

ARMED CONFLICT AND

DISARMAMENT

SELECTED CENTRAL AFRICAN CASE STUDIES

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*This monograph is dedicated to
Sarah Meek (1970 - 2006),
who recommended and
supported this research.*

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ACRONYMS

ADF	Allied Democratic Forces
AEF	Afrique Equatoriale Française
AIDS	Acquired immune deficiency syndrome
ALiR	Rwandan Liberation Army
AU	African Union
CAR	Central African Republic
CBR	les Centres de brassage et de recyclage
CCR	Resistance Coordination Committee
CEMAC	Central African Economic and Monetary Community
CNRD	National Council of Resistance for Democracy
COC	Centre des opérations conjointes
CONADER	Commission nationale du désarmement, de la démobilisation et de la réinsertion
CPDR	Commission Préfectorale pour le Désarmement et la Réinsertion
CTMV	Comité Technique de Vérification Mixte
CTPC/DDR	Comité technique de planification et de Coordination du DDR
DDR	Disarmament, demobilisation and reintegration
DDRRR	Disarmament, demobilisation, repatriation, rehabilitation and reintegration
DDS	Directorate of Documentation and Security
DP	Disarmament Points

DRC	Democratic Republic of the Congo
DT	Disarmament team
EU	European Union
FACA	Armed Forces of Central Africa
EAFGA	Enfants associés avec forces ou groupes armés
ECCAS	Economic Community of Central African States
FAC	Les ex-Forces armées congolaises
FACA	<i>Forces Armées Centrafricaines</i>
FARDC	Forces Armées de la République Démocratique du Congo
FAN	Forces Armées du nord
FAO	Food and Agriculture Organisation
FAR	Rwandese Armed Forces
FDLR	Forces Démocratiques pour la Libération du Rwanda
FNL	Forces nationales de libération
FROLINAT	Front de Libération Nationale du Tchad
GDP	Gross domestic product
GLR	Great Lakes Region
HIV	Human immunodeficiency virus
ICD	Inter-Congolese Dialogue
IDPs	Internally displaced persons
ICTR	International Criminal Tribunal on Rwanda
JMC	Joint Military Commission
LRA	Lord's Resistance Army
MDRP	Multi-Country Demobilisation and Reintegration Programme
MESAN	Movement for the Social Evolution of Black Africa
MLC	Mouvement de Libération du Congo

MONUC	United Nations Organisation Mission in Congo
MPLC	Movement for the Liberation of the Central African People
NALU	National Army for the Liberation of Uganda
NCD	National commission on disarmament
CNDDR	Commission nationale de désarmement, démobilisation et réinsertion
PRAC	Projet de Réinsertion des ex-combattants et Appui aux Communautés
PRML	Petroleum Revenue Management Law
RC	Regroupment Centres
RCD-Goma	Le Rassemblement congolais pour la Démocratie
RCD-ML	Le Rassemblement congolais pour la Démocratie – Mouvement de libération
RCD-N	Le Rassemblement congolais pour la Démocratie – National
RPA	Rwandan Patriotic Army
SALW	Small arms and light weapons
SMI	Structure militaire d'intégration
SLA	Sudanese Liberation Army
SSR	Security sector reform
TG	Transitional Government
TPVM	Third Party Verification Mechanism
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commission for Refugees
UNICEF	United Nations International Children's Emergency Fund
UNPoA	United Nations Programme of Action
UNSC	United Nations Security Council

EXECUTIVE SUMMARY

The proliferation and misuse of small arms and light weapons (SALW) continues to undermine development, the safety and security of individuals and states, as well as good governance in Africa. This is acutely apparent in Central Africa, where, since the advent of colonialism, citizens have been suffered varying degrees of armed conflict. This has resulted in hundreds of thousands of deaths, displacement and the loss of property.

According to the 2005 Human Development Report: "Insecurity linked to armed conflict remains one of the greatest obstacles to human development. It is both a cause and consequence of mass poverty."¹ The majority of countries in the Central African sub-region experience low rates of human development, with human development being defined as an individual's opportunity to live a long and healthy life, receive an education, and enjoy a decent standard of living.²

This monograph considers the nature and extent of armed conflict, the misuse and proliferation of small arms, as well as disarmament processes (or the lack thereof) in three Central African states: the Democratic Republic of the Congo (DRC), the Central African Republic (CAR) and Chad. These three countries are amongst the seven lowest in terms of human development (out of 177 countries)³, and all have experienced frequent episodes of armed conflict since being granted independence.

The central objectives of this publication are to provide an objective analysis of the dynamics of armed conflict, small arms proliferation and misuse, and disarmament in the DRC, CAR and Chad. The aim is to educate policy-makers, donor organisations and the SALW research community on the complexities of these related issues in Central Africa.

The CAR chapter provides an historical overview of political and economic struggle, armed violence (especially military coups) and weapons-related concerns in this former French colony. The CAR authorities have had difficulties in effectively monitoring and controlling the ports of entry and the porous borders of this landlocked state, and consequently, SALW have

flowed into and out of CAR and into conflict zones by circumventing United Nations Security Council arms embargoes. However, it is important to note that the CAR government has recently had some success in disarming former combatants as part of a larger demilitarisation process. However, President Bozize continues to face fresh threats of armed resistance. A simmering conflict threatened to degenerate into a fresh complex web of violence when rebels captured the strategic town of Birao in the north-eastern part of the country in October 2006. Recent rebel activities in CAR) and Chad have therefore called international attention to political crises within both countries, as well as to the relationships between these countries and Sudan. While two rebel groups namely, the *Union des Forces Démocratiques pour le Rassemblement* (UFDR) in the northeast, and *l'Armée Populaire pour la Restauration de la République et la Démocratie* (APRD) in the northwest remain quite active in CAR, in the neighbouring Chad, a number of rebel groups continue to challenge President Idriss Deby's authority, particularly in the eastern part of the country where the *Rassemblement des Forces Démocratiques* (RAFD); the *Front Uni pour le Changement* (FUC) and the *Union des Forces pour la Démocratie et le Développement* (UFDD) remain active.

The Chad chapter therefore tries to link the political and economic fortunes and misfortunes of this predominantly arid country with the proliferation of small arms and light weapons. The chapter does this by tracing briefly the historical background of Chad since obtaining its independence from France in 1960. Chad's past depicts that the country has been characterised by a distinct lack of good governance, and has been plagued by authoritarian leadership. There is a high degree of gun ownership among the civilian population, and a unique gun culture has emerged. The easy availability of SALW in Chad has enabled opposition groups to recently launch a series of armed assaults on urban areas, including N'Djamena, the capital city.

The chapter on the DRC outlines the complexities of intra- and inter-state armed conflicts in one of Africa's largest countries (in terms of land mass), especially over the past decade. Specific attention is devoted to assessing the nexus between the conflict in the DRC and the conflicts (both past and present) in Rwanda and Burundi. The chapter also elucidates how the numerous non-state armed groups in the DRC have facilitated the proliferation of small arms and light weapons in the country, virtually unhindered. It also provides a detailed analysis of what can arguably be described as experimental disarmament initiatives (of both Congolese and foreign combatants), which have had mixed results. This chapter emphasises that the ongoing violence in the east of the country, as well as the high number of armed civilians, present significant obstacles to building peace in a post-electoral DRC.

The research in all three countries reveals the need for urgent intervention if the cycle of conflict and proliferation of arms is to be controlled, and development allowed to take place. Based on this, the list of recommendations is not exhaustive. However, it is important that the international community, in conjunction with key African governments and the African Union (AU) pressurize armed non-state actors operating in Central Africa, as well as the relevant arms suppliers to adhere to the principles of international humanitarian and human rights law at all times.

By the same measure, responsible and effective management of government small arms and light weapons stocks/armouries is essential to prevent the transfer of government-held arms to undesirable armed groups. This will require improved and relevant training, as well as appropriate resources.

There is a significant need for the enactment of national legislation governing gun ownership, arms trade and arms trafficking, in countries where these do not exist; as well as their strict implementation. The monitoring and control of goods at ports of entry should be more effectively pursued. These countries lack basic security screening facilities at their ports of entry.

Arms embargoes should be strictly enforced and monitored by the United Nations and the African Union in countries that been accused of violating arms embargoes. Disarmament, demobilisation and reintegration (of former combatants) should be designed and implemented in conformity with similar programmes in the sub-region, as well as taking into account the specific contextual conditions and challenges.

Civil society is a crucial partner in efforts to reduce the scourge of SALW, and can complement government efforts by promoting peace through a variety of initiatives.

Notes

- 1 United Nations Development Programme, *Human Development Report 2005: International Co-operation at a Crossroads*, 2005, New York: UNDP, pp. 151–154.
- 2 United Nations Development Programme, *Human Development Report 2006: Beyond Scarcity: Power Poverty and the Global Water Crisis*, 2006, New York: Palgrave Macmillan, 2006.
- 3 *Ibid*, pp. 283–286.

CHAPTER ONE

THE MULTIPLE IMPACTS OF ILLICIT ARMS IN AFRICA

This chapter aims to provide a general analysis of the complexities relating to arms trafficking in Africa and how this continues to impact on the lives of those affected. The chapter briefly highlights some of the aspects analysed in detail in the three case study chapters that form the core of the monograph.

Arms trafficking in Africa, in general, has not only exacerbated wars, but has also led to a state of fear because of the emergence of informal armed groups that aim to challenge leaders in countries where democracy has not been fully embraced. In many cases, these armed groups have emerged because the leaders manipulate the state apparatus to stay in power. In certain cases where militant groups have emerged, the government has attempted to quell them using state intimidation and assassinations. This often results in frustration, which invariably subjects such (opposition) leaders to the whims of illicit arms brokers who are willing to supply the disenfranchised with arms, whether on credit or for cash. This process has resulted in numerous militia groups operating on the continent.

Faced with the challenge of militias and rebels, governments turn to building of strong national armies at the cost of national development, in the name of national security. The beneficiaries of the antagonism between the government and its opposition are the arms manufacturing countries, many of them based in Europe. To avoid control and to escape existing regulations, arms traffickers rely on corruption, falsification of documents, recycling and the laundering of money, activities that are often rife in informal economies, which form the bedrock of most of Africa's nascent economic systems.

Once the arms have circulated into the society, their long-term lethal effect starts to be felt, and for those societies that are a bit lucky, the arduous task of practical disarmament starts – a process that aims to eliminate SALW in the society – but usually not before an armed conflict has ensued, claiming lives and the loss of property. Practical disarmament, according to the UN is the collection, control and disposal of arms, especially small arms and light weapons, coupled with restraint over the production, procurement, and transfer of such arms, the demobilisation and reintegration

of former combatants, demining and conversion, for the maintenance and consolidation of peace and security in areas that have suffered from conflict.¹ This is a comprehensive definition that addresses the various critical aspects of human security that relate to small arms.

SALW continue to present an enormous challenge in Africa, and particularly in the Central African sub-region – not only in countries that have experienced (or continue to experience) armed conflict, but also in the entire sub-region, both directly and indirectly. Among the countries that have felt the brunt of this scourge are Chad, the Central African Republic (CAR) and the DRC. These three countries form the basis of this study. The choice of these countries as case studies is based on the fact that each of these countries, since independence, has continually faced the ramifications of small arms proliferation. The three case studies help to elucidate the underlying causes of SALW proliferation in the region, and the efforts being made to alleviate it.

About 640 million SALW are estimated to be in circulation worldwide,² with the bulk of them being concentrated in Africa. Practical research in the eastern DRC, CAR and Chad provides disturbing instances of illicit arms trafficking. The occurrence has become a common phenomenon in the daily lives of some communities in Central Africa such that arms acquisition and disposal (by trade) has turned into a daily routine.³ The ease availability of arms across the region has almost demystified the lethality of the weapon and has, in some cases given the weapon a cultural significance. For instance, in some cultures in Chad, it is considered an abomination for a young initiate not to own a gun, while the ability to defend oneself with the weapon is considered a sign of unparalleled prowess. Guns, as known today, are not traditional to Africa and therefore integration of a gun culture-like way of life in certain African communities is a new form of cultural dynamism calling for further research and interrogation.

Various factors have been suggested as facilitating the easy availability and use of SALW in African society. Among these factors are that SALW are widely available and cheap on the international market, either as new arms or as weapons recycled in regional conflicts or left-overs from downsized militaries. Other attributes said to make them easily available are their increasing lethality; they are durable and simple to manipulate, requiring little or no training. These arguments explain (to a certain extent) why arms are easily available in several societies, but they appear rather simplistic in the context of Central Africa. This is because they don't incorporate the social dynamics found in the region, and which exert pressure on the

inhabitants, influencing people's attitudes and behaviour toward small arms. It is the characteristics listed below, rather than just the widely established factors (such as weak national legislation, lack of disarmament processes and illegal arms brokering) that make the fight against SALW proliferation in the Central Africa more complex.

Firstly, the demographic fluidity of the GLR (resulting from the long history of conflict and human displacement presents a complex environment within which inter-ethnic competition for the widely available natural resources leads to stress and frustration for those groups that may find themselves distanced from the natural resources. Further, the history of conflict in the region has led to certain groups living as perpetual refugees, leading to a near stateless situation. An example here is the plight of the *Banyamulenge*, who in 1996 were declared by then-President of Zaire, Mobutu Sese Seko as 'non Congolese', sparking off a civil war that contributed to the ousting of Mobutu.⁴ The *Banyamulenge's* frustration and aggression is still being felt in eastern DRC, as the group struggles to justify its identity in the DRC. Several rebel movements have resulted from this struggle under the pretext of fighting for the survival of *Banyamulenge*. The easy availability of SALW is not the cause of conflict in the region, but rather a response to the demand arising from people's quest for self-defense. Dealers in illegal arms easily exploit this demand. Until the problem of ethnic identity is settled and state security established nationally, SALW will continue to be an alternative tool of self-defense for ordinary citizens.

Secondly, most conflicts in Central Africa, besides being due to inter-ethnic rivalry and competition for natural resources, are also predominantly intra-state. The armed groups comprise combatants (rebels) who fight irregular (guerrilla) warfare with little or no knowledge of international conventions relating to armed conflicts, such as prohibiting attacks on civilians, and protecting the rights of wounded soldiers and prisoners of war. Often, there are no clear battle lines dividing enemies and allies, and the main aim of rebel leaders is to be able to control sources of national revenue such as minerals and oil. Combatants in such warfare do not wear military uniforms, making it difficult to distinguish them from non-combatants. In cases where they wear combatant-like fatigues, the fatigues are mainly acquired through overpowering and looting regular forces. Such fatigues are inconsistent and are easily discarded by rebels whenever they need to camouflage themselves as ordinary civilians, who, in most cases, are of their own ethnicity. This is the strategy the Mai-Mai militia and the National Liberation Front (FNL) have used in eastern DRC and Burundi, respectively.

In order to stamp their dominance in areas they occupy, the armed groups, (often started using child soldiers) deliberately target civilians, and raid villages and towns in order to create panic. This leads to displacement of families, who often live in squalid conditions in refugee camps, marked by lack of personal security, fragile food security and an absence of basic health and education services. In many instances, refugee camps serve as recruitment bases for rebels as well as centres of trade in illegal arms.⁵ For instance, according to a Human Rights Watch report, during the Chad/Sudan hostilities in 2006, a faction of the Sudanese Liberation Army (SLA), a Darfur-based rebel group, forcibly recruited several thousand Sudanese refugees from camps in eastern Chad to serve as rebel fighters. Recruits (many of them young people) who tried to escape from the rebels were tortured or killed.⁶

Besides serving as possible recruitment bases, refugee camps also provide opportunities for armed groups to shield themselves from armed attacks and to profit from humanitarian supplies. The biggest challenge arises when the refugees and internally displaced persons (IDPs), after a long time of absence, need to be resettled in their original communities. The challenge that often confronts returnees is that their land is occupied, sometimes by their former enemies or by other newcomers. This is a common occurrence, and its impact on armed conflict and arms proliferation has hardly been highlighted. Interviews with victims of this situation in eastern Chad revealed a lot of bitterness amongst former IDPs. The respondents vowed to fight for what they referred to as their ancestral land, and the first step to achieving the, according to the respondents, was to acquire arms.⁷ Additionally, the psychological trauma that refugees undergo is immeasurable. The lost productivity, which comes with displacement, presents a horrendous feeling, when refugees are forced to become dependent on humanitarian aid because they have to live in camps. The human capacity to work – to transform one's environment, to produce for one's subsistence – is suddenly taken away.

A closely linked problem is the condition of ex-combatants in a post-conflict environment. The primary aim of DDR programmes is to contribute to a secure and stable environment in which an overall peace process and transition can be sustained, because it is only in such an environment that political and security restructuring, as well as social and economic reconstruction and longer-term development, can be established. However, experience with DDR programmes in Africa has resulted in a mix of successes and failures. The dismal performance of some DDR programmes is due to the fact that they are based on financial incentives for ex-combatants, where money is paid out in exchange for weapons being handed in. Beyond that, ex-combatants are given specific promises with regard to re-integration,

even where such promises cannot be kept.⁸ The management of expectations and disappointment after failures or closures of the DDR programmes leave ex-combatants with a feeling of loss and a lack of economic opportunities, often in an environment where markets for illegal arms still thrive.

