

Addressing the Demand for Small Arms and Light Weapons in the Democratic
Republic of the Congo

by

Kirsten E. Van Houten

Submitted in partial fulfilment of the requirements
for the degree of Master of Arts

at

Dalhousie University
Halifax, Nova Scotia
November 2010

© Copyright by Kirsten E. Van Houten, 2010

DALHOUSIE UNIVERSITY

DEPARTMENT OF INTERNATIONAL DEVELOPMENT STUDIES

The undersigned hereby certify that they have read and recommend to the Faculty of Graduate Studies for acceptance a thesis entitled “Addressing the Demand for Small Arms and Light Weapons in the Democratic Republic of the Congo” by Kirsten E. Van Houten in partial fulfillment of the requirements for the degree of Master of Arts.

Dated: 30 November, 2010

Supervisor: _____

Readers: _____

DALHOUSIE UNIVERSITY

DATE: 30 November, 2010

AUTHOR: Kirsten E. Van Houten

TITLE: Addressing the Demand for Small Arms and Light Weapons in the
Democratic Republic of the Congo

DEPARTMENT OR SCHOOL: Department of International Development Studies

DEGREE: MA CONVOCATION: May YEAR: 2011

Permission is herewith granted to Dalhousie University to circulate and to have copied for non-commercial purposes, at its discretion, the above title upon the request of individuals or institutions. I understand that my thesis will be electronically available to the public.

The author reserves other publication rights, and neither the thesis nor extensive extracts from it may be printed or otherwise reproduced without the author's written permission.

The author attests that permission has been obtained for the use of any copyrighted material appearing in the thesis (other than the brief excerpts requiring only proper acknowledgement in scholarly writing), and that all such use is clearly acknowledged.

Signature of Author

Dedication

This thesis is dedicated in memory to my Grandfather, Rev. Harold N. Burgess; my constant source of inspiration.

Table of Contents

ABSTRACT	viii
LIST OF ABBREVIATIONS USED	ix
ACKNOWLEDGEMENTS	x
CHAPTER 1 INTRODUCTION	1
1.1 Small Arms and Light Weapons	1
1.2 Armed Violence and Development	4
1.3 Armed Violence in the DRC	6
1.4 Demand	7
1.5 Research Questions	8
1.6 Thesis Outline	10
CHAPTER 2 SMALL ARMS BIG PROBLEMS	12
2.1 Background to the Conflict in the DRC	12
2.2 The International Response	18
2.3 International Law and Policy Review	29
2.3.1 Approaches to Armed Violence and Development	34
2.3.2 The Congolese Context	36
CHAPTER 3 LITERATURE REVIEW AND THEORETICAL FRAMEWORK	38
3.1 Literature Pertaining to the Conflict in the DRC	38
3.2 Literature Pertaining to SALW	45
3.3 Theoretical Framework	49
CHAPTER 4 RESEARCH METHODS	57
4.1 Research Design	57
4.2 Archival Research	57
4.3 Field Work	58
4.4 Ethics	61
4.5 Demographics	62

4.6	Strengths	65
4.7	Limitations	66
CHAPTER 5 FINDINGS: SURVEYING ACQUISITION AND ATTITUDES, AND STORIES OF ARMED VIOLENCE		68
5.1	Questionnaire Results: Acquisition and Attitudes	68
5.1.1	Personal Ownership	68
5.1.2	Community Trends	70
5.2	Stories of Armed Violence	72
5.2.1	A Never Ending Story	73
5.2.2	Armed Violence	74
5.2.3	Personal Experiences with Armed Violence in the DRC	76
5.2.4	Shared Experiences	77
5.2.5	Rape	78
5.2.6	Kidnapping and Child Soldiers	81
5.2.7	Concluding Observations	82
5.3	Conclusions	83
CHAPTER 6 QUALITATIVE RESULTS		84
6.1	Armament Trends	85
6.2	Disarmament	86
6.3	Insecurity	88
6.4	Governance and Regional Politics	91
6.5	Historical and Cultural Factors	96
6.6	Demand for Natural Resources	99
6.7	Social and Economic Factors	102
CHAPTER 7 DISCUSSION AND ANALYSIS		106
7.1	Armed Violence and Social Economic Development in the DRC	107
7.2	Demand and Human Security	109
7.3	Implications for Disarmament in the DRC	110

7.4	Legal and Policy Implications	113
7.5	Areas for Future Research	116
	APPENDIX 1: INTERNATIONAL LEGAL MECHANISMS PERTAINING TO THE CONTROL OF SALW	122
	APPENDIX 2: CONGOLESE DIASPORA QUESTIONNAIRES	123
	APPENDIX 3 : CONGOLESE DIASPORA DISCUSSION QUESTIONS	126
	APPENDIX 4: QUESTIONNAIRES FOR INDIVIDUAL WITH EXPERT KNOWLEDGE ON THE CONFLICT IN THE DRC	128
	APPENDIX 5: CONSENT FORMS	130
	APPENDIX 6: MAP OF THE DRC	150
	APPENDIX 7: QUESTIONNAIRE RESULTS BY TOTAL AND GENDER BREAKDOWN	151
	BIBLIOGRAPHY	157

Abstract

The conflict in the Democratic Republic of the Congo has been characterized by armed violence carried out against civilian populations. Despite a formal end to hostilities with outside states, numerous cease fire agreements and an internationally sanctioned disarmament program, Congolese civilians continue to be targeted in attacks. Research suggests that addressing the demand for Small Arms and Light Weapons as part of the broader disarmament process may decrease the proliferation of weapons and reduce armed violence. The research undertaken as part of this thesis attempted broadly to identify some of the factors contributing to the demand for small arms and light weapons in the Democratic Republic of the Congo. It suggests that insecurity, weak governance and regional politics, historical and cultural factors and socio economic factors significantly contribute to the demand for small arms and must be addressed in order to reduce armed violence.

List of Abbreviations Used

AVD	Armed Violence and Development
DDRRR	Disarmament, Demobilization, Repatriation, Resettlement and Reintegration
DDR	Disarmament, Demobilization and Reintegration
DRC	Democratic Republic of the Congo
FARDC	Congolese Federal Army
IRC	International Rescue Committee
MONUC	United Nations Peacekeeping Mission in the Congo
NGO	Non Governmental Organization
PoA	United Nations <i>Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All of Its Aspects</i>
SALW	Small Arms and Light Weapons
UN	United Nations
UNTOC	United Nations Convention on Transnational Organized Crime

Acknowledgements

I would like to take this opportunity to acknowledge the support which I received throughout my thesis writing process.

First I would like to acknowledge the support and guidance of the members of my thesis committee. Dr. David Black, my supervisor and Dr. Shelly Whitman, my co-supervisor have contributed significantly to the development of my research methods and theoretical framework. I have greatly appreciated their encouragement, particularly while in South Africa. I would like to acknowledge in my second reader, Robert Currie for encouraging me to pursue my interests in international law and for agreeing to be on my committee. His participation in the thesis writing process has enabled me to integrate a focus on international law into my work. Finally, I would like to acknowledge the contributions of my third reader, Tara Ashtakala. Tara encouraged me to undertake research on the topic of Small Arms and Light Weapons as part of my Independent Research Project in the fourth year of my degree at Carleton University. Her support and guidance throughout that process facilitated my ability to pursue my studies further

Second I would like to acknowledge the contribution of several organizations in my research. First I would like to thank the Small Arms Survey, in particular Savannah Tessiers for helping to shape my research methods. I would also like to thank Nelson Alusala and the Arms Management Program at the Institute for Security Studies in Pretoria South Africa for providing me with access to their research, their extensive experience and knowledge and for giving me a place to write. The support which I received from the ISS was truly amazing. Finally I would also like to thank the staff at the Methodist City Mission and the Bright Site Project in Pretoria South Africa. These organizations made my research possible by helping me to identify research participants and giving me space in which to conduct my interviews. Working with all of these organizations made my research possible gave me an unprecedented opportunity for learning and personal growth.

Third I would like to thank the participants in my research. Your insights shaped my research and taught me so much. Your bravery for telling me your stories was remarkable.

Finally, I would like to thank my friends and family for their love and support throughout the writing process. Your support means the world to me.

Chapter 1 Introduction

Small Arms and Light Weapons (SALW) destabilize governments, are used to commit human rights abuses and pose a major barrier to economic and social development. Since the end of the Cold War they have become the major tool used by armed groups to instill fear and perpetrate violence against civilian populations in both internal and international armed conflicts. They create significant economic and human loss through loss of life, injury, and strain on medical systems, destabilize governments and make daily activities more challenging. It is no surprise that many of the countries that are most devastated by the misuse of SALW are among the least developed.

One of the most pertinent examples of where SALW have been used to instill terror in civilian populations and where they have contributed to the stagnation of social and economic development is the Democratic Republic of the Congo (DRC). Over five million people are estimated to have died in the DRC either as a direct or indirect result of armed violence since 1998. Further, the conflicts and armed violence which continue to rage there have resulted in the rape of over 200,000 women and has created millions of internally displaced people and refugees. Further, the prospect of economic development remains dismal despite it being one of the countries with the greatest untapped mineral wealth in the world.

Broadly this thesis seeks to investigate the relationship between the demand for SALW, armed violence and development in the DRC. Further it seeks to identify the key factors contributing to the demand for SALW on the premise that addressing the demand for SALW can contribute to a more effective disarmament strategy.

1.1 Small Arms and Light Weapons

The current global proliferation of small arms and light weapons is commonly viewed as stemming from the end of the Cold War, when many allied states attempted to reduce their large stockpiles of weapons by selling them to developing countries or releasing them into the black market.¹

¹ Peter Lock “Armed Conflicts and Small Arms Proliferation: Refocusing the Research Agenda” (1996) Discussion paper for the 45th Pugwash Conference on Science and World Affairs, Lathi, Finland, 2-7 September 1996 2 at 4.

Although no universally accepted definition exists,² SALW are generally understood as sharing three common characteristics. Harold H. Koh indicates that these include, first, that they are easily transported and used by one person.³ Second, they are capable of delivering lethal force. Third, they are primarily designed for military use and exclude recreational weapons.⁴ Further, Klare indicates that light weapons can be distinguished from heavy weapons in operational terms. He notes that, in contrast to light weapons, heavy weapons generally require elaborate logistical and maintenance capabilities that are provided by military expertise available through established states.⁵

In 2001 Faltas, Paes and Kübler estimated that there were 500 million military-style SALW in the World.⁶ By 2006 Hill indicated that, that number had increased to over 600⁷ million.⁸ In 2006 Control Arms indicated that there were 92 countries legally producing SALW and 76 were manufacturing ammunition.⁹

In 2001 the annual trade in SALW was worth US 3 billion with the illegal global trade being worth up to an additional US 10 billion,¹⁰ twenty percent of which is part of the illicit trade.¹¹ The legal trade of weapons between states occurs on a routine basis and follows the norms and standards of international law. However, the trade of SALW also occurs on an illicit basis where a state or individual supplies a

² Michael T. Klare, “Stemming the Lethal Trade of Small Arms and Light weapons” (1995) *Issues in Science and Technology* 52 at 54

³ Schulze notes that although SALW can usually be operated by one individual that heavier weapons, such as machine guns are often mounted on and transported by vehicle. (Joachim Schulze, “Small Arms and Light Weapons General Description and Character” (17 November, 1994) Genf-CD Delegation at 1)

⁴ Jarold Hongju Koh, “The Robert L. Levine Distinguished Lecture Series: A World Drowning in Guns” (2003) 71 *Fordham L. Rev.* 233 at 234.

⁵ Klare, *Supra.* n.2 at 54.

⁶ Sami Faltas, Wolf-Christian Paes and Torge Kübler, “The Problem of Arms in Developing Countries: The Current International Debate and Recommendations for Development Cooperation, In Particular Technical Cooperation” (2001) *Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH, Division 42 Health.* 9 at 11

⁷ Including both legal and illicit weapons.

⁸ Stephen M. Hill, “Introduction, Future Directions in Small Arms Control” (2006) *Contemporary Security Policy* 1 at 1.

⁹ Nicholas Gilby, *The No Non-Sense Guide to the Arms Trade* (United Kingdom: The New International, 2009) at 28.

¹⁰ Faltas, Paes and Kübler *Supra.* n.6 at 11.

¹¹ Moises Naim, “The Five Wars of Globalization” (2003) *Foreign Policy Magazine*, 29 at 31.

group or country with weapons, in a manner which contravenes international law, such as by supplying SALW to a state which is under a UN embargo. The prevalence of illicit arms trading stems from inadequacy of regulation and security mechanism in the legal weapons market as well as the poverty and lack of regulation that is pervasive in many arms exporting and importing countries.¹²

Legally and illegally obtained small arms and light weapons have played a major role in most conflicts, be they internal or international, since the early 1990's. In the context of armed conflicts by definition, both non-state actors and states under arms embargoes must acquire their weapons illegally.¹³ Access to the supply of SALW plays a major role in the intensification of both internal and international armed conflicts including fuelling crime, violence and insecurity which in turn leads to greater insecurity and contributes to increased demand for weapons and leads to further instability.¹⁴ In addition, Stemmet notes that in post-conflict situations the availability of SALW can undermine peacekeeping and peace-building operations and slow the reconstruction of war-affected societies.¹⁵

Although SALW have legitimate uses within national military and police services, they are often used by both state and non-state actors, illegally, for a variety of purposes. The illegal use of SALW by state or non-state actors include their use in international crimes including genocide, crimes against humanity, war crimes and in the crime of aggression, or in violation of many of the existing international norms pertaining to human rights. Moreover, with an increase in the available military technology, weapons previously available primarily to organized militaries are now easily obtainable by most parties involved in conflicts.¹⁶

¹² Claudette Torbey, "Note and Comment: The Most Egregious Arms Broker: Prosecuting Arms Embargo Violators in the International Criminal Court" (2007) 25 *Wis. Int'l L.J.* 335 at 335.

¹³ Lock, *supra*. n.1 at 2.

¹⁴ Andre Stemmet, "Learning from Field Experience" in Erwin Dahinden, Julie Dahlitz and Nadia Fischer (eds.) *Small Arms and Light Weapons: Legal Aspects of National and International Regulations* (Geneva: United Nations, 2002) at 19-20.

¹⁵ *Ibid.* at 20.

¹⁶ Peter Herby, "Humanitarian Implications of Small Arms Proliferation and Proposed Codes of Conduct: Arms-Availability – A Matter of Urgent Humanitarian Concern" in Erwin Dahinden, Julie Dahlitz and Nadia Fischer (eds.) *Small Arms and Light Weapons: Legal Aspects of National and International Regulations* (Geneva: United Nations, 2002) 96 at 98.

Some of the direct effects of small arms misuse include death, injuries and disabilities in addition to the economic costs associated with the treatment of injuries and disabilities and the loss of the participation in society of the injured and disabled.¹⁷ In addition SALW are believed to contribute to hundreds of thousands of excess deaths every year through their roles in human rights abuses, obstruction of humanitarian relief and the denial of socio-economic development.¹⁸ Additional human rights abuses caused by SALW include forced disappearances, general repression of individuals and groups, forcible displacement, rape and attacks on civilian populations.¹⁹ Children represent a disproportionate number of victims of such abuses as SALW interfere with the provision of basic needs and services and facilitate the recruitment and use of child soldiers.²⁰ Although the research undertaken for this thesis focuses primarily on armed violence, their impact on social and economic development and the use of SALW in contravention of international law, many of the above consequences of arms misuse have characterized the conflict in the DRC.

Of the forty nine major conflicts fought during the 1990's, forty seven were fought almost exclusively with small arms.²¹ Further, Hill indicates that SALW are believed to be responsible for sixty to ninety percent of conflict deaths.²² Herby adds that in contemporary armed conflicts civilian casualties often outnumber those of combatants.²³ This indicates that SALW play a major role in the disproportionate suffering and loss of life among civilians in armed conflict, which is in contravention of international legal norms.

1.2 Armed Violence and Development

One of the main underlying themes of this thesis is the relationship between armed violence and development or AVD. AVD is a component of the human security based approach adopted for the theoretical framework. It highlights key issues relating to international disarmament practices and is a major causal factor in

¹⁷ William Godnick, Edward J. Laurance, Rachel Stohl and Small Arms Survey, "Effects of Small Arms Misuse" in *Small Arms and Light Weapons: A Call for Action* (HFG Review, 2005) 10 at 10.

¹⁸ Hill, *Supra.* n.8 at 1.

¹⁹ Godnick et. al. *Supra.* n.17 at 12.

²⁰ *Ibid.* at 11.

²¹ Hill, *Supra.* n.8 at 1.

²² *Ibid.* at 1.

²³ Herby, *Supra.* n.16 at 98.

the conflict in the Democratic Republic of the Congo which is the main focus of this thesis and will be discussed further in Chapter 3.

Atwood, Glatz and Muggah indicate that interest in the relationship between development and disarmament emerged in the 1990's as the areas of human security and human development acquired new prominence.²⁴ The topic gained significant academic and policy attention particularly within the United Nations System, which began to incorporate some approaches to reducing violence within its development practices.

Gradually, a significant amount of literature began to emerge depicting both the negative impact which armed violence could have on development and similarly how developing countries with limited resources were more susceptible to outbreaks of violence. In a policy paper released in 2009 the Quaker Office of the United Nations suggests that, "development with continuing violence is fundamentally flawed."²⁵ Godnick, et. al. go even further and suggest that sustainable development cannot occur in insecure environments. They highlight how armed violence diverts economic resources from essential goods and services within communities such as agriculture and education, and indicate that the proliferation of weapons associated with armed violence damages fragile economies by deterring foreign investment and directing domestic economic resources towards security.²⁶

A significant amount of AVD research focuses on the economic impact of armed violence in developing countries. The United Nations' General assembly observed that war affected countries, on average, observed a two percent reduction in their annual economic growth rate and that they continued to experience low growth rates even once the conflict ended.²⁷ In addition, the Quaker Office of the United Nations indicates that, two-thirds of the countries furthest off-track from achieving their Millennium Development Goals are in, or emerging from conflict.²⁸ Further,

²⁴ David Atwood, Anne-Kathrin Glatz and Robert Muggah, *Demanding Attention: Addressing the Dynamics of Small Arms Demand* (Geneva: Quaker Office of the United Nations, 2006) at 6.

²⁵ Quaker Office of the United Nations "Advancing the Armed Violence Agenda" (2003) Armed Violence and Development Policy Brief No. 4 at 2.

²⁶ Godnick et. al. *Supra.* n.17 at 15.

²⁷ United Nations General Assembly, *Promoting Development through Reduction and Prevention of Armed Violence: Report of the Secretary General*, U.N. Doc. A/64/288 (2009) at Para. 18.

²⁸ Quaker Office of the United Nations *Supra.* n.25 at 1.

studies indicate that a large amount of debt in poor countries results from arms sales, in other words countries accept aid or loans in order to purchase new weapons.²⁹

The definition of armed violence that will be adopted in this thesis is the one put forward by the United Nations General Assembly. It defines armed violence as:

The intentional use of physical force, threatened or actual, with arms, against oneself, another person, group, community or State that results in loss, injury, death and/or psycho social harm to an individual or individuals and that can undermine a community's, country's or region's security and development achievements and prospects.³⁰

The OECD-DAC advances an additional definition of armed violence, which is that “armed violence includes the use or threatened use of weapons to inflict injury, death or psychological harm which undermines development.”³¹ Both of these definitions highlight the role that weapons, particularly small arms, play in structural violence and its impact on development. This emphasis illustrates the necessity to focus on four factors identified by the Quaker Office of the United Nations as, including, weapons, the causes of weapons use, institutional environments that encourage the violent use of weapons and specific, affected populations.³² In addition to these considerations, the specific use of narratives reflecting the experiences of the Congolese Diaspora participants relating to their community's and country's security and development will also be a central component to this thesis. The research collected as part of this thesis among humanitarian workers and Congolese Diaspora members has attempted to build a collective account of armed violence in DRC, which speaks to the need for a more effective disarmament strategy.

1.3 Armed Violence in the DRC

The conflict in the Democratic Republic of the Congo (DRC) has involved both state and non-state actors and has primarily been fought using SALW. Since the second wave of the conflict began in 1998, it is estimated that over five million people have died as a direct or indirect result of the conflict.³³

The Control Arms Campaign indicates that SALW are the primary tools of violent death in the DRC with over 200,000 individuals dying as a direct result of the

²⁹ Gilby, *Supra.* n.9 at 66-7.

³⁰ United Nations General Assembly, *Supra.* n.27 at para.5.

³¹ Quaker Office of the United Nations *Supra.* n.25 at 2.

³² *Ibid.* at 2.

³³ Dr. Benjamin Coghlan, Dr. Valweiw Nkamgag Bemo, Dr. Pascal Ngoy, Dr. Tony Steward, Flavian Mulumba et. al., “Mortality in the Democratic Republic of the Congo: An On-Going Crisis” (2007) International Rescue Committee at 16

use of SALW between 2000 and 2003.³⁴ They also indicate that the majority of deaths that occurred as an indirect result of the conflict, such as malnutrition, infectious diseases and overcrowded refugee camps resulted from the misuse of SALW.³⁵ Finally, SALW are also believed to have played a significant role in other human rights abuses including: injuries, rape, forced displacement and kidnapping against civilians in the DRC.³⁶

Armed violence remains a concern, particularly in the eastern part of the country, despite international efforts to reduce violence, such as arms embargoes and the creation of a United Nations Peacekeeping Mission (MONUC), now MONUSCO, and the formal end of international hostilities in 2003. Further, economic growth remains stagnant despite the fact that the DRC has the highest concentration of mineral wealth in the Great Lakes region.

The conflict in the DRC has been selected as the case study for this thesis as a result of the ongoing armed violence, the impact of the conflict on development and the failure of traditional disarmament approaches to reduce violence and the proliferation of SALW. The background to the conflict in the DRC will be discussed in greater depth in Chapter Two.

1.4 Demand

Traditional approaches to small arms control have focused on reducing the supply of weapons³⁷ through methods such as arms embargoes and the regulation of arms manufacturing through the international legal system. This process has yielded mixed results and new approaches to arms control are being explored. Muggah indicates that while there is a fairly substantial amount of literature on violence, most of it focuses on victimization and how to reduce future victimization while there is relatively little information on the causal and contributory factors associated with small arms use.³⁸ Within the last decade a number of researchers and members of the

³⁴ “The Call for Tough Arms Control: Voices from the Democratic Republic of the Congo,” (Control Arms Campaign: 2006) at 4.

³⁵ Bjorn Aust and Willem Jaspers, *From Resource War to Violent Peace: Transition in the Democratic Republic of Congo (DRC)*, (Germany: Bonn International Center for Conversion, 2006) at 31.

³⁶ Godnick et. al. *Supra*. n.17 at 12.

³⁷ Robert Muggah, “Diagnosing Demand: A Framework for Assessing the Causes of Armed Violence and Small Arms (Mis) Use.”(2003) Quaker Office of the United Nations 1 at 4.

³⁸ *Ibid.* at 2-3.

arms control community have advanced a focus on the demand for SALW as a combined approach with initiatives which try to address the supply as an effective method of disarmament.

Demand has traditionally been characterized by economists “as a manifestation and aggregation of individuals’ preferences among possible consumption options.”³⁹ In the context of SALW Muggah notes that, broadly, demand can be designed as the factors which influence an individual’s decision to acquire, possess and potentially misuse a weapon.⁴⁰ In a later article, Atwood, Glatz and Muggah indicate that these factors can be separated into two categories: motivations and means. They indicate that motivations include the factors influencing individual and group preferences for weapons and that means includes the resources required to obtain them.⁴¹

A focus on the demand for SALW fits well within the context of armed violence and development as many of the factors relating to demand for weapons, such as a lack of human security, education or access to employment relate to both social and economic development. It also relates to more traditional security issues affecting developing countries such as ethnic tensions and local and regional instability. However, while factors contributing to demand can be addressed within development programming, it does not fit easily within the international legal context through which disarmament is traditionally addressed. This will be illustrated through the International Law and Policy Review later in this thesis. As a result demand has received little attention outside of civil society and academic circles.

Atwood, Glatz and Muggah indicate that thus far, research on demand has been relatively general and that little is known about how demand factors relate to each other.⁴² Muggah adds that current research on demand is theoretically disparate and that research findings are rarely made available across disciplinary lines.⁴³ Given the dearth of information on demand in existing literature and the strong relation between the reduction of armed violence and arms control and development, this thesis will focus on addressing the demand for SALW in the DRC.

1.5 Research Questions

³⁹ Atwood, Glatz and Muggah, *Supra.* n.24 at 10

⁴⁰ Muggah, *Supra.* n.37 at 2.

⁴¹ Atwood, Glatz and Muggah, *Supra.* n.24 at 10.

⁴² *Ibid.* at 10.

⁴³ Muggah, *Supra.* n.37 at 6.

The research undertaken for the purpose of this thesis will seek to build on the research conducted by Muggah, Glatz, Atwood and the Small Arms Survey on demand. It will apply the idea of demand within disarmament to the conflict in the DRC and identify factors contributing to the demand for SALW. Further, it will assess the capacity for demand to be addressed within disarmament and development strategies in the DRC. Given the lack of attention given to the conflict in the DRC and the nascent stage of demand centered research the research being under taken for this thesis is exploratory. The primary research question which will be addressed throughout the thesis is: what factors are contributing to the continued demand for and proliferation of Small Arms and Light Weapons in the Democratic Republic of the Congo?

In addition, a number of secondary questions have been identified which relate to the underlying themes of this research. As discussed above one of the underlying themes of this thesis is the relationship between armed violence and development. This gave rise to two research questions. First: What forms does armed violence take in the DRC? Second: What is the link between SALW demand and development?

The second theme addressed in the secondary research questions, and the main theme in this research, is demand. The questions relating to this theme are first, what are the major individual motivations for acquiring weapons; and second, what is the historical and cultural significance of weapons ownership in the DRC?

The third theme addressed in this paper is the international legal and policy tools addressing SALW. Again, this theme has contributed to two secondary research questions which are: what are the existing international legal and policy tools which address SALW; and how effectively are the existing international legal and policy tools able to address the demand for SALW?

The final secondary research question for this thesis is: How could the factors contributing to the continued demand for SALW be incorporated into a more effective disarmament program in the DRC?

