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Non-State Actors in the Implementation of EU Foreign Policy:
Competition or Convergence in the EU's Security Sector Reform Policies in the Democratic Republic of the Congo?

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(Draft – Please don't quote. Comments are welcome.)

Abstract

In this paper, the author approaches the implementation of security and defence policies of the EU and its member states from a governance perspective, which focuses on the multitude of governmental / institutional and non-governmental actors involved, and their relations. This is applied to the security sector reform (SSR) policies in the Democratic Republic of Congo (DRC). SSR is a major field of activity within the civilian crisis management dimension of ESDP/CSDP (European/Common Security and Defence Policy), that also in the DRC became a focal point of the EU. Within this framework, two operations are deployed in support of the Congolese SSR. In addition, also the European Commission and particular member states, such as the UK, are intensively engaged in the Congolese SSR. Their programmes are implemented by non-governmental actors and consultants, such as PricewaterhouseCoopers (PwC) and the International Organization for Migration (IOM).

As the implementation of these SSR policies in the Congo illustrates, coordination is often obstructed by the varying approaches and (financial) resources of theses institutional and non-governmental actors. The author investigates the relations between these governmental/institutional and non-governmental actors in the European SSR policies in the Congo, and analyses the impact of the presence of non-governmental actors (consultants, companies and others) in the implementation of these policies.

Introduction

Whereas CSDP missions are perhaps the most visible European actors in the target countries concerned, they are certainly not the only ones and even far from the most effective ones – due to numerous deficiencies. Both the European Commission and the Member States of the European Union are far more effective and autonomous actors in the implementation of foreign policies than CSDP missions – at least in terms of instruments and resources. While missions are limited in time, have a strict mandate and do not dispose of large assets and often the necessary expertise, and have only limited autonomous financial resources at their disposal, the European Commission as well as the Member States can deploy various instruments at the same time to obtain its goals, dispose of numerous resources and the necessary expertise – that often takes the form of private consultancies or expert bureaus.

Focussing on the role of non-state actors in the implementation of the Union's security and defence policies, this paper approaches from a governance perspective the security sector reform architecture of European Union foreign policy and the challenges of coordination this particular architecture procures. The involvement of both institutional or state and non-state actors is a specific characteristic of the EU's governance, but procures at the same time important challenges to public-private coordination. This is also the case in the EU's foreign, security and defence policies. Also in the implementation of the European SSR policies non-state actors are involved. The main argument of the paper is that the involvement of both public (governmental / institutional) and private (non-state) actors emanating from multiple levels of governance at the same time, renders coordination a crucial but critical issue in the EU's SSR policies. More in particular, by differentiating between political / financing actors and executive / technical actors, the EU and its Member States themselves undermine the CSDP missions by placing them dubious or unclear position between political and technical actor.

This argument will be illustrated using the analysis of the European Union's security sector reform policies in the Democratic Republic of the Congo as a case. This case is well-suited to illustrate the argument since the DR Congo is characterized by a wide EU presence including two CSDP missions in the Congolese security sector reform, an EU Special Representative for the Great Lakes, a large EU Delegation, as well as diplomatic representations of most of its Member States. Within the SSR field we will focus on the EU's police reform policies in the DRC. This is the domain in which the EU is the most active and in which the coordination challenges between the Council's mission, the European Commission, the Member States and their service providers is the most visible, tangible, and pertinent given the multiple dimensions of the topic (Merlingen and Ostrauskaite 2005, 215-235).

In the paper, first the foreign security sector reform policies of the European Union are approached from a governance perspective. Here, the focus is subsequently put on the governance approach, the governance of the European's security sector reform policies and the challenges of coordination this entails. Second this paper turns to the European Union's security sector reform policies in the Democratic Republic of the Congo. Similarly to the first section, we will concentrate subsequently on its governance, focussing on the plethora of institutional, state and non-state actors, and on the specific mechanisms and challenges of coordination that are present in the implementation of these policies in the field. Finally in the third section we analyse whether the presence of both state / institutional and non-state actors in the Congolese police reform leads to competition of convergence.

The empirical data for the paper are gathered through more than 80 in-depth interviews in Brussels and Kinshasa and during participatory observation at the international diplomatic level and at the Congolese police reform bodies in Kinshasa[1].

1. Security Policies beyond Governments:
Governance and Coordination

Governance and Public-Private Coordination

Governance, that knows various approaches and applications, can be defined as "an extremely complex process involving multiple actors pursuing a wide range of individual and organizational goals, as well as pursuing the collective goals of the society" (Peters and Pierre 2009, 92). The value of this definition is that is captures the core features of the governance approach and the challenges of coordination in complex policy processes, by stressing the multitude of *actors* and the individual and / or organizational *goals* they are pursuing. States individually are rather poorly equipped to provide and implement the services they are expected to deliver. Contemporary challenges pass the level of the traditional nation-state, both downwards and upwards. Upwards, individual states depend on each other to tackle challenges that require – because of their nature or scale – transnational answers and action. Downwards, the state has to rely on decentralized actors, executive agencies and civil society to guarantee implementation and compliance of its policies. Public-private partnerships at multiple levels of governance, multi-stakeholder initiatives between states, non-state and civil society actors are increasingly important and present to address complex issues.

However, this architecture procures several challenges to coordination. Both across multiple levels of governance and between public and private actors, formal coordination fora or mechanisms are not always strongly developed or adequate to deal with the specific problem at stake. The number of actors involved, the number and complex nature of the problems to tackle or simply the robustness or rigidity of procedures to follow, renders formal coordination difficult. Moreover, the international system is in the first place based on nation-states' representation. Private or non-state actors do formally not always take part in international coordination, although they are increasingly significant for the successful implementation of policies. Also resources vary significantly among actors, not only between governmental actors, but certainly also between state and non-state actors. On the one hand governmental actors differ in terms of the material and immaterial resources at their disposal. On the other hand, specialized non-state actors do often posses more expertise and (implementation) know-how than traditional state actors. Since they are mostly focused on a limited number of specific issues, non-state actors from their part rely on the governmental actors for authority in, access to and influence on policy processes. Furthermore, approaches

and interests are different among the actors. This is especially visible when considering the involvement of non-state actors in the policy process. While state or institutional actors are often limited by rigid bureaucracies and procedures with respect to policy formulation and implementation, and are often more interested in rapidly realizable and visible results than long-term sustainable impact, non-state actors are more flexible in their approach, are often more result-oriented and dispose of the necessary expertise (Hirst 2000, 19-22).