Thirdly, in Africa today, one need not die because of the wounds of a bullet to become a fatality of the power of small arms. Many who escaped the bullet in their own homesteads, died (or are dying of HIV/Aids) either in isolated refugee/IDP camps or in search of other ways to survive. According to the UN Food and Agriculture Organisation (FAO), armed conflict, the HIV/Aids pandemic, natural disasters, and climate change are the leading causes of hunger worldwide.⁹ Armed violence heightened by the proliferation of SALW is therefore, not only brutally destroying lives, but more importantly, also destroying the very fabric of African societies by introducing, breeding and sustaining a culture of violence, illegality and of irresponsibility, especially as it promotes the spread of HIV infection. According to research by Sida,¹⁰ the HIV/Aids problem is accentuated by the regional conflict dynamic, resulting into effects such as social and demographic disruption, leading to increasing general vulnerability and risk. This places marginalised people such as women and children in a position where security can only be obtained in exchange for sexual services; where rape is used as a weapon to inflict long-term psychological trauma; and men under arms trade their social military prestigious positions for frequent sexual interactions and numerous sexual partners. In Amboko refugee camp in the CAR, the HIV/Aids programme had to be suspended in June 2006 because of the overwhelming number of new arrivals who exerted unexpected pressure on the Aids screening process.¹¹

Lastly, the governments of Sudan, Chad, and CAR, and rebels groups opposed to them continue to form various alliances against one another with a view to wage proxy wars across borders. For instance eastern Chad has witnessed a number of attacks the Union of Forces for Democracy and Development (UFDD), a coalition grouping several warring factions.¹² Other groups that continue to destabilise the region include the Sudanese armed groups such as the government-backed Janjaweed and the Justice and Equality Movement (JEM), one of the insurgent groups fighting in Darfur region.¹³ As a result of the armed violence, insecurity and attacks against civilians and humanitarian agencies are increasing. As at the beginning of 2006, Violence in Darfur, Chad and CAR had resulted in large numbers of refugees that included an estimated 63,000 Chadians 218,000 Sudanese 45,000 Central Africans.¹⁴

Most of the Central African region has suffered the consequences of armed conflict either directly or indirectly. This experience has inculcated intense

fear into people, driving them out of their villages into makeshift dwellings in the forest far behind their homes. For such displaced people needs like shelter, food, healthcare, clothing, blankets, soap, and potable water are a distant reality that many die without accessing.

Notes

- 1 United Nations, *General and Complete Disarmament: Consolidation of Peace through Practical Disarmament Measures*, New York, UN, 1997, <<http://www.un.org/Depts/ddar/Firstcom/SGreport52/a52289.html>> (10 June 2006).
- 2 B Frey, *Small Arms and Light Weapons: The Tools Used to Violate Human Rights in Human Rights, Human Security, and Disarmament*, July 2004, pp 37-46.
- 3 Author interview with a confessed former illegal gun owner and gun-trader, N'Djamena, 15 April 2005.
- 4 In 1996 the governor of the DRC's (then Zaire) Kivu Province asked the Banyamulenge (ethnic Tutsis of the Mulenge mountains in Eastern DRC) to "return to Rwanda" despite about two centuries of ancestry in Zaire. This led to a popular uprising that exposed a delicate and explosive web of alliances pitting Hutus against Tutsis in the region. This escalated to the immediate military mobilisation of the Banyamulenge against Mobutu's regime, an occurrence that saw Rwanda and Uganda provide Laurent Kabila and other anti-Mobutu forces with military support to topple Mobutu.
- 5 Author interview with social workers in Daadab Refugee Camp, north-eastern Kenya, 17 March 2006.
- 6 More than 200,000 Sudanese refugees live along the Chad-Sudan border in 12 refugee camps that are supervised by the United Nations. See *Violence Beyond Borders: The Human Rights Crisis in Eastern Chad, Human Rights Watch Briefing Paper*, New York, June 2006.
- 7 Focus group discussion by a group of IDPs in N'Djamena, 14 April 2005.
- 8 Intergroup on Peace Initiatives, *Briefing Paper: The EU & DDR*, <<http://www.quaker.org/qcea/intergroup/DDR%20Briefing.pdf>> (28 August 2006).
- 9 Henry J. Kaiser Family Foundation, *Armed Conflict, HIV/AIDS Pandemic Leading Causes of Hunger Worldwide*, Report Says, 25 May 2005, <http://www.thebody.com/kaiser/2005/may25_05/aids_hunger.html> (10 April 2006).
- 10 Swedish International Development Agency, *A strategic Conflict Analysis for the Great Lakes Region*, 2004, <www.sida.se/publications> (24 August 2006).
- 11 IRIN, *Central African Republic-Chad: Forgotten refugees face epidemics, food cuts*, <http://www.irinnews.org/report.asp?ReportID=54115&SelectRegion=West_Africa> (18 August 2006).

- 12 Reuters News, "Army bombs rebels in eastern Chad, aid workers flee," <<http://www.alertnet.org/thenews/newsdesk/L24335605.htm>> (26 January 2007).
- 13 Eugene O. "Darfur/Chad: JEM, Gov't Troops Clash," *Coalition for Darfur*, 8 October 2006.
- 14 Refugees International, "Central African Republic & Chad: Refugees International to investigate the humanitarian impact of regional instability." <<http://www.refugeesinternational.org/content/mission/detail/9629/>> (26 January 2007).

CHAPTER TWO

CONFLICT AND ARMS

Who will bail out the CAR?

Introduction

The country that is today known as the Central African Republic (CAR), like most African colonial states, has its past encapsulated in a myriad of major historical occurrences. The region currently occupied by CAR was subject to devastating slave raids during the era between the 16th and 19th centuries. Today, several decades after the slave trade ended, one wonders if the genealogy of slavery still stalks the country, looking at the spiral of successive coup attempts and army mutinies the country has experienced. Patassé survived seven coup attempts during his presidency (an unprecedented number in the post-independent history of the CAR), mainly because Patassé got support from Libyan troops and the *Mouvement de Libération du Congo (MLC)* from the DRC, then headed by Jean-Pierre Bemba whose political stronghold, Equateur, borders Bangui.¹ MLC and Libyan forces largely withdrew following the December 2002 deployment of peacekeepers from the Central African Economic and Monetary Community (CEMAC).

The previous coup attempts did not mark an end to the threats to Patassé. In March 2003, Patassé finally succumbed to a coup led by François Bozizé, an army general who sought support from Chad. An 18-month transition period was then declared to prepare for general elections and a consensus government. A national dialogue for reconciliation was held later in 2003, resulting into three main political recommendations: adoption of a new constitution; revision of the Electoral Code; and establishment of a new census-based electoral list. In presidential elections held in May 2005, Bozize took more than 64% of the vote in the second round of the elections, ahead of his rival, Martin Ziguèle, a former prime minister.²

Following the 2005 presidential elections a glimmer of hope emerged in the CAR with the strengthening of security forces (particularly the military and the police), although the security situation remained relatively volatile. One of the destabilising issues that withstood political transformation and disarmament efforts were the remnants of the *Forces Armées Centrafricaines (FACA)*, as well as other armed groups operating outside the formal military

command and control structure. These forces, still active in various parts of the country especially in the north, continue to pose increasing challenges to the government of Bozize. Also, arms used during past conflicts remain largely uncollected and continue to contribute to the volatile security situation in the country.

Like other Central African countries besieged by political instability and mutinies originating from development, security and economic crises, CAR has experienced more coups d'état than free and fair democratic elections.³ Limited resources and inaccessibility of certain regions of the country such as Vakanga Province in the northeast has led to insufficient monitoring by the central government hence lending the area to an easy launching pad, training ground or rest and relaxation spot for armed groups from neighboring countries. In particular, the northeast Vakaga province has acted as a haven for irregular armed groups from Chad and Sudan.⁴ This has had a direct negative consequence to the relationship among the three countries. For instance in April 2006, a Chadian rebel movement, *Front Unique pour le Changement Démocratique au Tchad* (Single Front for Democratic Change in Chad) – FUCD – launched an attack on N'djamena from bases in Darfur and CAR aimed at ousting Déby prior to the presidential elections of May 2006.⁵

Background to arms proliferation in CAR

In analytical research on small arms and light weapons (SALW) the focus tends, in most cases, to concentrate on more recent causes and channels of arms proliferation. Hardly any attention is given to the historical and political aspects, and how they shape societies' response to arms proliferation. For a comprehensive, sustainable approach to disarmament, arms control and conflict management, we need to understand people's past. This is because of arms' long-lasting effect as well as their long shelf life especially of SALW. Most of the current literature on disarmament tends to limit itself to processes rather than causes. This chapter therefore starts with a brief reflection on CAR's past political turmoil in order to elucidate the chain of events that has led to widespread proliferation in that country. Perspectives emerging from an analysis of the historical past of CAR depict consecutive eras of intense political upheaval marked by political assassinations and mutinies. For any of these events to take place there has to be a 'sufficient' supply of weapons. The result is that eventually a society experiencing such events becomes addicted to a gun culture. Generations growing up in this situation lack basic human needs, besides suffering from acute illiteracy, poverty, and a lack of

medical care. The only option for such a generation is none other than what the individual has grown up knowing: war and arms.⁶

In what could be considered a quick succession of events, today's CAR was initially organised in 1894 as the colony of Ubangi-Shari and subsequently united administratively with Chad in 1905. Five years later, it was incorporated into French Equatorial Africa (*Afrique Equatoriale Française*) – AEF – a federation of three colonies namely Gabon, Middle Congo (*Moyen-Congo*) and Ubangi-Shari–Chad. In 1914, Chad was detached from the colony of Ubangi-Shari and became a separate territory.

Following World War II, Ubangi-Shari became an overseas territory in the French Union. In 1958, Ubangi-Shari elected to join the French Community as an autonomous member and adopted the name of the Central African Republic. After agreements of transfer of power and cooperation were signed in Paris on 12 July 1960, Central Africa proclaimed its independence on 13 August 1960. David Docko was the first president.⁷

As with many other African countries that were created arbitrarily by the 1884 Berlin Conference, the CAR is an amalgamation of various ethnic groups. It is believed that the Baya people, seeking refuge from the Fulani of northern Cameroon, arrived in CAR in the early 19th century, while the Banda, fleeing the Muslim Arab slave raiders of Sudan, followed later in the century. The country is divided into about 80 ethnic groups, each with its own language. The largest ethnic groups are the Baya 33%, Banda 27%, Mandjia 13%, Sara 10%, Mboum 7%, M'Baka 4%, and Yakoma 4%, with 2% others. Of the religions, 35% follow indigenous beliefs, 25% Protestant, 25% Roman Catholic, and 15% Muslim.⁸ According to the Human Development Report, the country's population was 3.9 million in 2003.⁹

Economically, CAR has suffered bouts of stagnation since historical times. Between the 16th and 19th centuries the region of Ubangi-Shari faced the devastating effects of slave raids. In the aftermath of slavery came the proliferation of SALW, an issue that continues to destabilise CAR and its neighbours today. The political instability helped to both suck in the weapons and cause the stagnation of economic development. Consequently, the political turbulence and the proliferation of SALW are as old as armed conflict in CAR, which can be traced back to the pre-independence era. At that time, in 1959, Barthélemy Boganda, who served as the head of government during the transition period from colonialism, was killed in a plane crash. Boganda was the founder of the sole political party, called Movement for the Social Evolution of Black Africa (MESAN).

Ethnicity and nepotism appeared to manifest themselves early in the politics of CAR. Boganda worked in close collaboration with his cousin David Dacko and, upon his death, Dacko took over the leadership, becoming the country's first president at the dawn of independence in 1960. Six years later, Dacko was overthrown in a coup d'état led by Jean-Bédél Bokassa, his cousin and chief of staff of the armed forces. Bokassa's excesses aroused intense public opposition. He put Dacko under house arrest but later acquitted him and appointed him to serve as his advisor.¹⁰ Bokassa's excesses continued, and included a government-ordered massacre that prompted French intervention and support for a successful coup led by Dacko (then Bokassa's advisor) against Bokassa in September 1979. In 1981, Dacko was re-elected to the presidency and immediately declared a state of emergency, banning two opposition political parties and suspending another. In the aftermath of the coup by Dacko, Bokassa fled to Côte d'Ivoire and later lived in exile in France. In 1980, Bokassa was sentenced to death in absentia.

Dacko's second reign as president did not last long. In September 1981, André Kolingba, an army commander (whose reign saw the return of Bokassa from exile in France in 1986), overthrew Dacko. Bokassa's return from exile led to his (Bokassa) arrest and subsequent trial for treason, murder, cannibalism and embezzlement. He was eventually sentenced to death in 1987, a sentence Kolingba reduced to life imprisonment in 1988, and then further reduced to 20 years.

In 1992, Kolingba allowed multi-party elections to take place but when he lost he rejected the results. In 1993, he lost fresh elections to Ange-Félix Patassé's Movement for the Liberation of the Central African People (MPLC) party. Before stepping down in October of that year 1993, Kolingba released a large number of prisoners, including Bokassa.

Despite having ruled before, Dacko and Kolingba did not hesitate to present themselves as candidates in the 1999 presidential elections, in what appeared to be a power-hungry race for leadership. However, they both lost to Patassé. The rivalry between Bokassa, Dacko and Patassé had always been of revenge and contradictions. For instance when Bokassa was deposed in a coup led by Dacko in 1979, Dacko put Patassé under house arrest after Patassé's attempt to escape to Chad. This arrest, however, did not deter Patassé from pursuing his presidential ambitions, and when Kolingba overthrew Dacko's regime in 1981, followed by the abolition of all political parties, Patassé sought refuge in France only to re-emerge in 1982 during a coup attempt against Dacko. When the coup failed, Patassé fled, first to Togo and then to France again, only to re-emerge in 1993.

In the period between 1993 (when Patassé's government was installed) and 2003 when he was overthrown by Bozize, CAR experienced eleven successive coup attempts and army mutinies; an unprecedented number in Africa's history.¹¹ Shortly after the 1993 elections, France, which had been paying salaries to public servants, withdrew its support. When Patassé's government proved unable to provide these salaries consistently, there were strikes by education and health professionals, and multiple army mutinies. The situation soon worsened, leading in May 1996 to anti-French riots led by rebellious soldiers in the Armed Forces of Central Africa (FACA) demanding payment of back wages and better working conditions. The discontentment reached a countrywide level as many other workers in the country whose salaries had not been paid for months joined in the mutiny that followed. This led to the looting by fleeing soldiers and civilians of firearms and ammunition from government armouries.¹² FACA troops' demands included the resignation of Patassé and of the then head of the presidential guard, Col. Bedaya Djader.¹³ The uprising was suppressed with the help of François Bozizé, and with the backing of Chadian troops. In early 1997 another revolt occurred, which was again crushed by Bozizé and troops from Burkina Faso, Chad, Gabon, Mali, Senegal, and Togo.

In May 2001, Bozizé's lack of loyalty to Patassé was largely behind another failed coup against Patassé. The coup was defeated with the help of Libyan troops. In November, Bozize fled to Chad with 300 supporters.¹⁴ Bozizé frequently led raids into CAR from Chad throughout 2002, and in October he launched an attack on the capital, Bangui, with the help of Libya.¹⁵

In March 2003 Patassé left the country for a conference in Niger and in his absence Bozizé seized Bangui with the support of Chad. Since then, Patassé has lived in exile in Togo. Bozize's government eventually filed a complaint against Patassé at the International Criminal Court in The Hague for crimes against humanity, referring to the atrocities committed by the *Mouvement de Libération du Congo* (MLC) rebel movement of Jean Pierre Bemba whose fighters are accused of killing and raping at will after entering Bangui to help Patassé put down Bozize's rebellion.¹⁶ Patassé's trial began in 2005. He was charged with theft of public funds amounting to 70 billion francs during his presidency, as well as being involved in illegal trade in diamonds and timber-logging. In August 2006 Patassé and his foreign accomplice, Louis Sanchez, were sentenced to 20 years of imprisonment with hard labour and fined 5 billion francs CFA for setting up fake companies.¹⁷

Patassé is the second former ruler in the country to be tried in absentia. The one-time self-styled emperor, Jean-Bedel Bokassa, was tried in absentia

following his downfall in 1979. When he returned home voluntarily in 1986 he was tried and received the death penalty. However, the sentence was commuted by André Kolingba.¹⁸

Following the coup, Bozizé immediately suspended the country's 1995 constitution and embarked on drafting a new constitution that was approved by voters in a referendum on 5 December 2004.¹⁹ The African Union (AU) tried in vain to convince Bozize not to contest the 2005 presidential elections.²⁰ Following a referendum on a new constitution in 2004, Bozizé announced his candidacy in the presidential election as an independent, citing what he considered the will of the people in his decision:

“After thinking thoroughly, and being deeply convinced and keeping in mind the nation’s interest, I grasped the deep sense of my people’s calls. As a citizen, I’ll take my responsibility, I’ll contest the election to achieve the task of rebuilding the country, which is dear to me and according to your wish.”²¹

Ten other candidates also contested the presidential election, including one former president and three former prime ministers. André Kolingba was the candidate of the Central African Democratic Rally (*Rassemblement démocratique centrafricain*). He ruled CAR from 1981 until his defeat by Patassé in the 1993 election. Abel Goumba ran as the candidate of the Patriotic Front for Progress (*Front patriotique pour le progrès*). Gouma is a long-time politician who served as prime minister in the late 1950s and again from March to December 2003, following Bozizé’s seizure of power, subsequently becoming vice-president under Bozizé until being dismissed shortly after the election. Additionally, Martin Ziguélé, who was prime minister from 2001 to 2003 (Patassé’s last prime minister prior to his ouster), contested the election, along with Jean-Paul Ngoupandé of the National Unity Party (*Parti de l’unité nationale*), who was prime minister from 1996 to 1997.