These research questions have significantly shaped the development of research methods and the analysis of results in this thesis which will be discussed further in Chapter 4. Although each of these questions may not be discussed directly within the body of this thesis, the results do directly pertain to one or more of these questions.

The Results from this study discuss five key factors contributing to the demand for SALW in the DRC these include insecurity, governance and regional politics, historical and cultural factors, resource exploitation and socio-economic factors. Each of these factors will be discussed in detail in Chapter 6 which outlines the qualitative results of this study. These results have several legal and policy implications highlighted in the concluding chapter. These include: the need to address the link between armed violence and development in the DRC, the need for demand to be better incorporated into disarmament strategies and the observation that international law is inadequate on its own to address the proliferation and misuse of SALW.

1.6 Thesis Outline

To this point, this thesis began by defining SALW and positioning them globally, followed by an introduction to the conflict in the DRC as a case study for this thesis and a review of the concepts of Armed Violence and Development and the demand for SALW.

The second chapter of this thesis will provide an introduction to the conflict in the DRC and outline the international response. Further, it will discuss and analyze the existing international legal and policy tools that address SALW and position the discussion within the context of the demand for SALW and armed violence.

The third chapter of this thesis will include literature reviews on the conflict in the DRC and on SALW. These literature reviews have been conducted separately as a result of the absence of existing research on the demand for SALW in the DRC. The chapter will close by outlining the Human Security based theoretical framework being adopted in this thesis.

The fourth chapter will outline the research methods adopted for this thesis. It will also engage in a discussion of the demographic of the participants involved in the research portion of the project.

The fifth chapter will present the results of the questionnaire distributed as part of this thesis. The results have been broken down into three categories: personal ownership, community trends and armed violence. The chapter closes with a narrative on armed violence developed from the personal accounts that research participants provided as part of the interview process.

The sixth chapter will identify and discuss the major factors contributing to the demand for SALW based on the results from the interviews conducted with both

Congolese Diaspora in South Africa and individuals with expert knowledge of the conflict.

The seventh and final chapter will reflect on the disarmament process and identify key areas that need to be addressed in future disarmament initiatives in the DRC. Further, it will discuss the findings of the study in the context of international law and policy. Finally, it will identify areas for future research on the topic.

Chapter 2: Small Arms, Big Problems

2.1 Background to the Conflict in the DRC

Following the murder of Lumumba, the Congo's first leader following decolonization, Mobutu Sese Seko came to power in Zaire through a military coup soon after the Congo's independence from Belgium in 1964. He did so with the support of the United States and Belgium to ward off the perceived threat of the spread of communism.⁴⁴

Mobutu ruled as a dictator for more than thirty years, during which time he made attempts to unify a Zaire that was once divided into numerous provinces, which contributed to alleviating ethnic tensions.⁴⁵ However, as time passed the state structure began to weaken leading to instability and insecurity. Prunier indicates that this weakness was a contributing factor to the conflict that was on the horizon and frames the problem by saying that "in the 1980's and 1990's it was possible to walk across the border for whatever reason just by bribing the border guards. Any amount of military equipment could travel anywhere over Zairian territory with a minimum of problems."⁴⁶ This lack of border control would eventually contribute to the ease with which Rwanda and Uganda crossed the Congolese boarder in 1996 to 'relieve' the Congolese population of their dictator.

With the end of the Cold War in the early 1990s, Mobutu's regime came under heavy pressure both internally and externally. Internally, there was a growing push for democracy and in 1992 the members of the Sovereign National Congress in Kinshasa, who advocated for a more democratic system of governance, challenged Mobutu's government. This action was not recognized by the international community,⁴⁷ and it served to regenerate the ethnic tensions that had been suppressed under the regime.⁴⁸ Meanwhile, at the international level Mobutu had fallen out of favour with Western

⁴⁴ Thomas Turner, *The Congo Wars: Conflict, Myth and Reality* (New York: Zed Books, 2007) at 31.

⁴⁵ Jermaine O. McCalpin, "Historicity of a Crisis" in John F. Clark, *The African Stakes in the Congo War* (New York: Palgrave and MacMillan, 2002) 32 at 42.

⁴⁶ Gérard Prunier, *Africa's World War: Congo, the Rwandan Genocide and the Making of a Continental Catastrophe* (London: Oxford University Press, 2009) at 73.

⁴⁷ G. Nzongola-Ntalja, "From Zaire to the Democratic Republic of the Congo" (2004) 28, Nordic African Institute 24 at 24.

⁴⁸ McCalpin, *Supra.* n.45 at 46.

donors who were calling for significant political and economic reforms while the International Financial Institutions curtailed their remaining programs.⁴⁹

General elections were cancelled in Zaire in 1994 due to internal turmoil as opposition continued to strengthen and a plethora of interests among political and ethno-political group began to emerge.⁵⁰

Another destabilizing factor to the Mobutu regime also erupted in 1994. Following the end of the Rwandan Genocide thousands of refugees poured into neighbouring countries including Tanzania, Burundi and Zaire. The United Nations and NGOs had set up refugee camps located almost directly on the Rwandan borders, which in Zaire added up to thirty-five camps and over 850,000 people.⁵¹ Unfortunately among those 850,000 people were 30,000 to 40,000 ex-members of the FAR (Forces Armées Rwandaises) who were responsible for the genocide in Rwanda.⁵² This presence coupled with the catastrophic failure to disarm people living in the refugee camps led to a worsening security situation in the Eastern part of the county.⁵³

Prunier indicates that Mobutu played a central role in facilitating the continuation of the génocidaire leadership. He indicates that not only did Zairian protection allow them to rearm, but also to continue harassing the Rwandan military from the refugee camps across the border.⁵⁴ This continued presence constituted the instigating factor for Rwanda's involvement in the conflict in the DRC, which would continue for years to come.

The first wave of conflict in the DRC started in 1996, when rebels backed by a coalition of regional powers, including Rwanda, Uganda and Angola, toppled Mobutu's government. Rwanda would emerge as a major driving force behind the war that was part rebellion and part international armed conflict.

In the events leading up to the war Uganda and Rwanda, who were partners in sponsoring the conflict, selected Laurent Kabila to represent the rebel movement,

⁴⁹ *Ibid.* at.44.

⁵⁰ *Ibid.* at 46.

⁵¹ Prunier, *Supra.* n.46 24-5.

⁵² *Ibid.* at 25.

⁵³ John Prendergast and David Smock, *Putting Humpty Dumpty Back Together Again: Reconstructing Peace in the Congo* (1999) US Inst. For Peace Spec. Report at 3.

⁵⁴ Prunier, *Supra.* n.46 at 27.

which they used as a guise until their involvement in the conflict was clear.⁵⁵ By early 1997 Kabila and his supporters had taken the mineral rich Katanga and two Kasai provinces⁵⁶, and with the assistance of Angola, toppled the Mobutu government on May 17th of the same year.⁵⁷

This phase of the conflict involved several actors. There was of course Mobutu who held some local support and was defended by an aging and broken national army. The aggressors included both local and international actors. Local actors included several rebel groups such as Kabila's People's Revolutionary Party, the Conseil de la Resistance Pour La Democratie, Mouvement Revolutionaries Pour La Liberation du Zaire, and Alliance Democratique des Peuple united under the label Alliance des Forces Democratiques pour la liberation du Congo-Zaire (ADFL).⁵⁸ Members of these groups included both anti-Mobutu elements and members of the Banyamulenge,^{59/60} who had been the targets of ethnic rivalries in the area. These groups were heavily supported and funded by international actors such as Rwanda and Uganda.

Some authors have indicated that local groups were largely used to cloak Rwanda's involvement in the conflict, although it is clear that there were motivations for local involvement. Prunier suggests that the basic cause that led the Rwanda leadership to attack Zaire⁶¹ in September 1996 was the presence of the partially militarized refugee camps on its borders, although he adds that a trans-African plan to overthrow the Mobutu regime may also have been a factor.⁶²

Within weeks of Babembe in South Kivu created "self-defense" militias and attacked Fizi with the support of Burundian fighters who claimed that Laurent Kabila had been "sent by the Tutsi to attack Zaire." By 1997, several Mayi Mayi groups sprung up throughout various tribes.⁶³ The Mayi Mayi are notorious for changing

⁵⁵ *Ibid.* at 115.

⁵⁶ Kasai Orientale and Occidentale

⁵⁷ Turner, *Supra.* n.44 at 5.

⁵⁸ Kevin C. Dunn, "A Survival Guide to Kinshasa: Lessons of the Father Passed Down to the Son" in John F. Clark, *The African Stakes in the Congo War* (New York: Palgrave and MacMillan, 2002) 53 at 56.

⁵⁹ Kinyarwandan speaking Congolese 'Tutsis' from South Kivu

⁶⁰ Turner, *Supra.* n.44 at 1.

⁶¹ Note that Laurent Kabila changed the name of Zaire to the Democratic Republic of the Congo shortly after taking power in 1997

⁶² Prunier, *Supra.* n.46 at 67.

⁶³ *Ibid.* at 173.

allegiances and attacking civilian populations and continued to play a significant role throughout the conflict and remain active today.

In August 1998 Kabila announced that he was going to dismiss all foreign officers in a bid to gain approval from the Congolese population. This was met by a mutiny in Goma, the capital of North Kivu, and an attempt to overthrow Kabila involving Rwanda, Uganda and rebel groups, which was thwarted with the assistance of Angola, Zimbabwe and Namibia.^{64/65} Rwanda led the forces who attempted to remove Kabila in 1998 in response to his request for his former supporters to leave the Congolese territory.⁶⁶ Zimbabwe, Angola and Namibia's involvement blocked Rwanda and Uganda's attempt to once again take the capital, however it created a stale mate where rebels controlled the eastern half of the country while the government controlled the west.⁶⁷

In the East in late 1998 tension between Uganda and Rwanda grew as a result of differences in political and strategic interests and the demand for resources to continue to fund their involvement in the DRC.⁶⁸ The tensions between Rwanda and Uganda had a significant impact on the structure of a number of the major rebel groups in the DRC. Uganda's support for the MLC irritated Rwanda who supported the RCD and this played into the refusal of Rwanda to join in a Joint Military Command proposed by Uganda.⁶⁹ Further tension also grew within the RCD due to the emergence of loyalties either to Uganda and Rwanda. This resulted into a split in the group creating RCD-G in Goma who were allied with Rwanda, and RCD-K in Kisangani, a key mining interest, supported by Uganda.⁷⁰ It is important to note here that Kisangani was half under the control of Rwanda and half under the control of Uganda, at the time, leaving RCD-K, Ugandan forces and Rwandan forces in a volatile position.⁷¹

⁶⁴ Turner, *Supra*. n.44 at 5.

⁶⁵ Prunier suggests that Angola, Zimbabwe and Namibia all at separate but vested interests in Kabila remaining in power (Prunier, 2009)

⁶⁶ Dunn, *Supra*. n.58 at 54.

⁶⁷ Osita, Afoaku, "Congo's Rebels: Their Origins, Motivations and Strategies" in John F. Clark, *The African Stakes in the Congo War* (New York: Palgrave and MacMillan, 2002) 110 at 121.

⁶⁸ Prunier, *Supra*. n.46 at 220.

⁶⁹ *Ibid.* at 220.

⁷⁰ *Ibid.* at 221.

⁷¹ *Ibid.* at 221-2.

In 1999, under intense pressure from the international community, all of the parties to the conflict were persuaded to sign the Lusaka Cease Fire Agreement.⁷² The agreement was promptly broken and fighting continued until 2001.

While the fighting along the official fronts in Katanga and Equateur was organized and typically involved the use of more conventional weapons, the fighting in the Eastern provinces of North and South Kivu, Maniema and Province Orientale can best be described as disorganized and confused and was often characterized by violence directed against civilian populations.⁷³

After sporadic fighting and worsening political relations both between Rwanda and Uganda and RCD-G and RCD-ML (formerly RCD-K), when on 5 May, 2000 the Ugandan and Rwandan armies began to fight. Five days later the two countries began to negotiate again, however the negotiations were complicated by the reluctance of the rebel movements to compromise their positions. On June 5th the fighting started again killing 120 soldiers on both sides and killing an estimated 640 Congolese civilians and leaving 1,668 injured. The Congolese government involvement in this attack was to take this as an opportunity to try to weaken both Rwandan and Ugandan forces.⁷⁴

In December 2001 Laurent Kabila was assassinated by one of his guards and his son, Joseph Kabila, took over the government.⁷⁵ Under the leadership of Joseph Kabila, in 2002, the Lusaka Cease Fire Agreement was partially resurrected in combination with negotiation of the Sun-City Accord in South Africa, and foreign forces began to withdraw from the country, leaving rebel groups unassisted and with little chance of victory. Yet the conflict and armed violence have continued with sporadic fighting since 2002,⁷⁶ with the participation of both foreign and local actors (Turner, 2007).⁷⁷ Despite their participation in the ceasefire agreement, Rwanda has continued to make incursions across the Congolese border since 2002.⁷⁸ In addition,

⁷² Turner, *Supra*. n.44 at 7.

⁷³ Prunier, *Supra*. n.46 at 227.

⁷⁴ *Ibid.* at 242.

⁷⁵ Osita, Afoaku, *Supra*. n. 67 at 123.

⁷⁶ Jason K. Stearns, "Congo's Peace Miracle or Mirage?"(2007) 202 at 202-3.

⁷⁷ Because citations made in the *McGill Guide to Canadian Legal Citations* style require a pin point for citations, this paper will occasionally use the annotation style from APA style where the year is placed next to the author of the work for points of general reference.

⁷⁸ Turner, *Supra*. n.44 at 8.

attacks have continued to be perpetrated against civilian populations by both local and foreign non-state groups such as the remaining members of the interhamwe, the Lord's Resistance Army from Uganda, and the CNDP locally.

Extensive civilian casualties, human rights abuses and breaches of international humanitarian law have characterized the conflict in the DRC. A number of factors have been identified as contributing to the large level of human and economic loss associated with the conflict. As Turner notes, most authors agree that the large number of casualties in the East has resulted from the effort of the Congolese and Foreigners to control resources in that area.⁷⁹ Further, Prunier notes that while many people were killed as a result of direct violence, many more died as a result of indirect consequences of war and weapons misuse such as the lack of access to health care and the means for basic subsistence.⁸⁰ This is corroborated by several international NGOs including the International Rescue Committee (2007) and the Control Arms Campaign. A consistent factor in these casualties and the conflict itself is the role that small arms have played.

Muchai notes that a large number of SALW were already present in the DRC at the beginning of the conflict, for two reasons. First, there was a large build up of weapons remaining from military partnerships with both the United States and Russia during the Cold War in addition to the region's colonial past.⁸¹ Second, a large number of weapons entered the country with Hutu refugees after the Rwandan genocide in 1994.⁸² Further, a joint paper issued by several NGOs, including Amnesty International and the Control Arms Campaign, indicates that the beginning of the rebellion brought many more small arms to the DRC, mostly supplied by Rwanda and Uganda, who were supporting the displacement of Mobutu Sese Seko by Laurent Kabila. Many of these weapons were used by rebels to attack Congolese civilians as they marched towards the DRC's capital, Kinshasa.⁸³

Regional instability resulting from other conflicts in the Great Lakes Region and other parts of Sub-Saharan Africa are also known to have contributed to arms

⁷⁹ Turner, *Supra*. n.44 at 9.

⁸⁰ Prunier, *Supra*. n.46 at 338.

⁸¹ Augusta Muchai, "Arms Proliferation and the Congo War" in John F. Clark, *The African Stakes in the Congo War* (New York: Palgrave and MacMillan, 2002) 185 at 185.

⁸² *Ibid.* at 185.

⁸³ Control Arms Campaign *Supra*. n.34 at at 14.

proliferation in the DRC. These include the conflicts in Sudan, Burundi, Ethiopia and Somalia.

2.2 The International Response

In order to understand the approach that the international community took in addressing the conflict, and more specifically the proliferation and misuse of SALW, one must first consider the existing international law and policy that regulate arms control and govern international responses to crisis situations. Although there are many areas of international law and policy which address issues relating to arms control and armed violence such as international humanitarian law and global human rights norms, two areas of law and policy will be addressed which relate directly to disarmament strategies and controlling the supply and demand for SALW. The first is existing law and policy in the area of arms control. This section will predominantly consider international legal instruments and norms that guide the policy of international actors such as the United Nations. The second is the topic of armed violence and development. This section will predominantly consider international policy, because most law relating to armed violence and development is considered to be “soft law,”^{84/85} which means that it is not legally enforceable.

As pointed out by Muggah, the majority of researchers and policy makers focusing on disarmament and SALW related issues focus primarily on supply-side approaches to violence reduction.⁸⁶ More specifically, Atwood, Glatz and Muggah point out that “the discourse and practices of small arms control privilege solutions that emphasize the control of production, stocks, and transfers. Policy attention to the motivations and means that influence arms acquisition to begin with remains in the shadows by comparison.”⁸⁷ This is problematic since, as made clear from such conflicts such as that of the DRC or Sierra Leone, individual and, in some cases, state actors often remain perfectly willing to supply interested parties with weapons despite the existence of an arms embargo on a particular region. Thus, it would appear

⁸⁴ Alan Boyle explains that « Soft Law » has a number of possible meanings. He says that from a law making perspective “the term ‘soft’ law is simply a convenient description for a variety of non-legally binding instruments used in contemporary international relations by States and international organizations.

⁸⁵ Alan Boyle, “Soft Law in International Law-Making” in Malcolm D. Evans, *International Law, Second Edition* (New York: Oxford University Press, 2006) at 142.

⁸⁶ Muggah, *Supra.* n.37 at 4.

⁸⁷ Atwood, Glatz and Muggah, *Supra.* n.24 at 1.

essential not only to address the supply of illicit small arms but also the motivating factors of the demand for weapons.

The problem is that the supply of SALW is easily regulated under international law while the demand is not. This is because while supply can be regulated in a negative sense - in that to comply with legal norms states simply must not act in contravention with existing laws (i.e. by selling weapons to an embargoed state) - regulating demand often requires a positive action, such as providing pre-emptive peacekeeping or economic development support. Such positive actions are not easily addressed by within law, nor agreed upon within policy circles, and since the international community's approach to arms control remains strongly based on legal positivism the easily regulated area of arms supplies remains the focus while more complicated variables such as demand, which fit well within policy relating to armed violence and development, remain largely ignored. This gap should become more evident throughout the law and policy review.

2.3 International Law and Policy

Prunier indicates that the international community's response to the conflict in the Congo has in many ways mirrored its response to the Rwandan Genocide. While humanitarian workers arrived with "plastic tents and emergency food aid... the political side of the equation remained at zero."⁸⁸ In a similar vein Turner suggests that the continued violence since the Lusaka Cease Fire Agreement may be attributed in part to the failure of the international community along with the Congolese government to address issues relating to "peace, stability and economic development."⁸⁹ He adds that the "distribution of political and economic power remains highly inequitable".⁹⁰

In 1996 when news of the conflict in the DRC first broke, the international community barely batted an eyelid. Prunier suggests that this might have resulted from what the Associated Free Press regarded as "a feeling of guilt toward Rwanda," noting that "very few delegates are ready to criticize Kigali."⁹¹ In fact, the first significant action by the United Nations did not come until a year into the second conflict when in 1999, MONUC deployed observers who were permitted to operate in

⁸⁸ Prunier, *Supra.* n.46 at 47.

⁸⁹ Turner, *Supra.* n.44 at 182.

⁹⁰ *Ibid.* at 182.

⁹¹ Prunier, *Supra.* n.46 at 117.

major Eastern cities, which were at that time under rebel or foreign control. They were not allowed into cities which remained under government control. Therefore, even when the situation was safe enough to allow observers to operate, there was no way to monitor the actions of the Congolese government itself.⁹²

On 24 February, 2000, the Security Council of the United Nations authorized a contingent of 5537 soldiers for MONUC, under Resolution 1291, with a mandate referring to Chapter VII of the Charter of the United Nations.^{93/94/95/96} This resulted in the strongest mandate for a peacekeeping mission in UN history and allowed for the use of force when deemed appropriate. Paragraph 8 of Security Council Resolution 1291 reads: “MONUC may take the necessary action, in the areas of the deployment of its infantry battalions and as it deems it within its capabilities... protect civilians under imminent threat of physical violence.”⁹⁷ MONUC’s mandate would eventually expand to include Disarmament, Demobilization, Repatriation, Resettlement and Reintegration (DDRRR) and assisting in Congo’s first democratic elections in 2005-2006.

However, the peacekeeping mission would face almost crippling challenges right from the outset. Although Resolution 1291 was passed on 24 February 2000, by April only 111 military personnel had been deployed.⁹⁸ Prunier indicates that not only was the mission facing staffing problems but it was also deployed in the midst of

⁹² Prunier, *Supra*. n.46 at 247.

⁹³ Turner, *Supra*. n.44 at 154.

⁹⁴ The Charter of the United Nations is the founding document of the United Nations negotiated in the fallout of World War II, replacing the defunct League of Nations. (Stephen C. Neff, “A Short History of International Law, in Malcolm D. Evans (ed.) *International Law, Second Edition* (Oxford University Press: New York, 2006) at 49).

⁹⁵ The Charter was established with very broad aims including “the maintenance of international peace and security, the development of friendly relations among nations, international cooperation in solving international problems of economic, social, cultural or humanitarian character and the promotion of human rights” as indicated in Article 1 of the Charter. Article 7 identifies the key organs within the UN system including the General Assembly and Security Council, which are the two organs which directly address threats to international Peace and Security (Dapo Akande, “International Organizations” in Malcolm D. Evans (ed) *International Law Second Edition* (New York: Oxford University Press, 2006) at 298).

⁹⁶ Chapter VII of the Charter of the United Nations entitled “Action with Respect to Threats to the Peace, Breaches of the Peace and Acts of Aggression” discusses the deployment of peacekeeping operations and sets provisions for the appropriate use of force (Charter of the United Nations, Chapter VII, 1945).

⁹⁷ Security Council Resolution 1291 (2000) S/Res/1291, at para. 8.

⁹⁸ Turner, *Supra*. n.44 at 154.

heavy fighting.⁹⁹ In addition, as peacekeepers began to arrive the majority were poorly equipped and trained personnel from developing countries. There were several scandals within the mission including reports of sexual abuse and arms brokering. Further, Turner indicates that despite its Chapter VII mandate, MONUC only carried out the protection of civilians sporadically.¹⁰⁰

Beyond specific incidences and logistical concerns, both Prunier and Turner point to factors within the context of the conflict in the DRC itself which work against any attempt at either a traditional or Chapter VII peace keeping mission. First, Turner identifies the resource war among the belligerents (including the Congolese government) as being a significant barrier to the DDRRR process. He indicates armed groups perceived the attempt to shift all of the resources under the control of the national treasury as a central part of the reunification process, as a significant threat to their sustainability and went to significant lengths to protect their resources.¹⁰¹ Further, Prunier adds that in an economic environment where individuals have based their economic livelihoods on looting and pillaging and there are few economic alternatives, the DDRRR plans of foreigners are almost completely impractical.¹⁰² Moreover, while in some cases such as Sierra Leone and Rwanda, there are specific “negative forces” responsible for civilian casualties and civil unrest, Prunier points out that in the DRC there is no homogenous group which needs to be disarmed and demobilized,¹⁰³ since all of the parties involved were responsible for belligerency and carrying out of international crimes.¹⁰⁴

Focusing more specifically on disarmament related issues, until 2003 very little international attention was given to the impact of SALW on the civilian population in the DRC. However, on 28 July 2003, the United Nations Security Council imposed an arms-embargo on the Eastern DRC under resolution 1493.¹⁰⁵ Under this Resolution all members of the International Community were required by the Security Council to take all appropriate measures to prevent the direct or indirect

⁹⁹ Prunier, *Supra*. n.46 at 247.

¹⁰⁰ Turner, *Supra*. n.44 at 158.

¹⁰¹ *Ibid.* at 128-9.

¹⁰² Prunier, *Supra*. n.46 at 337.

¹⁰³ *Ibid.* at 268.

¹⁰⁴ International crimes include Genocide, War Crimes, Crimes Against Humanity and the Crime of Aggression.

¹⁰⁵ Control Arms Campaign, *Supra*. n.34 at 13./ Security Council Resolution, 1493, (2003) S/Res/1493. .

supply, sale or transfer of arms and any related material to any armed groups in the East.¹⁰⁶ The Resolution also demanded that “no direct or indirect assistance, especially military or financial assistance, [be] given to movements and armed groups present in the DRC.”¹⁰⁷

In 2004, as a result of ongoing violence, the Security Council strengthened the arms embargo against the Eastern Congo. Resolution 1565¹⁰⁸ allowed UN Peacekeepers to conduct unannounced inspections and seizures of arms and any other material related to violations of the embargo.¹⁰⁹ After two years, in 2006, the Security Council extended its arms embargo to the entire country as arms had continued to flow in through the borders of the regions which were not under the embargo and subsequently easily accessible to all parties to the conflict in the East.¹¹⁰

Aust and Jaspers indicated in 2006 that the overall security situation has improved since 2005 largely due to the efforts of the UN Peacekeeping Mission (MONUC).¹¹¹ However, the transition to peace continued to face challenges and by 2008 levels of violence were the highest they had been since the formal end of the conflict. Armed violence continues to terrorize civilians today.

Boschoff notes that according to the plans of the DRC’s Commission Nationale De Desarmement Demobilisation et Reinsertion, the demobilization, disarmament and reintegration process, should have been completed by December 2006. However, it has been unsuccessful as a result of a lack of cooperation in the demobilization process, as well as in funding and logistics.¹¹² An example of the continued violence took place on the evening of 26 May 2007 when a group of ten to twelve military men attacked the villages of Nyubluzé and Mukiungu in South Kivu Province. In this particular incident, 18 civilians were killed, 27 others were wounded and an additional 20 were reported as being abducted.¹¹³

¹⁰⁶ *Ibid.* at para. 20.

¹⁰⁷ *Ibid.* at para. 18.

¹⁰⁸ Security Council Resolution, 1565, (2004) S/Res/1565.

¹⁰⁹ Control Arms Campaign, *Supra.* n.34 at 13.

¹¹⁰ *Ibid.* at 14.

¹¹¹ Aust and Jaspers, *Supra.* n.35 at 121.