Governance, of course, does not only draws our attention to the plethora of actors involved at all stages of the policy process, but also to the relationships and the modes of interaction among these actors. It concentrates on the flexibility of informal practices and their interplay with formal procedures and the relevance and instrumentality of non-state actors in policy processes at various levels of governance at the same time. By stressing the interplay between formal and informal governance, the rigidity, bureaucracy or inadequacy of formal procedures and coordination mechanisms can be overcome. An important theoretical aspect of governance is that it looks at coordination and modes of public-private interaction, networks and partnerships (Pierre 2000, 3; see also Rhodes 1999). It includes an opening towards the participation of non-state actors in the policy process. The interaction between these state and non-state actors does not necessarily follow a hierarchical or 'contractual' logic. On the contrary, public-private relations are conceptualized as relatively informal network-relations in which relevant, interdependent or like-minded actors gather in order to steer a specific policy process. Relations can rather be understood as instrumental, in which public authorities recur upon private actors for expertise, support or more in general the implementation of their policies. Private actors from their part seek to influence policies and structures in which they move.

To conclude, the existence of informal governance modes, such as networks, and their interplay with and potential impact on coordination and policy implementation can lead to overcome the lack or inadequacy of formal coordination, the rigidity of formal procedures and hierarchies. Moreover, given their flexibility and untied character, informal governance modes facilitate the pooling of resources as well as the convergence of interests, mindsets and approaches, and the openness or sharing of specific relations with partners and stakeholders.

Governance in European SSR Policies and Challenges of Public-Private Coordination

Security sector reform is most commonly defined as "(1) developing a clear institutional framework for the provision of security that integrates security and development policy and includes all relevant actors; (2) strengthening the governance of the security institutions; and (3) building capable and professional security forces that are accountable to civil authorities", following the Organization for Economic Co-operation and Development / Development Assistance Committee (OECD/DAC) guidelines (2005) and handbook (2007). Although (mainly academic) discussions exist on the scope of the definition to adopt, whether SSR has a narrow or a broad interpretation, it is clear that these policies pass the level of the state, both downwards and upwards. Given its complexity, security sector reform can best be understood from a governance perspective, in which a broad number of actors are involved and complexity is at least partially countered by the interplay between formal procedures and informal practices.

Following this definition, foreign, security and defence policies are no longer solely dominated by states nor by the inter-national organisations having a state-centric focus. At all levels, individual states loose their dominance in favour of a plethora of regional and international organisations, as well as individual actors, societies, private actors and others, that increasingly mark foreign, security and defence policies. To an even lesser extent, individual states are able to tackle contemporary security challenges they are confronted with. That is at least what the governance literature in international relations, foreign and security policies tells us (for a general overview, see for instance Held and McGrew 2002, Koenig-Archibugi 2002, Diehl 2001). Following Deitelhoff and Wolf (2010, 11), "governance [of private and non-state actors] contributions [in security] must have a *political quality* in the sense of involving sustained unilateral or collective policies and activities that work towards the creation and implementation of collectively binding rules and norms related to the provision of collective goods". When approaching the involvement of non-state and private actors from a governance perspective, we consider these private actors that contribute to the implementation of collective goods, and in our case study the reform of the Congolese security sector.

Within the governance literature, a specific approach that focuses on security related issues is the security governance research (see for instance Kirchner 2006, 2007; Krahmann 2005). Security governance can be defined as "an intentional system of rules that involves the co-ordination, management and regulation of issues by multiple and separate authorities, interventions by both public and private actors, formal and informal arrangements and purposefully directed towards particular policy outcomes" (Kirchner 2006, 948). While analysing the management and implementation of security, the framework stresses the interrelationship between multiple actors, both state and non-state, and multiple levels.

When looking at the European Union as a foreign policy and security actor, similar characteristics come to the front. The European foreign, security and defence policies can therefore best be understood if it is seen from a governance perspective, revealing complex patterns and processes of governing that involve multiple actors in the absence of a central authority (Eising and Kohler-Koch 1999, 4; Peters and Pierre 2009, 92). Such a governance perspective stresses less hierarchical relationships between multiple actors operating in multiple arenas; the way how interests, goals and actions are coordinated; how to overcome the deadlock of rigid decision-making regimes; and focuses on the particular policy outcomes in which these interactions result (Justaert and Keukeleire 2010, 2). Based on this definition, we subsequently focus on the multi-institutional and multi-level character of the foreign policy of the European Union and its Member States, labelled as European foreign policy.

First, European foreign policy can not be considered as monolithic or dominated by a single institution, body or directorate. While with the inception of the Common Foreign and Security Policy (CFSP) in the Treaty of Maastricht, foreign policy was dominated by the member states within the Council of the European Union, this situation gradually changed with the European Commission starting to engage in foreign policy, and is significantly different under the current provisions of the Lisbon Treaty. The member states obviously remain important actors in the EU foreign policy process. However, 'common' EU actors (Keukeleire and MacNaughtan 2008, 77-85) come more and more to the front and gain more and more influence in the foreign policy domain. Specifically with respect to security sector reform this multi-institutional actorness is present. Based on the abovementioned definition

security sector reform is a domain in which various policies can be developed, with numerous instruments emanating from different institutions (Justaert and Keukeleire 2010, 6-12). In the case of SSR, the civilian CSDP missions are the most obvious instruments. However, in comparison to Commission's initiatives, missions are often hampered by a strict timeframe, limited resources and mostly a far too ambitious mandate. Disposing of much more resources and instruments, the European Commission is often a more important and long-term foreign policy actor than the CSDP missions, also in the EU's security and defence policies (Klein 2010, 155-165; Krause 2003).

