform in post-colonial Africa and focused on how to make intelligence agencies accountable to the people while retaining their effectiveness.

While the current body of knowledge on the role of intelligence services in post-colonial Africa emphasises the protection of dictatorial regimes and poor governance of the security sector as the main contributing factors to the inefficiency and ineffectiveness of African intelligence services, this book offers a critical analysis of the missions assigned to intelligence agencies during different periods of DRC's political history and demonstrates that Congolese intelligence services rather efficiently protected Western interests during the Cold War period, when the West was competing with the Soviet Union over the control of the African continent. During this period, for over three decades, they incidentally protected the political leadership, which is the key role for intelligence services in virtually all states.

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