¹¹² Henri Boshoff, “Situation Report: The Disarmament Demobilization and Reintegration Process in the Democratic Republic of the Congo” (Pretoria: Institute for Security Studies, 2007) at 1.

¹¹³ *Ibid.* at 6.

In response to the ongoing violence, Security Council Resolution 1807 extends the duration of the arms embargo throughout the country, although it does make an exception for the government for the purpose of the development and formation of a military and police force.¹¹⁴

As is evident from this discussion, the attempts made by the Security Council to curb arms proliferation and misuse in the DRC have failed by almost all accounts at this point, as the conflict continues. This is not entirely surprising given the near-sighted nature of the decision to apply a universal practice to a complex conflict, which primarily addresses issues relating to the transfer and trade of SALW without consideration for underlying issues fueling both weapon ownership and the continuation of the conflict. Among the complicating features of this conflict are the fact that it has been both internal and international in nature, the variety of political considerations which are directly related to the country's colonial past, and the low level of economic and social development which prevails in most of the country.

Moreover, addressing the proliferation of SALW in conflict settings is arguably much more complicated than addressing it in the purely transnational criminal context. In cases of conflict it is essential to consider the underlying causes (which necessarily contribute to the proliferation of weapons) as well as the underlying reasons for weapon ownership in order to adequately address SALW proliferation through international policy. As a result, weapons proliferation in conflict settings must be addressed through a critical lens, which addresses issues specific to the particular conflict, in order to create an appropriate response. Given the infrequent rate at which such problems arise, tailored responses are likely to be more effective than universal ones.

International Law and Policy Review

Although there are many areas of international law and policy which address issues relating to arms control and armed violence such as international humanitarian law and global human rights norms, two areas of law and policy will be addressed which relate directly to disarmament strategies and controlling the supply and demand for SALW. First, there will be a review of existing law and policy existing in the area of arms control. This section will predominantly consider international legal instruments and norms that guide the policy of international actors such as the United

¹¹⁴ Security Council, *Resolution 1807* (2008) UN Doc. S/Res/1807, at para 9-13.

Nations. Second, there will be a discussion of the topic of armed violence and development. This section will predominantly consider international policy on the topic, because most law relating to armed violence and development is considered to be soft law, which means that it is not legally enforceable.

As pointed out by Muggah, the majority of researchers and policy makers focusing on disarmament and SALW related issues focus primarily on supply-side approaches to violence reduction.¹¹⁵ As previously discussed, this is problematic since, as made clear from experiences in conflicts such as that of the DRC or Sierra Leone, individual and, in some cases, state actors often remain perfectly willing to supply interested parties with weapons despite the existence of an arms embargo on a particular region.

This section will suggest, first that existing international law needs to be strengthened and amended in order to better address SALW proliferation in ongoing conflict situations. Second, it will also discuss the legally positivistic nature of the global disarmament regime and suggest that international law is not adequate on its own to achieve sustainable disarmament.

Arms Control and International Law

The control and regulation of SALW under law falls both under domestic and international jurisdiction. At the domestic level, governments often regulate and enforce laws governing the ownership and use of weapons through legal mechanisms such as criminal codes, hunting laws and military law, all of which are areas that are central to maintaining state power and sovereignty. In addition, laws relating to business and trade would apply to weapons manufacturing, sales and transfers.

However, purely domestic law does not always address issues relating to international trade nor does it address international legal issues in other countries. At the international level, laws have typically been directed toward regulating the illicit trade of SALW and more recently have begun to address individual criminal liability for individuals who aid and abet in the commission of international crimes by supplying belligerents with weapons.¹¹⁶

¹¹⁵ Muggah, *Supra*. n.37 at 4.

¹¹⁶ In addition, international humanitarian law pertaining to jus ad bellum and jus in bello may address the legality of the manner in which SALW are used in conflicts. This would include laws pertaining to international humanitarian issues and human rights. However, these laws do not directly regulate the use or transfer of weapons and so will not be addressed here.

There are a number of international legal mechanisms that seek to address the illicit trade and misuse of SALW. These include the *Charter of the United Nations, Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, Supplementing the United Nations Convention against Transnational Organized Crime* and the *Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All of Its Aspects*. For a complete list please refer to Appendix I. The following will briefly consider the use of Arms embargoes under Chapter VII of the *Charter of the United Nations* and then move on to consider the *Protocol* and *Program of Action* together as a result of their similar nature.

In cases of armed conflict, whether international or internal, when the Security Council¹¹⁷ of the United Nations determines that there is the existence of “a threat to the peace, a breach of the peace or an act of aggression”¹¹⁸ it can take measures such as the implementation of arms embargoes under Chapter VII of the *Charter of the United Nations*. Art. 41 of the *Charter of the United Nations* establishes the methods and means through which sanctions, including arms embargoes, are applied. It states that:

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.¹¹⁹

There has been an increasing prevalence in the use of embargoes on the transfer of SALW by the Security Council in situations deemed as threats or actual breaches to international peace and security, including in the DRC.¹²⁰ Further, the violation of

¹¹⁷ The Security Council is made up of 15 member States of the UN. There are five permanent members (China, Russia, France, England and Germany) and ten members elected by the General Assembly for two year terms. It is primarily responsible for the maintenance of international peace and security. It is important to note that the five permanent members each have veto power which allows them to strike down any proceedings which they do not agree with. (Dapo Akande, *Supra*. n.95 at 301).

¹¹⁸ *Charter of the United Nations, Supra*. n.96 at Art. 39

¹¹⁹ *Ibid*. At Art. 41.

¹²⁰ Theresa A. DiPerna, “Small Arms and Light Weapons: Complicity ‘With a View’ Toward Extended State Responsibility (2008) 20 Fl. J. of Int’l L. 25 at 37.

arms embargoes incurs responsibility for state parties¹²¹ and in some cases creates criminal liability for individuals in domestic jurisdiction.

While arms embargoes do have the potential to reduce armed violence in situations where a breach of the peace has occurred or is likely to occur, there are several limitations to their use. Although arms embargoes are comprehensive in the range of war materials they cover and are legally binding to all UN Member States, they remain ad hoc measures and are fairly limited in their capacity to effectively address violations of arms embargoes. This is often a result of a lack of political will and as a result of the five permanent Security Council members to veto any measures which they do not agree with. In addition, they do not have any direct, nor do they have any enforcement mechanisms through which individual violators may be held criminally liable. This is hardly a deterrent for individuals and countries that intend to violate arms embargoes for whatever reason.

Further, the imposition of an arms embargo by the UN Security Council requires a determination of the existence of a threat to the peace, breach of the peace, or act of aggression- a finding that may not always be readily forthcoming in instances where arms transfers contribute to violations of humanitarian and human rights law.¹²² An additional constraint lies in the fact that the UN largely relies on member states to monitor and implement arms embargoes, and national courts have jurisdiction over arms embargoes violations only where the embargo has been incorporated into the domestic legal system.¹²³ This is problematic because if

¹²¹ James Crawford and Simon Olleson define state responsibility as the responsibility of States for internationally wrongful conduct based on their obligations under international law. (James Crawford and Simon Olleson, “The Nature and Forms of International Responsibility” in Malcolm D. Evans (ed) *International Law, Second Edition* (New York: Oxford University Press, 2006) 452 at 454). Chapter VII of the *Charter of the United Nations* addresses counter-measures to threats to international peace and security. Article 43 requires states to make available resources such as members of the armed forces and aircraft and ships for the maintenance of international peace and security. Article 48 indicates that the action taken to carry out of the decisions of the Security Council will be taken by all or some member States depending on the needs of the Council. (*The Charter of the United Nations, Supra.* n.96 at Art.43, 48). Thus, under Chapter VII of the *Charter* States are responsible for supporting the counter-measures deemed necessary by the Members of the Security Council in order to maintain international peace and security.

¹²² Maya Brehm, “The Arms Trade and States’ Duty to Ensure Respect for Humanitarian and Human Rights Law” (2007) 12(3) *J. of Con. And Sec. K.* 359 at 363.

¹²³ Claudette Torbey, *Supra.* n.12 at 336-7.

legislation is not consistently implemented, safe havens may be created for individuals involved in the arms trade. Further, even where consistency does exist, if states do not actively prosecute violators there is little deterrence. In addition, loopholes may exist within national laws which allow for exemptions particularly to arms transfers to third party brokers, resulting in no attribution of responsibility to arms ammunition manufacturers for negligent transfer and trade of their products, form within the law.

Finally it must be remembered that arms embargoes can only be applied in a limited number of scenarios, contingent on the occurrence of a recognized breach of or threat to international peace and security, or an act of aggression. As a result, armed violence that is related to human security or development related issues outside of the context of these scenarios may not result in an arms embargo

The *Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, Supplementing the United Nations Convention Against Transnational Organized Crime* represents one of the earliest attempts to criminalize and regulate trafficking behaviour through an international treaty.

Article 5 of the Protocol establishes that each State Party to the Protocol shall criminalize the illicit manufacturing and transfer of firearms, their parts, components and ammunition, as well as rendering useless the markings required by the protocol for identification purposes of the parts, components and ammunition of firearms.

¹²⁴MacClean notes that the offences to be created under this paragraph require the *mens rea* of requisite intent. Further, he indicates that the necessary intent may be inferred from objective factual circumstances, but that will be the case in almost all legal systems.¹²⁵ In this respect Article 5 is very similar to the aiding and abetting provision in the *Rome Statute*¹²⁶; however, it criminalizes more acts than the *Rome*

¹²⁴ *Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, Supplementing the United Nations Convention Against Transnational Organized Crime*, UNGAOR, UN Doc. A/Res/55/255 (2001) at Art. 5 (1).

¹²⁵ David MacClean, *Transnational Organized Crime: A Commentary on the UN Convention and Its Protocols* (New York: Oxford University Press, 2007) at 467.

¹²⁶ *Rome Statute of the International Criminal Court*, 1 July 2002, 2187 U.N.T.S. 90.

Statute.¹²⁷ Finally, the Protocol also seeks criminal liability for individuals who participate or act as accomplices to such crimes or who organize, direct, aid, abet, facilitate or counsel such crimes in any way.¹²⁸

After the 5th Session of the ad hoc committee which presided over the formation of this protocol, the United States raised the issue of creating a brokering offence, which eventually took the wording “Acting on behalf of others, in return for a fee or other consideration in negotiating or arranging transactions involving the international export of import of firearms, their parts or components, or ammunition without registering and obtaining a license or other written authorization in accordance with the requirements of art. 18.” This proposed brokering offense was not included in the final Protocol due to a lack of political will.¹²⁹ This lack of political will remains a challenge in many areas of the international regulation of SALW as some states view such provisions as a threat to their economic interests.

Finally, the United Nations *Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All of Its Aspects* (UN PoA), was the outgrowth of the 2001 UN Small Arms Conference. The negotiation of the Program of Action produced a non-binding agreement with broad language despite the efforts of some states to establish strict regulation of brokering and other trading activities.¹³⁰

The UN PoA emphasizes the responsibility of States to align their national laws concerning trafficking and other illicit behavior involving SALW. It begins in its preamble by “recalling the obligations of States to fully comply with arms embargoes decided by the United Nations Security Council in accordance with the Charter of the United Nations,”¹³¹ and promotes “responsible action by States with a view to

¹²⁷ The *Rome Statute of the International Criminal Court* is the founding statute of the International Criminal Court and enumerates crimes and the measures and jurisdiction of the court.

¹²⁸ *Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, Supplementing the United Nations Convention Against Transnational Organized Crime* *Supra*, n.124 at Art. 5(2).

¹²⁹ MacClean, *Supra*. n.107 at 467.

¹³⁰ Torbey, *Supra*. n.12 at 344.

¹³¹ *Program of Action to Prevent, Combat and Eradicate The Illicit Trade in Small Arms and Light Weapons in All of Its Aspects*, 2001, UN Doc. A/CONF.192/15 at para. 12.

preventing the illicit export, import, transit and transfer of small arms and light weapons.”¹³²

Like the Firearms Protocol discussed above, the UN PoA also requires the adoption of national legislation criminalizing broker and trafficking activities. Section 2, paragraph three insists that States which have not already done so must adopt the necessary legislative or other measures:

To establish as criminal offences under their domestic law the illegal manufacture, possession, stockpiling and trade of small arms and light weapons within their areas of jurisdiction, in order to ensure that those engaged in such activities can be prosecuted under appropriate national penal codes.¹³³

It then reiterates in section 2, paragraph 15 the importance of the adoption of national legal and administrative measures against activities that violate arms embargoes.¹³⁴

Although the vast majority of literature addressing these two instruments has focused on the Program of Action, there are some limitations that are consistent across both. First, the functionality of both is weakened due to their weak enforcement mechanisms. While the PoA is non-binding and has no enforcement mechanisms the Firearms program does have enforcement mechanisms however states have been slow to ratify its provisions into national law. There is no legal recourse for the actions of non-party states. Second, the PoA was plagued by the fact that national governments were slow to act under national legislation. By 2007 only approximately 40 countries had adopted its measures within their national laws.¹³⁵ This problem also prevailed with the Firearms Protocol; as of 2008 fewer countries had signed or ratified the protocol than those that have done neither.¹³⁶

Third, although there have been some domestic cases particularly concerning individual violations of arms embargoes,¹³⁷ concern remains over the inconsistency of

¹³² *Ibid.* at para 22 (e).

¹³³ *Ibid.* at (2) (3).

¹³⁴ *Ibid.* at (2) (15).

¹³⁵ Torbey, *Supra.* n.12 at 336.

¹³⁶ IANSA, *UN Firearms Protocol, Has Your Country Ratified?* (2008) internet: <http://www.iansa.org/un/firearms-protocol.htm>

¹³⁷ See *Prosecutor v G. Kouwenhoven*, where Kouwenhoven was found guilty by the Hague District Court for abettor or accomplice in war crimes for illegally transferring weapons to Guinea and Liberia which were both under arms embargos at the time.

the application of the measures. Fischer indicates that because States have agreed to cooperate to very different degrees, consequently, the PoA had to come down to the lowest common denominator as in any other negotiation.¹³⁸ This is aggravated by the fact that because brokers are often involved in third-country arms deals the weapons never pass through the countries in which the broker operates and as a result perpetrators are able to escape liability.¹³⁹

Finally, many states have been reluctant to extend their jurisdiction to nationals who have taken up residence abroad or to their own residents involved in illicit brokering activities carried out by their own nationals abroad.¹⁴⁰ Boivin makes no suggestion as to why this might be. It may again reflect lack of political will or it might also relate to the challenges of asserting extra-territorial jurisdiction.

Yet, some authors see a light at the end of the tunnel. Both Torbey and Fischer have observed that there is significance in the fact that the international community has recognized that the problem exists¹⁴¹ and that there is a great deal of importance in developing common understandings of the basic legal issues arising from problems relating to illicit brokering and trafficking in SALW.¹⁴²

In addition to broader attempts by the international community to regulate the illicit trade in SALW there has been some movement toward creating individual liability under international criminal law within the International Criminal Tribunals on Rwanda and Yugoslavia, and within the *Rome Statute of the International Criminal Court*. The development of more sophisticated rules under international criminal law,¹⁴³ concerning individual responsibility initially appeared within the mandates of the International Criminal Tribunals for Yugoslavia and Rwanda which distinguished between committing, planning, ordering, instigating and aiding and

Nico Keijzer and Elies van Sliedregt, "Correspondents' Reports: The Netherlands: Cases: War Crimes: Prosecutor v. G. Kouwenhoven" (2006) 9 Yearbook of IHL, 537

¹³⁸ Nadia Fischer, "Outcome of the United Nations Process: The Legal Character of the United Nations Program of Action" in Erwin Dahinden, Julie Dahlitz, and Nadia Fischer (eds.) *Small Arms and Light Weapons Legal Aspects of National and International Regulations* (Geneva:United Nations) 157 at 168.

¹³⁹ Torbey, *Supra*. n.12 at 349-50.

¹⁴⁰ Alexandra Boivin, "Complicity and Beyond: International Law and the Transfer of Small Arms and Light Weapons" (2005) 87 Int'l Rev. Of the Red Cross, 467 at 484.

¹⁴¹ Fischer, *Supra*. n.138 at 169.

¹⁴² Torbey, *Supra*. n.12 at 344.

¹⁴³ In comparison with earlier international criminal law emerging from the end of World War II such as the Nuremberg Trials.

abetting as incurring criminal liability.¹⁴⁴ Further, both state officials and non-state actors can incur international criminal liability for aiding or assisting in the commission of internationally wrongful acts committed with weapons furnished by them.¹⁴⁵

Art. 6 (1) of the *Statute of the International Criminal Tribunal for Rwanda* and art. 7(1) of the *Statute of the International Criminal Tribunal for the Former Yugoslavia* state that a “person who planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime referred to in Articles 2 to 5 in the case of the International Criminal Tribunal for Yugoslavia] of the present Statute, shall be individually responsible for that crime.”^{146/147} The aspect of these articles that is relevant to SALW is the provisions regarding aiding and abetting. Werle indicates that a finding of accessory liability indicates that a person’s act has had a “substantial effect” on the commission of a crime by someone else.¹⁴⁸ The provision of arms meets this element of ‘substantial effect’ arguably because without access to the weapons the perpetrators would be without a means to commit their crime. Werle also indicates¹⁴⁹ that the ad hoc Tribunals attach increasing importance to this distinction both as a means of clarifying criminal responsibility as well as in sentencing.

With respect to the transfer, trade and distribution of weapons, this principle has only been tested once, in the *Bagosora* case heard before the ICTR. Theoneste Bagosora held the office of *directeur-de-cabinet* in the Ministry of Defense in Rwanda prior to the Genocide in 1994. In this capacity, he managed the day-to-day affairs of the ministry in the absence of the minister of defense.¹⁵⁰ Before and during the Genocide, Bagosora and four other men allegedly distributed weapons to the

¹⁴⁴ Gerhard Werle, “Individual Criminal Responsibility in Art. 25 ICC Statute” (2007) 5 J. Intl’ Crim. Jus. 955 at 955.

¹⁴⁵ Brehm, *Supra.* n.122 at 372-3.

¹⁴⁶ *Statute of the International Criminal Tribunal for Rwanda*, annexed to *Resolution 955*, SC Res 955, UN SCOR, 49th sess, 3453rd mtg, UN Doc S/RES/955 (1994) at Art. 6(1).

¹⁴⁷ *Statute of the International Criminal Tribunal for the Former Yugoslavia*, annexed to *Resolution 827*, SC Res 827, UN SCOR, 48th sess, 3217th mtg, UN Doc S/RES/927 (1993) at Art. 7 (1).

¹⁴⁸ Werle, *Supra.* n.144 at 955.

¹⁴⁹ *Ibid.* at 955.

¹⁵⁰ *The Prosecutor Against Theoneste Bagosora*, International Criminal Tribunal for Rwanda, 17 March 1998 ICTR-96-71 at 16.

militiamen and certain carefully selected members of the civilian population with the intent to exterminate the Tutsi population and eliminate accomplices.¹⁵¹

Bagosora was indicted for his involvement with the distribution of weapons to the militiamen and certain carefully selected members of the civilian population in various prefectures of the country¹⁵² as well as for multiple other crimes enumerated under the *Statute of the ICTR*. Although he was convicted on multiple counts of Genocide, Crimes against Humanity and other international crimes,¹⁵³ in its conclusion the ICTR found that Bagosora in addition to Nsengiyumva and Kabiligi had participated in the creation, arming and training of militias. However, they noted that due to the proximity of these events to an attack by the RPF that it was unclear whether there was an intention to use the forces to commit genocide.¹⁵⁴ As a result, Bagosora was not convicted of accessory liability for distributing weapons with the intention of aiding and abetting in the crimes enumerated under the *Statute of the ICTR*, this decision reflected a recognition by the tribunal of the role which SALW and vicariously their transfer and trade play in the commission of international crimes.

Most recently, aiding and abetting has been adopted as a mode of individual criminal liability under Art. 25 (3) c of the *Rome Statute of the International Criminal Court*. Art. 25 (3) (c) states that “[In accordance with this statute, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court if that person] For the purpose of facilitating the commission of such a crime, aids, abets or otherwise assists in its commission or its attempted commission, including providing the means for its commission.¹⁵⁵ The elements of *mens rea* for all of the enumerated crimes in the statute are found in Art. 30 (2) (a-b) which indicates that the person must mean to engage in the alleged conduct and the person must mean to cause that consequence or is aware that it will occur in the ordinary course of events.¹⁵⁶ Cryer indicates that the construction of *mens rea* under the *Rome Statute* is much higher than the knowledge required by the ICTY and ICTR, and will involve some difficult determinations of motive. It follows that even if an arms dealer knew

¹⁵¹ *Ibid.* at 25.

¹⁵² *Ibid.* at 24.

¹⁵³ *The Prosecutor v. Bagosora, Kabigili, Ntabakuze, Nsengiyumva*, 18 Dec. 2008, The International Criminal Tribunal For Rwanda, ICTR-98-41 T.

¹⁵⁴ *Ibid.* at 537

¹⁵⁵ *Rome Statute of the International Criminal Court*, *Supra.* n.126 at Art. 25 (3) (c).

¹⁵⁶ *Ibid.* at Art. 30 (2) (a-b).

weapons that he sold to a country were destined to be used for the commission of international crimes, liability would not arise if the sole purpose for selling them was making profit.¹⁵⁷ This also potentially relieves the criminal liability for arms embargo violators who are not acting with the intention to enable international crimes but whose actions have equally devastating effects.

An additional concern arises concerning the capacity in which the individuals who are aiding and abetting are acting. As a result of the state centered nature of international crimes within the jurisdiction of the *ad hoc* tribunals and the ICC, it will be much easier to prove the intent of an individual acting in an official state capacity, as there will most likely be available evidence beyond the testimony of the individual and their co-conspirators of their position with regard to the international crimes. This would come by way of state documents, memoranda and a broader array of potential witness testimony. In contrast, an individual who is operating outside of a capacity of a state official would simply need to raise reasonable doubt that their intentions lay outside aiding and abetting in international crimes to which there may be little counter-evidence.

In contrast, the requirements for the requisite *actus reus* are not as difficult to fulfill. The *actus reus* does not require that the assistance has a substantial effect on the commission of the crime. It is enough that without his or her contribution, the commission of the crime would not have been possible.¹⁵⁸ In many cases the inability to gain access to weapons significantly limits the ability of potential perpetrators to carry out international crimes.

In addition, there are also a number of regional mechanisms that closely resemble the content of the PoA and the Protocol on SALW under the authority of the European Union, the African Union and other regional organizations. For a full list of these regional mechanisms please see Annex 1.

The above survey of existing international legal mechanisms regulating the use and transfer of SALW demonstrates a distinct focus toward controlling the supply of SALW by state actors. In contrast, little has been done to address the demand factors. Accordingly, it remains difficult to hold non-state actors responsible for international arms transfers at the international level. This reflects what Atwood, Glatz and

¹⁵⁷ Robert Cryer et. al. *An Introduction to International Criminal Law and Procedure, First Edition* (Cambridge: Cambridge University Press, 2007) at 311.

¹⁵⁸ Werle, *Supra.* n.144 at 969.

Muggah identify as a trend towards state-centered mechanisms focused on controlling the supply of weapons, encompassing: the regulation of small arms manufacturing and production, the design and implementation of mechanisms to control stockpiles, brokering, legal and illicit trade, and trafficking, the strengthening of border controls, police and intelligence services and customs, and associated penalties for non-compliance since the 1980's.¹⁵⁹

However, this trend also shows a number of gaps in and shortcomings of the existing international legal norms in the area. First, they fail to address the individual motivators for weapons acquisition that make up demand. While they attempt to control the access of individuals to weapons, they fail to address both legal and legitimate motivating factors for weapons such as hunting, in addition to the motivating factors for illicit weapons acquisition such as ethnic tensions and rents collection such as pillaging and looting.

Further, while embargoes do play a role in minimizing the use of SALW as a part of conflict, attributing criminal liability to individuals who supply weapons to belligerents participating in international crimes is only applicable retrospectively. In addition, such measures might also serve as a deterrent to individuals involved in such illicit activity. Thus, while the attribution of international criminal liability may provide some deterrence for actors considering in engaging in the illicit trade of SALW, it does little to end the suffering of victims of armed violence during conflict as perpetrators can only be brought to justice after the cessation of hostilities when the nation involved or the international community has the opportunity to set up the judicial bodies to address these issues, which is true of all criminal law.

2.3.1 Approaches to Armed Violence and Development

Armed violence and development, or AVD, is the umbrella term under which the relationship between armed violence in both conflict and non-conflict settings and social and economic development is explored. Armed violence and development is currently being addressed in both scholarly work and international political processes, and encompasses other areas including human security, human rights, peacekeeping and conflict prevention. For the purpose of this paper the definition of armed violence provided by the United Nations General Assembly will be adopted. It defines armed violence as:

¹⁵⁹ Atwood, Glatz and Muggah, *Supra*. n.24 at 4.

“the intentional use of physical force, threatened or actual, with arms, against oneself, another person, group, community or State that results in loss, injury, death and/or psycho social harm to an individual or individuals and that can undermine a community’s, country’s or region’s security and development achievements and prospects.”¹⁶⁰

Further, it is important to remember that while in the specific case of the DRC most armed violence is conflict driven or conflict related, armed violence as a whole may or may not occur in relation to any form of organized violence, be it political, ethnic or otherwise and that the link between armed violence and development remains.

AVD is applied in the international policy context in two ways. First, International Organizations such as the UN General Assembly and the Organization for Economic Cooperation and Development produce direct policy documents or reports which identify key issues in AVD and prescribe specific courses of action. In the case of the OECD, David Atwood of QUNO indicates that the Development Assistance Committee agreed that disarmament assistance could contribute toward the 0.7% of assistance provided by developed countries to the Millennium Development Goals.¹⁶¹

In 2009 the United Nations General Assembly published a report entitled *Promoting Development through Reduction and Prevention of Armed Violence: Report on the Secretary General*, which outlined key issues relating to AVD and provided suggestions for new policy strategies. It identified two different ways of addressing armed violence through development policy and strategy. The first involved the use of direct intervention, which specifically addresses the actors and instruments associated with armed violence.¹⁶² The second involves more indirect intervention, which involves development programming which is sensitive to factors that prevent and reduce armed violence.¹⁶³ The report goes on to cite several global examples where both forms of intervention have worked.¹⁶⁴

The other way in which AVD is addressed in the international policy context is through actual development programming. While there is little data on the implementation of such programs, a Quaker United Nations Office paper released in

¹⁶⁰ United Nations General Assembly, *Supra.* n.27 at para. 5.