Second, in addition to the foreign policies of the EU, the member states continue to conduct their own foreign policies in a bilateral way. Inspired by specific traditions or based on particular relationships with third countries, member states are more or less likely to develop SSR policies bilaterally rather than under an EU umbrella. This of course has also potential negative repercussions for the CSDP missions, in the sense that the latter are subject to member states' particular positions on the role and goals of the mission (Hadden 2009, 67-86). Member states that engage bilaterally in SSR policies abroad are less likely to contribute to or support a CSDP mission in that country if the CSDP mission's mandate does not complement – or in the worst case if it contradicts – the member states' bilateral projects. In addition, as a consequences of these remaining foreign policy competences of the EU member states, the EU is not the only framework through which foreign policies and goals are pursued. For the realisation of specific objectives or for reasons of influence, capabilities or partnerships / alliances, other security fora, such as the NATO or the UN, or ad hoc multinational coalitions might be more adequate settings.

Adopting a governance perspective leads also to the inclusion of other actors than institutional or governmental ones. It is not new to the domain of foreign policies, especially in complex and technical issues such as the reform of security sectors, that institutional or governmental bodies recall upon non-governmental and private actors to assist or to implement their policies (Deitelhoff and Wolf 2010, 5-6). As consultants, service providers or as executive agencies for governments or institutions, multinational corporations, private consultancies or (international) non-governmental organisations often possess more specific expertise, resources and networks required for the implementation of security sector reform policies than states or institutions. Private actors provide specific connections to state and non-state authorities, bring technical competences and can provide strategic direction to an organisation by sharing and exposing their expertise and experiences (Chhotray and Stoker 2009, 153). This tendency can not be decoupled from the growing importance of private security actors that take up parts of the state's role in providing security to individuals, companies and during particular events. Consequently, while the provision of security is no longer an exclusive regal competence, the reform of this sector, also as a foreign policy implies the involvement of non-state actors.

Moreover, also civil society is increasingly present not only in the formulation of security sector reform policies but also is also a factor in their successful implementation, in terms of acceptance, support and compliance. Both civil society of the foreign policy actors as well as within the foreign policy target play a role. For its implementation, however, it is in the first place the latter that is considered as crucial. This is especially the case when reforming police sectors and judicial systems that have a clear linkage with the population – which is only to a lesser extent the case when it comes to army reform.

It is obvious that the plethora of actors involved in EU foreign policy, and more in particular the presence of both state / institutional and non-state actors in its security sector reform policies procures significant coordination challenges for the European Union. This is the case in all stages of the policy process, from policy formulation to implementation and evaluation, but it is the most visible when looking at the implementation of these policies since it is at that stage where the presence of these variety of actors is the most tangible. In line with the literature, five challenges to coordination, especially between state / institutional and non-state / private actors, are distinguished in the following paragraphs: (1) the inadequacy of formal coordination mechanisms, the differences (2) in resources and capabilities, (3) in interests and motives, and (4) in approaches and traditions, and finally the risk of competition in the relations with targets (Justaert and Keukeleire 2010, 9-12).

First, when dealing with the implementation of complex security sector reform policies, formal European coordination mechanisms on the ground – if already they are present – are often inadequate. Due to the number of actors involved, the rigidity of the procedures to follow and the often limited frequency of meetings held, formal coordination does not always take place or risks to be inadequate. Moreover, while they are often crucial for their expertise and know-how in security dossiers, non-state security actors are mostly not involved in formal coordination. Second, differences in terms of capabilities and resources between the actors make the need – or will – for coordination more or less salient for specific actors. While particular EU member states mostly opt for common EU action through its CSDP framework because they lack sufficient resources to engage individually, other member states do posses the necessary resources to engage bilaterally. This of course risks undermining the European action – or can even lead to a certain competition between actors when projects are to a minimal degree not aligned to each other. In addition to financial resources, interdependencies also exist in terms of other material as well as immaterial capabilities. Third, the interests, motives or agendas behind actors' engagement in European SSR policies are quite differently. Most obviously, motives of states and institutions differ from those of private and non-state actors. While states and institutions are more preoccupied with political motives and the visibility of their interventions, non-state and private actors are more into the technical aspects of security sector reform. Actors' variable approaches and traditions with respect to security sector reform are the fourth challenge to coordination. Actors' different traditions regarding the organisation and functioning of the security system, the frontier between individual and collective security and even the concept of security itself renders coordination more difficult. Wile state and institutional actors mostly have a traditional approach to security sector reform based on the resources at their disposal, consisting of training and technical assistance, non-state actors adopt a more comprehensive approach. The latter involves also procedures of accountability, transparency and a customer-oriented focus. On the other hand, the differences in approaches are reflected in the way various actors implement their SSR initiatives. While some member states rely more and more on private (security) companies, others count on traditional – military, police and judicial – actors to implement SSR policies. Of course when relying on the state's police officers to implement police reform policies, immediately the state's tradition to police organisation and functioning dominates. Non-state actors or private security companies on the other hand are mostly not linked to a specific security tradition and are more likely to build upon existing frameworks within the target country. Moreover, they are often more result-oriented and business-minded than state actors that are often hampered by their bureaucracies. Finally, the different relations actors' have with specific target

countries are a crucial factor when dealing with coordination. In view of the particular historical, economic, geographic, linguistic or other connections between foreign policy actors and foreign policy targets, relations can vary significantly. This can take the form of privileged access to specific political or economic circles, support from the target country's population or the stakeholders affected by the SSR policies. Specific relationships can constitute an advantage for particular actors as well as a disadvantage for other actors. International private and non-state actors are relative new actors in SSR policies and can thus occupy a more neutral position than the former. This is of course linked to the third element as mentioned above, the political versus technical interests of the different external actors.