The other candidates were former defence minister Jean-Jacques Démafouth, Henri Pouzère (a lawyer), Charles Massi of the Democratic Forum for Modernity (*Forum démocratique pour la modernité*), Olivier Gaborault of the Alliance for Democracy and Progress (*l’Alliance pour la démocratie et le progrès*), Auguste Boukanga of the Union for Renewal and Development (*l’Union pour la Renaissance et le développement*) and Pasteur Josué Binoua.²²

The major events that took place in recent months were the simultaneous organization of legislative and presidential elections, of which the first round

took place on 13 March, and the second round on 8 May. A deadlock occurred after the publication by the Constitutional Court on 30 December 2004 of the list of qualified presidential candidates. The candidates that were not listed registered their strong protest and called for the dissolution of the Court. However, after mediation by President Omar Bongo of Gabon, an agreement was signed in Libreville on 22 January 2005, paving the way for 11 candidates to take part in the first round of the presidential election. François Bozizé came first with 42.97% of the votes, followed by Martin Ziguélé, with 23.53% and André Kolingba, who scored 16.36%. In the second round, General François Bozizé received 64.6% of the vote, ahead of the 35.4% obtained by Martin Ziguélé.²³

Socio-political economy and conflict in CAR

Poverty is an important phenomenon in the history of CAR, and one that influences social interaction among the masses. For almost four decades, various policies have been tried to improve socio-economic development, with mixed results. The present situation in the country is characterized by widening poverty, caused by weak economic growth that has failed to keep up with the high population growth. The social and economic consequences of many years of conflict weakened government revenue collection and, together with heavy foreign debt burden, this has prevented the government from financing public investment in a satisfactory way. Publications on human development regularly place CAR amongst the poorest countries on earth, both in terms of sustainable human development and GDP per capita.²⁴ According to the *Human Development Reports*, poverty in CAR stems mainly from the country's weak economic performance and is rooted in various structural factors including an unstable macroeconomic and financial environment; and low productivity because of its dependence on the traditional agricultural sector.

An understanding of the economic *status quo* in CAR and how the economy has affected the spread of armed violence (and *vice versa*) helps explain the weak position (171 out of 177) of CAR on the 2005 Human Development Index scale.²⁵ According to the World Bank, an average civil war lasts seven years, with the growth rate of the country in conflict reducing by 2.2% each year.²⁶ Further studies have revealed that the average cost of a conflict can be as high as \$54 billion for a low-income country.²⁷

According to Collier *et al*, a civil war has the consequence of raising military spending, leading to declining investment, not only in the country

affected but also in the region as a whole, thus disrupting trade routes.²⁸ Beyond the macro-level, the cost of the conflict has a disproportionate effect on poor and marginalised people because it cuts them off from the markets on which they depend. In the case of CAR, the cycle of conflict has led to a disturbing social situation, according to office of the UN Resident Humanitarian Coordinator. In an *ad hoc* report, the UN Resident Humanitarian Coordinator reveals that in 2005, all social indicators for the country were dangerously low, and many continued to worsen while the poverty rate remained high and the internal efficiency rate continued to fall compared to neighbouring countries and the entire Africa (0,35 in the country, versus 0,64 in the CEMAC area and 0,73 across Africa).²⁹ Average life expectancy dropped from 45 to 39 years over the past 15 years; a rate of five months per year. Health care coverage is extremely weak (800 patients per bed) and citizens do not have easy to access to care. The school attendance rate remained as low as 67%, compared with 82% in the CEMAC area and 95% across Africa. Food availability remains critically low. An average of 1,930 kcal/day is consumed in good times, far below the 2,700 kcal/day recommended by the FAO. This picture has become even more dramatic since 2002 by the pervasiveness of diseases that are typical of catastrophic socio-economic situations: the advent of the tropical ulcers; the massive spread of tuberculosis; and diarrhetic diseases.³⁰

According to the UN, 2005 was considered a turning point in the growth of economic activity in the CAR, "...which over the last 10 years has unfortunately experienced a steady and significant destruction of its production system so that the average income of citizens declined by 32 per cent over the past two decades." Starting in 2005, growth was expected to resume in most economic sectors, mainly because of the hopes kindled, firstly, by the recent return to constitutional order and, secondly, by the expected resumption of cooperation between the country and its major donor partners.³¹

The political and socio-economic occurrences in the CAR make it clear that the political landscape has been dominated by a small group of individuals. They have manipulated the system, which has led to political coups and counter-coups at the expense of social development. The most relevant question now is: given the political instabilities and related military activities and mutinies that have marked the change of leadership especially before the 2005 democratic elections, what is the status quo of the many arms that were used in past? Another question is: how can the new democratic order be sustained so as to avoid further military activity.

Arms flows into CAR

As research of the various aspects of SALW begins, understanding arms trafficking presents some difficulty. It is quite clear and easy to see and even purchase an illicit weapon in a war-ravaged country, but unimaginably difficult to trace the channels the weapon followed to get to that destination. The world of arms trafficking is full of intrigue. But what is discernible is that arms transfers (whether licit or illicit) remain one of sub-Saharan Africa's major security problems. The lack of an internationally recognised instrument to control the transfers (at both the manufacturing and the brokerage levels) leads to a lot of grey areas. Africa is the continent with the greatest number of armed conflicts and this is likely to remain so for some time. Even if the international community agrees on a binding instrument of control, the effect of SALW will continue to be felt in Africa for much longer than anywhere else. This is because of the long-lasting nature of the weapons as well as their widespread distribution. Arms used in the earliest conflicts in post-colonial CAR and other parts of Africa are still "effective killers" many years later.

Conflict is the primary cause of arms proliferation in the Central African sub-region and in many other regions. However, the most obvious feature is that Central Africa hosts the most extreme of the age-long antagonisms that have been responsible for post-independence conflicts in Africa. The region, perhaps more than other sub-region, also endured the ideological competition that promoted local proxy wars during the Cold War. Starting with the crisis in the Congo in the early 1960s, the ideological crisis in the sub-region was particularly severe in the 1970s and 1980s, when it offered a lucrative and ready environment for arms proliferation. SALWs, once in circulation, have a very long shelf life because they are uncomplicated and require little maintenance.³²

In the past, collapsing states in Africa³³ were largely blamed on the effect of the Cold War. At the height of the bi-polar confrontation in the 1970s and 1980s, the superpowers (Russia and the United States) intervened in local conflicts in a number of the world's poorest regions. This led to rapid regional militarization, high levels of military expenditure and the proliferation of conventional weapons. The original sources of supply have become vastly diversified since the end of the Cold War era, when surplus weapons were even sold by members of the Cold War alliances. As a result, the arms market acquired many new sources of supply, fuelling the unrestrained acquisition of arms by some governments who wished to suppress their own people or support causes in neighbouring states. In the process, weapons acquisition by non-state entities was also facilitated. However, close to two

decades after the end of the Cold War, and after the emergence of multi-party democracy and active international intervention in conflict prevention in Africa, the Central African region still faces enormous challenges because weapons continue to flow into the region through various channels.

Another cause of arms flows into Central Africa is the antagonism between neighbouring states, which creates an ideal environment for the free flow of arms. The UN Secretary General's report, *A/50/474* on the security question in Central Africa identifies the causes of inter-state conflicts in Central Africa as being border disputes, especially those relating to the delimitation of borders and to neighbourly relations; problems concerning refugees, displaced persons and illegal immigration and desire for power.³⁴

The permeable nature of the borders between CAR and its neighbours, compounded by the lack of co-operation between security outfits and border authorities, facilitates the illicit movement of arms. Oubangui River, also known as River Congo, along which the city of Bangui is situated, is poorly monitored because the security personnel lack the capacity to effectively monitor the numerous crossing points that traders use.³⁵ Similarly, the heavily forested and inaccessible northern and north-western regions of CAR, along its border with Chad, create a porous border through which arms can easily be moved. Various armed groups opposed to Bozize's government, have exploited the situation, subjecting the inhabitants of the area to catastrophic humanitarian conditions. After the 2005 presidential elections in CAR, the north-western region could not be controlled by the central government because various armed groups battled government forces in inaccessible areas, which the UN deemed too dangerous for a UN operation.³⁶ When we include the lack of adequate national controls on imports, insufficient training of border and customs officials, and widespread corruption among them, it is quite possible that the easy flow of arms between CAR its neighbours continues unabated.

The role of international players is also acutely important and has been evident in certain cases. Without the involvement of international actors (traffickers), it would be impossible for arms to reach their destination. The circuitous routes deliberately charted by illicit arms dealers who take advantage of the large and porous borders (as well as complicity of governments) when funnelling arms into neighbouring states are quite difficult to discern. Some arms dealers contrive to own citizenship in an African country and thus conduct part of their business from within the region. A widely publicised example is the notorious Viktor Vasilevich Butt, known commonly as Victor Bout, and often referred to in law enforcement circles as 'Victor B' because he uses at least five aliases and different versions of his last name.

The UN Panel investigating the violations of UN embargoes on UNITA in Angola identified 37 arms flights, all with false end-user certificates and false flight schedules, conducted with Liberian-registered planes operated by Victor Bout, between July 1997 and October 1998.³⁷ The report says that Victor Bout is a resident of the United Arab Emirates and many of his planes, registered in Equatorial Guinea and CAR among other countries, provide charter services to international companies. According to the UN Panel's report, Centrafricain Airlines is one of many companies controlled by Bout and his Air Cess/Transavia Travel Cargo group. In 2000, an investigation into fraud concerning the registration of an aircraft operated by Centrafricain Airlines was initiated in the Central African Republic, because some aircraft flying these colours were operating without a licence.³⁸ Arms traffickers tend to operate in countries with weak legal frameworks and which are either in a state of conflict or emerging from one.

Contemporary CAR and its efforts to disarm

The scourge of arms in CAR is traceable in most quarters of the society. People move around fully aware of the presence of weapons amongst them. For anyone who cares to listen to stories of how several coups were perpetuated, it is relatively easy to meet young former combatants within society who freely narrate their experiences. Many of the illicit weapons in circulation today are part of those stolen from army barracks during the past mutinies and armed rebellion in various parts of the country. Other weapons are said to have been brought into the country from the DRC across the River Oubangui, while some came from southern Sudan and southern Chad, which have also experienced armed rebellion.³⁹ Most of the firearms, therefore, are in the hands of civilians, hidden in homes, farmlands and wells, according to the country's president.⁴⁰

Since Bozize took power in 2003, CAR began disarmament efforts. In an effort to demilitarise his leadership, Bozize's first approach was aimed primarily at restoring Bangui by reducing the concentration of arms in the city. This meant disarming some of his soldiers, commonly referred to during the war as *libérateurs* or liberators.⁴¹ The disarmament attempt was a combined effort by Chadian soldiers (who had supported Bozize against Patassé) and the CEMAC forces. Incidentally, most of the *libérateurs*, especially the Chadian soldiers, felt short-changed by the process and fled the city. Most of them joined former pro-Patassé militiamen, bandits, and cattle raiders operating in the north.⁴² In June 2003, the government issued a memorandum stating that disarmament, demobilisation and reintegration

(DDR) would be implemented in three phases. The first phase being to inform and educate the former fighters about disarmament, the second being voluntary disarmament, and the third being forcible recovery of firearms and legal action against recalcitrant bearers of illegal weapons.⁴³ Weapons collected in the initial attempt of disarmament in 2003 were burnt at a public ceremony in Bangui on 25 July 2003.⁴⁴

The challenges posed by the first disarmament attempt showed that Bozize's government needed to institutionalise the DDR process if he wanted to avoid new armed resistance. The government therefore passed a decree (No. 265.04) in September 2004 establishing the national commission on disarmament, demobilisation and reinsertion (*commission nationale de désarmement, démobilisation et reinsertion*)- NCDDR – of ex-combatants. Under NCDDR, a creation of the country's national defence council, two sub-commissions exist, one in charge of disarmament and demobilisation and another in charge of reinsertion and community support for ex-combatants. According to the NCDDR office, the dual categorisation serves the purpose of aiding all categories of the community. The disarmament and demobilisation sub-commission tackles the disarmament phase of civilians and ex-combatants and demobilises them. While the disarmed civilian goes back to the community after being demobilised, an ex-combatant's reinsertion needs are taken care of by the second sub-commission, which reinserts the ex-combatant back into his/her family or family of own choice.⁴⁵ According to article II of the decree establishing the NCDDR, the commission also serves as the avenue through which policies and strategic decisions on DDR are taken, as well as being the pilot organ for the operations of the project on Reinsertion of ex-Combatants and Community Support (*Projet de Réinsertion des ex-combattants et Appui aux Communautés*) – PRAC; a project run under the "special projects" category by the Multi-Country Demobilisation and Reintegration Programme (MDRP). The main objectives of the NCDDR are:

- to implement the recommendations of the United Nations Programme of Action (UNPoA) on SALW;
- to undertake and make decisions on institutional matters and strategic policies concerning the process of DDR;
- to ensure conformity in decisions on matters of general government policies on defense matters and processes, all other legislative texts on defense and security as well as issues relating to MDRP and the objectives spelt out by the agreement on subsidising of PRAC;

- to play a catalyst role in the coordinating various partners involved in implementing DDR activities;
- to validate general criteria and procedures to be applied in the DDR activities, notably the definition of selection criteria for the beneficiaries of the project and the priority in the handling of such beneficiaries (target groups, their geographic dispersion, etc);
- to oversee directly or with the support of district commissions a homogeneous and systematic criteria in the validation of candidates in DDR processes;
- to approve plans of action and periodic reports of activities of PRAC;
- to guarantee the relevance of sensitisation and communication strategies of DDR matters and ensure the coherence of its publicised information;
- to take all possible precautions necessary to ensure periodic follow-up and evaluation of the project and use of the recommendations made;
- to ensure that every ministerial department and every national partner undertakes their duties accordingly.

The role of CNDDR and PRAC in disarmament

CNDDR has adopted an integrated approach to disarmament (*méthodologie intégrée*), whereby the three components of DDR are carried out simultaneously. The project started in December 2004 in the town of Bossangoa in the north of the country, as a DDR and community support programme.⁴⁶ Under the DDR programme each ex-combatant receives a disarmament kit comprising kitchen utensils such as kettles, plates and cups, as well as soap and condoms. The basic assumption, according to the programme's chief adviser, is that the ex-combatant has come out of the bush and possesses no basic property, hence the need to start afresh. Exchanging arms for money is discouraged because it tends to further the illicit proliferation of arms. Instead, the project seeks to provide individuals with economic alternatives to the use of arms.⁴⁷ The section on support to communities has two facets: rehabilitation of infrastructure, and creation of income-generating activities such as infrastructure (schools, health centres, bridges, etc) that were destroyed during the war. This is because successful reintegration of ex-combatants depends upon the capacity of

communities to absorb and welcome those returning. The project thus assists in the rehabilitation of social and economic infrastructure, and the creation of income-generating activities, as well as reconciliation and dialogue activities.

The demobilization and reintegration project attempts to create conditions in which peace and security can be built. It supports the reintegration of ex-combatants who might otherwise threaten security. Reintegration activities are determined in collaboration with the targeted prefectures after identifying viable economic options in each prefecture. Support is also offered via micro-enterprise projects in sectors such as agriculture and other reconstruction activities. Ex-combatants then receive personalised support and individualized follow-up to ascertain whether reintegration has been effective. Families of ex-combatants (or the identified reintegration family) are involved from the beginning of the reintegration phase. Emphasis is also put on the community approach to reintegration. The educational background of the ex-combatants is taken into account and disarmed ex-combatants receive disarmament certificates upon signing declarations that they henceforth renounce any form of violence and commit themselves to abide by law.⁴⁸

A document titled *Interim Implementation Document of CNDDR (Document Cadre Mise en Oeuvre)* states that the DDR project aims to disarm 7,565 ex-combatants in the localities identified by PRAC. The process involves deployment of defence forces (FACA, the police and the gendermerie), and their role, in collaboration with local authority organs, includes collection, stocking and the quick destruction of arms. The document also sets out the criteria of legibility for disarmament as being:

- Undertaken according to the official list (*Liste Officielle*) of the people to be disarmed. Lists are compiled at the prefecture level, guided by:
 - a list of ex-combatants as proven by identity cards, *laisser passers* (for ex-liberators) and any other justifiable documents, which then have to be presented to the Prefectural Commission on Disarmament and Reintegration (*Commission Préfectorale pour le Désarmement et la Réinsertion*) – CPDR.
 - CPDR undertakes the first verification of the compiled list before presenting it to the Mixed Technical Verification Committee (Comité Technique de Vérification Mixte) – CTMV⁴⁹ for validation according to defined criteria;
 - The list then passes to the NCDDR Central Office (Bureau Central de la CNDDR) for approval;

- After approval, the NCDDR then passes the list to the UNDP and PRAC for action;
 - Individual combatants then present themselves to CPDR for the start of the DDR process.
- The criteria for defining an ex-combatant according to the NCDDR are:
 - An armed person belonging to an identifiable and known group;
 - An armed person with an identifiable military regimental number with additional proof;
 - An armed person with a military identification number;
 - An armed person with a military payslip (or other such military document in his name);
 - An armed person without a document but is known well by the community as an ex-combatant;
 - An ex-FACA (with a rank), who justifies his non-possession of a weapon because of having left the military, was formerly a refugee, and is in possession of UNHCR refugee documents or other recognisable documents. In such cases the CTMV will deliberate and recommend the admission or non-admission of the combatant after interviewing him;
 - Unarmed person of less than 18 years who justifies his belonging to a known armed group. In such cases, the beneficiary's (child soldier's) care is arranged in collaboration with UNICEF and other child-protection organisations identified by the government of CAR;
 - Unarmed person (female) who justifies her belonging to a known armed group. In such a case, organisations dealing with women protection rights will be notified to assist.
 - After the disarmament stage, the ex-combatants proceed to the reinsertion programme but only after meeting the criteria set for reinsertion, which are:
 - surrender all functional arms and ammunitions in his possession;
 - demonstrate his wish to return to civilian life;
 - denounce all military activities against institutions and people of CAR;
 - be willing to conform to all regulations pertaining to reinsertion.