¹⁶¹ Interview of David Atwood, September 14, 2009 at the Quaker Office of the United Nations in Geneva Switzerland.

¹⁶² United Nations General Assembly *Supra.* n.27 at para. 52.

¹⁶³ *Ibid.* at para. 53.

¹⁶⁴ *Ibid.* at para 54.

2009 describes the programming in AVD as seeking to prevent and reduce armed violence and insecurity. It indicates that by breaking the perpetual cycle of violence such programs increase the success of development initiatives.¹⁶⁵ However, in a separate policy paper released by QUNO it is suggested that development programming could engage more coherently and proactively on several armed violence related factors including addressing the demand for weapons.¹⁶⁶

The link between armed violence and development is an important area for examination by international policy makers and analysts. Greater attention to development related factors such as education and meaningful employment may be critical tools for reducing violence in places like the DRC, while additional attention to violence prevention may also provide the stability necessary for violence mitigation.

International law has proven capable at dealing with arms related issues in the past through mechanisms such as the Biological and Chemical Weapons Conventions and the Landmines Treaty, where the political will exists.¹⁶⁷ While legal mechanisms have had some impact in controlling the supply of SALW, primarily in relation to the regulation of state action which is the central focus of international law, it has thus far proven ineffective at addressing the human demand component. This component is not recognized as the subject of international law but reverberates up to the international level through areas such as international humanitarian law and international human rights law.

International policy attention to armed violence and development may prove to be an effective channel through which the demand for SALW can be incorporated with international law regulating the supply of such weapons and have a greater impact on reducing the human suffering resulting from armed violence. The programming in this category seeks explicitly to prevent and reduce armed violence

¹⁶⁵ Quaker Officer of the United Nations “Mapping AVD Programmes, What is Happening on the Ground?” (2009) *Policy Brief* at 4.

¹⁶⁶ Quaker Office of the United Nations *Supra*. n.25 at 3.

¹⁶⁷ Note that these are all examples of Conventional Weapons which have been regulated through international treaties. The Land Mine treaty is particularly interesting because it was developed using a majority based approach rather than a consensus based approach.

and insecurity. In general, by breaking the cycle of violence these programs increase the success of development initiatives by creating a more secure environment.¹⁶⁸

2.3.2 The Congolese Context

Not surprisingly, the international response to the conflict in the DRC has reflected the legally positivistic trends described above and primarily focused on the control of the supply of SALW. As already mentioned, efforts have included an arms embargo and a concentrated effort towards disarmament, demobilization and reintegration. When effective, such an approach can, at best, be expected to reduce the supply of weapons.

While a direct link has been observed by many authors to the availability of weapons and the level of armed violence, only addressing the supply in a country context where the motivation to commit violence already exists and security is tenuous at best, is unlikely to yield the desired results. Although there has been some effort put towards development in the DRC by International Organizations such as UNICEF and NGOs, including the Red Cross and Medecins Sans Frontiers, the disarmament process has been largely unsuccessful. This may in part be a result of the failure to address socio-economic, regional dimensions, and development related issues contributing to the demand for SALW depicted by many of the participants in this study, which will be discussed later in this paper.

¹⁶⁸ Quaker Office of the United Nations *Supra*. n.165 at 4.

Chapter 3: Literature Review and Theoretical Framework

While there are growing bodies of literature which address both the conflict in the DRC and SALW there is little data specifically discusses the proliferation and misuse of SALW in the DRC. Where literature does exist, it is often produced by NGOs in an attempt to raise awareness about the armed violence that continues to plague the country, particularly in the East. In addition the DRC is at times referred to in the body of articles addressing the proliferation of SALW, as an example of a conflict where the misuse of weapons has played a major role in human rights abuses and has been extremely detrimental to economic development.

As a result of the relative dearth in the literature addressing SALW in the context of the conflict in the DRC literature reviews have been conducted on each subject separately. The two themes will be discussed in combination under the adoption of a human security based theoretical framework, following the separate discussion of each theme.

3.1 Literature Pertaining to the Conflict in the DRC

The majority of literature which has been published on the conflict in the DRC comes from two sources. First, a number of NGOs have produced reports of varying lengths reporting primarily on the humanitarian components of the conflict. The second is a growing number of books that are being published on the conflict. These books cover a broad range of issues, from academic writing depicting the complex history of the conflicts to more anecdotal accounts produced by journalists and philanthropists.

There is a very limited number of peer reviewed journal articles on the conflict in the DRC. Articles that do exist generally address a specific aspect of the conflict. For example Matti (2010) considers the relationship between the historical corruption of the Congolese government and resource exploitation by the government, by foreign governments and by third parties. While some of these articles are descriptive others try to provide a road map for peace. This includes the work of Gambino (2008) who considers the structural obstacles to peace in the DRC including corruption in the government and military and socio-economic factors. Further, Doss (2010) considers the role of the Congolese government in establishing peace throughout the entire country in his article *In the Pursuit of Peace*.

Yet, when considering the amount of work published on conflicts such as the Rwandan Genocide or the conflict in Sierra Leone, the conflict in the DRC remains

relatively understudied. This may be because the complex nature of the conflict requires more in depth consideration than is appropriate for the normal length parameters of such articles. Further, because the conflict is ongoing and because of the challenges associated with conducting research in volatile and difficult contexts it is difficult to access reliable information for reports.

This trend may also be symptomatic of a larger and more systemic dearth on the subject which has not only been observed in academic writing but also in media reports. Nearly every piece of writing produced on the conflict in the DRC opens with a comment on how little attention it has received when compared with the genocide in Rwanda and the violence in Darfur.

Much of the literature pertaining specifically to the conflict in the DRC tends to be historical in which tends to be descriptive in nature. Richardson and Fowers indicate that descriptivist research is usually qualitative or interpretive, and add that it often attempts to bridge the gap between theory and everyday practice.¹⁶⁹ The nature of the historical accounts varies significantly from focusing on a specific component of the conflict or peace process, or broader, focusing on the conflict in its entirety. *Africa's World War* by Gerard Prunier is an excellent example of the latter.

Many articles on the conflict in the DRC describe a specific aspect of the conflict, particularly those published by NGOs. For example *The Call for Tough Arms Control: Voices from the Democratic Republic of the Congo* produced by the Control Arms Campaign (2006) describes the victimization of civilians through the use of SALW and includes personal narratives of some research participants.

An additional area of focus within the literature discusses the role of resource exploitation component to the conflicts. References are made in most major works outlining the history of the conflict including Muchai (2002), Mealer (2006), Turner (2007), Prunier (2009) and Shannon (2010). While many of these books address the subject more generally, describing the use of resources to fund the involvement of both national armies and rebel groups in the conflicts, an increasing number of articles and books are being released pertaining directly to the topic. This includes *King Leopold's Ghost* by Hoschild (1998) and *Resources and Rent Seeking in the Democratic Republic of the Congo*, an article by Stephanie Matti (2010).

¹⁶⁹ Richardson, F. C. and Fowers, B. J., "Interpretive Social Sciences." (1998) *American Behavioral Scientist* 41.4, 465 at 471.

Other reports such as that of Boshoff (2007) describe more specific components of the conflict and peace process such as the challenges facing the DDRRR process.

One of the earlier books published pertaining specifically to the conflict in the DRC was a collection of essays entitled *The African Stakes in the Congo War* (2002) edited by John F. Clark. The book included a number of articles ranging from an overview of the history leading up to the conflict in the DRC by McCalpin to an early description of the use of SALW by Muchai (2002). This collection provided the first short essays which analyzed particular components of the conflict, such as the demand for natural resources and the role of regional politics. This collection was particularly useful in developing a better theoretical and academic understanding of the conflict as the pieces stray from the more traditional descriptive historical approach.

Recently, several books have been published which have provided more in-depth accounts of various aspects of the conflict. Prunier (2009) in his *Africa's World War: Congo, the Rwandan Genocide and the Making of a Continental Catastrophe*, provides a comprehensive history of regional relations in the Great Lakes Region starting from the Rwandan Genocide. His book provides a description of all of the major actors involved, describes many of the major battles and attempts to explain some of the politics behind the conflict. While this book is extremely well written it loses some of its impact by providing so many specific details that it is easy to become confused by the manner in which the information is presented.

Another recently published book, *1000 Sisters: My Journey into the Worst Place on Earth to be a Woman* by Lisa Shannon (2010) provides a detailed account of the violence experienced by women in the province of North Kivu. While the book is not academic in nature, it does provide useful anecdotal information about the type of violence experienced by women in North Kivu and provides useful discussion of the gendered nature of violence in the DRC.

The works by Prunier (2009) and Shannon (2010) demonstrate the politicized nature of descriptions of the conflict in the DRC. Prunier is an academic from France who is very critical of Rwandan President Paul Kagame's role in the conflict in the Congo whereas Shannon is a stock photographer from the US who places responsibility on the ex-interhamwe who are known to operate in the Eastern part of the country. Prunier discusses throughout his book the extent to which the United

States has turned a blind-eye towards the role of Rwanda in human rights abuses in the DRC due to their failure to intervene in the Genocide and has instead chosen to support the notion that many of the crimes are being committed by members of the interhamwe (Prunier, 2009). In contrast, Prunier primarily focuses on the role of the Rwandan government. If Shannon is basing her understanding of the conflict on primarily on American sources, her focus on the role of the interhamwe becomes more understandable.

These discrepancies highlight that the political or personal interests of authors or their national background may influence their understanding of the conflict. In addition, it demonstrates the problematic tendency to focus more heavily on international actors in the conflict rather than local groups. Information on both groups of actors are essential to understanding the nature of the conflict, although information on local armed groups may be more difficult to collect due to security related concerns, in addition to the willingness of their members to participate.

While this thesis has attempted to avoid attributing blame to a particular party to the conflict, it does discuss responsibility in different contexts. These include the discussion of individual criminal liability discussed in the legal portion above in addition to noting the well documented responsibility of groups for particular attacks throughout this thesis.

Other discrepancies in the literature exist between different accounts of the conflict in the DRC. For example, Turner (2007) indicates that the eventual peace agreement reached between the international parties to the conflict in 2003 rose out of the Lusaka Accords¹⁷⁰ whereas Prunier (2009) suggested that it was the negotiations at Sun City that led the eventual partial cessation of the hostilities. While such issues are not integral to the understanding of the conflict in the way that the identification of the main perpetrators are (although one might argue that all of the parties involved in the conflict share blame for the grave human rights abuses associated with the conflict) it does make a comprehensive understanding of the conflict and the peace process more difficult to achieve.

Beyond works offering historical-political accounts of the conflict in the DRC there is also a body of work which attempts to draw attention to the scale of armed violence affecting civilians, particularly in the eastern provinces. This includes Lisa

¹⁷⁰ Turner, *Supra*. n.44 at 5.

Shannon's book described above in addition to the book *All Things Must Fight to Live* by Mealer (2008). In comparison to Prunier and Shannon who provide large scale historical overviews of the case (Prunier) and the violence in the East (Shannon,), Mealer observes the conflict through a much more focused lens. Mealer describes specific incidences of violence, in addition to providing some historical background to the conflict as a whole, which he experienced as a journalist. These accounts included the ethnic conflict between the Hema and the Lendu ethnic groups in the Ituri region following the withdrawal of Ugandan forces and the pre and post election violence experienced in Kinshasa in 2006 (Mealer, 2008).

In addition to the more in-depth accounts of the violence in the DRC provided by Shannon and Mealer, many NGO's are publishing detailed accounts of the armed violence in the DRC in an attempt to raise awareness or as calls for action. In the *Call for Tougher Arms Control: Voices from the Democratic Republic of the Congo*, the Control Arms Campaign describes the global issues relating to armed violence and goes on to specifically focus on the conflict in the DRC. They reference several first-hand accounts of violence experienced by civilians. The stories included in this account are quite graphic and shocking. For example they share the story of Nathalie, a farm woman in the city of Kabuye II. When her husband was shot and killed in a home invasion she fled with her baby. As she ran, she was shot in the buttocks, the bullet puncturing her anus, "I stayed in the forest from 8 o'clock until 6 o'clock in the morning. In the morning the villagers found me."¹⁷¹ The article adds that because local health services were so poor, her neighbours had to build her a chair and carry her 32 km to the nearest hospital, by which time she had become incontinent.¹⁷² Such accounts are also useful to this thesis as they contribute to the discussion of armed violence. They also serve as a model for how such stories can be incorporated into a larger narrative describing and analyzing the conflict.

Another relevant and frequently cited article by an NGO is *Mortality in the Democratic Republic of the Congo: an Ongoing Crisis*, published by the International Rescue Committee in 2007. This was the final report stemming from a project which took place over a number of years and which attempted to identify mortality rates resulting both directly and indirectly from the conflict in the DRC. Using data obtained through household surveys from different cities across the DRC the report

¹⁷¹ Control Arms Campaign, *Supra.* n.34 at 9.

¹⁷² *Ibid.* at 9.

estimated that by 2007 there had been more than 5.4 million excess deaths since the beginning of the conflict, 4.6 million of which were reported to have occurred in the DRC.¹⁷³ Although some authors questioned the findings of this report due to variability in the research methods stemming from large scale statistical modeling (the household surveys were not comprehensive), by 2009 the majority of authors and NGOs publishing on the topic of the conflict were reporting that 5 million people were believed to have died since the beginning of the second conflict in 1998.

However, the *Human Security Report* in 2009 discussed the two major studies which brought this number into question. First, it notes a 2008 study by two Belgian demographers, Lambert and Lohlé-Tart. This study is consistent with the International Rescue Committee's finding of very high mortality levels in the DRC between 1984 and 2004; yet it diverges from the assertion of the IRC that there was a significant increase in mortality following the beginning of the war.¹⁷⁴ The study by Lambert and Lohlé-Tart estimated that the number of excess deaths resulting from the conflict was only 200,000, although the *Human Security Report* notes that this estimate, along with the estimate of the IRC was questioned on methodological grounds by World Health Organization affiliated group the Health and Nutritional Tracking Service, who suggested that this number was too low.¹⁷⁵ The Report also cites a study by the Demographic and Health Survey which suggests that the mortality rate of children under the age of five, which was used as a primary indicator for 47 percent of the deaths by the IRC, is approximately half the rate estimated within its reports.¹⁷⁶ This also results in a substantially lower mortality rate although not as low as the one proposed by Lambert and Lohlé-Tart.

The *Human Security Report* then goes on to highlight its concerns over the methodology used in the IRC's studies and subsequent excess death rate. In regard to the 2000 and 2001 surveys their concerns include the exclusion of mortality rates from the western or "non-conflict" half of the country and the lack of justification for the selection of the communities surveyed in the east which had disproportionately

¹⁷³ Dr. Benjamin Coghlan, Dr. Valweiw Nkamgag Bemo, Dr. Pascal Ngoy, Dr. Tony Steward, Flavian Mulumba et. al., *Supra*. n.33 at 16.

¹⁷⁴ "Chapter 3: The Death Toll in the Democratic Republic of the Congo," in Human Security Report Project, *Human Security Report 2009: The Shrinking Costs of War*, (2009) Simon Fraser University 37 at 38.

¹⁷⁵ *Ibid.* at 38.

¹⁷⁶ *Ibid.* at 38.

high mortality rates.¹⁷⁷ The Report is also critical of the estimation methods used by the IRC and notes that an extremely high death toll among a small population in one community is being used to indicate the death toll in an entire province.¹⁷⁸ The report indicates that the 2002, 2004 and 2007 reports do not suffer from the same flaws as the first two but are subject to concerns including wide confidence intervals, uncertainties resulting from design effects, lack of reliable data on population size and growth rates and the lack of reliable data for periods between surveys.¹⁷⁹ The report then goes on to suggest an alternative methodology to calculate the excess mortality rate.

For the purpose of this thesis, the well-documented evidence of the disproportionate impact of armed violence on the civilian population throughout all phases of the conflict is sufficient since this thesis is trying to document violence and arms ownership rather than measure it. The breadth of the research is not great enough to contribute to substantive quantitative results.

In addition, when considering the estimated 200,000 rapes which have occurred and observing the decline in the Human Development index in the DRC since 1990 (The 2010 Human Development Report ranks the DRC 2nd last on the human development index next to Zimbabwe)¹⁸⁰ the negative impact of armed violence on the DRC is clear enough to require substantial action to reduce the proliferation and misuse of SALW.

Although descriptive accounts of the historicity of the conflict and armed violence in the DRC are useful for developing an understanding of the chronology of events, this approach remain very historical and tends to avoid proposing solutions to the ongoing violence.¹⁸¹ Further, additional analysis of the root causes of the continuation of the conflict in the DRC needs to be developed in order to support a

¹⁷⁷ *Ibid.* at 39.

¹⁷⁸ *Ibid.* at 40.

¹⁷⁹ *Ibid.* at 41.

¹⁸⁰ “Table 1: Human Development Index and its Components” in *Human Development Report 2010* (2010) 145 at 147.

¹⁸¹ Lisa Shannon proposes some steps which individuals can take towards reducing armed violence in the DRC such as contacting one’s legislative representative and supporting responsible mining practices. However, she does not provide any meta level suggestions for how the international community or even the Congolese government might better address the violence which continues to plague the East.

better foundation of research and knowledge.¹⁸² As a result it is difficult to fully understand the political factors, at both the local and international level, which are contributing to the ongoing violence in the DRC. Moreover, there is little discussion of the socio economic factors existing within the DRC both before and during the conflict that might also contribute to the ongoing violence or demand for weapons. This thesis has attempted to identify some of these factors through its research design.

3.2 Literature Pertaining to SALW

There is a growing body of literature on the topic of SALW. Themes within the literature include: literature on armed violence, addressing the supply and demand for SALW, advancing demand and a more effective lens through which to address problems relating to the proliferation of SALW and literature pertaining to the international legal norms governing the regulation of the trade and use of SALW described above. The following section will consider the existing literature on SALW and further discuss the focus of this thesis on issues pertaining specifically to the demand for SALW in the DRC.

Literature on the topic of SALW began to emerge in the early 1990's after the end of the cold war when several regional and intrastate conflicts emerged where SALW were being used as the primary tools of war. Early articles focused on describing the role of SALW within these conflicts in addition to seeking a specific definition of the term. Schulze took a very simplistic look at issues pertaining to SALW indicating that SALW were best suited for use by individual parties¹⁸³ and that the proliferation of weapons was directly related to the number of weapons produced the price and the simplicity/complexity of the weapons.¹⁸⁴ In 1995 an article by Klare added to the discussion of SALW which Schulze began. Klare noted that the distinction between light weapons and heavy weapons was that heavy weapons could only be procured by and operationalized by states that had the technical and economic resources to do so.¹⁸⁵ In addition he also noted the increased destruction in internal

¹⁸² With the exception of Prunier (2009) whose work focuses on the relationship between the Rwandan Genocide and the conflict in the DRC and a very basic overview of the role that the interests of the other international actors played in the conflict. His work contains little analysis of conditions existing in the DRC prior to the conflict which might have contributed to its escalation.

¹⁸³ Joachim Schulze, *Supra.* n.3 at 1.

¹⁸⁴ *Ibid.* at 3.

¹⁸⁵ Klare, *Supra.* n.2 at 55.

armed conflicts cause by SALW and also attributed the growing number of refugees to the proliferation of these weapons.¹⁸⁶

Klare also provides one of the earliest articles addressing the supply for SALW. He indicated that “controlling or limiting access to light weapons, although difficult, is an essential step toward reducing armed conflict and global insecurity in the post-Cold War era.”¹⁸⁷ This focus on addressing the supply SALW would dominate the discussion of SALW for almost a decade following these early articles.

As previously mentioned, the supply of SALW was the focus of most international legal tools used to attempt to regulate the misuse of these weapons as well as to reduce armed violence. As a result, many of the articles being published on the topic of SALW focused on the existing international legal process concerning arms control and disarmament and as such concentrated on issues relating to the supply chain of weapons.

For example, Wyatt comments on the failure of the 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects to devise a plan to reduce human suffering resulting from the use of SALW.¹⁸⁸ She notes that by focusing solely on the illicit trade of SALW, attention was directed away from the role that the legal trade has played in supplying weapons to oppressive military states along with combatants in civil war, and on to the role of dealers, brokers and smugglers who supply the weapons illicitly.¹⁸⁹ She attributes resistance of governments to a focus on legal trade to the fact that many arms-exporting countries have been responsible for providing arms in conflicts such as the Rwandan genocide, for which they could be held accountable under stronger legislation.¹⁹⁰ She insists that in order to make progress that the international community must create explicit criteria for assessing the legality of arms trading.¹⁹¹ As previously noted, the nature of the demand for SALW is difficult to address within existing international legal norms. Thus, focusing on the legal process through which the trade and use are regulated

¹⁸⁶ *Ibid.* at 53.

¹⁸⁷ *Ibid.* at 52.

¹⁸⁸ Christine Wyatt, “The Forgotten Victims of Small Arms” (2002) *SAIS Rev.* 22.1, 223 at 224

¹⁸⁹ *Ibid.* at 224.

¹⁹⁰ *Ibid.* at 225.

¹⁹¹ *Ibid.* at 225.

necessitates a focus on the supply of weapons above anything else. Other examples of authors who have written similar articles include Herby (2002) and Stemmet (2002).

In response to the broad focus on supply within the literature on arms control and disarmament a small body of literature began to emerge addressing the demand for SALW. Early articles focused on emphasizing the importance of addressing the demand side of SALW while later articles moved towards developing the theory around demand and applying the concept to specific country situations.¹⁹²

One of the earliest articles focusing on the demand for SALW as an alternative approach to traditional disarmament discourse was the article *Armed Conflicts and Small Arms Proliferation: Refocusing the Research Agenda* by Peter Lock in 1996. This article was written well before the major body of work produced by a number of authors which emerged in the early 2000s. Lock observed that attempts to control the supply of arms would amount to very little if they were not modeled on heuristically valid models of the transactions of the actors involved, their motives and evidence of black market transactions in specific regions.¹⁹³ Further, he added that comparative sociological analysis may be a useful tool for formulating sociological properties related to the conflicts where the illegal flows of weapons surface.¹⁹⁴ Demand can be easily integrated within the sociological approach identified by Lock given its potential use in the consideration of the factors which contribute to the illicit trade of SALW.

A great deal of the existing literature on the demand for SALW has been published by the Small Arms Survey and the Quaker Office of the United Nations. In a joint work between the two organizations in 2006 entitled *Demanding Attention: Addressing the Dynamic of Small Arms Demand*, Atwood, Glatz and Muggah bluntly state that disarmament has focused on collecting hardware while leaving the complex issues relating to human motivation for weapon acquisition unaddressed.¹⁹⁵ In an earlier work Muggah indicates that demand can be broadly defined as “those variables shaping an individual’s desire to acquire, possess and, ultimately, misuse small

¹⁹² Articles addressing the demand for SALW in specific country settings have primarily been published by the Small Arms Survey which is part of the Graduate Institute in Geneva Switzerland.

¹⁹³ Lock, *Supra.* n.1 at 2.

¹⁹⁴ *Ibid.* at 9-10

¹⁹⁵ Atwood, Glatz and Muggah, *Supra.* n.24 at 5.

arms.”¹⁹⁶ More specifically Atwood, Glatz and Muggah suggest that the concept of the demand for SALW is based on two central aspects: “motivations and means. The former refers to the factors influencing individual and group preferences for weapons, while the latter includes both the monetary and non-monetary resources required to obtain them and the relative prices that must be paid for them”¹⁹⁷.

Unfortunately, beyond the broad discussion of demand that seeks to define the concept and identify central factors which contribute to it, demand has not been addressed extensively in the literature. In 2003 Muggah indicated that research on demand was theoretically disparate as researchers broadly interested in this factor rarely make their findings available across disciplinary lines.¹⁹⁸ Further, in 2006 Atwood, Glatz and Muggah added that existing research on demand has been general and that little is known about how demand factors relate to each other.¹⁹⁹

For the purpose of this thesis the failure to address demand in the DDRRR process in the DRC will be considered as a central factor in the overall failure of the disarmament program. It has also been selected as the central focus of this thesis in an attempt to contribute to existing literature both on the theory relating to arms demand and the country specific data which has been collected on small arms demand. However, recognizing that demand does represent a theoretically disparate area, the demand focus will be integrated with a human security based approach in order to ensure a strong theoretical basis for the research.

Finally, an additional area of literature pertaining to small arms which is relevant to this thesis is the increasing body of work on armed violence and AVD. Literature on armed violence covers a large range of materials and subject matters including academic literature from a variety of disciplines, NGO documents seeking to create awareness about armed violence and international legal and policy documents addressing armed violence.

The discussion of AVD is the most pertinent to this thesis. Articles of interest include policy briefs produced by QUNO in addition to the UN document: *Promoting Development through the Reduction and Prevention of Armed Violence: Report of the*

¹⁹⁶ Muggah, *Supra.* n.37 at 2.

¹⁹⁷ Atwood, Glatz and Muggah, *Supra.* n.24 at 10.

¹⁹⁸ Muggah, *Supra.* n.37 at 6.

¹⁹⁹ Atwood, Glatz and Muggah, *Supra.* n.24 at 10.

Secretary General. The literature on AVD will be further considered in the discussion of the human security based theoretical approach adopted in this thesis.

The continued armed violence in the DRC illustrates the need for the proliferation and misuse of SALW to be better addressed through disarmament strategies. By focusing on the relationship between armed violence and development in the DRC this thesis will highlight many of the factors contributing to the demand for SALW.

3.3 Theoretical Framework

The use of descriptive accounts of the conflict in the DRC and with regard to the proliferation of SALW discussed in the literature review above is desirable in that it provides reliable background information from which to develop a solid understanding of the conflict. In this respect Richardson and Fowers cite Peter Winch as identifying descriptivism as an essential component to an accurate analysis of events.²⁰⁰ Indeed, there are descriptive elements to this thesis, particularly in the preceding discussion of the background of the conflict in the DRC and the review of international policy and law pertaining to SALW.