In the following two sections, we first focus on the EU's policies towards the Congolese police reform, its architecture, its challenges of coordination and the various modes of governance that exist in the implementation of the different policies. Secondly, based on the governance assumptions above, we will analyse to what extent the existing modes of governance in the implementation of the European's police reform policies in the DRC effectively lead to overcome rigid formal procedures and hierarchies, to deal with interdependencies, to converge interests, mindsets and approaches, and to equalise relations with partners.

2. The EU's Police Reform Policies in the DR Congo: Governance and Coordination

Governance in the EU's Police Reform Policies in the DRC

The European Police Reform Engagements: Political and Technical Actors

Since the inception of the European Security and Defence Policy, the Democratic Republic of the Congo has been a major field of action, and more in particular the Congolese security sector reform. Yet the EU's SSR policies towards the DRC were not exclusively conducted in the framework of the Council's ESDP. Individual Member States as well as the European Commission were already engaged in this reform process since the signing of the Peace Agreements in the country and between the countries of the Great Lakes Region in 2002. With respect to the EU's engagement and presence, two periods can be distinguished, with the first democratic elections held in the DRC in 2006 as principal turning point. While the European efforts before 2006 were relatively streamlined and harmonised towards the organisation of and especially the security and policing during the highly delicate first democratic elections (for an overview, see International Crisis Group 2006; Hoebeke, Carette and Vlassenroot 2007), the actual reform process in the aftermath of the elections is marked by a plethora of rather uncoordinated European initiatives.

First in its ESDP framework, the Council deploys since 2007 the civilian EUPOL DRC operation that aims to support the Congolese authorities in its police reform process and the interface with the judicial sector. Headed between 2007 and 2010 by the Portuguese Chief Intender Custodio and since October 2010 by the Belgian Rikir, the mission is mainly staffed with Belgian, French and Portuguese police officers. Until September 2010 the mission had three posts in the country, in the capital Kinshasa, and in the Kivu provinces in Goma (North

Kivu) and in Bukavu (South Kivu). Under its current mandate (as from October 2010), the mission post in Bukavu is not incorporated anymore. Since the beginning of EUPOL's engagement in the reform of the Congolese police, its mandate has three times been enlarged and modified. Its main activities however, remain unchanged. In addition to the reinforcement of the PNC capabilities through training and the publication of police manuals, EUPOL is actively engaged in the Police Reform Follow-up Committee (*Comité de Suivi de la Réforme de la Police*, CSRP) providing the PNC with advice and assistance in the conceptualisation of the reform process. Until September 2010, its mandate provided in the first place clearly a conceptual role. In doing so, the mission intensively contributed to the formulation of the new philosophy for the Congolese police, based on the Belgian concept of 'proximity policing'[2]. Since 2009, especially under the impulse of the Nordic countries and the Netherlands, also gender issues in the PNC and the fight against sexual and gender-based violence (SGBV) are incorporated in the mandate, although it seems hardly possible to realise such a complex and large-scale objective given the missions limited resources. Currently, the mission has a budget of €407.679 for the realisation of ten projects with an staff of 35 civil and police personnel. Although [a limited number of] trainings are organised, EUPOL's role to the Congolese police reform since 2007 has a dominantly conceptual contribution (Council of the European Union 2010).

With its new mandate the mission was guaranteed its prominent role in the Police Reform Follow-up Committee, in addition to further training programs and other PNC re-enforcement capacity projects, such as the implementation of proximity policing. On the financial plan the wide array of objectives, [strongly] pushed for by the mission was translated in a fragmentation of its already very limited budget of €407.679. Almost half of the budget (€197.000) was devoted to the support of the activities of the SE/CSRP. The rest of it was divided over six other objectives that covered nine projects, of which the most important one was the publication of texts in support of the PNC capacities (€93.850) (EUPOL 2010).

In addition to the financing of the EUPOL mission through the Union budget, the European Commission plays a significant role in the development of the Congolese police reform programme both in financial and in substantial terms. Represented and supervised by the Union Delegation in Kinshasa, it supported two major initiatives, being the support to the Police Reform Follow-up Committee and the development of a modernised and automatised human resource (HR) system (République Démocratique du Congo – Communauté européenne 2008, 87-88). The CSRP, in which also the EUPOL mission has been very active, was entirely funded by the European Commission (from 2008 till 2010) and the Commission's technical and logistical project support to the CSRP was implemented by PricewaterhouseCoopers. The most important contribution from the European Commission is however the development of a modernised and automatised HR system that intends to fill the gap of the PNC with regard to its personnel and their qualifications. The lack of specific data and knowledge on its police officers is the major current problem of the PNC and the first building block towards reform. This sensing project that consists of the mapping, selecting,

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[2] This is not surprisingly given the extensive Belgian support for and participation in the EUPOL mission. The Belgian chief commissioner Jean-Paul Rikir, Head of Mission since October 2010, was since 2008 deputy head of mission and responsible for the assistance to the CSRP. Accompanied by another Belgian police officer, he assisted the CSRP and the PNC in developing the Congolese community policing philosophy – that turns out to be a remarkable copy of the Belgian version. In the CSRP they were especially supported by the South African police partners, who in turn were in the nineties also trained and inspired by the Belgian federal police.

and biometric registration of effective police officers, is implemented by the International Organisation for Migration (IOM). The project started officially in 2009 with €2,2 million , however, problematic relations with both the Congolese police authorities and other external players involved in the Congolese police reform, slowed the initiating process down postponing its effective start to November 2010. Its budget was raised to €5,5 million and should now be finalised by the end of 2011 interview in Kinshasa, 07.09.2010).