Once the ex-combatant has been reinserted into society, the process of reintegrating into an 'ordinary' person's life commences. This process takes a large part of the individual's lifetime, during which he is expected to become absorbed into normal social life.

As of August 2006, 5,515 ex-combatants had been disarmed and demobilised, while another 5,580 were in the process of receiving (or had received) all their reintegration support. Some of the challenges encountered during the process include continued weak demobilization and reintegration performance; budget overruns and ineligible expenditure; and the identification and validation of eligible ex-combatants.⁵⁰ In response to the challenges, the UNDP and the CNDDR have jointly developed an acceleration plan for demobilisation and reintegration (the programme will close in February 2007).⁵¹ The identification and validation process of the list of ex-combatants has resulted in some delays in the acceleration plan and in the provision of reintegration assistance to those still not identified. Such delays should be avoided because they are likely to demoralise ex-combatants.

Conclusion

It is vital to recognise the efforts made so far toward reducing the proliferation of SALW and armed violence in CAR. It is however equally important to acknowledge that the long history of armed conflict in the country has entrenched a deep sense of insecurity amongst the country's citizenry. Overcoming this insecurity will require consistency of policy, resources and commitment. Areas requiring urgent attention include:

- Skills-oriented projects are preferable to exchanging arms for money because the latter tends to create new markets for arms. Disarmament projects should therefore seek to provide individuals with economic alternatives to the use of arms. This could also reduce poverty.
- In certain instances, where a long history of conflict results in severe poverty and insecurity, strong feelings of injustice may arise in the general population when combatants are made a priority and receive targeted aid ahead of other groups. To counter such feelings, it is advisable to provide technical, logistical and operational support to local civil society groups and local administration officials. They can, in turn, assist in identifying intervention approaches that serve to improve the welfare of the entire community and create a sense of stability that will promote further development.

To ensure continuity and progress in the DDR process, the government ought to spearhead the process of strengthening the capacity of communities to receive ex-combatants and make them feel welcome. CAR therefore needs a

project that will help ex-combatants play a positive role in the rehabilitation of social and economic infrastructure, the creation of income-generating activities, and reconciliation and dialogue.

Notes

- 1 <http://www.mdrp.org/central_main.htm> (20 November 2005).
- 2 Country profile: Central African Republic, <http://news.bbc.co.uk/1/hi/world/africa/country_profiles/1067518.stm> (10 December 2005).
- 3 S Nyce and Y Benalfew, Central African Republic: An Unknown Emergency in a Dangerous Region. <<http://www.refugeesinternational.org/content/article/detail/9725/?mission=9629&PHPSESSID=3fbf59703451e42cf32661aba7b048d2>> (18 January 2007).
- 4 Ibid.
- 5 Violence Beyond Borders: The Human Rights Crisis in Eastern Chad <<http://www.hrw.org/background/africa/chad0606/3.htm>> (6 February 2007).
- 6 This is an insight by the author himself based on his visit and experience in the CAR, February 2005.
- 7 International Boundary Study No. 109: 30 April 1971, Central African Republic – Democratic Republic of the Congo (Zaire).
- 8 For a complete breakdown of ethnic composition of the CAR see <<http://www.library.uu.nl/wesp/populstat/Africa/centrafg.htm>>.
- 9 Human Development Report, <<http://hdr.undp.org/statistics/data/indicators.cfm?x=37&y=1&z=1>> (8 January 2006). These figures are based on an author interview in Bangui with a senior officer in the Office of the President, 22 February 2006.
- 10 In a 1977 ceremony, Bokassa crowned himself emperor, having declared himself president for life, in 1972. He renamed the country the Central African Empire.
- 11 Reuters News, Central African Republic troubles At a glance. <http://www.alertnet.org/printable.htm?URL=/db/crisisprofiles/CA_FLO.htm> (14 January 2007).
- 12 Author interview with an ex-FACA Colonel in Bangui, 21 February 2005.
- 13 World History Archives, 10,000 In Africa Protest French Army, *The Militant*, vol.60, no. 23. 10 June 1996.
- 14 Author interview with a FACA Colonel in Bangui, 18 February 2005.
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- 19 <http://www.irinnews.org/report.asp?ReportID=44736&SelectRegion=Great_Lakes>
- 20 Author interview with BONUCA officials in Bangui, 20 February 2005.
- 21 Ibid.
- 22 Author interview with Henri Pouzère, a former presidential candidate, Bangui, 17 February 2005.
- 23 Peace And Security Council 33rd meeting, Addis Ababa, Ethiopia, 24 June 2005.
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CHAPTER THREE

ARMS AND DISARMAMENT

DRC's unending story

Introduction

As the DRC starts to embrace the return of peace after the first democratic Presidential elections, one very significant task remains unaccomplished: Disarmament.

In a report entitled *Deadly Legacy: U.S. Arms to Africa and the Congo War*, Hartung and Moix state that the U.S. prolonged the rule of Zairian dictator Mobutu Sese Seko by providing him with more than \$300 million in weapons and \$100 million in military training which he used to repress his own people and plunder the country's economy for three decades, until his he was overthrown by Laurent Kabila's forces in 1997.¹

The end of Mobutu's rule escalated the DRC conflict to a continental scale that transformed the conflict into what Norimitsu calls Africa's first world war.² The war was triggered when Laurent Kabila, with the aid of Rwanda, Uganda, Angola, Burundi and Eritrea, toppled Mobutu in May 1997 in what was hoped to be the genesis of long term peace in the Great Lakes Region (GLR). This, however, proved to a miscalculation as Kabila was accused by rebels (made up of Congolese soldiers, Congolese Tutsi Banyamulenge, Rwandan, Ugandan and some Burundian government troops) of turning into a dictator, of mismanagement, corruption and supporting various paramilitary groups who oppose his former allies.³ As the conflict raged on the rebels overwhelmed Kabila, controlling about a third of the entire country (the eastern parts). In a bid to repel the rebels, Kabila had received support from Angolan, Zimbabwean and Namibian troops.

Up to the assassination of Laurent Kabila in January 2001, Angola, Zimbabwe, and Namibia supported the Congolese government, while the rebels were backed by the governments of Uganda, Rwanda, and Burundi. According to Shah, since the outbreak of the war, at least 3.3 million people, mostly women, children and the elderly, are estimated to have died because of the conflict, most from disease and starvation while another 2.25 million people have been driven from their homes, many of them beyond the reach of humanitarian agencies.⁴

The evolution of the conflict into a regional war depicts the intra-regional ethno-political dimensions that are the result of massive flow of arms into the country, and especially the eastern region. These flows have resulted in internecine armed conflict that has engendered refugees, rebels and mercenaries. Adding to the combustible mix are new actors such as the large numbers of child soldiers, sources of contestation such as natural resources, and the new means of executing wars using small arms of the latest technological innovation. Ideologically, too, the blending of the Tutsi-Hutu conflict into the DRC conflict has lent a new complexity to the conflict, defying easy solutions. With the blurring of the lines between civil and regional war, and conventional and unconventional war, civilians became the primary victims of the conflict, trapped between rebel and conventional armies. The end result in the GLR has been the unabated acquisition of small arms by competing (ethnic-based) rebel leaders competing for the control of mineral-rich mines. This has led to colossal loss of life, the displacement of millions of civilians, and the collapse of basic infrastructure and social amenities.

This chapter first briefly traces the origin of the ethnic rivalry and strife in the DRC, linking it to the demand for arms, followed by an analysis of the various armed groups (rebel groups and militias) operating in the country. The chapter then reflects on disarmament initiatives that have been put in place and concludes with a synthesis of salient issues.

Background to the conflict in the DRC

An understanding of the background to the DRC conflict reveals a correlation of various factors that require comprehensive responses in order to address them. Among other issues are disarmament, civil strife and complexities emanating from ethnicity in the rest of the GLR. The Rwandan genocide in 1994, for instance, marked a major turning point in the conflict in the GLR. Another major event occurred in 1996 when the governor of Kivu Province in the DRC (then Zaire) asked the Banyamulenge or ethnic Tutsis of the Mulenge Mountains in Eastern DRC to “return to Rwanda” despite about two centuries of living in that area.

Among the roots of the conflict in the DRC, therefore, is the crisis of ethnic identity and citizenship arising from the reaction of the minority groups in the east of the country to the call by the DRC government under Mobutu for the Banyamulenge to return to Rwanda. This demand by Mobutu resuscitated emotions that led to a popular uprising that exposed an explosive web of

alliances. This pitted Hutus against Tutsis in the region and escalated into military mobilisation by the Banyamulenge against Mobutu's regime. In the war that emerged, Rwanda and Uganda provided military support to Laurent Kabila and other anti-Mobutu forces. Statistically, both Rwanda and Burundi have roughly the same composition of both ethnic groups: 85% Hutu, 14% Tutsi and 1% Tswa.⁵ In the DRC, a relatively small number of Tutsi and Hutu had immigrated and settled as minorities among the indigenous populations of North and South Kivu more than a century before independence. Mamdani observes that in North Kivu the immigrants were mainly Hutu, while the Tutsi (Banyamulenge) immigrants tended to settle in the Uvira area of South Kivu where they sought to integrate while retaining some allegiance to Rwanda.⁶

Hutu/Tutsi ethnicity was exacerbated by a long history of communal conflicts in neighbouring Rwanda and Burundi, dating back to 1926 when the Belgian rulers are said to have classified the population of Rwanda as either Tutsi or Hutu. This was a departure from previous approaches where the Hutu-Tutsi distinction was more flexible; where prosperous peasants could become Tutsis, while poor Tutsis suffered reduced social status and became Hutus. The Belgian administration strictly designated those who owned more than ten cows as Tutsi and all others as Hutu, with no possibility of movement between the two groups. Belgium further imposed a new practice, where all citizens were issued with national identification cards, which included an entry for tribe.⁷ Tutsi supremacy was thus enhanced by European administration.

The people of eastern DRC, Rwanda and Burundi share common basic cultural and linguistic attributes, dating back to pre-independence history. Rwandans and Burundians are predominantly ethnic Hutu or Tutsi, and speak Kinyarwanda and Kirundi, although the two languages are closely related grammatically. The Hutu/Tutsi rivalry in Rwanda and Burundi has to date produced four major refugee flows into the GLR. The first influx of the refugees took place during the 1959-1963 Hutu revolution in Rwanda, when an estimated 200,000 Tutsis fled into Uganda, Burundi and eastern Congo, mainly the Kivus. In 1972, another wave of about 300,000 Hutus from Burundi escaped into Tanzania and Rwanda to avoid the genocidal massacre of Hutus by the Tutsi-dominated army. In the same vein, the massacres triggered in Burundi by the assassination of Hutu President Melchior Ndadaye in October 1993 prompted a third wave of an estimated 400,000 Hutu refugees who sought safety in Tanzania, Rwanda and Burundi. Finally, according to Cilliers and Malan,⁸ the 1994 genocide in Rwanda produced the fourth and largest flow of refugees, with about two million Hutus from Rwanda fleeing into eastern Congo and Tanzania.

Ethnic ties amongst Hutus and Tutsis spread across the three countries have created strong alliances that become military conflicts with an ethnic background. When faced with any form of tribulation, people (often with other family members and ethnic sympathisers from across state boundaries) easily seek refuge in one of the other countries. These ethnic alliances provide very fertile channels through which illicit weapons flow from one country to another. It is therefore apparent that a geopolitical approach is fundamental to any effort to bring long-term stability to the GLR region. It needs to be understood that the ethnic distribution of Hutus and Tutsis is not confined within political boundaries and that civil war, whether intra- or inter-state within any of the GLR countries will directly affect stability in other regional countries.

Various authors have castigated those who follow what is commonly referred to as a “regional conflict psychology” approach to the GLR conflict. Under this approach, the historical and cultural proximity between inhabitants in the region creates a psychological feeling that is fed by, and feeds on conflicts in the region, with events in the region being interpreted in the light of this psychology. “Regional conflict psychology” is said to be enforced through narratives in which different groups are either stigmatised or portrayed as martyrs, for example, the interpretation of the conflict in Ituri (Eastern DRC) as a conflict between Hutu (Lendu) and Tutsi (Hema). The resulting impact is that this adds to the pattern of ethnic strife in Burundi and Rwanda, either directly or indirectly.⁹

For example, the National Liberation Forces’ (*Forces nationales de liberation*, FNL) attack on Bujumbura stands as a reminder to inhabitants of Kigali of what damage can be inflicted by a small group of “violent Hutus.”¹⁰ When political and economic decision-makers, and other personalities adopting this approach, they entrench aggressive perceptions of ‘the other’, and ‘the others’ intentions. Such views only serve to cause further disintegration. To a certain extent, this view can explain the difficulty faced by the Kinyarwanda-speaking minority who tried to integrate as citizens of the Congo since the 1960s. The stereotyping marginalised Kinyarwanda speakers, affecting their demand for Congolese citizenship rights (particularly land tenure and ownership) at the hands of the local chiefs of the majority indigenous groups. The tensions that resulted led to the 1960’s *La Guerre du Kinyarwanda* (the Kinyarwandan uprising) against local authorities at the time of independence.¹¹ The rebellion fuelled indigenous resentment against the Banyarwandans who were increasingly perceived as a foreign threat, leading to the onset of a complex structural conflict in the east of the Congo.¹² Coupled with the history of latent antagonism between the Tutsi and Hutu communities in the region, these factors were amplified by events in Rwanda and Burundi in the following decades.

Armed groups and arms proliferation in the DRC

The most recent and notable wars that Congo has suffered, and ones likely to have led to one of the most serious spirals of arms proliferation in the country, are those of 1996-1997 and 1998-2002. By the middle of 1996, the tension in eastern Zaire had reached its limit. The 1994 Rwandan genocide saw hundreds of thousands of Hutus flee across the border into the DRC where they settled in refugee camps. Many of those responsible for the genocide, the former Rwandan Armed Forces (ex-FAR) and Interahamwe militia, used the refugee camps to organise rebel activities.¹³ At the same time, the position of the Banyamulenge was becoming worse because they continued to face discrimination from ethnic Congolese. The arrival of large numbers of refugees from Rwanda, many of them Hutu militia fleeing the Rwandan Patriotic Army (RPA) following the genocide in Rwanda, led to frequent attacks on Banyamulenge, upsetting the equilibrium. Refugees fleeing from armed conflict are a big source of weapons proliferation, especially because of a lack of adequate screening on arrival in a recipient country.

Paul Kagame's Tutsi-led Rwandan government saw the Banyamulenge as natural allies and had quietly armed and trained a substantial force in anticipation of what it felt to be an unstable situation. In October 1996, the vice-governor based in the Kivu town of Bukavu proclaimed that the Banyamulenge were no longer welcome and would have to leave the country. In response, the Banyamulenge began an uprising against the local government. The rising tension led to an uprising that attracted the support of the Rwandan government, enabling the Banyamulenge to repel an attack by the Zairean army. The state of conflict between Rwanda and Zaire led to the beginning of the First Congo War.¹⁴ Out of the midst of the conflict arose Laurent-Désiré Kabila, a former rebel who re-emerged as head of his revived rebel group, the Party of the Peoples' Revolution. Within a few months the Kabila's rebels swept through the DRC, toppling Mobutu and installing Kabila as president. During the rebellion, thousands of arms supplied by Kabila's allies, Rwanda and Uganda, found their way into the DRC.¹⁵

According to Isima, Rwanda used the ex-FAR and Interahamwe threat as justification for its invasion of the DRC,¹⁶ while at the same time continued to call for the disarmament and dismantling of ex-FAR and Interahamwe forces based in eastern DRC. During the first rebellion in 1996, refugee camps harbouring Interahamwe and ex-FAR were destroyed by the RPA. This caused refugees to flee to neighbouring countries, particular Congo, Angola, Central African Republic, Zambia, Zimbabwe, Malawi, Namibia, Tanzania and Kenya, while some infiltrated into northwest Rwanda. Those who re-

entered Rwanda reorganised themselves into the Rwandan Liberation Army (ALiR) and subsequently launched military operations against Rwanda. ALiR was eventually subdued by the RPA in 1998.

The second war began in August 1998 when Laurent Kabila tried to expel Rwandan military forces that had helped him overthrow Mobutu. This led the Banyamulenge, as well as the governments of Burundi, Rwanda, and Uganda, to rally to protect their territories from hostile armed groups operating in the eastern DRC. These groups included:

- The Interahamwe militia of ethnic Hutus, mostly from Rwanda and who actively took part in the 1994 Rwandan genocide.
- Hutu members of the former Rwandan Armed Forces, (Ex-FAR) believed to have been part of the 1994 genocide in Rwanda.
- The Mai-Mai militia, a loose association of traditional Congolese local defence forces, which fought the influx of Rwandan immigrants;
- The Alliance of Democratic Forces (ADF), made of up Ugandan expatriates and supported by the Government of Sudan, which fought the Government of Uganda;
- Several groups of Hutus from Burundi fighting the then Tutsi-dominated government of Burundi.