However, there are also notable challenges to relying solely on a descriptive approach in academic writing. For example, while it does have the benefit of providing an accurate and unbiased account of events, it lacks the theoretical tools necessary to engage in an analysis of alternative approaches to situations which fall outside those being addressed in the given context. So, to consider the ongoing demand for SALW as a possible factor in the failure of the disarmament strategy in the DRC would be difficult because it is not among any of the approaches currently being used.

Benton and Craib indicate the aspect of descriptivism which Winch finds desirable, that it considers “norms with which the social actors understand themselves,” is also an aspect of interpretivism which includes a self-consciousness through which, in combination with meaning, language and reflective thought, human life can be understood.²⁰¹

²⁰⁰ Richardson and Fowers *Supra*. n. 169 at 472.

²⁰¹ Ted Benton and Ian Craib *Philosophy of Social Science: The Philosophical Foundations for Social Thought* (New York: Palgrave, 2001) at 75.

By adopting an interpretivist approach to the demand for SALW in the DRC it is possible to consider both the outside perception of the conflict and small arms related issues in the DRC through the perspectives of authors who are removed from the situation and also collecting information from Congolese civilians themselves. By adopting such an approach greater meaning will be given to the language and reflective thought contributed by both groups. Further, such an approach will help to develop a better understanding of the cultural aspects of the factors contributing to demand in the DRC.

Human security provides the basic terms and concepts through which an interpretivist approach can be applied in the analysis of the factors contributing to the demand for SALW in the DRC. Combined with critical realism as an interpretivist approach, human security will be adopted within this thesis as the theoretical framework that informs the development of research methods and the analysis of the results. The following section will seek to define critical realism and integrate human security within a critical realist approach with the view of articulating the theoretical framework being used for this thesis.

In the context of identifying the underlying causes of conflict and violence, which is intimately related with the demand for SALW, Korf proposes the use of the philosophical approach of critical realism. He defines realism as something that makes a firm distinction between the causal identifications and the identification of positivist regulations.²⁰² Benton and Craib add that in this context the adjective critical might suggest that critical realists are committed to changing unsatisfactory or oppressive reality.²⁰³ In sum, Korf suggests that critical realism advances the position that the world is not only made up of events but by mechanisms and structures as well.²⁰⁴

Further, Benton and Craib suggest that critical realists insist on the existence of an independent reality of objects of our knowledge and the necessity of work to overcome misleading appearances. This suggests that current beliefs may change when new work and observations reveal different outcomes.²⁰⁵ Thus, such a theoretical approach encourages researchers to look beyond standard approaches to

²⁰² Benedikt Korf, *Cargo Cult Science, Armchair Empiricism and the Idea of Violent Conflict.* (2006) *Third World Quarterly*, 459 at 467.

²⁰³ Benton and Craib, *Supra.* n.201 at 120.

²⁰⁴ Korf, *Supra.* n.202 at 467.

²⁰⁵ Benton and Craib, *Supra.* n.201 at 120.

issues relating to SALW such as the focus on policy and international law, and look for alternatives outside of the oppressive reality. Such an alternative approach would attempt to address the mechanisms and structures that contribute to demand. As we will see, human security provides the foundation through which one can begin to identify these factors.

Bhaskar, a critical realist whose contribution to the field is recognized by Korf and Benton and Craib, identifies three levels of reality which are central to critical realism: the real, the actual and the empirical. The real level of reality is that which produces events and consists of mechanisms and power tendencies which science seeks to discover. The actual level exists whether it is observable or not and contains sequences of events which may be produced under experimental conditions. Finally, the empirical level consists of events which are universally experienced directly or indirectly.^{206/207}

It is this central idea that links critical realism to interpretivism. In the context of this thesis, the real levels is the primary area of interest in terms of the investigative nature of the questions being raised concerning the factors contributing to the demand for SALW. It focuses on causal mechanisms and power tendencies as a means of assessing this demand. The outcome from the review of existing international law and policy regulating SALW reflects the actual level wherein controlled or “assumed” settings attempt to reduce or eliminate armed violence. However, the assumed use of international legal controls have been unsuccessful in reducing armed violence and thus have proven not to be replicable outside of the controlled setting. The use of human security in the development of this theoretical approach represents the empirical level as the concepts and constructs of human security are accepted as assumptions existing whether or not they are observable in every context.

Human security has been selected as an appropriate theoretical lens for this research question as it highlights the link between international law, international development, armed violence and security. Human Security will be used within this thesis in a number of ways. First, it will help to identify key themes within the literature on the conflict in the DRC which may contribute to the demand for SALW in the DRC. Second, the themes discussed within the human security context will be used to help develop research methods which investigate the themes identified

²⁰⁶ *Ibid.* at 124-5.

²⁰⁷ Korf, *Supra.* n. 202 at 468.

through the first step. Finally, human security will provide a critical lens through which to analyze the results of the research.

The concept of human security was popularized by the *1994 Human Development Report*. The report identifies two key components to Human Security. First, it encompasses safety from chronic threats such as hunger, disease and repression. Second, it means protection from sudden and hurtful disruptions in the patterns of daily lives.²⁰⁸ Further, the report indicates that human security is not primarily concerned with weapons but human life and dignity.²⁰⁹

Since the United Nations Development Program first defined human security in the 1994 *Human Development Report* the term has received a fair amount of academic attention and the definition has evolved. Smillie indicates that human security can only come from “a consistent approach to human rights and justice and from a wider properly coordinated and properly funded approach to development in all of its manifestations.”²¹⁰ Ewan adds that proponents of human security seek to broaden the concept of security with economic, health and environmental factors contributing to insecurity in people’s daily lives.²¹¹ Note that this definition of human security reflects the principles in the definition of SALW demand provided above in which “motives and means” contribute to demand.

It should also be noted that there is no universally accepted definition of human security but that the concept generally is made up of widely accepted core values. Paris suggests that the relative ambiguity of the term may serve a purpose: that organizations and states see an opportunity to capture superior financial resources associated with the traditional concept of security.²¹² While this observation might suggest that the concept of human security is too broad to represent a theoretical framework, integrating the concept with critical realism provides a stronger theoretical basis for the approach. Further with a specific focus on the themes of AVD

²⁰⁸ *Human Development Report 1994, New Dimensions for Human Security*. United Nations Development Program, 1994 at 2.

²⁰⁹ *Ibid.* at 1-2.

²¹⁰ Ian Smillie, “Whose Security? Innovation and Responsibility, Perception and Reality” in Sandra J. MacLean, David R. Black and Timothy M. Shaw (eds.), *A Decade of Human Security: Global Governance and New Multilateralisms* (Aldershot: Ashgate: 2006) 19 at 30.

²¹¹ Pauline Ewan, “Deepening the Human Security Debate: Beyond the Politics of Conceptual Clarification” (2007) *Politics*, 27 (3) 182 at 182.

²¹² Roland Paris, “Human Security: Paradigm Shift or Hot Air?” (2001) *International Security*, 26(2) 87 at 95.

and demand, which are concepts that arise out of human security's focus on the ways in which socio-economic factors contribute to insecurity, the approach being adopted within this thesis is also well grounded practically as well.

In addition it adopts the premise advanced by Frerks which is that a human security approach is based on the idea of empowerment and responsibility at all levels of society, which needs support from a variety of governmental and non-governmental actors and organizations.²¹³ To this end the research methods associated with this thesis are developed on an empowerment-based model that seeks to integrate participants in suggesting directions for change. This has largely been achieved in the methods by asking participants to identify ways in which the overall disarmament process might be improved. Further, given the focus on responsibility of all levels of society (and governments) this thesis will not seek to attribute blame to any particular group in the continued armed violence in the DRC; rather it seeks to identify socio-economic and overarching structural factors which are contributing to the proliferation of weapons and subsequent violence at all levels of society.

Beyond the socio-economic factors that are central to the thematic approach to this thesis, human security contains three themes which will be useful in the analysis of the results of this thesis. They include: historical and cultural context; the demand for natural resources; and governance and regional politics.

Although none of these themes are specific to human security they do routinely appear within human security discourse. The theme of historical and cultural relativity is often underscored as an essential component of a society's understanding of human security, as highlighted by Grebrewold.²¹⁴ In addition, culture is an integral component of community security identified in the 1994 *Human Security Report*. The Report indicates that "most people derive their security from membership in a group; a family, a community, an organization, a racial or ethnic group that can provide a cultural identity and reassuring set of values."²¹⁵

The theme of the demand for natural resources touches on a number of areas within human security. First it relates to the socio-economic factors already addressed.

²¹³ Georg Frerks, "Human Security as Discourse and Counter-Discourse" (2008) *Security and Human Rights* 1, 8 at 8.

²¹⁴ Kiflemariam Grebrewold, "The Relationship between Human Security, the Demand for Arms and Disarmament in the Horn of Africa" (2002) *Medicine, Conflict and Survival* 18, 400 at 400.

²¹⁵ *Human Development Report 1994*, *Supra*. n.208 at 31.

Second it relates to environmental security discussed in the *1994 Human Development Report*. The report lists environmental degradation as a significant factor influencing over all security.²¹⁶ Second, it also discusses the strain posed by uncontrolled population growth on non-renewable resources. Third and finally, resource exploitation and illegal resource trade is commonly attributed to fuelling conflict which impacts almost all aspects of security.

The theme of governance and regional politics similarly touches on many aspects of human security. Governance is a primary influencing factor in the delivery of both human rights and development while regional politics can result in population shifts through mass-migration and refugee build-ups and can also create more traditional security threats relating to conflict and threats to sovereignty.

The following paragraphs will discuss each of these themes particularly as they relate to the demand of SALW in the Great Lakes region.

First, in the context of understanding arms needs from a cultural and historical context, Grebrewold points out that without understanding why people seek arms, it is difficult to understand how to address the problem.²¹⁷ For example, he notes that in many parts of the Horn of Africa the issue of human security is closely linked to small arms, particularly in pastoral societies. He indicates that for centuries, people living in these regions have been taking care of their own security and that even today; the police who are supposed to provide security are simply not visible in most rural areas as a result of the fact that they lack basic resources to operate. Finally, he emphasizes that most pastoralists own small arms and view them as indispensable working tools to protect their property water points and grazing lands for their herds.²¹⁸

In addition to the traditional cultural context of the use of weapons, some authors have noted the emergence of a culture of weapons through which they are perceived to be a sign of masculinity or power. While this may be a more recent cultural development it is important to be aware of such elements since human security has a particular focus on empowerment. If disarmament had a feminizing impact on individuals the approach might be significantly disempowering for demobilized soldiers which may aggravate trauma resulting from their role in the conflict.

²¹⁶ *Ibid.* at 34.

²¹⁷ Grebrewold, *Supra.* n. 214 at 400.

²¹⁸ *Ibid.* at 402.

Second, high demand for scarce natural resources is also a commonly cited human security issue giving rise to both conflict and arms proliferation (Frerks 2008). Struggles over natural resources, including both those needed for survival and wealth acquisition, could lead to conflict through the struggle to obtain them which may in turn contribute to arms proliferation. Alternatively, the mere possession of natural resources may also warrant arms possession out of the interest of security of the person and property. In addition, Cooper has noted that in many conflict afflicted areas, natural resources may be developed into conflict goods, such as conflict diamonds, which have the potential to fund weapons purchases and fuel further violence.²¹⁹ Subsequently resource distribution is an important factor to consider when developing policy to address to proliferation of SALW since inequalities in resource access, possession or management may drive the need for weapons which easily transition into use in conflict. Consequently any attempt to address weapons ownership needs to facilitate the access of individuals to the resources they need for basic human survival.

Third, consideration must be given to local and regional politics and governance as contributing both to the demand for SALW and armed violence. Frerks indicates that misrule, identity-based state patronage, exclusion, underdevelopment and violations of human rights are some of the problematic aspects of state-society relations and prevailing forms of governance propelling conflict in many parts of the world which are a source of instability and again a basis for SALW proliferation.²²⁰ In addition to the above identified trends, issues relating to cultural and historical factors along with the demand for natural resources can contribute to political instability both internally and regionally. In such conditions the presence of SALW may tip the balance in favour of an outbreak of armed violence. In the context of governance there is a clear link between the creation of insecurity among civilians and human rights abuses, state-society relations and issues such as underdevelopment and exclusion.

Atwood Glatz and Muggah define the demand for SALW as follows:

The entirety of demand includes inherited and socially constructed norms associated with masculinity and status, the seemingly rational pursuit of self-protection and/or a means to fulfilling a livelihood option. Multiple preferences can operate simultaneously and are dynamic across time and

²¹⁹ N. Cooper, "Conflict Goods: The Challenges of Peacekeeping and Conflict Preventing" (2001) *International Peacekeeping* 21 at 21.

²²⁰ Frerks, *Supra.* n.213 at 8.

location. But demand is also a function of real and relative prices, which can act as a constraint on the realization of preferences. The extent to which one's preference for gun ownership can be actualized is in part a function of the price of the weapon, the price of necessary complements.²²¹

This definition links demand to human security in a number of ways. The socially constructed norms relating to masculinity and status connect to historical and cultural factors linked to human security. The means of fulfilling livelihood factors relate both to socio economic factors and the demand for resources in that, while arms might be used to acquire means of subsistence through looting and pillaging they may also secure access to natural resources that can provide a livelihood and contribute to the survival of armed groups. Issues of local and regional governance impact real and relative prices as they contribute to ease in access to weapons and the legitimacy of their use. Finally, the self-protection factor has proven to be significant in the demand for weapons in the DRC and encompasses both the human security conceptualization of security in addition to more traditional conceptualization of securities.

Given the number of themes which link human security with the concept of demand, particularly in the context of armed violence and development, human security provides an excellent analytical frame through which to address the research for this thesis. It also suggests thematic areas of investigation pertinent to developing strong research methods. Finally, human security links topics within international law, human rights and development in a way which supports innovative discussion of SALW and the conflict in the DRC. For those reasons human security has been identified as a strong theoretical framework for this thesis.

These factors have played a major role throughout both the research and analysis aspects of this thesis. In terms of the research, they have played a major role in shaping the research questions and in the development of survey and interview questions used for primary research. In terms of analysis they provide a rough outline through which to assess the broad factors identified through the research.

The following chapter will describe the research methods which have been developed using the human security based theoretical framework described above.

²²¹ Atwood, Glatz and Muggah, *Supra*. n.24 at 13

Chapter 4: Research Methods

4.1 Research Design

The research methods used for this study were developed specifically with a view to responding directly to the primary and secondary research questions identified previously. Developing appropriate methods was a challenge as a result of the lack of existing theoretical and practical work on carrying out both small arms demand research and post-conflict related research. As already noted, Muggah has explained that because researchers do not make their findings available across disciplinary lines, academic discussion of demand remains theoretically disparate.²²² At a more practical level Bods, Jennings and Shaw indicate that despite the prevalence and continuation of complex conflicts like the one in the DRC, almost no one has addressed the multitude of issues arising around when and how to undertake research in such settings.²²³

The initial research design for this thesis included a combination of archival and qualitative research designed to fill gaps and add to existing literature. Quantitative research had not been included in the initial design because the number of expected research participants - ten Congolese Diaspora members and five expert participants - was not expected to yield meaningful quantitative results. However, after consulting with a number of researchers with the Small Arms Survey²²⁴ in Geneva, Switzerland, it was suggested by Savannah Tessières that the use of surveys as part of the research might increase the accuracy of results as participants would enjoy a higher level of anonymity. The questions for the questionnaire which was developed were pulled from the original interview questions in consultation with Small Arms Survey research for the purpose of structure and wording. As things would work out, thirty-one Congolese Diaspora members from a variety of backgrounds would participate in the research, providing some representative results. In addition the use of mixed methods in conflict and small arms related research is recommended both by Muggah (2003) and Barakat et. al (2002).

4.2 Archival Research

²²² Muggah, *Supra*. n.37 at 6.

²²³ Morten Boas, Kathleen M. Jennings, Timothy M. Shaw, “Dealing with Conflicts and Emergency Situations” in Vandana Desai and Robert B. Potter (Eds.), “Doing Development Research” (London: Sage Publications, 2006) 70 at 74.

²²⁴ The Small Arms Survey is responsible for the majority of small arms demand research in existence.

The archival research undertaken for this study has attempted to explore a broad range of sources addressing the primary research questions. The topics of SALW and the conflict in the DRC have been for the most part addressed separately in the literature review as a result of the lack of existing research on the combination of the two topics. The topics of human security and armed violence and development were also addressed individually for the development of the theoretical framework for this thesis.

A variety of resources have been used in the archival research process. These include the academic literature on both the conflict in the Congo and the supply and demand of SALW, in addition to research and narrative accounts published by NGOs. United Nations and other policy documents have also been used to support the research conducted on human security and armed violence and development. Finally, a number of legal and policy documents have been used to support the legal and policy review which demonstrates the almost universal supply-centered approach to SALW control.

4.3 Field Work

The fieldwork was conducted in Pretoria, South Africa. Three organizations provided assistance, including the Institute for Security Studies, the Methodist City Mission and the Bright Site Project at the University of South Africa. The Institute for Security Studies provided access to archival resources and was the site for the majority of the expert interviews. The Methodist City Mission and the Bright Site Project assisted in identifying potential research participants in the Congolese Diaspora group and provided space in which to hold interviews.

Two groups of research participants were identified for the purpose of this study. The first were Congolese Diaspora members living in Pretoria South Africa. The second consisted of field experts who had experience in working with SALW or in the context of the conflict in the DRC. This second group was identified as important to obtain a view that was impartial towards some of the complexities of the conflict, including issues relating to ethnicity and political affiliation. Each group of participants had separate interview questions and consent forms.

The research methods used for the Congolese Diaspora group included a questionnaire and voice-recorded anonymous interviews. Materials for both sets of methods were made available in French and English although the majority of participants were more comfortable using French.

The questionnaires which were distributed to members of the Congolese Diaspora group were developed to address several key themes which surfaced in the literature review. These included the historical and cultural factors which contributed to individual ownership and acquisition, structural factors such as governance and economic dynamics, and the availability of arms.²²⁵ In addition, the themes of personal and group security as well as masculinity were explored. These themes have been identified as factors contributing to demand by several authors. The questionnaires were developed in such a way as to provide basic quantitative and qualitative data on weapon ownership as well as individual and community attitudes toward weapons in addition to measuring rates of armed violence. The questionnaires were broken down into three sections including individual ownership, community trends and armed violence.

The majority of questions on the questionnaire offered the responses “yes”, “no”, “I don’t know”, and “I don’t want to say”. The option of “I don’t want to say” was offered on the advice of Savannah Tessières of the Small Arms Survey who pointed out that “I don’t want to say” offers a different sentiment from the other possible answers and may minimize risk for some respondents. In addition for questions which were opinion based, the answer of “I don’t know” was excluded which was an attempt to get participants to answer honestly about their feelings although “I don’t want to say” remained an option. A copy of the English version of the questionnaire is available in Appendix 2.

The interview questions for the Diaspora group were developed to expand on some of the themes discussed in the questionnaires as well as to identify broader themes relating to SALW ownership and demand factors in the DRC. Additional questions on the topic of armed violence were included to aid in the development of a narrative on armed violence in the DRC. Both Muggah (2003) and Barakat et. al. (2002) suggest the use of interviews for the purpose of developing narratives and testimonials. Such narratives and testimonials are useful in identifying the common experiences of violence among participants, creating awareness about these experiences and laying the foundation for how they may begin to be addressed. For the full list of interview questions see Appendix 3.

²²⁵ Atwood, Glatz and Muggah, *Supra*. n.24 at 45

For this participant group as many respondents as possible were sought in order to include as diverse a range of voices as possible. This was an attempt to accommodate variations in responses which resulted from differences in gender, age, ethnicity and political affiliation. As Boas, Jennings and Shaw indicate, the greater the diversity among your research participants the better estimates you can make about the security situation.²²⁶

The initial interviews with Congolese Diaspora members were held at the Methodist city mission with individual participants who were identified by a Congolese English instructor at the mission. In these interviews the questionnaires were administered and immediately followed with private interviews. In the course of these interviews one participant suggested investigating the possibility of additional participants at the Bright Site Project at UNISA.

The English teacher at the Bright Site Project, who was also Congolese, helped to identify the majority of the participants. Initially at this location questionnaires were administered to a group of Congolese Diaspora participating in English classes. Afterward they were given the opportunity to arrange a time for an interview if they were interested in discussing themes covered in the questionnaires further. Participants who missed the initial questionnaire administration were given questionnaires which were immediately followed up by private interviews. Both methods of research participation had their strengths and weaknesses. In the case of administering the questionnaires to the larger group, it provided more anonymity for participants but complicated arranging follow up interviews, particularly with female participants.

The majority of interviews conducted with Congolese Diaspora members were carried out in French and later translated to English during the transcription process.

Many of the interview questions designed for expert participants were similar in theme to the questions posed to the Congolese Diaspora members but also attempted to draw on the professional experiences of the participants and gauge the ways in which SALW impacted their working environments. The majority of these interviews were carried out at the Institute for Security Studies in Pretoria; however, one was carried out over the phone with an individual who could not be reached in person and another took place at the Quaker Office of the United Nations in Geneva.

²²⁶ Boas, Jennings and Shaw, *Supra*. n.223 at 75.

The interview with David Atwood at the Quaker Office of the United Nations focused on the topic of armed violence and development. Please see the interview questions for expert participants in Appendix 4 note that these questions were at times altered based on the area(s) of expertise of the person being interviewed.

4.4 Ethics

In advance of this study an application was made to the Dalhousie University Social Sciences and Humanities Research Ethics Board for the purpose of conducting human research. After submitting revisions to the proposal the study was approved by the board in August 2009.

Given the risks associated with research involving both small arms and light weapons and conflict for both the research participants and the researcher ethics were a major consideration in the design of the research for this study. There is very little literature pertaining to the ethics of conducting research in conflict settings. In the absence of such research, Boas, Jennings and Shaw indicate that it is best to follow the principle “do no harm”. They emphasize that in conflict and post conflict areas, by virtue of who a researcher chooses to work with researchers may privilege certain experiences and narratives at the expense of others.²²⁷ This principle has been applied through the research project.

The primary ethical consideration for this study was the safety of both the participants and the researcher. Safety factored heavily into the identification of the research site. After discussions with Dr. Whitman and Dr. Black, South Africa was determined to be the best place to carry out the research because it offered a diminished risk for participants by avoiding the repercussions of being directly associated with the subject matter. For example, individuals living in rebel controlled areas might have feared repercussions for participating in the research or might not have felt free to openly express their feelings. Further, by carrying out this research in South Africa participants were enabled to speak freely without fearing reprisals for speaking against their government or local ruling groups. Yet, South Africa is not so far away from the DRC that the pool of participants would be limited to individuals who possessed the resources to travel greater distances and settle in Northern developed countries. Finally, as Barakat et al indicate, one of the challenges associated with research in conflict and post conflict settings is the inability of the

²²⁷ Boas, Jennings and Shaw, *Supra.* n.223 at 75.

researcher to settle in the community being researched for a sufficient period of time. They indicate that this interferes with the researcher's ability to gather exhaustive quantitative data.²²⁸ The stability of South Africa provided an appropriate location for the researcher to settle for an extended period of time with a minimized chance of having to relocate due to changing security circumstances.

A further ethics related concern associated was the consent of research participants. In order to address this separate consent forms were prepared for both the Congolese Diaspora participant group and the field expert group. Consent forms were made available for the Diaspora group in French as well as in English. In addition, an oral consent form was prepared for participants where literacy was a concern. The oral consent process was only used once during the research process. Please refer to Appendix 5 to view copies of the consent forms in English.

An additional ethical consideration was anonymity. In order to ensure the anonymity of members of the Congolese Diaspora group participants were asked to select a pseudonym with which they would be identified in the content of this thesis. If one was not selected it was assigned for them. Members of the field expert category were asked to waive anonymity for the purpose of the study and were given the opportunity to select the manner in which they would like to be identified in the thesis.

Further, given the long duration of some of the interviews and the difficulty refugees faced in accessing basic needs such as food and water, light refreshments were provided to Diaspora members who participated in interviews.

Finally, in light of the sensitive nature of the subject matter, given the psychological impacts of war and the possibility of Post-Traumatic Stress Disorder, a list of counselors was made available for participants who might be in need. No participants indicated that they would be seeking counseling services following the interview. However, several of the participants were known to already be participating in the counseling offered at the Bright Site Project and the Methodist City Mission. In addition, in cases where participants seemed particularly upset by the discussion we engaged in, I would suggest that they seek out counseling services if they weren't already and would direct them to the appropriate services.

4.5 Demographics

²²⁸ Sultan Barakat, Chard, Tim Jacoby and William Lume, "Research Design in the Context of War and Armed Conflict" *Third World Quarterly*, 23 (5) 991 at 993.

As noted above, one of the main goals throughout this study was to obtain as many respondents from as large a demographic range as possible. Both for the questionnaire portion of this research and the interview section, members of the Congolese Diaspora group were asked to respond to a set of demographic questions. These questions were asked with a view to controlling findings that may have been regionally, age or gender specific. Of particular concern was controlling for accounts of armed violence which may have attributed fault to actors based on ethnic ties in addition to the potential for differences in historical and cultural use of weapons between different groups of individuals. Gender was considered to be an important factor due to the disproportionate impact of the conflict on women and the observation of some authors that fire arms use tends to be predominantly by males.

In terms of the age demographic nearly half of the respondents, fifteen, were between the ages of nineteen and twenty-nine. Ten participants were between the ages of thirty and thirty-nine, two were between the ages of forty and forty-nine and three were between the ages of fifty and fifty-nine. One participant did not indicate her age. This data is significant because the participants' ages may impact their experiences with SALW during the war. For example given that the majority of individuals were in their twenties it is unlikely that they were the heads of their households during the height of the conflict. Yet, given that the majority of local Congolese individuals involved in the conflict are young, whether they joined the conflict by choice or by force, this means that they were more likely to have had direct contact with the weapons than their counterparts.

Among the participants who completed questionnaires only nine were women and the rest were men. Of these nine women only three participated in the interview portion of the research. One additional female participant was not a Congolese citizen, which was a mandatory criterion for an individual to participate; however, she experienced sexual violence in the Congo as a Rwandan refugee after fleeing the Genocide. Her participation represented a significant contribution to the discussion of armed violence and was included as an exception. The lack of participation by women in the interview portion of this study has significantly limited their representation in the narrative portion of the study. This will be discussed further among the weaknesses of the study below.