From 2009 onwards the United Kingdom's Department for International Development (DfID) became the most important European partner engaged in the Congolese police reform – at least in financial terms. In the framework of its five-year plan on Security Sector Accountability and Police Reform (SSAPR) with a budget of £60 million (app. €70,5 million), four themes are covered: external accountability (£10 million), internal accountability (£5 million), police reform (£40 million) and monitoring and evaluation (£5 million). After a call for tenders, the different themes are implemented by three different non-state actors. The most important one is the private consultant PricewaterhouseCoopers (PwC) that is responsible for the police reform programme as well as for the internal accountability programme. The external accountability programme is implemented by a consortium of the African Security Sector network (ASSN) and Development Alternative Inc. (DAI). The monitoring and evaluation programme, finally, is implemented by EDG/GRM International. The project's principal focus throughout the four themes is the police reform. Geographically, the project will be implemented in the capitals of three pilot provinces, Western Kasaï (Kananga), Bas Congo (Matadi) and South Kivu (Bukavu) (Department for International Development 2011).

Since late 2010 / beginning 2011, two traditional partners that were recently only indirect involved in the Congolese police reform, became more active again. France and Belgium were till now only involved through their participation in the EUPOL mission. For various reasons, new bilateral initiatives have been taken. France, that historically has a strong tradition in crowd management and intervention forces to maintain order, trained in view of the 2006 elections five Rapid Intervention Police battalions (PIR) in the DRC. Currently, their aim is to restore this abandoned initiative in view of the 2011 parliamentary and presidential elections (interview in Kinshasa, 29.09.2010). Although this initiative gains the support of the Congolese authorities, the other international partners are rather reluctant to participate (interviews in Kinshasa, 06.10.2010; 07.10.2010; 20.10.2010).

Belgium finally will need to pay a price for its intensive efforts to keep the EUPOL mission in place and to get the Belgian chief commissioner Rikir appointed as head of mission since October 2010. In order to help the mission, which suffers from a lack of resources, credibility towards the other European partners and uncertain results given its too wide mandate, Belgium aims to contribute to the realisation of a reference commissariat (the operational translation of community policing) in the Congolese capital Kinshasa. For the implementation of this initiative, the Belgians would recall upon the expertise of EUPOL thereby strengthening the mission's position by giving it more resources and a project analogue to the projects implemented by PwC. Moreover, geographically the project can be more successful than the British, since it is based in the capital Kinshasa, and thus more visible, and is located in a relative accessible quarter with an already decent infrastructure (interviews in Kinshasa, 18.10.2010; 21.10.2010).

Figure 1 – *European States, Institutions and Service Providers*
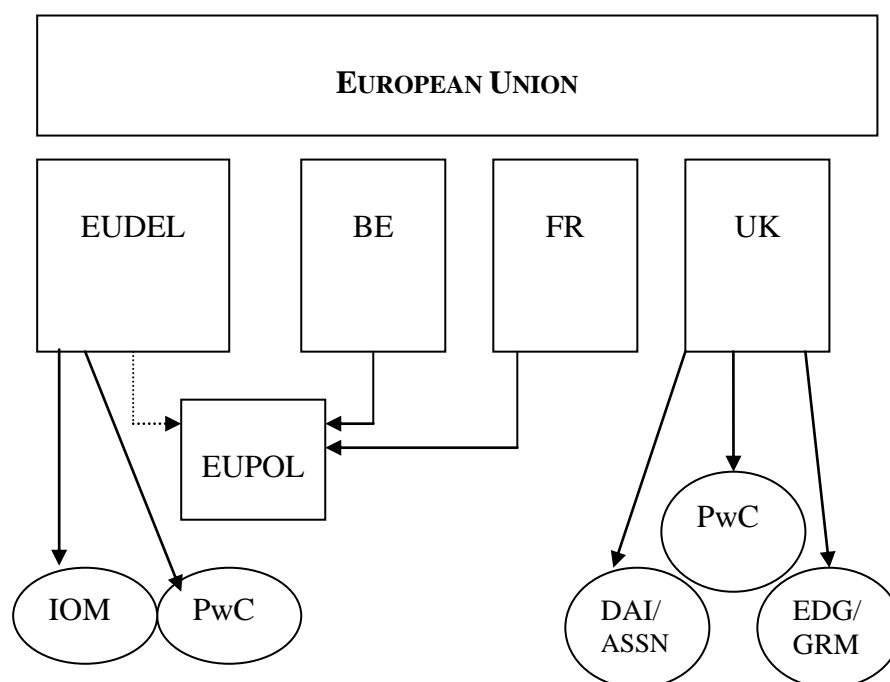**in the Congolese Police Reform**

Figure 1 presents a simplified overview of the European actors involved in the Congolese police reform as well as their relations. Although it is clearly a simplification in which we assume a maximalist implementation of the Lisbon Treaty in which the EU Delegation (the former European Commission Delegation) provides political guidance over the Council mission, the figure illustrates the complex web of actors and the relations between them, especially when it comes to the interface between the political level and the technical level.

The figure makes in the first place clear that EU member states engage both bilaterally and through the CSDP mission. Moreover, not all member states contribute actively to the EU's CSDP mission. Mainly France and Belgium contribute to the mission in financial and operational terms. The UK on the other hand, that has the biggest European project in the Congolese police reform, does not contribute to the mission.

Second the figure illustrates that the EUPOL mission has an ambivalent position, on the one hand with respect to the European political partners, and on the other hand regarding its relations with the service providers such as PwC and the IOM. The mission clearly considers itself as the EU's political and even diplomatic actor alongside the EU Delegation (interview in Kinshasa, 02.12.2010). The latter, however, together with the member states and their service providers involved, do not share this perspective. At politico-diplomatic meetings organised by the EU Delegation or the member states, the mission is therefore not always involved. Following the new provisions of the Lisbon Treaty, it is the EU Delegation that provides political guidance and direction to the mission and are therefore considered as the principal EU representation in the field. Moreover, the mission has a limited budget and depends upon the bilateral contributions of the Member States to implement its projects. These characteristics turn the mission rather into executive agents than into politico-diplomatic actor.