By the end of 1998, the Kabila government had lost control of more than one-third of the country's territory to RCD rebel movement dominated by members of the Tutsi ethnic minority with the support of Uganda, Rwanda and Burundi. At the onset of the rebellion in 1998, a group of ex-FAR soldiers that had spread across the region negotiated a military alliance with Kabila. They also established the Resistance Coordination Committee (CCR) comprised of other ex-FAR and Interahamwe combatants based in neighbouring countries. This alliance evolved into the *Forces Démocratique pour la Libération du Rwanda* (FDLR) in 2000. Following ALiR's military defeat in northwest Rwanda, it retreated to North Kivu where it entrenched itself and received military assistance from Kabila. Gradually, ALiR became part of FDLR.¹⁷

Over time, the composition and size of the FDLR has varied, even including the ex-FAR soldiers who did not participate in the genocide and new post-genocide recruits emanating from the Rwandan refugee camps in the DRC

and Tanzania. Government forces, the *Forces Armées de la République Démocratique du Congo* (FARDC), began to conduct some offensives against the FDLR in 2004 particularly in South Kivu. However, fresh incursions by Rwanda during Nkunda's activities in Bukavu led to FARDC re-establishing relations with the FDLR.

All activity by various armed groups in the war depended on heavy and steady supplies of arms and other military equipment. The need was met with supply of weapons. According to a report, "The call for tough arms controls from the DRC,"¹⁸ the 1998 tensions that led to the second Congolese war resulted into a five-year period during which small arms and light weapons poured into the country because all sides were bent on gaining power. Despite many of the warring parties having signed the Lusaka Agreement of July 1999 calling for a ceasefire and an end to the supply of weapons into the country, several shipments of small arms and light weapons arrived over the next few years.¹⁹

The proliferation of arms in the DRC is an issue with two parts. One part is the state-purchased arms that reach government-linked armed groups. The second part involves rebel groups who obtain arms on the illegal market through clandestine operations. In the former case, Amnesty International says in a report that agents close to the DRC government have procured in the past and attempted to procure arms using funds from lucrative diamond sales. The report, *Democratic Republic of the Congo: Arming the East*, states that in 2000 and 2001 payments were made for arms from companies in the Czech Republic and Ukraine and further arms, including 10 million rounds of Kalashnikov ammunition were sought from Slovakia and the Czech Republic using an end-user certificate from Namibia in 2003. Czech authorities opposed the deal after it was exposed through the media.²⁰ The report then specifies that the Kinshasa government continued to send arms to Mai-Mai militia and armed groups in the DRC, giving an example in which over 200 tons of arms were flown to a pro-government armed group in north Kivu by a local company. The unregulated supply of arms into the Congo led to the passing of a UN Security Council (UNSC) arms embargo. It decreed by resolution 1493 of July 2003, in which all states, including the DRC itself would, *for an initial period of 12 months from the adoption of the resolution, take the necessary measures to prevent the direct or indirect supply, sale or transfer, from their territories or by their nationals, or using their flag vessels or aircraft, of arms and any related materiel, and the provision of any assistance, advice or training related to military activities, to all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and of Ituri, and to groups not party to the Global and All-inclusive*

*agreement, in the DRC.*²¹ The UN resolution emphasises that all countries should take measures to prevent the direct or indirect supply, sale or transfer of arms and any related materiel to the DRC.

The UNSC's decision followed the release of a report on 21 July by the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Congo. The report documents violations of the embargo by several groups and neighbouring countries. In an interview with Mandro, one of the Ituri militia leaders about to stand trial, while explaining the sources of arms in Ituri responded that, "It's clear that the weapons are coming from Uganda. Whether it's official or not, it is clear they come from there. Guns don't just fall from the sky."²²

The Security Council, in January 2006 adopted Resolution 1653 at a ministerial-level debate on the regional dimensions of peace and security in the Great Lakes Region. The resolution, while acknowledging the link between the illegal exploitation of natural resources, the illicit trade of those resources, and the proliferation and trafficking of arms as key factors fuelling and exacerbating the conflicts in the Great Lakes, also calls on the governments of Uganda, Rwanda, Burundi and the DRC to disarm and demobilize militias and armed groups, especially the Lord's Resistance Army (LRA) in northern Uganda.²³

The conflict in the DRC placed parts of the country, especially in the east and the north, under the control of rebel groups backed by the presence of troops from Uganda, Rwanda, and Burundi.

The UN panel looking at the illegal exploitation of natural resources in the DRC reported that armed groups are motivated by the desire to control and profit from natural resources, and that they financed their armies and military operations by exploiting these resources.²⁴ Instead of a clear military strategy amongst the invading armies, there is a confusion of objectives and interests, manifested by the disintegration of the political system and the creation of many official armed groups (all backed by the same side) that fight each other. This was illustrated by battles in Kisangani in June 2000 that left more than 600 civilians dead, and street battles in Bunia in November 2000 between different factions of the same rebel movement. At the same time, the chaos created by the invading forces has left a security vacuum that has allowed numerous militia groups to flourish. Neighbouring countries supported many of these militia groups. In Ituri and North Kivu, soldiers and generals sold arms illegally to these militia groups. The result is that theft, rape, and murder are daily occurrences, while ambushes by

militia are regularly documented on the roads leading out of Bunya in Ituri and out of Beni in North Kivu.²⁵

Attempts to disarm

The aim of disarmament in a post-conflict situation is to reduce, and possibly eliminate excessive accumulation of small arms and light weapons and munitions from the hands of both combatants and civilians.

The two successive wars in the DRC were followed by negotiations that led to the signing of various agreements, each of them emphasising disarmament, especially of the FDLR as a precondition for peace. The Lusaka Ceasefire Agreement of 1999 called for the disarming of militias and armed groups, including the genocidal forces, with all parties committing themselves to the process of locating, identifying, disarming and assembling all members of armed groups in the DRC. Countries of origin of members of the armed groups were also supposed to commit themselves to taking all necessary measures to facilitate repatriation. Such measures would include the granting of amnesty in countries where such a measure has been deemed beneficial. This, however, was not applicable to those suspected of genocide. The parties assume full responsibility of ensuring that armed groups operating alongside their troops or on the territory under their control complied with the processes leading to the dismantling of those groups.²⁶

In an effort to uphold the ceasefire agreement and enhance disarmament, the UN Security Council, through Resolution 1279, deployed the United Nations Organisation Mission in Congo (MONUC) in November 1999. MONUC's mandate included voluntary Disarmament, Demobilisation, Repatriation, Rehabilitation and Reintegration (DDRRR) of armed groups.²⁷ The Pretoria Peace Agreement of 2002 (specifically between the governments of Rwanda and the DRC on the withdrawal of Rwandan troops from the territory of the DRC and the dismantling of the ex-Far and Interahamwe forces) moved parties to the conflict much closer to peace by outlining more specific disarmament steps.²⁸ The Pretoria Agreement obliged the DRC to collaborate with MONUC and the Joint Military Commission (JMC) set up by the Lusaka Agreement to dismantle the ex-FAR and the Interahamwe. It also called on MONUC to immediately set up processes to repatriate all ex-FAR and Interahamwe militias to Rwanda, in coordination with the governments of the DRC and Rwanda. Rwanda and the DRC set up two important mechanisms: a 90-day timetable for the withdrawal of Rwandan forces and for the disarmament ex-FAR and

Interahamwe;²⁹ and a Third Party Verification Mechanism (TPVM) that would monitor the two processes.

Further negotiations led to the signing of the Inter-Congolese Dialogue (ICD) Final Act, commonly referred to as the Sun City Agreement, signed in 2003. The ICD Final Act allowed for the creation of a transitional government composed of the main political and rebel groups involved in the conflict, including (1) Joseph Kabila's loyalists; (2) the leaders of the RCD-Goma in addition to its splinter groups like the *RCD-Mouvement de Libération* (RCD-ML) (RCD-Liberation Movement); and (3) the MLC and civilian opposition politicians.³⁰ This led to the creation of a transitional government (a government of national unity) under the presidency of Joseph Kabila and four vice presidents. The initial transitional period was planned to last two years but was later extended by a year.

The role of the UN peacekeeping force, MONUC, has been made increasingly difficult due to periodic and largely localised fighting between various militias in the east. In addition, MONUC has had to contend with insufficient troops while undertaking a major peacekeeping operation in a very large country. MONUC's mandate included overseeing the ceasefire and the disarmament of militias through a DDRRR programme. The Final Act of the ICD (April 2003) set up the Transitional Government (TG) and urged greater efforts in the pursuit of the voluntary disarmament of armed groups in accordance with the Lusaka Agreement, and recourse to the use of force under Chapter VII of the UN Charter where voluntary disarmament had failed. In an article, *Rwanda's Secret War*, Snow³¹ points out that there has been increasing popular anger towards MONUC because of its inability to provide security and because of alleged troop misconduct. The article also traces Rwanda's long history of involvement in the DRC, revealing the complicated links between regional governments, proxy forces, rebels, natural resource exploitation, and Western interference. In conclusion, the author posits that Rwanda previously exploited the failure by the UN and the DRC to implement a DDR process of rebel forces, as well as continued impunity for rebel and army leaders involved in the 1994 genocide as reasons to interfere militarily in the DRC.

The purported lack of capacity by MONUC resulted in the UNSC Resolution 1565 of 1 October 2004 that expanded MONUC to 16,700 troops.³² Although the mandate of MONUC envisaged the use of force in the disarmament process, MONUC always favoured voluntary disarmament based on the realities of the conflict. For instance, as Alusala³³ argues, forcible disarmament of groups accused of genocide would require a robust

deployment of troops, which is usually difficult to secure; and the sheer complexity of the armed groups in the region and the constant shifting of alliances among them also makes a purely military solution almost impossible. However, on several occasions, the need to forcefully disarm Rwandan rebels based in the east of DRC had arisen. One of the recommendations of the AU Peace and Security Council held in Libreville on 10 January 2005 was to forcefully disarm, as a matter of urgency, all armed groups and militia operating in the DRC.³⁴ The summit mandated South Africa, Angola, Algeria, Gabon, Uganda, Senegal and Tanzania to form a committee under the chair of Nigeria to assess the situation in DRC. Initially, according to the AU Peace and Security Commission, a minimum of two brigades was considered for planning purposes.³⁵ Seven months after the Libreville Summit the AU called on its member states to contribute at least 6,000 troops to deploy in eastern DRC to forcefully disarm Rwandan rebels based there.³⁶ This call came after the presidents of Angola, Gabon, DRC, and Congo ended a summit agreeing to disarm all militias and armed groups forcibly and, as a matter of urgency, all the armed groups trying to destabilise the peace process in the DRC. The then-Chair of ECCAS, President Dennis Sassou-Nguesso of Congo stated that the four countries were working together with the African Union, the UN and the European Union (EU) in order to set up an Economic Community of Central African States (ECCAS) brigade to ensure that the democratic process in the DRC did not collapse.³⁷

Despite several attempts to disarm the rebels in the DRC, the process still faces significant challenges. The FDLR continues to reject disarmament programmes and has refused to comply with the process. Its members remain armed in the Kivus with the possibilities of re-mobilising.

Initial DDR attempts by MONUC attained some success, though dismally when in 2002 MONUC undertook exploratory repatriation of 79 FDLR rebels to Rwanda. However, only three of those repatriated stayed in Rwanda while the rest returned to the DRC, rejecting the programme. This was followed by another programme later that year when a few families were repatriated while others volunteered to return to Rwanda. The TPVM, of which MONUC is a part, commenced work in December 2002. Between January and February 2003, it succeeded in negotiating the repatriation of over 50 combatants to Rwanda.³⁸ Following some pressure from the Congolese government, the FDLR allowed 1,794 of its members to be confined to FDLR's Kamina base in September 2002 by the FARDC as a bargaining chip while negotiating the inter-Rwandan dialogue. Shortly after this minimal success, the programme gradually began to lose momentum. By May 2003, the UN Secretary-General conceded the failure of the DDRRR programme, which repatriated

only 402 FDLR soldiers, 333 dependents and 11 leaders, and opened only one demobilisation centre at Lubero in North Kivu.³⁹ The UN Secretary General subsequently acknowledged in 2005 that the repatriation rate had declined since April 2004.⁴⁰

Frustration with the unsatisfactory performance of MONUC's voluntary disarmament prompted the AU to call for forceful disarmament of the FDLR.⁴¹ This impatience is understandable, given the security and humanitarian implications of failure. The UN Security Council Report S/RES/1653 of 2006⁴² calls upon countries of the region to reinforce their cooperation with the UNSC's Committee and with the Group of Experts established by resolution 1533 of 2004⁴³ to enforce the arms embargo and to combat cross-border trafficking of illicit small arms, light weapons and illicit natural resources as well as the movement of combatants. The resolution also reiterates its demand that the governments of Uganda, Rwanda, the DRC and Burundi take measures to prevent the use of their respective territories in support of the activities of armed groups present in the region. Similarly, the countries of the region should start taking seriously the need to halt the transfer of arms and all other forms of military support to rebels in the DRC.

There is a need to question why the disarmament process has been and continues to be a stumbling block in the re-establishment of peace in the country. Many reasons have been advanced for the failure of the voluntary disarmament process, but one of the most crucial factors is the question of ownership. The FDLR, a key armed group targeted by the DDRRR process, was not part of the negotiations and peace processes that led to the signing of the Lusaka Ceasefire Agreement and the Pretoria Agreement, both which provided the legal framework foundation for the disarmament process. Neither was FDLR participation called for in the design, planning and implementation stages of the programme. Similarly, the ex-FAR and Interahamwe, largely seen as negative forces and never to be engaged politically, were left out of the processes. This attitude is explainable in terms of FDLR's genocidal past and also as a way of Rwanda wanting to prevent "undue" recognition of the armed group. But the cost of such an approach has been an outright rejection of the process by the FDLR, Interahamwe and ex-FAR armed groups.

The disarmament programme should not only be preoccupied with mainly ending violence in the DRC, but should encompass wider consideration aimed at addressing the crisis underlying such violence, namely the ethnic factor in the region as well as the psychosocial effect ensuing from the aftermath of the Rwandan genocide of 1994. Neither MONUC, nor the

TPVM, nor any international actor seems to link disarmament with these needs as well as the need for greater political openness and reconciliation in Rwanda and Burundi. Wolters writes that FDLR leaders are adamant about one pre-condition for full compliance with the DDRRR: a change in the internal politics in Rwanda through an inter-Rwandan dialogue. For the FDLR, therefore, political developments in Rwanda are a major source of apprehension and a motivation to remain armed by any means possible.⁴⁴

An equally important source of apprehension for FDLR fighters is the fragile political and security environment in the Kivus. The Kivus are controlled militarily by Rwandan proxies (RCD-G, RCD-ML & RCD-N). It is apparent that the traditional indigenous hostility to this control makes the FDLR less likely to agree to disarmament. The FLDR has always fought on the side of the indigenous militias, particularly the Mai-Mai, against perceived foreign invaders and their internal allies.

To state the obvious, MONUC's lack of capacity is a serious drawback in the disarmament process. Its troop strength is still far below what the UN Secretary-General recommended, and contributing nations have not been swift in responding to calls to provide extra capacity. By its nature, disarmament is one of the most daunting tasks to implement. Studies on disarmament in Namibia, Cambodia, Mozambique, Bosnia, Angola, Liberia and reveal one common experience: it is an enormous challenge to collect all weapons at the end of an armed conflict, because the insecurity creates incentives for the retention of weapons, and makes it impossible to implement the disarmament schedule according to plan.

As noted earlier, the failure to fully disarm the FDLR has necessitated calls for the use of force to achieve the same end. Rwanda has lately exerted considerable military and diplomatic pressures on the DRC and the international community to use force. The AU seems to be losing patience with voluntary disarmament. However, the use of force also has to be applied cautiously because lessons from Somalia, Bosnia and elsewhere show the contrary. In all the examples, it was difficult to provide positive conclusions about the ability of intervening military forces to achieve meaningful disarmament where there have been strong incentives for protagonists to retain their weapons.

Other costs of forced disarmament include the complication of humanitarian and security predicaments, especially in the unique case of the DRC where several millions of people have died since the outbreak of war in 1997. The likely civilian casualties arising from forced disarmament may be high enough

to discredit the programme, besides engendering another round of forced migration that could generate a fresh wave of insecurity. The killing of ex-FAR/Interahamwe members that is most likely to result from such measures could mobilise the Hutu diaspora in the Great Lakes against the Rwandan government. Finally, forced disarmament is bound to fuel violence among groups in the unstable Kivus: the Banyamulenge, the Mai-Mai, and the RCD factions. Thus, the costs of forced disarmament are certainly enormous but not completely out of consideration.

I. DDR of Congolese combatants

The disarmament of Congolese and foreigners in the DRC is a great challenge and would be a significant step toward the consolidation of peace and stability in the DRC and the Great Lakes region. Following the two successive wars of 1996 and 2002 which involved a large number of armed groups, the parties to the conflict signed the Global and Inclusive Agreement on Transition in the Democratic Republic of the Congo, in Pretoria on 16 December 2002. The agreement entailed among other things the DDR of combatants and security sector reform (SSR) through the creation of an integrated national army called the *Forces Armées de la République Démocratique du Congo* (FARDC).