It is important to note that the majority of participants in this study were refugees. This demographic was not actively sought out by the researcher. However

both the Methodist City Mission and the Bright Site Project which helped with participant identification primarily serviced refugees. Hence it is not surprising that the majority of participants came from regions most heavily impacted by the conflict. Participants were asked to indicate their province or city of origin; this was done to accommodate for responses which were regionally specific. For example individuals from the province of Bas-Congo were more likely to report that their communities had not experienced armed violence, which is not surprising since that province was not along any military fronts.

Geographically, there was only one province – Equateur - that was not represented among participants. Equateur is the most North-Western province of the DRC, the furthest away from South Africa and also not along any of the previous military fronts. The most heavily represented province was that of South Kivu, with nine of the thirty-one questionnaire participants originating from that province, and one additional participant who only participated in the interview processes. Four participants were from Kasai Oriental, three were from Katanga, two were from Orientale province, and Kinshasa (the capital) and Bas-Congo respectively and there were lone participants from Maniema, North Kivu, Kasai Occidentale and Bandundu. Further, one participant indicated their province only as Kasai (there are two Kasai provinces). In addition, as noted above, one participant was from Rwanda but was included as a result of her experiences with sexual violence as a refugee in Congo. Finally, there were two participants who did not indicate their city or province or origin and two who indicated multiple cities and provinces of origin without explanation.

Geographically it is also important to consider that while the west remains relatively calm, the situation in the Eastern provinces is highly volatile with frequent outbreaks of violence.²²⁹ While participants were present from nearly all of the provinces, a larger number came from the Eastern provinces, including North Kivu, South Kivu, Maniema, and Province Orientale. Further, although Kasai Orientale is not typically considered part of the East, the city of Mbuji-Mayi, where several participants were originally from, was a major front for government forces in the second conflict and has experienced ongoing violence similar to that in the East. Thus, for the purpose of this thesis it will be considered as being part of the Eastern

²²⁹ Prunier, *Supra.* n.46 at 321.

provinces. Please refer to the map of the DRC in Appendix 6. Given that the majority of armed violence continues to occur in the eastern provinces, and that these are the provinces most heavily targeted for disarmament, this focus is appropriate. However, it should be kept in mind when considering the results.

The final demographic which was considered in this study was the year of arrival of participants in South Africa. The control year was 2006 as this was the year in which the first democratic elections were held in the DRC. Twenty of the participants arrived in Congo after 2006, three arrived in 2006 and seven arrived prior to 2006 with the earliest participant arriving in 1994. Interestingly six of the seven individuals who arrived in South Africa prior to 2006 came from the province of South Kivu. The high representation of participants who were still in the DRC after the formation of the democratic government is an indication that the information obtained from them is relatively up to date and reflects the current political, social and economic situation in the country.

There were three Congolese Diaspora participants who fell outside the typical parameters for civilian participants. First, one participant, Marcus, admitted to having been part of the Mayi Mayi group. This individual offered an interesting perspective as he indicated that he had left the group as a result of ethical concerns. Further two other participants, AK and G-6 are known to have worked for the Congolese government. All three of these participants offered interesting insight into the nature of weapons ownership, trafficking and mis-use in the DRC which was useful for the context of this thesis. It is also relevant to report that none of these participants specifically discussed themselves or their family members having suffered from the impact of armed violence.

4.6 Strengths

One of the central strengths of this research is its originality. Very few studies have been conducted globally on the demand for SALW and none have been carried out in the DRC. Further, this research contributes to a growing body of literature, primarily from NGOs that depicts violence in the DRC but adds to it by exploring the everyday interactions of participants with weapons. In addition it identifies major themes contributing to the demand for and misuse of SALW which can be applied to policy, development or disarmament programming to reduce this demand and misuse.

An additional strength of this research was the variety of participants involved in the research process. It allowed a variety of stakeholders in the reduction of armed

violence in the DRC whose voices are not usually heard to contribute to existing research. These include participants from the western DRC, where there has been less reported armed violence, in addition to members of NGOs and Congolese civil society and finally at least one participant who was a former member of the Mayi Mayi rebel group who are often inaccessible to researchers.

From the standpoint of praxis this research has the potential to contribute not only to the growing call for the international community to take greater action against the ongoing violence in the DRC but also to issues relating to SALW demand. These topics may also benefit academic literature on both topics.

4.7 Limitations

There were three main limitations to this research: accessing the DRC, the demographic limitations of research participants and the scope of the research.

The first limitation, access to the DRC, was a significant challenge. The decision not to travel to the DRC was not taken lightly as in order to fully understand the context of such complex conflicts one must be on the ground and interacting with large portions of the population. However, safety concerns and the limited experience of the researcher in travelling in Africa made an extended trip to the DRC more of a risk than carrying out the research outside of the country. Although not travelling to the DRC did not impact the access to an adequate number of participants, it did limit the access to individuals, who were not refugees, a status which would certainly impact the outcomes of the research. Yet, it is also arguable that because participants were removed from the context of the conflict they may have felt better able to answer freely.

The second limitation consists of a combination of demographic issues relating to participants in the Diaspora group. Although the backgrounds of participants were diverse for the most part three central areas may have limited the outcomes from this study.

First, the imbalance between male and female participants was a major limitation of this research. Despite extensive efforts to attract more women to participate in both the survey and interview portions of the research women were for the most part reluctant to participate. This may be the result of several factors including the more limited access of women to French language training and primary school, the status of women as victims in the conflict and finally the fact that women may have been less engaged in issues relating to weapons than men. Unfortunately

this lack of female participation means that discussion of the impact of armed violence on women and the relationship that women have with weapons is less representative.

Second, the prevalence of participants from major cities may have impacted the outcome of this research. Several authors (e.g., Shannon, 2010) have noted that the amount of hardship faced by Congolese civilians as a result of the conflict has been disproportionately higher in rural areas. As a result, the outcomes may not be fully representative of Congolese civilians' perspectives, particularly in the context in the discussion of armed violence.

The third and final demographic issue was the almost exclusive status of participants as refugees discussed above. Although this demographic may have been more willing to disclose information because they were removed from the context of the conflict there is also the possibility that participants may have exaggerated claims in order to advance the interests of a specific political or ethnic group.

The final limitation of this research was the scope of the research itself. The scope of the research questions was quite broad and with the large amount of data contributed by participants it is impossible to discuss all of the themes raised within the limited length of a master's thesis. However, it is also important to note that the broad scope of the research has identified several areas for future research - a strength of this study that will be discussed at length further in this paper.

Chapter 5: Findings: Surveying Acquisition and Attitudes, and Stories of Armed Violence

5.1 Questionnaire Results: Acquisition and Attitudes

The questionnaires that were distributed as part of this research were designed using the surveys distributed by the Small Arms Survey in other settings as a model. The surveys reflected the main research question and also attempted to engage secondary questions regarding the major individual motivations for acquiring weapons, the historical and cultural significance of weapons ownership and the primary forms of armed violence in the DRC. In addition, the questionnaire also focused on the trends of weapons ownership in the communities of participants in the DRC, both to develop a broader understanding of the role which weapons play within the community setting, as well as to gauge whether the use and ownership of weapons was consistent with other members of their community. The questionnaires were broken down into three separate sections: Personal Ownership, Community Trends, and Armed Violence. For a complete list of questionnaire results based on the total participant population and broken down by gender, please refer to Appendix 7.

5.1.1 Personal Ownership

Of the thirty-one individuals who completed questionnaires, eight responded that they or their family had owned a weapon while they lived in the DRC and two indicated that they preferred not to respond. The remainder of participants indicated they had not owned weapons. Of the participants who reported that they or their family had owned a weapon in the DRC, one was female and the rest were male, four were between the ages of twenty-five and twenty-eight, two were in their early fifties, one was thirty-eight and the last participant was forty. The individual who was forty indicated that he had owned his weapon for employment purposes. There was no consistent geographical pattern among participants who reported that they or their families had owned weapons; however the majority were from war affected provinces. The provinces of the participants who had owned weapons were South Kivu, Maniema, Kasai Orientale, Kasai Occidentale, and Katanga. Interestingly, two participants indicated multiple cities of origin from different provinces. It is also interesting that proportionately fewer women reported that they or their families had owned weapons.

In addition, of the individuals who reported that they or their families owned weapons, only one individual, the man who owned his weapon for employment

purposes, reported owning a weapon for more than ten years. This is possibly explained by the fact that weapons were highly controlled under the regime of Mobutu Sese Seko and much more difficult to access (Shannon, 2010). However, this also demonstrates a link between the beginning of the conflict and weapons acquisition. Furthermore, one respondent indicated that he or his family had owned their weapon for less than ten years, two reported weapons ownership of less than five years and three reported weapons ownership of less than a year before they left. The final participant did not indicate how long they or their family had possessed their weapon.

Two questions were raised to gauge participants' attitudes towards weapons ownership. The first question asked whether participants associated weapons ownership with masculinity. This question relates to specific research which indicates that some cultures strongly associate weapons ownership with masculinity. Only eight out of thirty-one, or twenty six percent, of participants responded that they associate weapons ownership with masculinity. Furthermore, there appeared to be no geographical link between these eight respondents, which indicates that there is very little likelihood that the concept of gendered ownership was specific to one of the particular cultural groups represented among the participants. However, one interesting note was that five of the eight respondents who associated weapons ownership with masculinity were also among the eight individuals who had reported that they or their families had owned weapons.

The second question asked participants whether they felt weapons ownership was important for personal safety in the Democratic Republic of the Congo. Twelve of the thirty-one respondents indicated that they felt that weapons ownership was important for personal safety. Again, four of these twelve respondents had also indicated that they had owned weapons in the DRC. Furthermore, in this instance there did seem to be a geographical link connecting the respondents who had answered this question in the positive. Two were from Kinshasa, three were from Kasai Orientale, five were from South Kivu and two listed cities in South Kivu as well as Kinshasa as their homes. These results are consistent with high observed levels of interpersonal violence in both Kinshasa and South Kivu and are indicative of areas which face high levels of insecurity. However, it is also important to note that this does not mean that other areas do not also have high levels of insecurity, even where it was not reported that weapons are felt to be important for personal safety.

5.1.2 Community Trends

The section of questions on community trends was somewhat more revealing than the section on personal ownership. Nineteen out of thirty-one participants indicated that their neighbours or other members of their community owned weapons; a further four indicated that they did not know whether their neighbours or other community members owned weapons. In addition, fourteen participants indicated that there were weapons in the majority of the households in their community; three indicated that they did not want to say, and five indicated that they didn't know. Interestingly, nine of these fourteen participants were under the age of thirty-one and only one was female. Additionally, seven of these fourteen participants were originally from the province of South Kivu and the sole participant in the study from North Kivu was also amongst these participants (although one individual other listed Goma in North Kivu as one of his many cities of origin). Also of interest is the fact that four out of five of the individuals who said they did not know whether the majority of their households in their community had firearms were female. Furthermore, only one woman responded that she felt weapons were present in the majority of households within her community.²³⁰ Interestingly this same participant was the only participant who failed to indicate what her city or province of origin was. This outcome could suggest that women may not play a central role in discussions about weapons or community activities involving weapons, such as neighbourhood watches and hunting.

It is also important to note that when asked whether arms were present in more than fifty percent of the households within their communities, twelve responded yes, thirteen responded no and six responded that they did not know. It is difficult to identify why this discrepancy would exist between the questions that asked whether weapons were present in the majority of households and whether weapons were present in more than fifty percent of households.

Further, seventeen participants indicated that weapons were easily accessible in their community; an additional nine said they were not and four responded that they did not know whether weapons were accessible within their community. One additional participant failed to respond to the question. Six of the participants who indicated that weapons were not accessible within their communities also indicated

²³⁰ An additional female participant did not answer the question.

that weapons were not present in the majority of homes. Further, the remaining three participants who indicated that weapons were not accessible in their community indicated that they did not know whether weapons were present in the majority of homes. It is unclear whether being unaware of the number of weapons within their community might also have shaped their understanding of how accessible weapons were. There was no geographical link between the participants who indicated that weapons were not accessible within their community. Furthermore, five out of the nine participants who indicated that weapons were not easily accessible within their communities were women and one of the men had left the country in 1994. This is an additional indication that women may not play a significant role in decision-making or the use of fire arms within the community. This is interesting considering the fact that the majority of participants responded that they did not see a relationship between weapons ownership and masculinity. While the comparison between women's and men's responses to these questions may not indicate that the majority of Congolese people do associate weapons ownership with masculinity, it does indicate that men's and women's experiences with weapons may diverge significantly.

Continuing, twenty-two participants, a large majority, indicated that there was a hunting tradition within their community. This will be considered in further detail in the thematic discussion of historical and cultural factors contributing to weapons ownership. However, this is important data because knowledge of an existing hunting tradition would need to be incorporated into any effective disarmament strategy since hunting necessarily involves the use of weapons.

Finally in an attempt to gauge what external factors might have contributed to the proliferation of SALW, participants were asked both whether weapons ownership increased within their communities following the 1994 Rwandan genocide and the commencement of mining operations within their communities. For each question, twenty-two participants responded that weapons ownership in their communities had increased both following the Rwandan genocide and the commencement of mining operations within their communities.

There were slight variations in terms of the responses of the remaining participants. In the case of the link between the Rwandan genocide, seven participants felt that the genocide had not contributed to an increase in weapons ownership within their communities and two responded that they did not know. The high number of individuals who responded that weapons ownership increased in their communities

following the Rwandan genocide is not surprising as it has been well documented that many of the refugees arriving from Rwanda in DRC were still carrying weapons and were not disarmed (Control Arms Campaign, 2003; Prunier, 2009; Shannon, 2010) and because of the destabilizing effect that the genocide had on the entire Great Lakes Region (Prunier, 2009). What is somewhat unexpected is that four of the seven respondents who indicated that the genocide had not led to an increase in the number of individuals who owned weapons in their community were from the province of South Kivu where many of the Rwandan refugees stayed in camps, which was also one of the provinces most devastated by the conflict.

In contrast, only five individuals indicated that there had not been an increase in ownership as a result of the commencement of mining activities near or within their communities and four said they did not know. Three of the participants who responded negatively to this question had also responded negatively about the previous question. Again, these results are not surprising because of the well-documented role of mining corporations within the conflict (Shannon, 2010). However, in this instance, two of the participants who responded negatively were from the province of Katanga, which is well known for its large mining industry. Again, it is difficult to assess why these participants would have responded this way.

5.2 Stories of Armed Violence

One of the secondary research issues for this thesis is the identification of the forms of armed violence in the DRC. Discussion relating to this question was incorporated both into the questionnaire and interview-based research for the thesis. However, this question does not serve to answer the question of which factors are continuing to contribute to the ongoing demand for SALW in the DRC. Rather, it is the violence experienced by the Congolese people, retold by the participants in this research, which necessitates that the primary research question be asked. Accordingly, the discussion of the results both from the questionnaires and the interviews relating to armed violence will be incorporated into this chapter of my thesis rather than into the thematic review of factors which are contributing to demand for SALW. This discussion will begin with a review of the questionnaire results on armed violence and continue into a narrative of the experience of the research participants with armed violence in Congo. The purpose of including the narrative is so that academic terminologies and assessments do not take away from the real experiences of those

who have been affected by or survived violence and so that the reader gets a firsthand account of the nature and scope of armed violence in the DRC.

For the most part, the results from the questionnaire relating to armed violence were much more constant than the other sections of the questionnaire. Twenty-three out of thirty-one participants indicate that their communities had experienced a large amount of armed violence while five said that their communities had not experienced a large amount of armed violence and three indicated that they did not want to say. There was no discernable link between the participants who indicated that there was a large amount of armed violence in their communities but it is worth noting that all eight reported that they or someone they knew had experienced violence in 1996 or later, with the exception of one participant who had left in 1994, which was well before the conflicts began. In addition, twenty-two participants indicated that weapons were used to carry out sexual violence or other forms of attacks within their communities. The rest of the survey results for this portion of the questionnaire have been integrated into the narrative below.

5.2.1 A Never Ending Story

The continued armed violence in the Democratic Republic of the Congo has been well documented by many non-governmental organizations such as the Control Arms Campaign and the International Rescue Committee. While the Control Arms Campaigns has collected and reported firsthand accounts of armed violence from survivors, the International Rescue Committee has conducted mortality surveys which provide an estimate of how many people have died in Congo in excess as a result of the conflict.

In 2007, following its final set of surveys, the IRC estimated that 5.4 million deaths had either directly or indirectly resulted from the conflict between 1998 and 2007, with the majority occurring in the East.²³¹ They also noted that at that time, the number of deaths which resulted directly from armed violence had decreased, but added that instability in the Eastern provinces threatened this reduction. Prunier notes that, “civilians died partly because the soldiers killed them, but more often, because their living conditions (absence of health care, impossibility of steady cultivation, impossibility of shelter during the rainy season, constant displacement) caused their

²³¹ Dr. Benjamin Coghlán, Dr. Valweiw Nkamgag Bemo, Dr. Pascal Ngoy, et. al. *Supra.* n.33 at 16.

death.”²³² It is important to remember that the use of SALW not only contributes directly to death and injuries faced by civilians and combatants alike, but it also interferes with the ability of individuals to seek services, such as healthcare, and to maintain livelihoods. Furthermore, since the International Rescue Committee released its report there has been a relative increase in violence in the region and a number of reports of mass casualties following attacks by rebel groups and the Congolese and Rwandan armies have been released.

The number of excess deaths estimated by the IRC seemed somewhat high in 2007, especially in comparison to numbers suggested by other NGOs such as the Control Arms Campaign, who put forward a more conservative mortality rate of four million people. By 2009 many academic and humanitarian sources began to float the figure of five million excess deaths although a small group of other sources indicate that the actual number may be much lower.

5.2.2 Armed Violence

It is important to recall that the number of deaths resulting from armed violence represents only part of the armed violence which has occurred in the DRC. Many other individuals who have suffered or been affected by armed violence survived their ordeals. Out of the thirty-one participants, nineteen reported that they or someone they knew had been victims of violence prior to 1996 and twenty-three reported that they or someone they knew had been victims of violence in 1996 or after. Furthermore, one individual declined to respond as to whether they or someone they knew had been victims of violence in both time periods. Three respondents answered both questions with the answer that they did not know whether they or anyone they knew had been victims of armed violence. Finally, eight respondents indicated that they did not know anyone who had been a victim of armed violence prior to 1996 and four responded that they did not know anyone who had been victims in 1996 or after. Although the status of the majority of respondents as refugees in South Africa does make it difficult to identify any quantitative trends of armed violence in the DRC, the diverse background of the participants who responded that they or someone they knew had been victims of armed violence in the DRC is indicative that the effects of armed violence have been widespread.

²³² Prunier, *Supra*. n.46 at 338.

Nelson Alusala, a senior researcher in the Arms Management Program at the Institute for Security Studies in Pretoria South Africa and who sat on the UN Panel of Experts on the DRC, reflects that “violent crime is a common occurrence especially in the East due to perpetual presence of SALW within the community.”²³³ This perpetual presence of SALW, coupled with the continued perpetration of armed violence, suggests that ongoing disarmament programs are having little impact on reducing weapons ownership and misuse, and that additionally, new approaches to disarmament need to be explored.

One of the most troubling aspects of the conflict in the DRC is the extent to which civilians have been subjected to armed violence, in blatant disregard for international humanitarian legal norms. Many of the respondents reflected on the violence which they faced as part of their daily lives. Marcus, who arrived in South Africa from the province of South Kivu in the Eastern DRC in 2006, reflected that “[m]any people who have weapons are there to intimidate people who do not have weapons. Many, for example, have them to rape women.”²³⁴ Rape was the form of armed violence most often discussed by participants and will be discussed in greater depth later in this chapter.

Jacob, originally from Bukavu in South Kivu identified the three most common types of armed violence that were experienced in his community. “First,” he said:

violence primarily targeted women. Women were raped. Second, there was the looting of our houses. Third, they exploited the land. They needed money to continue their initiatives so they stole our natural resources. We really had a lot of problems. This really brings a lot back to me. I will cry if I think of those things.²³⁵

Other commonly reported forms of armed violence included kidnappings and arson. Francis, a refugee from South Kivu, described the kidnappings which occurred within his community: “In my community we had kidnapping to have sex outside of

²³³ Interview with Nelson Alusala, December 2009, Institute for Security Studies, Pretoria, South Africa.

²³⁴ Interview with Marcus, 27 October, 2009, Bright Site Project, Pretoria South Africa.

²³⁵ Interview with Jacob, 19 October, 2009, Bright Site Project, Pretoria South Africa.

marriage. The boys who were there also had problems as a result of kidnapping, they were taken to go and fight without the permission of their parents.”²³⁶

It is important to note that while many refugees reported armed violence in their home regions others indicated that there was very little violence within their communities. Respondents from the province of Bas-Congo often reported their province to be relatively peaceful but acknowledged the violence in the east. Jean Claude said “there was never any violence where I come from... there was never any violence, there was never any theft, there was no ethnic conflict, the conflict was in the East.”²³⁷ Such reflections are important and relevant to demand research because it gives interested parties an idea of where to concentrate disarmament efforts.

5.2.3 Personal Experiences with Armed Violence in the DRC

Although many of the respondents were eager to talk about the violence which affected their communities, most remained hesitant to discuss acts of armed violence which they experienced personally. Several respondents indicated that they had been victims of violence but declined to discuss what had happened. However, three respondents did share their experiences, in very different contexts.

Danico, a refugee from Katanga, described how his family home was robbed. He said, “They broke into the house and they held us at gunpoint, (told) you to give them money, to give them everything that we had.”²³⁸ This is an example of the interpersonal violence that was widely reported. Participants often attributed responsibility for such robberies, in addition to looting and rape, to members of the Congolese army and militias who were underpaid, or not paid at all. Such attacks could be considered as a form of rent collection, which is one of the primary motivations for arms acquisition identified by Muggah above.

The second respondent who described a personal experience with armed violence was not a victim herself, but rather witnessed it at close proximity. In the year 2000, when she was 10, a young woman who asked to be identified as Kyf was living in the city of Kisangani when it became the center of a battle between Rwandan and Ugandan forces. The conflict between the invading parties lasted four days,

²³⁶ Interview with Francis, 29 October, 2009, Bright Site Project, Pretoria South Africa.

²³⁷ Interview with Jean Claude, 21 October 2009, Bright Site Project, Pretoria, South Africa.

²³⁸ Interview with Danico, 28 October 2009, Bright Site Project, Pretoria, South Africa.

during which conventional weapons, as well as small arms and light weapons were used. While Kyf discussed some of the hardships caused by the conventional weapons, she also discussed the use of landmines by the Rwandan army at the end of the conflict:

When it was over, they started to place land mines so that older children would die when they played. It was the same idea as when they would go into houses and kill everyone who was there. ...There were many deaths in my community as a result of land mines, primarily among children. Children would pick them up like toys and when they would start to play with them they would explode.²³⁹

Kyf was the only respondent to report the use of land mines in her community. However, landmines are often considered to fall under the umbrella of small arms and light weapons as a result of the ease with which they can be planted and the indiscriminate nature of their attacks.

Finally, a third respondent described her experience with the violence which followed the democratic elections in Kinshasa in 2006. Originally from Kasai, Kathai said “I was protected by my neighbours from the police, where I had gone to find my children. During the altercation between Kabila and Bemba, my children were in school. I was terrified. My son came to me and he said, ‘Mom they are shooting all over the place,’ in a city, the capital city!”²⁴⁰

These stories demonstrate the varied nature of the armed violence which occurs in the DRC as well as the different areas in which they occur. Their varied experiences point to different factors that need to be addressed in the disarmament process.

5.2.4 Shared Experiences

Some respondents also reflected on armed violence which their family members experienced. Several respondents reported that they had female family members who had been raped. Jacob from Bukavu said woefully that they raped his sister. He continued:

For me this was a very difficult crime to handle. My sister was raped by ex-soldiers from Rwanda. They are called the ex-interhamwe, they came at three in the morning, they came into our house, they took all of our

²³⁹ Interview with Kyf, 2 December, 2009, Methodist City Missions, Pretoria, South Africa.

²⁴⁰ Interview with Kathai, 29 October, 2009, Bright Site Project, Pretoria South Africa.

family to the village where they took all of the girls and they raped them.²⁴¹

One participant was almost moved to tears when asked whether he or one of his family members had experienced armed violence. He said that “[m]y sister was a victim over in Kivu. If I were to tell you about it, I would cry.”²⁴²

Finally, Danny, also from Bukavu, reported that several of his brothers²⁴³ had been attacked. He said, “I had many, many brothers who were killed and massacred in the road, raped in their homes, they were injured by knives and things like that... we didn’t know who killed them.”²⁴⁴

5.2.5 Rape

Rape was by far the most commonly reported form of armed violence reported by research participants. Annie Desilets, a humanitarian worker with Doctors Without Borders,²⁴⁵ indicated that there were a very high number of rape cases at the clinic where she worked in Kitchanga. She indicated that women were at a significantly higher risk of being civilian victims than men as a result of such high rates of sexual violence.²⁴⁶

Odéline, a graduate student from Lubumbashi, spoke about the ways in which women experienced sexual violence in her community. She said:

When we are raped, no one can help you. You can’t continue to live. I saw it myself, in towns where the soldiers come and rape women, when they are done, they kill them. There was one woman who was pregnant and they took out her baby and tore it up. After you experience something like this you don’t want to live anymore.²⁴⁷

Both Sandra Oder²⁴⁸ and Nelson Alusala, who are senior researchers at the ISS, linked the high rates of rape in Congo with the proliferation of small arms and

²⁴¹ Interview with Jacob, *Supra*. n.235.

²⁴² Interview with Jean B., 21 October, 2009, Bright Site Project, Pretoria South Africa.

²⁴³ It was unclear whether these brothers were his biological relatives or simply close friends as these terms are often used interchangeably.

²⁴⁴ Interview with Danny, 27 October, 2009, Bright Site Project, Pretoria, South Africa.

²⁴⁵ Who notes that her views do not necessarily reflect those of MSF

²⁴⁶ Interview with Annie Desilets, 31 August, 2009, phone interview.