Modes of Governance and Coordination

In order to ensure convergence and coordination between this multitude of actors, various for a exist. These take various forms, including a variable number of political and technical actors depending on multiple criteria such as expertise, resource interdependency, like-mindedness and others. Moreover, when adopting a governance perspective to foreign policy not only formal coordination should be taken into account. Exactly the existence of informal governance and coordination mechanisms and especially their interplay with formal governance constitute the driving force behind all the stages of the European foreign policy process, from policy formulation to implementation. By stressing the importance of the interplay between formal and informal coordination in which both relevant state and non-state actors participate in a flexible, less hierarchical way, governance entails the potential to overcome the challenges defined above.

The most important Congolese-led international coordination body is the highlighted Police Reform Follow-up Committee (*Comité de Suivi de la Réforme de la Police*, CSRP). Formalised by the Congolese government in 2007, the CSRP is a two-level coordination body between the different Congolese authorities involved and the engaged players of the international community. At the technical level, the Executive Secretariat of the CSRP consists of nine thematic working groups conceptualizing and preparing the reform of the PNC. The work conducted within these working groups is discussed and validated at the political level, before it goes to the Congolese government to be adopted (République démocratique du Congo 2007a; 2007b). Both at the technical and at the politico-diplomatic level, the CSRP aims to constitute both intra-Congolese coordination and between the Congolese players and the international partners engaged. From the Congolese side, the CSRP unites the police authorities and political responsible ministries involved. The latter include not only the Ministry for Interior and Security, but also the Ministry of Defence, Justice, Finance, and others. In addition also the Congolese civil society is represented within the thematic working groups and at the political level. From the international side, all players actively or financially involved in the Congolese police reform participate. At the political CSRP level, the ambassadors and head of missions are involved, and at the technical level the (political) advisors. In these meetings, also non-state actors implementing donor's projects participate.

At the European level, no formalised coordination bodies in the field exist. An informal reunion of the head of missions and diplomatic representations is held weekly, presided by the Ambassador of the EU Delegation since the entry into force of the Lisbon Treaty. Although not every member state is represented in these meetings – due to the absence of an embassy in the country or a lack of political engagement – all relevant member states participate in it. However, the meeting knows several disadvantages, mainly due to the overload of topics on the agenda and the lack of formal policy- and decision-making competences. Moreover, important non-state actors (PwC, IOM and the others) are not involved in this political meetings.

In addition, also the EUPOL mission, together with the police unit of the MONUSCO UNPOL, organised informal meetings specifically on the reform of the Congolese police sector with all the external actors involved. However, given the lack of support of the UK for the mission's coordination role, and the mission's refusal to involve executive actors, *in casu*

PwC, the meetings were relatively unsuccessful and ran down (interview in Kinshasa, 04.10.2010).

Third, although not exclusively at the European level, the International Contact Group for the Great Lakes (ICGL) constitutes an important coordination forum. The ICGL is an a-periodical and informal meeting of like-minded actors. It is attended by the UK, France, Belgium, the Netherlands, the EU (represented by the EU Delegation), the USA and the UN (MONUSCO, represented by the Principal SSR Advisor). Focussing specifically on SSR, they aim to define, but not formally decide, common or at least harmonised approaches towards the capricious Congolese government (meeting in Kinshasa, 07.09.2010).

The presence of this multitude of actors, both political and technical entails a clear challenge of coordination in which a lack of adequate formal coordination mechanisms, diverging interests and approaches, and variable relations with the Congolese authorities constitute the core elements. In the following section, we dig deeper into each of these challenges, focussing on public-private coordination, and more in particular the impact of non-state actors' involvement on the functioning of the CSDP mission EUPOL DRC and the European coordination.

3. European Policy-Making and Implementation in the Congolese Police Reform: Convergence or Competition?

Despite the existence of several international and European fora and mechanisms for coordination and convergence, the governance in the Congolese police reform suffers from various public-private challenges and obstacles leading to competition or even deadlock in the implementation of the reform policies. In line with the governance literature, these challenges can be categorised around five main topics: the inadequacy of formal coordination, the interdependencies, the diverging interests and approaches and the competition in the relations with the Congolese authorities.

Overcoming the Lack or Inadequacy of Formal Coordination?

At the European level, formalised coordination on the ground remains rather limited and inadequate. Given the lack of formal mechanisms to coordinate the implementation of European policies in the Congolese police reform and the problems the ad hoc coordination fora in Kinshasa are confronted with, informal networks and relations become significantly important. However, also these informal gatherings have their shortcomings.

A first inadequacy that has proven to undermine coordination is the distinction between the political level of policy-shaping and the technical level of policy implementation. Coordination suffers from serious credibility when not all actors – and especially the most important ones – are involved. In various coordination fora – both formal and informal – technical / executive actors are not involved. This is for instance the case in the weekly EU coordination meeting in which neither IOM nor PwC are involved. A second example that illustrates the distinction between political and technical actors, and the ambivalent position of the EUPOL mission, are the – a-periodical and informal – meetings of the International

Contact Group for the Great Lakes. In the Great Lakes Contact Group, however, not all EU actors participate or are invited. The most remarkable of the non-invited actors is the EUPOL mission, which is by the participants considered as a technical actor, represented by the EU Delegation. In addition, also PwC nor IOM participate in these meetings.

PwC and IOM are indeed no political EU actors and are in that way no formal participants in the EU coordination meetings. So, one could question the necessity of non-state actor involvement, since they are often bonded by contracts and hierarchical control of states / institutions. Yet, at the level of the implementation they maintain contacts for their respective political actors (the EU Delegation and the UK's DfID) with the Congolese (police) authorities on a daily basis and can therefore be considered as crucial for a common EU approach and discourse towards the Congolese authorities.

Balancing Unequal Resources and Interdependencies?