The disarmament programme targeted both Congolese and foreign combatants. In the case of foreigners, the process included the repatriation, reinsertion and reintegration of combatants into the country of their choice. The complexity of actors involved, the enormous numbers of ex-combatants, and the long duration the conflict are some of the enormous challenges facing the leadership of the DRC.

However, it is important to note that DDR and DDRRR processes are not new issues on the SSR agenda. Both the Inter-Congolese Dialogue of 2002 and the Lusaka Ceasefire Agreement of July 1999 cover these two SSR areas comprehensively.

The DDR process in the DRC is regulated by the country's legal framework and the UNSC Resolutions. For instance, the Global and Inclusive Agreement of December 2002 calls for the creation of a National Defence Council whose duties shall include giving advice, particularly on setting up a restructured and integrated national army; the disarming of armed groups; supervising the withdrawal of foreign troops; and the drafting of a defence policy.⁴⁵ Based on these provisions, the president of the transitional government passed a presidential decree creating the Ministry of National Defence, the Ministry

of Social Affairs, and the Ministry of Solidarity and Humanitarian Affairs to coordinate DDR affairs.⁴⁶ In line with the presidential decree, the Minister for National Defence passed a ministerial declaration in October 2003,⁴⁷ setting up the Technical Committee for Planning and Co-ordination of DDR, commonly referred to in French as *Comité technique de planification et de Coordination du DDR* (CTPC/DDR); a consultative committee for the international partners involved in the DDR preparation programmes. Efforts to make the DDR structure more comprehensive carried on in December 2003 when the transitional government passed other consecutive decrees – decree 03/041 that created an inter-ministerial committee in charge of formulation and management of the DDR process; and decree 03/042 that set up the National Commission for DDR (*Commission nationale du désarmement, de la démobilisation et de la réinsertion*) – CONADER. CONADER was charged with implementing the national DDR programme (Programme national de DDR) – PNDDR, which includes setting criteria for eligibility for disarmament.

According to PNDDR, a combatant is anyone of Congolese nationality who is not wanted for war crimes and who actively participated in the DRC armed conflict as part of an army or armed group, between October 1996 and May 2003 when the Dar-es-Salaam Agreement was signed.⁴⁸

Consequently, the presidency, after setting up DDR structures, moved on to pass another decree in 2004 that created the Military Integration Structure (*Structure militaire d'intégration*) – SMI – whose office would deal with army integration and reform. The setting up of these two structures (CONADER and SMI) simultaneously before operationalising the DDR process created an atmosphere of competing delay as it meant that both processes move simultaneously in an environment of limited resources.⁴⁹ This led to an overall delays in operationalising the SSR process. As a stop-gap measure (meant to curb possible disillusionment by the already 'sensitised' combatants), the government, with MONUC and UNDP support, set up two short-term voluntary and spontaneous disarmament programmes. One programme was in Maniema Province and another was in Ituri, both in the east of the country.⁵⁰ The spontaneous disarmament programme targeted several armed groups divided into two categories. The first category included signatories to the 1999 Lusaka Ceasefire Agreement; the second category involved signatories to the 2003 Dar-es-Salaam Agreement. The first category included the ex-Congolese Armed forces or FAC; the Mai-Mai; RCD-Goma; RCD-ML; the MLC; and RCD-N.

The second category was composed of the ethnic militia in Ituri.⁵¹ The disarmament process also deals with two other categories. The third category

covers combatants that are not signatories to either of the two agreements, while various Congolese combatants based in foreign countries fall under the fourth category.

The process of disarmament in the DRC (especially in the east where there are numerous rebel movements and militia groups) should focus largely on the entire society rather than on combatants alone because the majority of able-bodied persons, whether male, female, child or elderly have been associated with the war either directly (as a combatant) or indirectly (by being inclined towards a particular armed group). Some of the people have grown up in the war and their daily survival has depended on switching alliances within the armed groups while others have thrived on warmongering as an alternative occupation, as explained by a PNDDR officer,

“This complexity makes it hard to distinguish, for instance a Mai-Mai militia from a normal civilian. Some of these elderly people you see are nothing more than spies of war, having been active combatants in their youthful years. The best approach therefore is to first assume that the entire society is militarised and carry out blanket arms collection. Once the loose arms have all been collected one can then introduce a civilian approach to disarmament.”⁵²

The DRC government, with the support of the World Bank and the Multi-Country Demobilization and Reintegration Programme (MDRP)⁵³ used this approach to set up PNDDR in 2004. Its initial aim was to benefit about 330,000 combatants of whom 150,000 combatants were to be reintegrated into the new army structures. The rest were to be disarmed and reintegrated.⁵⁴ The disarmament process is supervised by the Joint Centre of Operations (COC) or *Centre des opérations conjointes*. COC comprises a disarmament team (DT) made up of members of SMI, CONADER and MONUC.

If the principle of one weapon per person is assumed then an equivalent number of arms is expected to be collected. The disarmament procedure was planned such that the disarmament of category one armed groups takes place in what are known as Regroupment Centres (RC) while those in categories two, three and four are dealt with at Disarmament Points (DP). Generally, however, the disarmament process occurs in two phases: the pre-disarmament phase and the disarmament phase. In the first phase, the combatant is received and informed about the procedure he/she is about to undergo before he moves to an RC or DP. In the second phase, the combatant registers and gives details of his/her arm(s) and ammunition. The combatant is then issued with a disarmament certificate. Surrendered arms are then crosschecked for safety

before MONUC transfers them, under SMI and DT supervision, to temporary storage. Some will be used by FARDC and some will be destroyed by MONUC if they are dysfunctional. It is SMI's responsibility to transport the now ex-combatants to orientation centres where they choose between demobilisation and reintegration into the army.⁵⁵

While adult combatants go to operation centres of DDR, child soldiers and/or children aligned with the armed groups are immediately withdrawn, identified and reintegrated into the society or handed over to an agency for children as may be necessary.

The last stage of disarmament is the identification, verification and orientation of the combatant before a decision is reached on whether the combatant is fit to be integrated in the FARDC or demobilised and reintegrated in the civil life. On the other hand, category one combatants are assessed by FARDC, selected and integrated into the new army. Those who fail the reintegration test or reject integration into the new army are allowed to join the demobilisation and community reintegration process. The same applies to foreign combatants who are repatriated to their countries of origin or a third country of their own preference, with the assistance of MONUC and in collaboration with the institutions charged with DDR in those countries.

During the orientation process, all combatants change their status from soldier to civilian. It is only after orientation that those who are targeted for reintegration into the new army go to mixing and recycling centres (*les Centres de brassage et de recyclage*) – CBR under the responsibility of SMI. Those to be demobilised continue with demobilisation activities with the support of CONADER and other partners. The combatant's choice to be either demobilised or reintegrated into the army is recorded on a certificate.

Of the 180,000 combatants targeted for DDR, 30,000 are children associated with the various forces and armed groups. While demobilisation is voluntary for all combatants wanting to be reintegrated into either civilian life or the army, it is obligatory for chronic patients, EAFGA (*Enfants associés avec forces ou groupes armés*) – children associated with armed forces or groups, the handicapped, and those who do not fall into any of these categories (*excédentaires*).⁵⁶

An interesting observation is that most combatants tend to prefer demobilisation to reintegration into the army. For instance, in early 2006 Kamina recorded 1,886 combatants of which 1,764 chose demobilization. In the South-Kivus, Kabare recorded 725 combatants, all of whom chose

to be demobilised.⁵⁷ Several hypotheses have been suggested in an effort to explain this. Certain observers suggest that this behaviour is motivated by the financial compensations related to demobilization and reintegration offered, while others posit that this attitude is motivated by the fact that ex-combatants prefer to work in their community as guards where they secure their property against aggressors. Another explanation is that demobilisation offers the ex-combatant a chance to be a reserve for future recruitment if the need arises and in the event the peace process fails.⁵⁸

II. DDRRR of foreign combatants

The process of DDRRR in the DRC has its basis in two historically important timeframes. The first of these is the period between the signing of the Lusaka Ceasefire Agreement of July 1999 and the formation of the government of transition in June 2003; the second is the period between July 2003⁵⁹ and October 2004.⁶⁰ The significance of these two time frames is that in the former the majority of the resolutions relating to DDRRR were non-operational for various reasons:

- repeated violations of the Lusaka Ceasefire Agreement and the implication in the war of certain armed groups, in particular the ex-FAR and Interahamwe;
- the low capacity of MONUC that hindered its effectiveness in the vast territory of the DRC; and
- the continuous presence of foreign armed forces on the DRC territory in 2002.

In the second period (unlike the first), the TG and the international community showed their willingness to put an end to the presence of foreign armed groups in the DRC. This was in line with UN resolutions 1493 and 1565 which increased MONUC's manpower from 10,800 to 16,700 soldiers, with a chapter five mandate. The stability that ensued saw FARDC and MONUC launch joint operations against Rwandan Democratic Liberation Forces (FADLR) in the Kivus, as well as against the Ugandan armed groups based in Ituri. Other factors that may help accelerate DDRRR included:

- the joint collaboration between MONUC and Rwanda in sensitising and creating favourable conditions for the return of the ex-FAR and Rwandan Interahamwe based in eastern DRC; and

- the establishment of the Uganda Amnesty Commission in Beni in 2005 following an expression of willingness by Ugandan rebels in the DRC the Allied Democratic Forces (ADF) and the National Army for the Liberation of Uganda (NALU) to be voluntarily repatriated to Uganda.

The establishment of the Commission was as a result of mediation by MONUC between the government of Uganda and the rebels. The Interahamwe/FDLR problem is very complex and may require a multiple approaches to resolve. The AU Peace and Security Council (PSC), at its meeting in January 2005, noted the problem posed by the continued presence of the ex-FAR and Interahamwe and other armed groups in eastern DRC and called for decisive action by the international community to effectively disarm and neutralize these groups. In doing so, the AU Peace and Security Council welcomed the support expressed by the President of the DRC for the principle of forceful disarmament of the armed groups by an AU force and urged AU member states to extend the necessary security assistance, including troops, to contribute to the effective disarmament and neutralization of the armed groups.⁶¹ The PSC also requested that the AU Commission facilitate consultation with AU member states, including the countries of the region, the United Nations, the EU and other stakeholders, as a follow-up to the decision.

This complexity also lies with the UN. For instance the UNSC adopted resolution 1592 in March 2005, in which it welcomed the AU's support for efforts to further peace in the eastern part of the DRC, and called on the AU to work closely with MONUC to define its role in the region. The UNSC further called on the DRC transitional government to develop with MONUC, a joint concept of operations for the disarmament of foreign combatants by the armed forces of the DRC. The Council, while encouraging MONUC to continue making full use of its mandate under resolution 1565 (2004), stressed MONUC's authority to use all necessary means within its capabilities and in the areas where its armed units are deployed in order to deter any attempt by illegal armed groups to use force to threaten the political process in the DRC, and to ensure the protection of civilians under imminent threat of physical violence, from any armed group, foreign or Congolese, particularly the ex-FAR and Interahamwe.⁶² The UN, on 4 October 2005, acknowledged the DDRRR challenge in eastern DRC when it deplored the failure of FDLR to proceed with disarmament and repatriation of its combatants. At the same meeting the UNSC also recognised the expiry without action of the decision taken on 16 September 2005 by the DRC, Uganda, Rwanda, and Burundi (acting within the framework of the Tripartite Plus Commission) to set the deadline

of 30 September 2005 for FDLR to disarm or face measures intended to compel them to do so.⁶³ The aims of the Tripartite Plus Commission entail support for the rebels through the entire DDRRR process.⁶⁴ The commission meets every three months – at the level of Foreign Ministers – to resolve disagreements through negotiation.

Although the AU decision to forcefully disarm illegal armed groups in the eastern DRC lacks sufficient resources, one positive outcome was that the Congolese government started negotiations in Rome with leaders of the FDLR, which led to the Rome Declaration of 31 March 2005, in which the FDLR:

- made a commitment to end the armed struggle and to transform its struggle into a political programme. In this respect, and as the support measures are identified and implemented, the FDLR would rejoin the voluntary disarmament process and begin its peaceful return to Rwanda;
- condemned the Rwandan genocide and its perpetrators;
- condemned terrorism and other crimes against international law committed in the Great Lakes Region;
- and expressed the wish for the return of Rwandese refugees to their country in accordance with international standards in refugee matters and in observance of the rights and freedoms of individuals.⁶⁵

In its report, the FDLR also recommended that the government of Rwanda identify which commanders are, and which are not, sought by Rwandan courts for crimes of genocide and that Rwanda accept an option of third-country asylum for those not sought for serious crimes by its own courts or the UN International Criminal Tribunal on Rwanda (ICTR).⁶⁶ In response to FDLR demands, President Kagame of Rwanda stated that, while appreciating the FDLR statement to disarm and return to Rwanda, his government would not discuss the modalities of repatriation, adding that “All we will do is open the gates (border) for them...Those who wish to come are welcome. Those who wish to stay, it is their choice. And those who choose to continue fighting can do so.”⁶⁷

As part of the declaration, the FDLR and the Congolese TG issued a timetable that envisaged demobilisation beginning in early May 2005 and repatriation being completed by the end of June 2005. The president of the FDLR

went to the Kivus to meet the fighters with a view to briefing them on the commitments made on their behalf by their political wing and to persuade them to return to Rwanda. Unsurprisingly, none of these commitments shows signs of being fulfilled despite the facilities put in place by MONUC, in particular the opening of several transit camps.⁶⁸

In an attempt to justify their lack of adherence to the Rome Declaration, the FDLR challenged a statement by the UN Secretary General issued in August 2005. The SG had welcomed the commitment made on 16 July by the DRC TG to take forcible action to disarm the FDLR, arguing that FDLR chief Ignace Murwanashyaka had left the DRC in mid-May without issuing orders to combatants to enter the DDRRR programme. In its response, the FDLR president stated that, contrary to what was suggested by the SG, the implementation of the Rome process was not hindered by the FDLR but by those who did everything possible to jeopardize the creation of an International Steering Committee as agreed upon in Rome, adding that they (the FDLR) strongly believed that the African Great Lakes sub-region crisis would not be resolved simply by forceful disarmament of the FDLR, because forcible disarmament could only undermine efforts aimed at establishing lasting peace, stability and prosperity.⁶⁹ Furthermore, the FDLR leadership called on the DRC to take action on what was agreed in Rome, and called on the government of Rwanda to fully involve itself in international peace efforts and show its goodwill and commitment by starting unconditional talks with the FDLR.⁷⁰ The antagonistic nature of the conflict between the government of Rwanda and the FDLR is likely to require prolonged negotiations. Rwanda's refusal to participate in the Rome meeting and in political negotiations with the FDLR means the FDLR has little incentive to go back to Rwanda where some face imprisonment, or the loss of status and assets – further complicating the DDRRR process.

The FDLR has the largest number of foreign combatants in the DRC. By July 2006, there were, according to the UN, an estimated 17,500 foreign combatants divided into various groups in DRC, with the FDLR having 8- 10,000 combatants.⁷¹ Most Rwandan combatants based in the DRC are suspected of having taken part in the genocide of 1994. A large number of these combatants have founded new homes and families in the DRC and besides that they most likely fear facing justice if repatriated, hence they prefer not to return to Rwanda. For a country as large and as diverse as the DRC is, keeping accurate data on armed groups is an arduous task, especially because alliances and positions frequently shift. It is equally hard to maintain accurate statistics of daily occurrences especially when resources to do this are limited.

Conclusion

Experimentation with African DDR and DDRRR processes is likely to continue within the framework of the DRC's transition to peace even in the post election period. The three-year transition period provided a framework in which the analysis of the SSR policies and procedures made it possible to identify the challenges likely to continue into the post-transition period. Such challenges deserve detailed attention, not only for the short-term peace in the DRC, but more especially for the post-conflict reconstruction. CONADER and its various partners will need to harness resources to overcome these likely challenges, among them:

- i) **Prevention of arms proliferation** in the volatile eastern provinces. This can be done by focusing disarmament on substantial reduction of the weapons in circulation among both the armed groups and civilians, while at the same time tightening border security between the DRC and its neighbours. The latter measure could be implemented within the framework of the Tripartite Plus Commission. The entry of new arms through 'predatory' suppliers, can seriously compromise the DDR and DDRRR processes.

In spite of the UN arms embargo imposed in 2003, arms have continued to find their way into the country's east to meet the demands of the numerous armed groups in the region. The UN has had to renew the arms embargo as well as travel and financial restrictions on individuals designated by the UNSC in accordance with the criteria set out in resolution 1596 (2005) and 1649 (2006).⁷² The renewal, extended until 31 July 2007, extends the travel and financial measures to political and military leaders recruiting or using children in armed conflict and to individuals violating international law involving targeting of children in arms conflict. Another important aspect of the UN Group of Experts is that it recommends feasible and effective measures the UNSC might impose to prevent illegal exploitation of natural resources financing armed groups in the east. The Group of Experts also called upon the UN Secretary General to present a report on the potential economic, humanitarian and social impact on the population of the DRC of possible restrictive measures on natural resources. Between 2003 and 2006 (the timeframe for the transitional government in the DRC) the UN passed eight resolutions relating to arms supply in the DRC.⁷³ This points to the seriousness of arms proliferation in the country, signalling the need for more committed arms reduction efforts.