²⁴⁷ Interview with Odéline, 28 October, 2009, Bright Site Project, Pretoria, South Africa.

²⁴⁸ Sandra Oder is a Senior Researcher in the Peace Missions Program at the Institute for Security Studies in Pretoria South Africa. Although she specializes in the conflict

light weapons. Oder links gender-based violence in the DRC to SALW proliferation. As she points out, “the issues of small arms proliferation has come out as something that has exasperated the situation of women. For example, look at the use of small arms to commit rape.”²⁴⁹

A joint report by the Harvard Humanitarian Initiative and Oxfam International indicates that “girls as young as five and women as old as 80 were reportedly shot in the vagina or mutilated with knives or razor blades.”²⁵⁰ This is reflected in Alusala’s assertion indicating that “in most cases the perpetrator uses a gun to subdue the victim, and in many occasions the victim’s private parts are mauled out or badly bruised after the incident.”²⁵¹ This observation is consistent with documentation from Médecins Sans Frontières between August 2004 and January 2005 which indicates that of the 807 rapes that occurred in Bunia during this period, seventy-eight percent involved armed combatants and eighty percent involved weapons.²⁵²

Kyf, from Kisangani, reported that her cousin had been a victim of the type of attack described by Alusala. She said that her cousin “was at home and one day soldiers came and raped her. There were four of them and they all took turns and they also used their weapons to sexually assault her.”²⁵³

In a presentation given at the Institute for Security Studies in Pretoria, Anneke van Woudenberg, a senior researcher at Human Rights Watch, spoke extensively on the subject of sexual violence in the DRC. She indicated that rape had increased two to three fold in recent years and that more than 200,000 women and girls had been raped. She indicated that many attacks occur at military road blocks and that the majority of victims are under the age of eighteen. Finally, she said that when men

in Northern Uganda, she has worked extensively on ISS initiatives in the DRC alongside Henri Boshoff particularly relating to gender-based violence

²⁴⁹ Interview with Sandra Oder, 18 November, 2009, Institute for Security Studies, Pretoria, South Africa.

²⁵⁰ Susan Bartels, Michael VanRooyen, Jennifer Leaning, Jennifer Scott and Jocelyn Kelly, *Now the World is Without Me: An Investigation of Sexual Violence in the Eastern Democratic Republic of the Congo*. (Harvard Humanitarian Initiative and Oxfam International, April 2010) at 7.

²⁵¹ Interview with Nelson Alusala, *Supra*. n.233.

²⁵² Edward B. Rackley, “Democratic Republic of the Congo: Undoing Government By Predation” (2006) *Disasters*, 30 (4) 416 at 424.

²⁵³ Interview with Kyf, *Supra*. n.239.

stand up for their wives, sisters or daughters, they are often killed in response and that such murders represent a disproportionate amount of civilian deaths.²⁵⁴

Van Woudenberg also focused on the role of government soldiers in rape. Two participants also discussed the role of soldiers during their interviews. Francis said that “there was an army that came to start war and it was they who raped. They would come with their weapons, during the time of trouble, and take women and girls by force and they would walk with them. It never took place in the home.”²⁵⁵

Furthermore, G-6, a former government agent with the Congolese Immigration and Border Control, indicated that all parties involved in the conflict were responsible for rape. He indicated that “everyone in the East rapes. Women are the most vulnerable and children. Soldiers with the military rape, soldiers with MONUC rape,²⁵⁶ the rebels and foreign forces rape women, they’ll do anything.”²⁵⁷

Instances of MONUC being involved in sexual assault cases are particularly unsettling. Rackley observes that “Consensual or not, in their abuse of power and sexual conduct with minors, UN troops have repeated the horrible precedent of sexual violence set by local armed groups.”²⁵⁸ This inappropriate conduct only served to worsen the already vulnerable position of Congolese civilians and has been a significant source of criticism against MONUC, complicating its relationship with the Congolese community.

There has also been a high incidence of rape outside of the context of the conflict. The most horrific report of rape was detailed by a female participant who was a victim of the Rwandan genocide. Nicole was only four years old in 1994 when her entire family was killed in the genocide, and she and her brother sought refuge in the DRC. In 1996, when the first war began in the DRC, there was a surge of violence against both Rwandan and Congolese Tutsis in which her brother was killed. The

²⁵⁴ Anneke van Woudenberg, “The Protection of Civilians in Armed Conflict: the Case of the Democratic Republic of the Congo” 30 September, 2009, presented at the Institute for Security Studies, Pretoria, South Africa.

²⁵⁵ Interview with Francis, *Supra*. n.236.

²⁵⁶ This is substantiated by cases such as that reported by the *Independent* on 12 July, 2004 in which cables were sent to the UN indicating that MONUC forces had been implicated in the sexual assault of minors in Bunia. (Kate Holt and Sarah Hughes, *Will Congo’s Women Ever Have Justice?* 12 July, 2004, The Independent, online: <http://www.independent.co.uk/news/world/africa/will-congos-women-ever-have-justice-552891.html>).

²⁵⁷ Interview with G-6, 2 December, 2009, Bright Site Project, Pretoria South Africa.

²⁵⁸ Rackley, *Supra*. n.252 at 427.

family that had taken her in told her to go back to Rwanda where it would be safer for her. Once she returned to Rwanda, with nowhere else to go, Nicole was taken in by two prostitutes who began to groom her to become a child prostitute. She said that she was left alone for the most part due to her small size but after a couple of years a man from the Congo purchased her and returned with her to the Eastern DRC, where he kept her as a sex slave until his family found out. He then fled with her, first to a different location in Congo, and then to South Africa where the abuse continued until she gave birth to a daughter in 2005. At that point, Nicole sought intervention by the police to stop the abuse of herself and her child.²⁵⁹

Finally, it is also worth noting that some NGOs have reported incidences of men being raped in attacks. However, none of the participants in this study specifically discussed this topic, likely due to its sensitive nature.

Twenty-six out of the thirty-one respondents to the arms demand questionnaire indicated that rape was a problem in their community. In addition, twenty-three felt that rape was being used as a weapon of war. While the proliferation and misuse of SALW does not always directly result in rape, they can have a central role in facilitating rape and as discussed are sometimes used to commit sexual assault.

5.2.6 Kidnapping and Child Soldiers

Finally, I will address two forms of armed violence which are directly related to rape and sex slavery as well as to each other: kidnapping and child soldiers. Jacob, originally from Bukavu, was the first participant to discuss kidnapping. He indicated that “sometimes in very remote areas which are not accessible by vehicle, the military will force people, young men and women, to transport things for them, bags, weapons, ammunition, and they will force them to carry those things for many kilometers.”²⁶⁰

In her book *A Thousand Sisters: My Journey into the Worst Place on Earth to be a Woman*, Lisa Shannon illustrates the link between kidnapping and rape. She tells the stories of several women, including that of three young girls in Kaniola in South Kivu, who were taken by the interhamwe to be used as sex slaves. Kidnapping comes up several times in her narrative of armed violence in South Kivu in various contexts, ranging from the use of kidnapped persons as cooks to the use of kidnapped youth as child soldiers.

²⁵⁹ Interview with Nicole, 19 November, 2009, Bright Site Project, Pretoria, South Africa.

²⁶⁰ Interview with Jacob, *Supra.* n.235.

Odéline, Tom Tom, and James all described the kidnapping of boys and young men to be trained as child soldiers. James, who was fifteen when he left South Kivu in 2006, described how kidnapping affected his community. He described how “most of the young men were taken for military services. They even emptied out the school for that. They took most of our brothers in our village. And there were more than twenty-five who I know who were taken. And of them only five remained.”²⁶¹

5.2.7 Concluding Observations

Finally, a large amount of impunity for crimes has been observed in the Congo, meaning that that very few of the individuals who experience armed violence in the DRC ever see their attackers brought to justice. Worse, the Disarmament Demobilization and Reintegration program does not require proper identification, meaning that individuals who were responsible for armed violence can be integrated into the naturalized army. Only seven participants reported that the police or army was involved in disarmament within their community, while eight indicated they were not involved at all and the majority of participants, sixteen, indicated that they were involved only some of the time. Additionally, nine participants indicated that laws against armed violence in their communities were enforced by the police or judicial system, while twelve indicated they were enforced some of the time and ten reported that they were not enforced at all.

Many of the crimes described by participants’ amount to international crimes including crimes against humanity and war crimes. These include kidnapping, forced displacement, use of child soldiers, and murder. The widespread incidence of rape may point to rape being used as a weapon of war. If so, this would also be included as a crime against humanity. Such crimes have been attributed to all parties involved in the conflict, including local non-state actors.

Two factors seem to significantly contribute to the rate of violence experienced by particular communities. First, it should be noted that several respondents reported ethnic violence, reports that are corroborated by accounts of authors such as Mealer (2008) who described the violence that occurred between the Hema and the Lendu in 2003. Such violence occurred between several different ethnic groups but is most commonly reported as occurring between the Banyamulenge,

²⁶¹ Interview with James, 7 November, 2009, Private Residence, Pretoria South Africa.

Congolese Tutsis who arrived in the Congo prior to the 1990s and other indigenous groups, often represented by the Mayi Mayi.

Secondly, several respondents have indicated that geographical location also plays a significant role in an individual's risk of being a victim of armed violence. Several individuals indicated that at the present time the Western provinces in the Congo are relatively calm and that the majority of violence occurs in the East. This has been heavily documented by NGO's.

5.3 Conclusion

The results of this chapter demonstrate that high levels of insecurity and weapons ownership prevail throughout the conflict in the DRC, particularly in the East. While few participants indicated that they themselves owned weapons in the DRC, a majority indicated that members of community did. Further, there is significant literature discussing the clandestine nature of weapons ownership in the DRC suggests that weapons ownership remains high. This proliferation of weapons likely continues to contribute to the gross insecurity which exists in the DRC demonstrated by the narrative on armed violence and the high rates of armed violence and rape indicated by survey participants.

In addition, the prevalence of rape and other gender-based violence suggests that the findings indicating that gender is not a factor in weapons ownership may not be an accurate representation of the situation in the DRC.

The following chapter will combine the results from this section with a discussion of the qualitative results of this thesis and identify the main factors contributing to the ongoing demand for SALW in the DRC.

Chapter 6: Qualitative Results

The qualitative data collected as part of this research was substantial. This is in part a result of the unexpectedly large number of Congolese Diaspora members who were willing to participate in the interview process and were eager to discuss the conflict in their country. In addition, the literature review conducted for this thesis was also broad, because of the lack of existing comprehensive discussion of SALW and the subsequent need to approach the literature by theme. This section will consolidate some of the main findings from this research.²⁶²

In order to remain consistent with the primary research question identified, this section will focus primarily on the factors contributing to the demand for SALW. Interestingly, the majority of these results fell within the five human security-related categories identified in the theoretical framework chapter, and so will be presented according to these categories: insecurity, regional politics and governance, historical and cultural factors, social and economic factors and the demand for natural resources.²⁶³ This structure also emphasizes the need for greater attention by researchers and members of the international community to human security and armed violence and development.

There were also additional trends which fell outside of these themes that did not necessarily directly identify the factors contributing to demand for SALW, but rather indicated where the demand was present and suggested areas of strength and weakness in the disarmament process. These included the types and accessibility of SALW and the disarmament process. These themes will also be considered in this section.

Before considering the factors contributing to the demand for SALW in the DRC, this chapter will briefly consider the general trends identified by the Congolese Diaspora members in armament and disarmament. There is little literature on these topics available (relating to the conflicts in the DRC). However, qualitative results stemming from the literature will play a greater role in the consideration of the factors

²⁶² Some findings have been excluded that do not pertain directly to the focus of this thesis due to the volume of data collected in the research process.

²⁶³ A large amount of the research conducted on the United Nations Mission in the DRC (MONUC) has been excluded from discussion because, while it does contribute to an understanding of the weakness of the disarmament strategy in the DRC and point to strengths which need to be further developed within the mission, it does not make a significant contribution to the discussion of the research question.

contributing to the demand for SALW as these areas are more easily addressed through thematic literature review and so there is more data available.

6.1 Armament Trends

Although the research is usually general, some authors have discussed armament trends in the context of the conflict in the DRC. Young notes that under European colonial administration the acquisition of weapons more lethal than spears was nearly impossible.²⁶⁴ He goes on to note that the first large influx of weapons into the Great Lakes region of Africa began when the Ethiopian and Somalian military regimes dissolved and Soviet and Western arms merchants made weapons available in Africa both through illicit and legal means in the early 1990's.²⁶⁵ After this, Muchai indicates that the polarization of the various national armies in the second conflict in the DRC contributed to arms proliferation, as parties on both sides raced to acquire arms.²⁶⁶

Commentary from the Congolese Diaspora members on armament trends primarily focused on two areas: the cost and the types of weapons. This is consistent with the questions asked both as part of the questionnaires and the interviews.

In respect to the cost of weapons, most participants cited the price in American dollars and indicated that they ranged in price from \$20²⁶⁷ to \$100²⁶⁸.²⁶⁹ The cost of acquiring SALW appeared to be dependant both on geographical location and the level of security in the area. For example, Jean Claude from Bas Congo indicated that "...you don't find weapons where I am from; weapons are usually found in Eastern DRC, in the East."²⁷⁰ In contrast, Kyf, from Kisangani, where Rwanda and Ugandan forces battled each other in 2001, indicated that one can get a weapon "for free. Yes. If someone intended to harm someone else, all they had to do was approach a soldier and ask for a weapon because the soldiers got them for free."²⁷¹ Finally, AK

²⁶⁴ Crawford Young, "Contextualizing Congo Conflicts: Order and Disorder in Post-Colonial Africa" in John F. Clark, *The African Stakes in the Congo War* (New York: Palgrave and MacMillan, 2002) 13at 14.

²⁶⁵ *Ibid.* at 24.

²⁶⁶ Muchai, *Supra.* n.81 at 188.

²⁶⁷ Interview with AK, 12 October, 2009, Methodist City Mission, Pretoria, South Africa.

²⁶⁸ Interview with Danico, *Supra.* n.238.

²⁶⁹ Interview with G-6, *Supra.* n.257.

²⁷⁰ Interview with Jean Claude, *Supra.* n.237.

²⁷¹ Interview with Kyf, *Supra.* n.239.

suggested that at the beginning of the second conflict in 1998, some individuals went door to door selling weapons in East Kasai.²⁷²

The most commonly acquired weapon identified to by participants were AK-47s. However, other weapons including grenades²⁷³ were reported in some areas. Alusala indicated that, in most cases, when war breaks out, traditional weapons of a low caliber are used. However, as the situation progresses, new arms start entering the supply chain, contributing to the worsening of the situation.²⁷⁴ Alusala went on to indicate that “every Congolese home in the East has an AK-47 rifle, often held by the father in the home, for family protection. Where a family loses their rifle to invaders, they often acquire pangas (machetes) for self-protection as they raise cash to purchase a ‘new’ rifle.”²⁷⁵

Despite the apparent prevalence of weapons in Congolese homes, most participants highlighted the clandestine nature of weapons ownership. Odéline reflected that when pillaging occurred in her community, the pillagers “took arms and they stole things from downtown and they took the old weapons of the military. They took them and hid them in their houses.”²⁷⁶ Danico made a similar observation:

So many people, at first, got their weapons at the time of the looting, and they got the weapon hidden into their houses, yeah so they don’t buy but they have like stolen those weapons and they keep them into their houses, maybe under the ground.²⁷⁷

Alusala’s input as a researcher confirms these trends. He indicated that the possession of arms in most regions is of a clandestine nature and that “people don’t carry them out in the open until a conflict erupts.”²⁷⁸

6.2 Disarmament

A greater body of literature exists on disarmament in the DRC compared to armament trends. Most of the literature considers the Disarmament, Demobilization, Repatriation, Resettlement and Reintegration process led by the United Nations Mission in the DRC, in cooperation with government, as a failure. van Puijenbroek noted that the first phase of the DDRRR program was started in 2005, followed by a

²⁷² Interview with AK, *Supra.* n.267.

²⁷³ *Ibid.*

²⁷⁴ Interview with Nelson Alusala, *Supra.* n.233.

²⁷⁵ *Ibid.*

²⁷⁶ Interview with Odéline, *Supra.* n.247.

²⁷⁷ Interview with Danico, *Supra.* n.238.

²⁷⁸ Interview with Nelson Alusala, *Supra.* n.233.

second phase in 2006, during which a total of 31,200 soldiers and militia members were demobilized. He adds that at least 6,500 remain to be disarmed.²⁷⁹ However, Boshoff notes that, according to the Commission Nationale de Désarmement, Démobilisation et Réinsertion, the DDR process should have been completed by December 31, 2006. He notes that this did not occur for a variety of reasons including, most importantly, “the lack of political will from different parties to come to the demobilization process, lack of funding and poor logistics.”²⁸⁰

The DDRRR process is being led in the DRC primarily by foreign organizations, the head of which is MONUC. Alusala notes that the failure of MONUC to increase security in the country has led the Congolese people to resent their presence.²⁸¹ Prunier goes even farther to say that the DDRRR plans of the ‘foreigner’²⁸² “are often almost completely impracticable since war has become a way of life for those involved in it.”²⁸³ Alusala suggests that the reason the disarmament process in the DRC has failed is because “there are no proper measures to counter further proliferation of arms into the DRC whenever a disarmament process has been affected.”²⁸⁴

While this criticism was echoed by many of the Congolese Diaspora participants in this research, some were more cautious. Francois, a human rights advocate in the DRC, cautioned that: “the disarmament process is a failure. But saying that they failed it does not mean they (MONUC) are 100% responsible for that. Part of that is because the DRC institutions are not willing to assist in operations.”²⁸⁵ Rwanda and the FARDC have both played a major role in slowing the disarmament process.

Another participant, Francis was more optimistic. He indicated that: “since MONUC arrived the number of people who have been using weapons has really decreased... There was also a reduction in violence.”²⁸⁶ Although Francis’ response

²⁷⁹ Joost van Puijenbroek, “Human Security from Below, A Case Study from the Ituri District of the Democratic Republic of the Congo” (2008) *Security and Human Rights*, 1, 45 at 46

²⁸⁰ Boshoff, *Supra*. n.112 at 1.

²⁸¹ Interview with Nelson Alusala, *Supra*. n.233.

²⁸² Referring to the United Nations and Western Countries.

²⁸³ Prunier, *Supra*. n. 46 at 337.

²⁸⁴ Interview with Nelson Alusala, *Supra*. n.233.

²⁸⁵ Interview with Francois, October 2009, Johannesburg, South Africa.

²⁸⁶ Interview with Francis, *Supra*. n.236.

does not reflect that of the majority of participants, it is important to take into account, as it supports the possibility that MONUC might still be able to operate within the DRC effectively, as there is no consensus amongst the population that MONUC is incompetent.

One disarmament initiative that seems to have gained the acceptance of the majority of participants in this study involves a church-led disarmament process, where a pastor or priest provides money and goods in exchange for SALW. Jacob reflected that the pastor in his community would exchange weapons for \$100 and that other would exchange them for bikes.²⁸⁷ Odéline indicated that a similar process occurred in her community²⁸⁸ and Danico indicated that in his community, SALW were exchanged for bicycles.²⁸⁹

Unfortunately such a process raises some questions such as what is done with the weapons once they are collected and whether it can really be considered effective, given that some individuals might take the money they receive and purchase another weapon or not turn in all of their weapons. However, this initiative seems to be well-regarded with the Congolese community, indicating that the approach might be considered in future disarmament strategies, provided that a set of standard operating procedures were adopted.

6.3 Insecurity

One of the most common themes which emerged from the interviews with Congolese Diaspora members was the way in which insecurity contributed to the demand for and possession of SALW among the research participants and their communities. The level of insecurity and armed violence which continues to affect the Congolese population described in the narrative on armed violence above is the best testament to the prevailing security situation. However, several participants went beyond these descriptions to indicate that the insecurity which they experienced in their communities either prompted themselves, their families or their neighbours to acquire weapons.

Marcus from South Kivu stated that in his community, “the primary role of weapons is for protection, because in the province of South Kivu... everything is

²⁸⁷ Interview with Jacob, *Supra*. n.235.

²⁸⁸ Interview with Odéline, *Supra*. n.247.

²⁸⁹ Interview with Danico, *Supra*. n.238.

tense, and you have to get a weapon to protect yourself.”²⁹⁰ Tom Tom from Kindu in the province of Maniema offers a similar explanation for why a household might acquire a weapon. He stated that, “if a family owned a weapon, it would be to protect themselves. There is a lot of disorder in Congo, and one needs to protect themselves from this disorder.”²⁹¹ Finally, Odéline from Katanga spoke in great detail about her concern for her personal safety indicating how this fear might compel an individual to acquire a weapon. She said, “Maybe while you sleep a burglar comes into your house and they come with arms, and maybe you will hit him with a machete and when he falls to the ground you will take his weapon and hide it... People kill other people to save their own lives.”²⁹²

The fact that these participants were all from different regions of the DRC, albeit all within the East demonstrates that the insecurity being described in these accounts is relatively pervasive. Yet, this data must be considered in combination with the questionnaire results in which only twelve of the thirty one participants felt that it was important to possess weapons for safety reasons. It is difficult to assess why the overwhelming majority of participants would discuss the insecurity in the DRC to such an extent in the interviews when less than half responded to the questionnaire that it was important to carry a weapon for safety purposes. It is possible that this result is a reflection of the clandestine nature of the ownership of SALW in the DRC. Another possible explanation is that the individuals who chose to participate in the interview portion of this research were more broadly concerned with the security situation, which influenced their decision to participate.

Arguably all of the other themes identified as human security-linked themes of interest in influencing demand, with the possible exception of historical and cultural factors, contribute to this insecurity. The theme that is most clearly linked with insecurity in existing literature is the relationship between insecurity and weak governance in the DRC. Muggah observes regarding demand that SALW are often acquired as a form of deterrence meant to reduce potential threat, particularly the risk of property crime. He indicates that SALW may also be sought for physical protection. He indicates that the acquisition of arms for protection or deterrence is

²⁹⁰ Interview with Marcus, *Supra.* n.234.

²⁹¹ Interview with Tom Tom, 28 October, 2009, Bright Site Project, Pretoria, South Africa.

²⁹² Interview with Odéline, *Supra.* n.247.

often related to “a number of institutional factors including the presence, distribution and confidence in public security forces.”²⁹³

Prunier discusses the link between insecurity and weak governance structures specifically in the context of the DRC. He identifies continued insecurity as the main national problem of transition beyond the vagaries of individual politicians. Further, he views the creation of greater national security, a well-paid and professional army, and efficient police forces as being central to the DRC’s continued relevance in global politics.²⁹⁴ Specific issues concerning the police and army will be considered in greater detail in the following section on governance and regional politics.

In addition to advancing personal insecurity as an explanation for weapons acquisition, two participants gave examples of when they or their communities used weapons to protect themselves. Jacob, who was originally from South Kivu but also lived in North Kivu, said that he used his weapon when a group came to his house at 2 o’clock in the morning with the intention of looting. He said “I saw them outside my house and I fired my gun and they dispersed, just like that.”²⁹⁵

Ronald, who also moved around, described an instance where outsiders had arrived in his community in South Kivu, after many of the young men had armed themselves to protect the community from outside attack. He said that one night while he was participating in patrolling his community:

In another area they called that they caught two people. When they caught the people they said where are you from? People don’t talk. Where are you from? They don’t talk. They were just not talking, they were wearing long coats. You know when everyone is coming together they are coming with their own opinions. Everyone is coming with their own opinions and suggestions, so what they did is they tried to remove their clothes. When they try to remove their clothes they see that they have two arms. AK-44, 7s, something, so then they start to blow and when they start to blow I come quickly and I say what happened? And they say we caught these people. See they’ve got the arms with their jackets what do we do. So they say okay “Roland” go to the other side to call the other people to tell them that we caught these two. When we come back we hear shots “popopopah!” When we come quickly we find all women, men, children everyone starting to beat those two people. Then we say, what happened? And they say, one grabbed the fire arm and wanted to shoot on us and that is when we fight on him... Then they threw them on the hill because there were shots coming. Next morning we wake up we see lots of jeeps of soldiers they come and say, who are we? Who are we to protest them? So they start to open fire on us. Then we are running, some could die, some got injured,

²⁹³ Muggah, *Supra*. n.37 at 18.

²⁹⁴ Prunier, *Supra*. n.46 at 305.

²⁹⁵ Interview with Jacob, *Supra*. n.235.

whatever, they arrested our parents, take them by force. That's when I have to run to Goma.²⁹⁶

This story illustrates the risks posed when communities are left to protect themselves. This demonstrates the impact of the justice system not allowing for due process, as well as how such actions may leave communities open to future reprisals (as occurred here). This account speaks to the need for better state protection.

The DRC continues to face major obstacles in securing their population. Both the government²⁹⁷ and MONUC are unable to provide protection and support governance in the rural areas of the country, where the majority of people live.²⁹⁸ This is aggravated by the lack of adequate roads throughout the majority of the country. Lock observes that, as in the cases described above when the state is unable or unwilling to provide security, formal and informal institutions fight to replace the state. He indicates that this “process tends to create more problems than it pretends to solve, setting the stage for mutually reinforcing expansion of security investments.”²⁹⁹

The following sections will consider the ways in which Governance and regional politics, historical and cultural factors, socio-economic factors and the demand for natural resources contribute both to the overarching insecurity in the DRC and to the demand for SALW.

6.4 Governance and Regional Politics

The themes of governance and regional politics are considered as part of the same theme for this section, as they are intrinsically linked in the conflict in the DRC. Many authors have documented how the weak governance that prevails in much of the DRC in a variety of areas (geographically, relating to corruption) limits the ability of the armed forces and police to protect civilians. Weak governance is also arguably a factor in the inability of the government to control its borders with Rwanda and Uganda, who have proven to be key aggressors in the conflict, and impacts the relationship between the three states. This section will consider all of these areas in an attempt to explain the instability and insecurity that prevails within the Congolese state.

²⁹⁶ Interview with Ronald, 10 November, 2009, Bright Site Project, Pretoria South Africa.

²⁹⁷ Interview with Nelson Alusala, *Supra*. n.233.

²⁹⁸ Anthony, W. Gambino, “Congo: Sustaining Peace, Securing Progress” (2008) Council on Foreign Relations: Centre for Preventive Action, at 16.