Secondly, the differences in resources and capabilities between the actors form a fundamental challenge to coordination in the implementation of the Congolese police reform. As can be deduced from the actors' budgets in the previous section, resources devoted to the Congolese police reform vary considerably. With a budget of £60 million, the UK's DfID has a more important budget than all the other external engaged actors together. Moreover, member states with a large budget are more willing to develop bilateral programmes than through the EU framework. The latter tendency has negative repercussions for the EUPOL DRC mission that with its limited budget depends on additional bilateral contributions of the member states. With the exception of Belgian additional contributions (both financially and in terms of police officers devoted to the mission), EUPOL has to run with its own budget and staff. PwC on the other hand has the necessary funding to realise its projects and objectives, but lacks the necessary police staff. It therefore bought several high level police officers from EUPOL – leaving the mission with a capacity- and know-how gap.

However, at the same time, there is a high degree of interdependency among all the external actors involved in the Congolese police reform. Even the financially most important actor depends upon the other players for a successful implementation of its programmes. The EU Delegation occupies a rather central position through its senses project and the creation of a modernised and automatised human resources system. Knowing and managing the exact quantity and quality of the PNC is a primary condition for the start of any other project in the Congolese police reform, from training to community policing. However, due to bad relations with the Congolese police authorities, the service provider of this project, IOM, could only start the senses in November 2010, one year later than initially foreseen, which also hampered the implementation of other projects, such as the British (interview in Kinshasa, 07.10.2010).

Converging Interests?

It is clear form the abovementioned overview that actors' interests in the Congolese police reform vary widely, from short-term to long-term interests to various political motives. The diverging interests and motives behind the actors' interventions and engagement in the

Congolese police reform are the second element that hamper – or at least complicate – intra-European coordination.

With regard to the EUPOL DRC mission, it is clear that although its contested role and limited budget nearly all member states wanted to maintain the mission in order to realise their internal interests (Keukeleire and MacNaughtan, 2008: 21-22). For some member states, the mission is an instrument to promote their principal foreign policy objectives, such as the gender-focus for the Nordic countries and the Netherlands. Other member states preserve the mission simply because they lack the necessary resources to engage bilaterally in the Congolese police reform, such as Belgium and Portugal. For other member states, such as France and Belgium, the mission is an umbrella for engagement in an area where bilateral engagement could be delicate.

For Belgium, that has always been more in sight of the Congolese authorities, more specific interests are at stake. When in October 2010 the Belgian police commander Rikir became the EUPOL DRC Head of Mission, the success of the mission – in terms of realising its objectives – became a Belgian interest. Therefore, Belgium decided in the second half of 2010 to take up a more active role in the Congolese police reform through the development of a bilateral project in support of the EUPOL mission to realise a specific objective of the mission, namely the creation of a 'Community police' in the communality of Kinshasa (in the capital/province of Kinshasa). The choice for this specific communality is inspired by its visibility (through its name and geographical location in the centre of the capital) and by its relative high chance for success (thanks to its already relatively accessible roads and functioning infrastructure).

This, however, contrasts with the interests of the UK in the Congolese police reform. With its five-year programme, the UK's DfID aims to continue the relatively successful SSR experiences in other African countries such as Sierra Leone, Kenya and Sudan (DfID, 2011). Initially, it was not in the UK's interests to preserve the mission that also in the future devoted its most resources and energy to the CSRP where the reforms are conceptualized. DfID through its service provider PwC, however, wanted to start the implementation of its programme. A rapid formal end of the conceptualisation phase and the reform of the CSRP passing the work to an implementation committee, was therefore one of its first priorities (interviews in Kinshasa, 19.04.2010; 09.09.2010). The EUPOL mission was therefore an obstacle to DfID's and PwC's progress in the implementation of the Congolese police reform. The UK was therefore not interested in a prolongation of the mission's mandate and strived for a limited role of the mission. It succeeded in having eliminated the mission's post in Bukavu in the Southern Kivu province, one of the three pilot provinces where the DfID programme will be implemented and the police reform will be tested.

Converging Approaches?

The third – and perhaps most important – challenge of coordination are the variable approaches the different actors have with respect to the Congolese police reform. With respect to the SSR approaches of the different actors, it is illustrative that both the European Commission and the Council of the EU developed their SSR agenda, as well as the UK (DfID) and other international partners (such as the UN and the OECD/DAC).

First, at the level of the European Union in the Brussels arena, different SSR approaches exist between institutions and member states. Both the Commission and the Council developed their own strategy towards SSR. While the Council deploys a rather traditional approach, focussing on the military and police sectors, the Commission adopts a more comprehensive approach linking SSR to democracy and good governance dossiers. In addition, also non-state actors involved in the field adopt their own approach towards security sector reform, that is rather a development approach – distinguishing themselves explicitly from traditional actors. In the PwC approach to "what SSR actually is" the accountability of security institutions to the people in order to ensure security and – in the longer run – to ensure sustainable development is considered as a "co-condition to sustainable development" (PricewaterhouseCoopers, 2008: 26). In line with what we observed in their engagement in the Congolese police reform, PwC works on the longer-term aims to procure rather a change of mentality in the functioning of the police towards the Congolese population – concentrating on internal and external accountability – as opposed to what they call short-term "old-fashioned security assistance".

Second, also with respect to the implementation of SSR projects, significant differences in approaches exist between non-state actors and traditional players such as the EUPOL DRC mission. Linked to the longer- versus short-term engagement of the different actors, also their preparations, actions and objectives differ significantly. Due to its paradoxical mandate, restricted in time but overloaded with projects as a sum of member states' approaches and desired action fields, EUPOL is forced to act rapidly and visibly. Although its training and publication projects certainly have their benefits, its restricted time span leaves limited space for project evaluation and field adaptation. The mission's new mandate started formally in October 2010 and already in December of that year, a first evaluation was held in Brussels. Knowing that the real start of the mission was only near the end of October (due to a delayed mandate and therefore also the budget and staff), not much time for achieving results was left. Moreover has the mandate been approved by the Council before the PSC undertook an evaluation mission to the DRC. PwC on the other hand adopts an evidence-based programming in the execution of DfID's five-year programme and was able to start with an incubation phase of approximately nine months in order to adapt to project to the results of in-depth field studies.