- ii) **Disarmament of civilians** is a primary concern in the post-electoral and post-DDR/DDRRR DRC. Without civilian disarmament the task of integrating ex-combatants into society will be more difficult because the community might not be prepared to receive the ex-combatants, and might victimise them instead. Confidence-building measures must be carried out that aim to collect and destroy arms. An important factor to consider is that in certain cases where individual civilians are unable to acquire arms privately, ethnic militia commanders can supply weapons to the militiamen and to the community the militia is supposed to protect.⁷⁴ A community-based disarmament approach is thus essential.
- iii) **Preventing remobilisation/recruitment.** There is also an urgent need to prevent the possibility of the (former) armed groups remobilising and recruiting new members. The void created by the DDR/DDRRR of the existing combatants may encourage fresh recruitment and new rebellions. This was experienced in Ituri in 2006 when thousands of former combatants in Bunia rejoined the militias while those still wanting to disarm were being threatened and some were being killed. As a result, many youths fled to villages while others rejoined the militias and bought weapons from government troops.⁷⁵ The risk of militia remobilization (and possibly spilling into neighbouring states) was witnessed in 2005 when a new militia group known as the Congolese Revolutionary Movement (MRC) was created in Uganda. The group, made up of elements of various groups operating in the east of the DRC, was reportedly formed to fight for the rights of the people in Ituri and North Kivu regions.⁷⁶

The fragile state of disarmament in the DRC therefore calls for a much stronger process, one that will alter combatants' tendency to wage war and assure them that life after the DDR process is sustainable.

- iv) **Patience with the SSR process.** Although all possible efforts may be made to ensure a smooth SSR process in the DRC, it is highly likely, that not all encumbrances related to DDR and DDRRR will be solved immediately. For instance, voluntary disarmament is not likely to attract some militia leaders or rebel groups who fear facing charges of crimes against the humanity. This is one reason why leaders of some armed groups might not seem very motivated to disarm voluntarily until the entire population will have developed sufficient sustainable confidence in the SSR process. This is a process that calls for patience, trust and time. On the contrary, any unnecessary delay in the implementation of SSR objectives may have a negative impact on the DDR and DDRRR

processes since the resolutions and ultimatums issued to armed groups have not always been enforced, giving the impression that the international community is not sufficiently committed to intervening in the activities of these irregular combatants.

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- 48 The French version of the definition is "*Un combattant est toute personne de nationalité congolaise, qui n'est pas poursuivie pour crime de guerre et qui a servi dans les conflits armés en RDC entre octobre 1996 et mai 2003 (Signature de l'Accord de Dar es-Salaam) dans une force ou un groupe armé en qualité de membre actif*". See CONADER, *Republic Democratique du Congo: Commission national de Désarmement, Démobilisation et Réinsertion (CONADER)*," PNDDR, April 2005.
- 49 Author interview with a CONADER official in Kinshasa, 20 August 2005.
- 50 Author interview with MONUC official in Kinshasa, 21 August 2005.
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- 52 Author interview with PNDDR senior staff in Kinshasa, 18 August 2006.
- 53 MDRP was launched in 2002 as a regional initiative to support a comprehensive planning and financing framework for the demobilization and reintegration (D&R) of an estimated 400,000 regular and irregular combatants in countries involved in, or affected by, conflict in the greater Great Lakes Region of Africa. MDRP implements D&R activities in Angola, Burundi, the CAR, the DRC, the Republic of Congo (ROC), Rwanda and Uganda. MDRP is financed by the World Bank and 11 donors – Belgium, Canada, Denmark, France, Germany, Italy, Netherlands, Norway, Sweden, the United Kingdom and the European Commission as well as other several UN agencies. See MDRP Partners to Discuss DRC National Demobilization and Reintegration Program (PNDDR), 23 February 2006, in Kinshasa, <http://www.mdrp.org/PDFs/Press_Rel_DRC_060221.pdf> (15 June 2006).
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- 64 Xinhua, UN mediates between Ugandan gov't, Congo-based rebels. *People's Daily Online*. <http://english.people.com.cn/200509/05/eng20050905_206475.html> (23 April 2006).
- 65 International Crisis Group, The Congo: Solving the FDLR Problem Once and for All," *Africa Briefing No. 25*, 12 May 2005.
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- 69 Office of the President, FDLR, Note to the attention of the International Community and the public, <<http://www.grandslacs.net/doc/3757.pdf>> (5 October 2006).
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- 72 UN Security Council Resolution 1698 (2006), 5502nd meeting on 31 July 2006.
- 73 Other UNSC resolutions on arms proliferation in the DRC between 2003 and 2006, see, S/RES/1698 (2006) of 31 July 2006, S/RES/1654 (2006) of 31 January 2006, S/RES/1649 (2005) of 21 December 2005, S/RES/1616 (2005) of 29 July 2005, S/RES/1596 (2005) of 18 April 2005, S/RES/1552 (2004) of 27 July 2004, S/RES/1533 (2004) of 12 March 2004, S/RES/1493 (2003) of 28 July 2003.
- 74 Interview with Thomas Lubanga, leader of the *Union des Patriotes Congolais* (UPC), in Kinshasa, 21 October 2003. On 17 March 2006, Lubanga was arrested and transferred to the International Criminal Court as part of the judicial proceedings under the Rome Statute. Thomas Lubanga is alleged to have committed war crimes as set out in Article 8 of the Statute.
- 75 IRIN, DRC: Recently Demobilised Militiamen Re-arming in Volatile Ituri District, 17 September 2006, <www.irinnews.org/print.asp?ReportID=55597> (17 September 2006).
- 76 BBC News, New Congolese Rebels Cause Worry, 20 July 2005, <<http://news.bbc.co.uk/2/hi/africa/4701703.stm>> (26 July 2006). This was in contravention of UN Resolution 1493 of 28 July 2003.

CHAPTER FOUR DISARMAMENT IN CHAD

Inability or incapability?

Historical setting

Sets of factors, both historical and circumstantial, render Chad what it is today. A reflection on the country's past conflicts and its relationship with its neighbours, (in particular the long-standing conflict in Sudan's Western Darfur region) provides a clear prelude to understanding the complexities Chad faces today, especially regarding disarmament. Libya has also had a lasting political impact on the various regimes in N'Djamena. All these factors (coming into play since Chad's independence from France in 1960) have greatly compromised Chadians' sense of state security. Their sense of insecurity has reached a level where, as research demonstrates, the country has such high levels of 'weapons saturation' that it has become almost customary for every citizen to own at least one arm and an abomination to have none. Field research conducted by the author in N'Djamena revealed that the average ratio of small arms to Chadian citizens stands at eight per person, making Chadians one of the most armed populations in Central Africa.¹

Chad's past is riddled with malaise. All except the regime of the first president after independence (François Tombalbaye) assumed power through *coups d'état*. Each coup was ethnic-based and often implicated actors from neighbouring countries, attracting sympathisers from across the country's borders. Chad's woes, therefore, are rooted both in the country's past and present. Colonisation and Cold War politics contributed a lot to the setting in motion of a fair part of the difficulties by opening up channels for arms proliferation. According to the *Countries Studies Series* of the Library of Congress:

Two fundamental themes dominated Chad's colonial experience with the French; firstly an absence of policies designed to unify the territory and secondly, an exceptionally slow pace of modernization. In the French scale of priorities, the colony of Chad ranked near the bottom; it was less important than non-African territories, North Africa, West Africa, or even the other French possessions in Central Africa.²

The approach by France towards Chad made the latter primarily a source of raw cotton and untrained labour that was used in what France considered to be more productive colonies.

André records that pre-independence Chad had neither the will nor the resources to do much more than maintain a semblance of law and order, such that even the basic function of governance was often neglected during the colonial period and large areas of Chad were never governed effectively from N'Djamena (called Fort-Lamy prior to September 1973).³

During its colonial period, therefore, Chad became the least important of all French colonies, acting simply as a source of raw material for the growth of other colonies. Although it is beyond the scope of this chapter to examine Chad's political history, an overview of the first independent leadership will help explain the complexities that faced the country right from independence.

When Chad gained independence from France, president Tombalbaye's first challenge was to build a nation out of a vast and diverse territory with few known resources, a tiny market, and a collection of impoverished people with sharply differing political traditions, ethnic and regional loyalties. One factor that contributed to the current structure of Chad was the 1956 French National Assembly decision that passed the *loi cadre* (enabling act), which resulted in greater self-rule for Chad and other African territories that had initially formed French Equatorial Africa (*Afrique Equatoriale Française* – AEF).⁴ A subsequent major turning point was in September 1958 when voters in all of Africa's French territories took part in a referendum on the French Fifth Republic's constitution, drawn up under Charles de Gaulle.

During the referendum the majority of Chad's political groups supported the new constitution, voting for a resolution calling for Chad to become an autonomous republic within the French community. The three other AEF territories voted similarly, and in November 1958 the AEF was officially terminated. Just five years after independence, Tombalbaye was faced with a host of challenges emanating especially from Chadians in the north, who viewed his policies as being skewed, terming them 'southernisation' rather than 'modernisation.' The possibility of armed conflict started manifesting itself at this point. In view of Chad's conflict-laden past, several critics have argued that even the most competent leader with the most enlightened set of policies would have eventually faced secessionist movements or armed opposition.⁵

Tombalbaye's approach alienated a large segment of the population, especially northerners and easterners. This led to the first rebel movement in the country, *Front de Libération Nationale du Tchad* (National Liberation Front of Chad), FROLINAT and the subsequent circulation of arms. In 1971, Tombalbaye fell out with Libya's Muamari Qadhaafi because of what was said to have been Libya's involvement in a coup plot against Tombalbaye. In retaliation, Chad severed relations with Libya and offered anti-Libya rebels bases in Chad. For his part Qadhaafi offered FROLINAT arms, formal recognition and an operational base.

At the onset of the Libyan/Chadian tension, huge consignments of weapons entered both countries as each sought to arm the other's opposing rebel movement.⁶ The Tombalbaye's leadership faced increasing resistance in the 1970s, culminating in the first military coup in Chad in April 1975 during which Tombalbaye was assassinated. All subsequent regimes, those of General Felix Malloum, Goukouni Oueddei and Hisssein Habre, were removed with violence – at 'the barrel of the gun'.

It is also worth noting that Libya's involvement in Chad created a situation in which arms easily moved in and out of the country. The most significant involvement by Libya goes back to 1975 when it occupied and subsequently annexed the manganese and uranium-rich Aouzou Strip located in northern Chad, adjacent to the southern Libyan border.⁷ Libyan intervention in Chad's internal conflict resulted in de facto control by Libya of the northern part of the country and three phases of open hostilities (in 1980-81, 1983, and late 1986) when Libya launched incursions into the south of Chad.

Foreign interference into Chad's leadership did not only stop with Libya. The Washington Post has documented how the United States of America and France used Hissène Habré in a proxy war against Qadhaafi, stating that, "With help from the United States and France, Habre ruled this mostly desert nation of 7 million from 1982, when he won a bloody battle with rival warlords, until 1990, when he was overthrown by his erstwhile ally, Idriss Deby, the current president. During those years, Chadian and international human rights investigators say, the Directorate of Documentation and Security (DDS), which was controlled directly by Habre, killed at least 40,000 civilians and imprisoned and tortured hundreds of thousands of others."⁸

The US ambassador to Chad from 1979 to 1981 commented: "The CIA was so deeply involved in bringing Habre to power I can't conceive they didn't know what was going on but there was no debate on the policy and virtually no discussion of the wisdom of doing what we did."⁹ Idriss Deby, Habré's

former chief of staff rebelled in 1990 in the aftermath of the Cold War and defeated Habré in an armed conflict.

Factors favouring weapons flows into Chad

According to the 2005 United Nations Development Index (UNDI), Chad's development ranks a poor 173rd among 177 nations in the world. Its population is around 10 million, 80% of whom live on less than a dollar a day.¹⁰ The surprising background to these statistics is that Chad has become an attractive destination for international oil investment. In 2000, a group of multinational oil companies put together a financial plan to exploit the country's oil.¹¹

Chad's past is laden with serious economic problems, a weak social fabric (caused by intermittent internal conflicts, army desertions, and betrayals), and the risk of civil war. Chadian society is thus awash with arms, creating the current 'culture of weapons' lifestyle. These factors have contributed to Chad being one of the poorest countries in the world. Poverty, by its cyclic nature, affects all spheres of life. Chad is an impoverished society that seems to languish, year after year, at the bottom of the UN Development Index. The wish of Chadians to break away from their perilous status quo creates a Darwinian kind of 'survival for the fittest approach,' in their society, where the traditional concept of state security and integrity is vigorously challenged. Under such circumstances, the citizens take it upon themselves to safeguard their own security through acquiring arms which, in turn, are used as tools for earning a livelihood through committing crime. The situation in Chad is not unlike that of its neighbours, each of which has had or still has armed conflict. The major reasons behind the proliferation of arms in Chad can be explained in two major factors: geopolitical and economic, and socio-cultural.

Geopolitical and economic factors

Chad is a landlocked, largely desert country; a natural fact that has a direct effect on the country's agricultural, political and socio-economic stability. A conflict within or between any of Chad's neighbours (Libya, Sudan, CAR, Cameroon, Nigeria and Niger) directly affects Chad's stability. Statistically, since Chad's independence, Chad and its six neighbours have never enjoyed peace at the same time. This means there has always been a continuous circulation of both weapons and refugees in these countries. As of December

2005, the United Nations High Commission for Refugees (UNHCR) reported that it was assisting more than 43,000 CAR refugees in southern Chad and more than 200,000 Sudanese refugees from Western Darfur in 12 refugee camps in the east.¹² When such situations occur, it becomes quite complex (not only for the country hosting the refugees but also for the international community supporting the host country) to carry out effective screening of the illegal influx of arms. Such is the situation in which Chad and its neighbours find themselves.

Despite the high ratio of arms per person, Chadian society is culturally peaceful, and like most conflict-prone countries in Africa, the blame for arms proliferation can be apportioned to various causes, the main one being political. For close to three decades since independence “Chad underwent serious cycles of war during which weapons freely flowed into the country, saturating nearly each corner of the society. It seemed as if it was abomination for an adult Chadian man not to possess a gun”.¹³ The relationship between Chad and all its neighbours, especially in times of conflict, has mainly been determined by weapons transfers. *Small Arms Survey, 2005* points out that due to the concern about Libyan designs on Chad, and Qadhaafi’s increasingly close relationship with Hissène Habré’s political rival, Goukouni Oueddei, the United States provided significant levels of matériel in the 1980s to the *Forces armées du nord* (FAN) led by Habré. The weapon supplies included red-eye surface-to-air missiles.¹⁴

It is publicly acknowledged in Chad that Bozize’s coming to power in CAR was partly due to the military support offered to him by Chad. On its side, Chad continuously received weapons from diverse sources, something that almost transformed the country into a ‘weapons donor’ to the neighbouring states, depending on how the neighbours conducted themselves toward the various Chadian regimes. For instance, it has been revealed that prior to Patassé’s leadership in CAR, Chad did not transfer any weapons to the capital, Bangui, despite having procured huge excess stocks from Libya.¹⁵ However, during the 1996 army mutinies in CAR, Patassé received arms from Chad.¹⁶

In summarising the impact of politics on Chadian life, a senior military commander contends that the many phases of armed conflict and civil tension in the country have helped to almost cement the both political and military divisions within the country, creating a north-south divide and polarising each of the two divisions. The southerners identify themselves closely with CAR and the northerners with Libya. A similar scenario manifests itself in eastern Chad, where the inhabitants have maintained

close links with the Sudanese region of western Darfur.¹⁷ Cross-border inter-ethnic ties amongst inhabitants of the countries emphasize these situations. The pattern of proliferation of weapons, therefore, from one country into another, logically follows the cross-border ethnic ties. Chad has, therefore, had to contend with a large amount of weapons flowing into and out of the countries of the region due to the cyclical nature of its conflict since independence.

The three decades of intermittent conflict in Chad, coupled with involvement by foreign actors, led to the collapse of the country's state institutions:

The collapse of effective central administration during the war times led to the looting of government armouries by both civilians and soldiers and to this day no successful disarmament programmes or initiatives to account for the weapons have been implemented in Chad.¹⁸

Ballentine and Nitzschke, in their discourse, *The Political Economy of Civil War and Conflict Transformation*, contend that throughout history, economic factors have played a central role in warfare and, faced with a post-Cold War decline in super-power support, both rebels and governments have sought alternative sources of revenue to sustain their military campaigns. The authors identify such features of war economies as being:

- the destruction or circumvention of the formal economy and the growth of informal and 'black markets', effectively blurring lines between the formal, informal, and criminal sectors and activities;
- pillaging, predation, extortion, and deliberate violence against civilians, used by combatants to gain control of lucrative assets, capture trade networks and diaspora remittances, and exploit labour;
- war economies are highly decentralised and privatised, both in the means of coercion and in the means of production and exchange;
- combatants increasingly rely on the licit or illicit exploitation of trade in lucrative natural resources where these assets obtain;
- they thrive on cross-border trading networks, regional kin and ethnic groups, arms traffickers and mercenaries, as well as legally operating commercial entities, each of which may have a vested interest in the continuation of conflict and instability.¹⁹

These factors have clearly manifested themselves in the conflict in the mineral-rich region of Central Africa.

Socio-cultural reasons

There is a cultural practice amongst Chadians across the country except in the north, whereby a certain ritual is conducted for newly-born children, as a way of initiation. As narrated by one Chadian,

...at birth a baby boy's guardians hand the child a family gun passed down the family lineage as a welcome gesture and a symbol of bravery. The family then engages itself to ensuring that it acquires an arm for the child as he grows up and teaches him how to handle the weapon and maintain it within reach all times for self-defense. The boy who habitually does not forget his weapon and who uses it frequently is considered brave and capable of bigger responsibilities in the community; such a boy brings pride to his family.²⁰

Possession and usage of arms in Chad has acquired a legitimate cultural ritual within a fair section of the society, and not possessing an arm is regarded as a sign of weakness. Many analysts of the Chadian approach to SALW have termed the practice of gun possession variously as a "cultural practice" or "culture of violence." However, it remains questionable whether it is really in the culture of Chadians to possess guns whose manufacture and distribution they don't control, or whether it is the people's adaptive instinct to survive in the harsh reality of their conflict-prone environment that arouses their affinity for guns.

Impact of SALW proliferation in Chad

Any society that is awash with arms does not escape the consequences that the situation breeds. According to the hospital authorities at the National Military Hospital in N'Djamena, an average of 12 gun-related injuries are reported each day within N'Djamena alone.²¹ Armed highway robberies are a common occurrence in Chad. The easy availability of SALW – the result of Chad's past conflict and the 1990 downsizing of the Chadian armed forces in conformity with the World Bank's requirement under its security sector reform (SSR) programme – has led to an increase in armed criminal activity. Under the World Bank's SSR reform programme, an estimated 25,000 soldiers were demobilised and, despite reintegration efforts, many of the ex-

combatants found themselves unemployed and with no skills to effectively adapt to the new style of civilian life.²²

Today, armed robbers (commonly referred to as *coupeurs de routes* or *Zaraguinas*) pose one of the greatest menaces to civilian security. Most armed robberies take place along the main highways linking Chad and neighbouring countries.²³ According to Chadian police, besides the weapons already in circulation in Chad and which continue to be used by criminals, the latest, more sophisticated weapons favoured most by *coupeurs de routes* are smuggled into Chad by caravans of nomadic herdsmen from Libya, Niger and Nigeria.²⁴ Armed banditry is also a common occurrence in the forested area around Lake Chad, which lies close to the border with Cameroon and in close proximity to Nigeria. According to the police, a lot of weapons were buried around Lake Chad by army deserters and fleeing combatants during successive rebellions. These weapons have not been collected to date and are easily exploited by armed gangs. According to Chadian police:

...whereas rebel forces wielded guns around Lake Chad until recently, it is mostly bandits who operate in the area now. There is a lot of banditry in the area because it is a very bushy area...it is practically a forest and even bandits from Nigeria, after doing mischief in their country, withdraw into that area.²⁵

Contemporary Chad

Chad is a country that embodies both fortune and misfortune. In 2000, the country caught the attention of the international community with revelation that the country's newly discovered oil would earn it an estimated \$6 billion over 25 years. In 2003, the vast landlocked country exported its first barrel of oil through a new pipeline that cost £2.6 billion that runs through neighbouring Cameroon to the Atlantic coast. The pipeline project was said at the time to be the largest private investment in sub-Saharan Africa. This discovery brought a lot of hope to Chad, especially to the 80% of Chadians who living on less than US\$1 a day.²⁶ Under the Petroleum Revenue Management Law (PRML) agreed between Chad and the World Bank, a provision was made whereby 10% of the country's oil revenues are to be saved in a special fund reserved for future generations after the life of the project, estimated to last 70 years. The rest of the money was to be invested in roads, health, education infrastructure, and bringing potable water to the people.²⁷

However, the inauguration of the pipeline in July 2003 has done little to ease the social problems facing Chad. According to analysts, the discovery of oil has brought with it new problems that have kept Chad near the bottom of United Nations development Index.

Serious financial problems, a battered social fabric, internal conflicts, army desertions, betrayals and risks of civil war are looming on the horizon in Chad, one of the poorest in the world.²⁸

In October 2005, Chad's president, Idriss Deby, initiated a process to draft a new law aimed at redistributing oil revenues. He sought to change an agreement on revenue distribution from the Chad-Cameroon pipeline so that Chad can extract greater profit for itself and meet budgetary demands. The proposed law seeks to abolish a provision on the amount of money reserved for future generations.

However, critics of Deby's policies note that that his government is more likely to use the money to buy arms defend his now floundering regime. According to Nna, Deby is "eyeing this fresh source of cash as a way to ensure his regime survives, given the constant strikes, which are poisoning the social climate, the defection of his closest and most loyal associates, and the rebellion which has been festering for several months in the east."²⁹

In December 2005, the World Bank stated that it was considering sanctions against the Chadian government if Chad went ahead with its plan to tamper with the petroleum revenues. According to Paul Wolfowitz, the World Bank President, the 1999 Petroleum Revenue Management Law (PRML) was a legal condition of the Bank agreeing to back a pipeline linking Chad to Cameroon's Atlantic coast. In return for Bank funding, the government of Chad had promised not to amend any provisions of the law in ways that would "materially and adversely affect" the poverty-reduction strategy enshrined in the PRML. The agreement allowed the World Bank, in case of a breach of contract by Chad, to suspend new credits or grants, to halt disbursement of funds, and to demand accelerated repayment of loans.³⁰ Various critics have expressed fears that the World Bank's petroleum project in Chad would end up lining the pockets of a notorious dictator, who has changed the constitution to allow himself to be re-elected.³¹

The risk of renewed war – within Chad itself or between Chad and its neighbours, mainly Sudan – cannot be ruled out. In June 2005, Deby called for a referendum to change Chad's constitution to allow him to run for a third term as president. Deby's second and final five-year mandate was supposed

to end in May 2006, but his contested win in the referendum allowed for a constitutional amendment that eliminated term limits, in spite of strong opposition from civil society groups.³² In a complex turn of events in October 2005, Deby overhauled his presidential guard when a large number of soldiers deserted their posts in the military, and fled to the volatile eastern region of the country.³³

Meanwhile, the tension between Chad and Sudan continued to heighten in 2005, with Deby claiming that Sudan continues to provide arms and logistical support to Chadian rebels and deserters. He said that Chad had proof that the Sudanese government has armed rebels, put vehicles at their disposal, and given them logistics and communications materials.³⁴ Sudan, for its part, continues to accuse Chad of offering support to rebels in Darfur. In January 2006, the United Nations began limiting its staff numbers in Darfur because of tensions following a build-up of forces on either side of the Chad/Sudan border.³⁵ The escalation of tension within and between Chad and Sudan makes renewed armed conflict in the region highly likely, with the possibility of neighbouring countries getting involved. The widespread circulation of arms amongst civilians and the absence of stricter gun control, especially in Chad, *could* easily prolong the ongoing strife and possibly a civil war.

Efforts to reduce arms proliferation

Despite the widespread proliferation of SALW in Chad, the current government has, although on a small scale, recognised that the problem exists. In an effort to assure society of government's commitment to maintain law and order, Idriss Deby, three years after taking office, passed a decree (No. 293/PR/MIS/93) on 13 May 1993 to create a national commission on disarmament (NCD). The role of the NCD is to conduct a countrywide disarmament programme and recover all weapons being held illegally. Unfortunately, no practical step was ever initiated in pursuit of the decree.³⁶ Even though no government efforts have been made, it is important to remark that sporadically isolated cases of spontaneous disarmament have been reported in villages around Chad, where villagers have willingly organised themselves and surrendered weapons to the government. However, most of the weapons surrendered were found to be dysfunctional or too old.³⁷ At least there is the willingness among civilians to lay down arms, whether they are functional or not.

In an effort to resuscitate the ambition of the 1993 decree that created the NCD, the government, on 22 May 2000, passed decree No. 31/PM/2000 to set up the *Comité Mixed de sécurité* to explore ways of reducing arms circulation

within N'Djamena. It would appear, therefore, that all is not lost and that one day the disarmament process will pick up, to the delight of all Chadians.

Conclusion

President Idriss Deby has faced ongoing but sporadic armed insurgencies in the east, north and southern regions of Chad since he took power in 1990.³⁸

The status quo regarding disarmament, therefore, remains complex and is likely to continue affecting and being affected by the happenings in neighbouring countries. Whether the people of Chad will be receptive to a comprehensive disarmament remains unpredictable, but what is sure is the urgent need for the civilians to be disarmed. An effective approach would have to start with the sitting government making disarmament attractive to Chadian citizens.

The habit of arms possession is intrinsic in the society, hence the need for a gradual confidence-building process supported by all stakeholders and especially by the government in order to reinstate a sense of national security. Disarmament campaigns conducted at the village level, with the aim of introducing alternative sources of livelihood to the community would be the most sensible manner of approaching the situation.

An integrated approach could be tried. Perhaps at the regional level, the Economic Community of Central African States (ECCAS) and the Economic Community of West African States (ECOWAS) could initiate a joint sub-regional approach to peace and disarmament. The affected states would first secure their borders against illicit proliferation of arms. Then each country would pursue national programmes on disarmament, with the support of the international community.

Although the damage of arms proliferation is already very advanced in Chad, there is still a window of opportunity to reverse the situation before more lives are lost and many other people displaced – reminiscent of the situation in Sudan's Western Darfur and of other past conflicts in Africa.

Notes

- 1 Interview with government authorities in the Department of Defense in N'Djamena, 12 April 2004.
- 2 <www.mongabay.com/reference/country_studies/chad/HISTORY.html>.

- 3 G André, *Voyage au Congo*, Paris: Librairie Gallimard, 1927.
- 4 In 1905 Chad was linked with three French colonies to the south: Ubangi-Chari (present-day CAR), Moyen-Congo (present-day Congo), and Gabon. The four colonies were administered together as French Equatorial Africa under the direction of a governor-general stationed in Brazzaville. See *Ibid.*
- 5 Author interview with a staff member of the *Ligue Tchadienne de Droits de l'Homme* in N'Djamena, April 2005.
- 6 A former FROLINAT commander revealed during an interview in N'Djamena in April 2004 that, in June 1972, a band of Libyan-trained saboteurs was captured while attempting to smuggle guns and explosives into Fort Lamy (present day N'Djamena). In an effort to deflect domestic criticism, Tombalbaye embarked on a campaign to promote *authenticité*, or "Chaditude" by expunging foreign practices and influences. Tombalbaye also Africanized the names of several places (Fort-Lamy and FortArchambault became N'Djamena and Sarh, respectively) and ordered civil servants to use indigenous names in place of their European ones; he changed his first name to Ngarta.
- 7 Libyan claims to the area were based on a 1955 border dispute and settlement between France (which then controlled Chad) and Italy (which then controlled Libya). The French parliament never ratified the settlement, however, and both France and Chad recognized the boundary that was proclaimed upon Chadian independence. For more details on this border dispute see *Washington Report on Middle East Affairs*, September/October 1993.
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- 13 Author interview with a senior staff member of the National Military Hospital in N'Djamena, 12 April 2005.
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- 15 W Foltz, Reconstructing the State of Chad, in W Zartman (ed), *Collapsed states: The Disintegration and Restoration of Legitimate Authority*, 1995, Lynne Rienner, Boulder, pp 15-31.
- 16 Author interview with a retired Gendarme in N'Djamena, 13 April 2005. See the chapter on CAR for the details of the army mutiny.
- 17 Author interview with a military commander in the Chadian national defense forces in N'Djamena, 8 April 2005.
- 18 Author interview with the president of the *Ligue Tchadienne de Droit de L'homme*, N'Djamena, 14 April 2005.
- 19 See K Ballentine and H Nitzschke, The Political Economy of Civil War and Conflict Transformation, in *Transforming War Economies: Dilemmas and Strategies*, Berghof Handbook for Conflict Transformation, Dialogue series No. 3, Berghof Research Centre for Constructive Conflict Management, Berlin 2005, p 12.
- 20 Author interview with the president of *Reaseau Afrique Centrale Pour la Paix* (RACPA) in N'Djamena, 9 April 2005. This case study also appears in the paper presented by the civil society representative of Chad during a workshop on Disarmament in Central Africa, held in Kigali, Rwanda in September, 2005 and organised jointly by the Economic Community of Central African States, Institute for Security Studies and SaferRwanda.
- 21 Author interview with the Commandant-in-charge of the National Military Hospital in N'Djamena, 12 April 2005.
- 22 World Bank, Chad: Demobilisation and Reintegration Pilot Program – Structural Adjustment Credit, *World Bank Disability Project Directory*, World Bank, New York, 2003.
- 23 Interview with a detective inspector of police in charge of violent crimes in N'Djamena, 10 April 2005.
- 24 Ibid.
- 25 Ibid.
- 26 United Nations Development Index, 2005.
- 27 Editorial, Chad: The Land of New-found Oil and Broken Promises, *Sunday Herald*, <www.sundayherald.com/51686> (4 January 2006).
- 28 *Inter Press Service*, op cit.
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- 34 Ibid.
- 35 UN Limits Staff in Darfur Over Chad Border Tensions, *Sudan Tribune*, 6 January 2006.
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- 37 Author interview with the president of RACPA, N'Djamena, 7 April 2005.
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CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

As traced in the preceding chapters, the problem of SALW in Central Africa remains complex in both the historical and contemporary contexts. Despite the various approaches the three countries under study have put in place (or are being put into place), a lot clearly needs to be done to put comprehensive mitigation mechanisms in place, mechanisms that are strong enough to control the movement of arms in and out of these countries. It is time for African governments and African peoples to take responsibility for their own future, a future that is free of wars and the cultures of violence and illegality that come with them. Peace is indispensable to the development of Africa. In the present context, peace has to be redefined not only in line with conflict resolution and peace building, but also in strict correlation with arms control and the transparency of the legal arms trade. To do this, some common measures that each country could apply include:

1. The control of SALW held by armed groups

SALW are the primary tools used to carry out irregular warfare in most of the countries in Africa. The misuse of these arms is often becoming an acceptable way of life in certain societies because they are increasingly being seen as the *modus operandi* in ethnic and national warfare. It is important for the international community to begin arms reduction processes in Africa, in conjunction with African governments and the (AU), so as to pressurize African countries as well as arms suppliers to ensure that they adhere to principles of international humanitarian law and respect human rights at all times.

2. National stockpile management

Responsible stockpile management of national stocks by governments is essential to prevent loss of arms to undesirable armed groups. Similarly, efforts to control the storage and use of SALW by poorly trained, state-affiliated paramilitary groups can be crucial to improving public safety, especially where these weapons are stored in the home.

3. National legislation

To curb the trend toward more arms trafficking in Africa, there should be significant changes in the national legislation with regard to arms possession, arms trade and stockpile management. The import-export laws have to make provision for explicit declaration of weapons and material directly related to the production of arms. The control of goods in transit at airports, seaports and border roads has to be better monitored with strict regulations. The changes in laws could be accompanied by a greater co-ordination of effort between states, civil societies, and religious groups so as to reduce the flow of illegal arms.

4. Arms embargoes

These need to be imposed and implemented with strict enforcement in countries involved in armed conflict, and especially where human rights are abused.

5. Effective DDR/DDRRR processes

DDR programmes must be designed and implemented in conformity with other parallel programmes that also influence the success or failure of peace processes. This can be achieved by establishing parallel programmes early on in the peace process. For example, communities should be given support to enhance their capacity for receiving ex-combatants, as a direct complement to the DDR programme, since the ultimate goal of DDR is the sustained social and economic reintegration of ex-combatants into a peaceful society. For a DDR programme to be sustainable and successful in the long term, it must be integrated with and supported by interventions that focus on post-conflict reconstruction and social and economic development.

The continued presence in the DRC of the estimated 8-10,000 Hutu rebels with links to the 1994 genocide in Rwanda, and the lack of urgency and commitment shown by regional countries and the international community is a key source of regional instability. Much as the FDLR rebels may be deemed too weak to imperil Rwanda's government, and though many of its members are likely to resist voluntary DDRRR process for fear of victimisation, the need to address the problem of the FDLR is real and urgent if Rwanda's justification for continued interference in the Congo is to be avoided. As long as this issue is not comprehensively addressed, the presence of the FDLR and

other armed groups in the eastern DRC remains a menace to Congolese and Rwandan civilians, and is a potential tool with which hardliners in Kinshasa could sabotage the Congo's newly found democratic process. New urgency is required from the DRC government, Rwanda, and the wider international community if we are to solve the FDLR problem once and for all – non-violently if at all possible.

6. Role of civil society

Civil society is a crucial partner in efforts to reduce the scourge of SALW and it can complement government efforts by promoting peace through such efforts as:

- public awareness programmes on the dangers of gun possession;
- peace education programmes that advocate the non-violent resolution of disputes and conduct research that informs government policy implementation.

7. Other measures

It is the responsibility of national governments to control the flow and supply of SALW into and out of their countries. Governments can effectively achieve this goal by:

- developing border and customs controls to combat illicit trafficking;
- building the capacity of police and other law enforcement mechanisms through constant training;
- regulating and restricting arms flows and transfers through export criteria, regulation of brokering activities, and prosecution of offenders;
- establishing small arms registers at all levels of state administration;
- maintaining transparency in legal arms deals by regularly reporting to the UN arms register;
- opening a dialogue with producers and suppliers about the need to maintain transparency;

- harmonising and implementing regional instruments of arms control, such as legislation with the neighboring countries;
- establishing national commissions on SALW that include civil society representatives; and
- effectively enforcing restrictions on the possession and use of arms.

8. Problem for further research

The volatility of Central Africa is a real threat to peace on the continent. This situation calls for urgent mechanisms for disarmament. This need not, however, be conventional disarmament, but disarmament that integrates and upholds the human and psychosocial needs of the society, development and human rights. Without these tenets, disarmament only creates fresh markets for new weapons.