The geographical location of both players' projects provides a well-suited illustration to these different approaches. Whereas EUPOL is formally a country mission, its activities concentrate in the capital Kinshasa and the Northern and Southern Kivu provinces (in Goma and in Bukavu). PwC on the other hand selected – together with the Congolese police authorities – three pilot provinces to implement and test the police reform programme in South-Kivu (Bukavu), West-Kasaï (Kananga) and Bas-Congo (Matadi). EUPOL concentrates on relatively turbulent or delicate areas where its short-term projects have an immediate pertinence and visibility, like the training of the special police for the protection of children and women (*police spéciale pour la protection de l'enfant et de la femme*, PSPEF). PwC aims to implement police reform projects at the three selected provinces where its long-term approach does not procure immediate visibility. Moreover, DfID realizes that its long-term and expensive project certainly has its risks in terms of feasibility and success to effectively procure a change in mentality of the police officers. The relatively invisibility of the provinces makes this project less delicate than a similar project in Kinshasa. A negative outcome *en*

brousse is less serious or even dangerous than in the capital (interview in Kinshasa, 06.10.2010).

Competition in Relations with the Congolese?

An obvious obstacle to the development of a common approach is the lack of a holistic Congolese approach and strategy to security sector reform. Especially in the reform of its security sector – at the heart of its sovereignty –, the Congolese government is reluctant to organise policy-wide and actor-wide international coordination. On the contrary, the Congolese authorities prefer – and implicitly encourage – the deployment of specific bilateral initiatives and projects in order to keep control over the reform of its security sector. The result of course are sectoral strategies focussing only on police matters hardly linked to other dimensions such as justice, defence or the state's budget (for police and its reform). This Congolese preference for bilateral engagement can lead to a certain degree of competition among the external players, especially in their relationship with the Congolese authorities to support – and not to block – their project(s).

Competition is a challenge that in the first place arises in actors' relations with the Congolese government and (police) authorities. The variable and often fragile relations with the Congolese authorities constitute the fourth and final major obstacle for European coordination. As has been illustrated, the Congolese political elite are specifically strategic in and at the same time sensitive for its relations with external partners. For various reasons, actors maintain different relations with the Congolese political and police elite.

Historically, Belgium occupies a privileged position for its Congolese partners. Although relations are extremely sensitive, Belgians are still perceived by the Congolese as their *nokos* (uncles), that are supposed to carry a responsibility for the permanent follow-up of the country's development. With a Belgian being appointed Head of Mission, the EUPOL mission can benefit from this Belgian position in the DRC.

However, at the other hand, neither Belgium, nor EUPOL are financially the most important external actors in the Congolese police reform. With their £60 million programme, DfID conquered, or better, bought itself a privileged position towards the Congolese police authorities. The latter of course saw their chance to realise some of their personal preoccupations. The initial approach of PwC – whose project was not accidentally also led by a Belgian – consisted of courting the Congolese police authorities with various promises. Thereby they outshined the other external actors – mainly the EUPOL mission – creating important tensions and frustrations (interviews in Kinshasa 12.04.2010; 04.10.2010). More than one year later, however, when PwC did not achieve its promised results – while they were still in their inception phase – the Congolese police authorities became more sceptical and turned again towards its traditional partners, such as EUPOL. PwC from its side also started realising it will be difficult to successfully implement all its projects without the support of other external partners.

Conclusion

Starting from a governance perspective to the implementation of European police reform policies in the Democratic Republic of the Congo, the focal point of this paper are the various challenges of coordination between the external actors involved, and more in particular between the EUPOL DRC mission and the non-state actors implementing police reform projects for member states / institutions. The governance in the Congolese police reform is characterised by a variety of actors involved, both state and non-state, with their own resources, instruments, interests and motives to engage in this sector, their own traditions and approaches to police reform and their desired outcomes. In combination with a lack of adequate formal coordination fora, these characteristics procure a serious risk of deadlock or competition and tensions between these actors. As the empirical material illustrated, this was – and still is – more than once the case in the DR Congo, especially between EUPOL and PwC / DfID.

First, with respect to formal and informal coordination fora, we observe that the distinction between technical and political actors and the absence of technical / executive actors in this coordination, undermines its adequacy. Moreover, by all actors but themselves, EUPOL is considered as a technical actors, leaving them out of EU political coordination. Second, the important difference in the disposable budget between EUPOL and PwC / DfID created significant challenges of coordination. While EUPOL has a very limited budget depending mostly on additional bilateral contributions of member states to realise its objectives, PwC / DfID disposes more financial resources than all the other European players involved together. The consultant, however, lacked the necessary police staff and bought that up from the mission – that already suffered from a lack of qualified personnel. Third, unlike PwC, EUPOL is also hampered – and sometimes even paralysed – by the interests the various member states have in their engagement in the Congolese police reform. Its mandate is merely the sum of member states' specific foreign policy interests and accents. Fourth, again unlike PwC that implements a five-year project of DfID, EUPOL is bounded by a short-term perspective with a mandate that recently has only been extended for one year. Moreover, while PwC adopts a more comprehensive-development approach to SSR focussing on internal and external accountability, EUPOL is more considered with traditional objectives, like training and publications, which the mission can implement in the short-term. Finally, yet also linked to each of the previous challenges, competition arises in the actors' relations with the Congolese (police) authorities. Given the important differences in financial resources – for which the Congolese authorities are extremely sensitive – privileged positions and access vary significantly. Yet, on the other hand, also a historical position that the Belgians occupy has an important – positive – impact, which is the case for EUPOL that since October 2010 is headed by a Belgian police commander.

Given these multiple interconnected challenges and complications to European coordination in the Congolese police reform, implementation of European projects in these reforms are rather characterized by competition than by convergence, by overlap rather than by division of labour and by personal mistrust rather than trust, not the least between the EUPOL DRC mission and the UK's DfID service provider PricewaterhouseCoopers.

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