²⁹⁹ Lock, *Supra*. n.1 at 14.

Although not a topic specifically discussed by most of the participants in this research, the weakness of the Congolese state has been well documented by many authors. van Puijenbroek observes that the state rarely delivers social services to its citizens and that “there is hardly any responsible political and public leadership that is able to transcend its own petty and economic interests and bridge ethnic divide.”³⁰⁰ Gilpin, Morris and Go add to this that the proliferation of SALW and impunity undermine the potential for a stronger government by hindering the development of effective strategies to “alter incentive structures in the DRC’s war economy.”³⁰¹

This is further aggravated by the corruption which prevails within the Congolese state. The DRC has a long history of corruption beginning from its colonial history as King Leopold of Belgium’s personal possession. Gambino observes that under the government of Mobutu the real purpose of Zairian state “was not to fulfill basic state functions as understood by political scientists; rather the government existed as a structure for individual enrichment and patronage.”³⁰² In addition both Gambino³⁰³ and Prunier³⁰⁴ note that the federal service also became corrupt as a result of low or non-existent wages as they stole their income. This has been a process which has been difficult to reverse. Matti indicates that corruption and patrimonialism became cornerstones of the Congolese political tradition during the Mobutu period.³⁰⁵ Further, she indicates that this tradition of corruption has been extended under the leadership of Joseph Kabila and notes that the 2007 Transparency International ranked the DRC 168th out of 179 countries in the Corruption Perception Index.³⁰⁶

At the same time, Fischer observes that the proliferation of SALW can also undermine state structures, jeopardize legal and economic systems and threaten both state and human security.³⁰⁷ While the Congolese government continues to be weakened by corruption and other outside factors that contribute to the continuation of war and armed violence, the continued proliferation of SALW may also be

³⁰⁰ van Puijenbroek, *Supra*. n.279 at 47.

³⁰¹ Raymond Gilpin, Catherine Morris and Funai Go, “Beyond Emergency Responses in the Democratic Republic of the Congo” (2009) United States Institute for Peace, 5.

³⁰² Gambino, *Supra*. n.298 at 20.

³⁰³ *Ibid.* at. 20

³⁰⁴ Prunier, *Supra*. n.46 at 108.

³⁰⁵ Stephanie Matti, “Resources and Rent Seeking in the Democratic Republic of the Congo” (2010) *Third World Quarterly*, 31(3) 405 at 405.

³⁰⁶ *Ibid.* at 405.

³⁰⁷ Nadia Fischer, *Supra*. n138 at 157.

contributing to the weakness of the Congolese state. This creates a cycle where the government's actions continue to deny Congolese civilians access to health care and essential social services. Concurrently, it struggles for control of territory and resources with neighbouring countries and internal armed groups; the resulting continuation of arms proliferation weakens the government further.

One major factor which both results from and contributes to the weakness of the Congolese governments and contributes significantly to the proliferation of SALW is the relationship between the DRC and its neighbours. At the height of the international portion of the Congolese conflict, at least six countries were involved, including Uganda, Rwanda, Burundi, Angola, Zimbabwe and Namibia. All of these nations had political and economic investments in the conflict. Since the Lusaka Agreement and the negotiations in Sun City, foreign intrusion into Congolese state affairs has dramatically declined, except for incursions by both Rwanda and Uganda. Even with this reduction in violations of the DRC's sovereignty, regional politics continue to contribute to the proliferation of SALW.

Although the Rwandan and Ugandan governments are known to have supplied weapons to various groups who support their interests, the example raised by several participants was the supply of arms by Rwanda to the Banyamulenge, a Congolese-Tutsi group present in both North and South Kivu. Marcus from South Kivu said that, "every day they send them (the Banyamulenge) weapons. These are new weapons sent so they can 100% succeed over other groups."³⁰⁸ Although, this statement comes across as an exaggeration it was one of many comments made to this effect.

Doss observes that in the last 18 months, Kinshasa, Kigali and Kampala have sought to improve their relations, particularly in dealing with regional security.³⁰⁹ Although the situation remains fragile, this is one of the criteria that Prendergast and Smock cited in a highly regarded article in 1999 as being central to the return of peace in the Great Lakes region of Africa. They suggested that the region could be reunified on a security framework based around a common platform against non-state actors that undermine Congo's territorial integrity.³¹⁰

The other area of major concern which both stems from and contributes to weak governance in the DRC is the reliability and efficacy of the Congolese Federal

³⁰⁸ Interview with Marcus, *Supra*. n.234.

³⁰⁹ Alan Doss, "In Pursuit of Peace" (2010) *The Ambassador's Review* 1 at 7.

³¹⁰ Prendergast and Smock *Supra*. n.51 at 14.

Army (FARDC) and the national police force. The FARDC were set up to united armed groups into a national army. This process was marred by rebel leaders and warlords who were reluctant to relinquish control who either maintained part of their standing armies or who insisted on putting their former members in homogenous former rebel units.³¹¹ This led to the development of the “mixage” and “brassage” process which sought to integrate former troops into common units. The “mixage” process was supposed to integrate soldiers of different ethnic origins into the same unity and the “brassage” process was meant to see soldiers placed in units which were geographically distant from their ethnic homelands.³¹² Prunier indicated in 2009 that this initiative was far from completed and that “many units of FARDC are ‘national’ in name only.”³¹³ Thus, the measures which are meant to safeguard civilians from heavy handed military tactics have not been put in place increasing the risk of an aggressive military.

Several of the respondents to this research discussed the role which the FARDC played both in armed violence and the arms trade in the DRC, which highlight a number of key areas of concern.

Anneke van Woudenberg from Human Rights Watch argued that the FARDC has played a significant role in the abuse of civilians in the Eastern DRC and have been the largest group responsible for sexual violence.³¹⁴ This observation is also reflected in the literature on armed violence and insecurity in the DRC. Rackley observed that the rape and murder of civilians as well as physical assault and armed robbery were frequently carried out against civilian populations by unpaid or under paid soldiers and militiamen as a form of extortion.³¹⁵

Two participants highlighted how members of the FARDC facilitated the ease of access of civilian and militias alike to SALW. Jacob noted that soldiers sold SALW “at an affordable price, \$50, because the military was not properly paid. When they didn’t have enough food or money at the end of the month and when they no longer needed their weapons, they sold them to hunters” (Jacob). Francois, a human rights activist from the DRC, indicated that this is complicated by the fact that in some cases

³¹¹ Prunier, *Supra*. n.46 at 306.

³¹² *Ibid.* at 306.

³¹³ *Ibid.* at 306.

³¹⁴ Anneke van Woudenberg, *Supra*. n.254.

³¹⁵ Rackley, *Supra*. n.252 at 421.

the army does not require identification from soldiers and says that “It makes it easy for those who are looking for that and we don’t know for which reason.”³¹⁶

One participant indicated that this trend towards corruption and abuse extended to the police. AK, who left the DRC in 2008, indicated that if an individual were to carry a weapon such as an AK-47 in a non-conflict area, they would likely be stopped by the police. However, the official could be bribed and the arms holder would be released. Further, he indicated that within the conflict area that no enforcement existed.³¹⁷ This is supported by the quantitative result that only 9 out of 31 participants indicated that laws pertaining to SALW were consistently enforced in their communities. Although there is no existing support for this finding specific to the DRC in existing literature, several authors have observed general trends toward ineffective policing in areas where police are under paid. Grebrewold indicates that in the Horn of Africa, police are vulnerable in most rural areas and lack basic resources such as fuel.³¹⁸ He goes on to indicate that some police officers rent their arms to gangsters at night as a means of generating income. He stresses that when citizens cannot rely on the police or armed forces, demand for SALW tends to increase.³¹⁹ Finally, Muggah suggests that where police presence is weak or predatory, rates of victimization increase.³²⁰

These observations are significant because they indicate the need to survey demand factors among a variety of actors. In many cases, both academics and practitioners attempt to identify the main predatory group responsible for illicit arms trafficking or misuse. The implication of the military and police role in SALW misuse and armed violence in the DRC illustrates the importance of moving away from a preoccupation with identifying the key predatory groups, as was the case in the works of both Shannon and Prunier, and towards a more holistic approach which attempts to address demand factors on a case by case basis rather than by implementing a universal disarmament program.

Further, although it was not discussed by any of the participants (who were primarily civilians), there is a significant body of literature that suggests that the absence of accountability and high rates of impunity granted to military and police

³¹⁶ Interview with Francois, *Supra.* n.285.

³¹⁷ Interview with AK, *Supra.* n.267.

³¹⁸ Grebrewold, *Supra.* n.214 at 402.

³¹⁹ *Ibid.* at 405.

³²⁰ Muggah, *Supra.* n.37 at 12.

officials are further aggravating the role of both groups in armed violence and the arms trade. van Woudenberg indicates that repeat offenders in military and politics who continually engage in abusive behavior are rarely reprimanded or removed from their positions.³²¹ By failing to implement legal consequences against individuals in the military and police services who perpetrate unlawful acts, there is little deterrence to prevent abuse from continuing.

Rackley stresses that such discipline is unlikely when soldiers and police officers are not provided with salaries and benefits, as they struggle to meet their own socio-economic needs. As a result He indicates that civilian resources such as crops, livestock and labour are then requisitioned by troops to meet those needs.³²² Further, Gambino indicates that military members and police officers also participate in mineral exploitation, which is prevalent throughout the poorly equipped and paid civil service.³²³

This data provides a well-grounded example of how the factors contributing to the demand for SALW begin to intersect. There is a fairly clear link between both the predatory nature of the armed force and the weakness of the Congolese government with the prevailing insecurity. However, the inability of the government to pay its police officers and soldiers, and their subsequent reliance on civilian resources, relates to socioeconomic development and the demand for natural resources, both of which will be discussed later in this chapter.

6.5 Historical and Cultural Factors

Cultural and Historical factors influencing the demand for SALW are important to understanding overall demand in three different contexts. The first context is that historical and cultural factors may influence demand in and of themselves, as individuals access weapons to pursue traditional means of livelihood such as hunting, or SALW are possessed for ceremonial purposes. The second context considers the type of SALW which would traditionally be owned within a particular community and examines how such trends have changed and what the impact has been in terms of increasing armed violence or a decline in human security more generally. The third context is that of disarmament. Prior knowledge of traditional ownership of SALW should be essential to developing a disarmament strategy, as it

³²¹ Anneke van Woudenberg, *Supra.* n.254.

³²² Rackley, *Supra.* n.252, at 425.

³²³ Gambino, *Supra.* n.298 at 20.

might be inappropriate to attempt universal disarmament in communities with hunting or ceremonial traditions. The focus could then be on conflict-related weapons. Grebrewold affirms this in his observation that “a community’s perception of human security and its demand for arms needs to be understood within its cultural and historical context.”³²⁴

A number of the questions incorporated into the questionnaires responded to by thirty-one Congolese Diaspora members were developed specifically to explore the historical and cultural context of the demand for SALW in the DRC. Twenty-two of the thirty-one participants indicated that there was a hunting tradition in their community, while only six responded that there was no hunting tradition. In addition, the results of the question of whether participants’ communities valued weapons was relatively evenly split, with eleven participants indicating their communities did value weapons and fifteen indicating they did not (two did not want to say and three did not know).³²⁵

With respect to the relationship between historical and cultural practices and the demand for SALW discussed as the first context of the presence of weapons, a number of the Congolese Diaspora members who participated in the interview component of this research discussed the role of SALW in hunting in their communities. AK, Francois, Jacob, Jean Claude, Francis, Marcus and Kathai all indicated that weapon ownership was common within their communities for the purpose of hunting.

Francois, a human rights activist in the DRC, said that the DRC is “surrounded by bushes and most of us are Bantu so we hunt...Even in some areas there were automatic weapons for those who wanted to shoot elephants to get their tusks but it was not to kill people.”³²⁶ Kathai from Kasai indicated that in her community, the number of weapons a family owned reflected the number of sons within a specific familial unit. She said: “If you have a lot of sons you need a lot of weapons and ammunition for when you go hunting. It is the lifeblood of the family.”³²⁷

Finally, a smaller number of participants indicated that their communities had a cultural tradition of owning SALW for ceremonial purposes. Odéline gives the

³²⁴ Grebrewold, *Supra.* n.214 at 400.

³²⁵ Please refer to Chapter 5 for further discussion of questionnaire results pertaining to the demand for SALW.

³²⁶ Interview with Francois, *Supra.* n.285.

³²⁷ Interview with Kathai, *Supra.* n. 240

example of her Grandfather who was the King of his village and owned a weapon as a symbol of power as well as for the purpose of hunting.³²⁸ In addition, Jean Claude discussed the tradition of passing hunting weapons between generations in his family. “My father had a hunting weapon that was passed down to him by his uncle, which he used and kept in the house. I think he still keeps in the house, but it is not a conflict weapon.”³²⁹

Jean Claude’s statement that his father’s weapon was not a conflict weapon was a common sentiment expressed by the respondents discussing hunting traditions within their communities. All of the participants recognized the presence of “conflict weapons” in their communities but differentiated between those weapons and the ones that they use for hunting. For example, AK indicated that 12 caliber shot guns would typically be used for hunting purposes while weapons such as AK-47’s and grenades were being purchased for conflict purposes.³³⁰ This was also observed by Didier and Jean Claude. This change in the type of weapon which was typically held in the communities of these participants in the DRC is significant because it denotes an influx of new weapons. In this context it is significant to note that in the quantitative results, twenty-two of the thirty-one participants indicated that the number of weapons in their communities increased both after the Rwandan Genocide and the commencement of mining operations in their communities. This links the derogation from traditional weapons ownership trends with factors relating to insecurity, regional politics, governance³³¹ and the demand for natural resources.

There is little data relating to the adoption of culturally appropriate disarmament measures in the DRC. However, it should be noted that the above observations suggest a flaw in the disarmament program discussed by nearly every participant in which a minister or pastor in their community would exchange money or goods for weapons. Such an approach would make it possible for individuals to return traditional weapons for goods while keeping their “conflict weapons” hidden at home. Ideally, given the importance that weapons play in hunting it would be best to disarm in a manner which targeted weapons used as part of the conflict rather than for more

³²⁸ Interview with Odéline, *Supra.* n.247.

³²⁹ Interview with Jean Claude, *Supra.* n.237.

³³⁰ Interview with AK, *Supra.* n.267.

³³¹ Relating to the ability of Rwandan refugees to possess weapons in the refugee camps.

traditional uses given the notable difference in the type of weapons. It is advisable that this disarmament approach be investigated further.

Finally, in some contexts it may also be important to note other conflict-related historical and cultural factors when addressing the demand for SALW. An example would be ethnic tensions that could contribute to the demand for weapons. A number of participants indicated that there had been conflicts between specific ethnic groups within their communities, be it between the Lendu and Hema in Lubumbashi observed by Odéline,³³² or the tension between the Banyamulenge (Congolese Tutsis) and other groups described by Roland. Such ethnic tensions are well-documented in existing research and literature, such as in the works of Prunier (2009) and Turner (2007). This may make them easier to address in the field, unlike the under-researched factors contributing more directly to demand.

6.6 Demand for Natural Resources

Before discussing the socio-economic factors contributing to the ongoing demand for SALW in the DRC, the factors relating to the demand for natural resources will be discussed since, arguably, the demand for natural resources relates directly to socio-economic development in a broader context. The role which the demand for natural resources, specifically minerals such as columbite-tantalite (coltan) which is abundant in the DRC, plays in the conflict is a topic frequently discussed in academic articles.

Mealer observes that the province of Katanga holds a high percent of the world's diamonds³³³ and that the region is also rich with cobalt, tin, diamonds, gold, silver, magnesium, uranium and other minerals.³³⁴ Mealer suggests that approximate 20% of mining in the region was conducted legally by multinational corporations and the remaining eighty percent was undertaken illegally by "local men with pickaxes."³³⁵

The role that the illegal extraction of minerals was playing in the continuation of the conflict was observed as early in the conflict as 1999 when Prendergast and Smock observed that, "some belligerents are using state military budgets to finance their involvement in the war while individuals close to the leadership plunder the vast

³³² Interview with Odéline, *Supra*. n.247.

³³³ Bryan Mealer, *All Things Must Fight to Live: Stories of War and Deliverance in the Congo* (New York: Bloomsbury, 2008) at 225.

³³⁴ *Ibid.* at 227.

³³⁵ *Ibid.* at 237.

resources of the Congo. All parties are exporting minerals to defray war expenses.”³³⁶ The exploitation continued to be a topic of interest within the literature throughout the first decade of the twenty-first century. In 2009 Gilpin, Morris and Go observed that the illicit mineral trade has “sustained armed combatants undermined peace and further weakened the country’s already shaky social, political and economic institutions.”³³⁷

Of particular interest to this research was the link drawn by Muchai in 2002 between the arms trade and the exploitation of mineral resources. He observed that “the natural resources in the Congo have contributed to prolonging the war and promoting the arms trade on both sides as the national army and rebels both use the country’s vast mineral wealth to finance their fight.”³³⁸ This observation is supported by reports both from Prunier³³⁹ and Mealer,³⁴⁰ who made specific notes of the mineral exploitation by Uganda and Rwanda respectively.

Given the prominence of the discussion of the role of mineral exploitation in the academic literature, several of the research questions included within the interviews and questionnaires attempted to consider its role in the demand for arms and in the conflict more generally. Although twenty two Congolese Diaspora interviewees indicated that the number of SALW increased following the commencement of coltan mining operations in their areas, very few discussed the topic as part of their interviews.

Marcus from South Kivu indicated that there were minerals in his community and that there was a great deal of mineral exploitation in which the government played a role. “It was necessary for the chiefs to tell the young men to defend themselves and defend the minerals.”³⁴¹ To an extent Marcus’ comments reflect the role that weak governance has played in the exploitation of mineral wealth. It also suggests, once again, that individuals, in particular young men, might have an interest in acquiring weapons as a means of protection.

Jacob, originally from Bukavu, noted that in his view the conflict was more economic in nature rather than political. “Congo is too rich, and the great powers have

³³⁶ Prendgast and Smock *Supra.* n.51 at 7.

³³⁷ Gilpin, Morris and Go, *Supra.* n.301 at 2.

³³⁸ Muchai, *Supra.* n. 81 at 191.

³³⁹ Prunier, *Supra.* n.46 at 119.

³⁴⁰ Mealer, *Supra.* n.333 at 7.

³⁴¹ Interview with Marcus, *Supra.* n.234.

come to exploit that... People are ready for the war to be over but so long as those resources remain I feel that it will continue.”³⁴² Although it seems to go against his message, Jacob’s words reflect the regional political dynamic which underlies the conflict and is reflected in the writings of Prunier, Mealer and Muchai described above.

The role of the exploitation of mineral wealth was also identified as a significant factor in the Congo by two of the “expert participants” in the research. Philippe Kadima observes a similar phenomenon to Jacob and indicates that the ongoing violence is “over land, it’s fighting for control over natural resources that people have. It’s mostly in the area rich in natural resources.”³⁴³

Finally, Nelson Alusala observed that illegal mining is a particular problem in the East, where it is controlled by rebel groups. He indicates that armed non-state actors “depend on the ability to ward off potential competitors so a gun is the weapon of choice for them... the more they have the stronger they appear, so coltan mining has a direct link to the influx of weapons in the DRC.”³⁴⁴

These results show that for the most part the role of the demand for natural resources in the conflict remains primarily an academic discussion. It is evident from this discussion that some of the demand encourages rebel groups who control large amounts of territory to protect their interests. However, it seems unlikely that these factors would extend further to the general population. While this should be considered in any future disarmament programs, it is crucial to note that most of the literature puts more of an emphasis on the role which the countries and corporations participating in the illegal mining industry play in the supply of weapons rather than the demand of weapons. Thus, it may be more efficient to address the demand for natural resources primarily as a factor in supply of SALW, rather than a factor in demand.

Finally, Doss observes that the “Congo’s tragedy is that metal, mineral and forest wealth that could lift tens of millions of people out of poverty is illegally exploited for the benefit of a few.”³⁴⁵ Doss makes the link between the conditions of absolute poverty experienced in the DRC and the illicit trade of natural resources. It is

³⁴² Interview with Jacob *Supra*. n.235.

³⁴³ Interview with Phillippe Kadima, 11 November, 2009, Pretoria South Africa.

³⁴⁴ Interview with Nelson Alusala, *Supra*. n.233.

³⁴⁵ Doss, *Supra*. n.309 at 7.

the level of poverty and socio-economic development that the participants in this research highlight as the primary driving factor in the continuation of this conflict, and one that must be addressed in order for the country to achieve peace.

6.7 Social and Economic Factors

Like insecurity, social and economic factors were discussed by many of the participants in this research. They were discussed in a variety of contexts particularly relating to the police and military, to the demand for natural resources and in some contexts in relation to insecurity. Further, many of the Congolese Diaspora participants included social and economic projects as being essential components to ending disarmament. This will be discussed in further detail in the conclusion of this thesis.

For the most part, it was primarily participants from the expert group who commented on the way economic and social factors have contributed to the demand for SALW in the DRC. Many of their comments pertained specifically to groups who are known to acquire SALW for economic purposes.

Sandra Oder from the Institute for Security studies discussed social and economic factors associated with the participation of child soldiers in militias. She indicated that:

At the hands of their supervisors and seniors they are going around trying to earn a living. You also need to look at the fact that civilians who are poor, hungry, they need to go steal or rob. Obviously because they have a small arm or light weapon with them, they are encouraged to... to use that gun in a violent way.³⁴⁶

Nelson Alusala, also from the Institute for Security Studies, reflected on the demand for SALW among refugees. He indicated that in hunger-stricken areas such as IDP or refugee camps “desperation leads to low prices for these weapons.”³⁴⁷ He goes on to emphasize that the accessibility of weapons in the DRC is directly supported by demand. Didier, a Congolese Diaspora participant, also reflected on the possession of SALW by refugees: “You know Congo has a lot of refugees, they come from everywhere... and they have their weapons which they bring to our country... In these

³⁴⁶ Interview with Sandra Oder, *Supra.* n.249.

³⁴⁷ Interview with Nelson Alusala, *Supra.* n.233.

cases it is a bit difficult because when they come they are trying to survive and they might commit crimes, crimes to survive, to get money. Weapons achieve this.³⁴⁸

Further, Philippe Kadima identified individuals who had participated in the demobilization and reintegration process as individuals at particular risk of seeking SALW for economic purposes. He indicated that, “the people who choose the civil life have to be trained, but after when they find there is no job, they just go back to their old ways.”³⁴⁹ This sentiment is reflected by a number of authors. Doss reflects that “armed militias will thrive and the violence they unleash will continue as long as young men lack jobs or productive work.”³⁵⁰ Gilpin, Morris and Go advance a similar sentiment, suggesting that armed combatants must be presented with an incentive to give up their weapons and engage in formal trade.³⁵¹

What can be drawn from all of these examples is that the demand for weapons is likely to be greater where individuals lack meaningful employment and/or struggle to meet essential social and economic needs. This is aggravated by the corruption discussed under the governance and regional politics sub-heading which denies civilians access to resources while moving profits from industry into the hands of the Congolese elite. It is important to highlight that opportunity is equally as important in socio economic development and livelihoods as the direct access to resources.

In contrast with the reflections of the ways in which low levels of socio-economic development are contributing to the demand for SALW, many of the members of the Congolese Diaspora commented on how the acquisition and misuse of SALW contributed to poverty and a worsening socioeconomic situation. In addition, there is significant discussion of this relationship within the literature.

Many of the Congolese Diaspora participants in this study highlighted the impact which rampant armed violence had on their ability to carry out their normal social and economic activities. Kathai of Kasai reflected on the change in her ability to fulfill basic household functions such as collecting food. She said:

Death, fear, panic, and above all poverty. People became poorer, because they were afraid. You might go and try to find food but there would be soldiers. The atmosphere and life really changed. If you consider Kasai, we haven't experienced war in the same way as the eastern part of Congo,

³⁴⁸ Interview with Didier, 21 October, 2009, Bright Site Project, Pretoria South Africa.

³⁴⁹ Interview with Phillippe Kadima, *Supra*. n.343.

³⁵⁰ Doss, *Supra*. n.309 at 7.

³⁵¹ Gilpin, Morris and Go, *Supra*. n.201 at 4.

but the poverty is much worse there. People don't want to invest in places where there is war. If you have something to sell it is impossible to do so. People will bicycle for days along a very difficult path simply to sell a bag of peanuts.³⁵²

Danico, who fled South Kivu after completing three out of four years of a medical degree, reflected on the fear of being forced into the army which prevailed at his University. He said that “they can come to the varsity and try to take the students by force and to put them in the army, they have to fight.”³⁵³ Without an education, options for earning a livelihood are very limited, a link that has already been highlighted as a motivating factor for young people to join the army or a rebel group.

Finally, Jean B. reflected on the impact of the armed violence on his life and that of his “people” in general terms. After indicating that life was very difficult even before the conflict and that many people did not have work, he said that, “Everything we did before the war, became very difficult after the war. It was even difficult to eat. It was especially hard on the youth... but that's reality. Life goes on.”³⁵⁴

In the context of how low levels of economic and social development has impacted the direct victims of armed violence in the conflict, there are a number of sources which describe the ways in which socioeconomic factors have contributed to casualties resulting “indirectly” from armed violence. As already quoted Prunier put it bluntly: “Civilians died partly because the soldiers killed them, but more often, because their living conditions (absence of health care, impossibility of steady cultivation, impossibility of shelter during the rainy season, constant displacement) caused their death.”³⁵⁵

The area most often identified as contributing to the greatest number of deaths is health care. In 2002 Afoaku highlighted that it was estimated that up to forty percent of wartime deaths in the DRC could have been avoided through access to basic health care.³⁵⁶ This was echoed by the International Rescue Committee, who indicated in 2007 that, “most deaths have been attributed to the indirect consequences of conflict, especially increased rates of infectious diseases and malnutrition.”³⁵⁷

³⁵² Interview with Kathai, *Supra.* n. 240.

³⁵³ Interview with Danico, *Supra.* n.238.

³⁵⁴ Interview with Jean B, *Supra.* n.208.

³⁵⁵ Prunier, *Supra.* n.46 at 338.

³⁵⁶ Afoaku, *Supra.* n.67 at 123.

³⁵⁷ Dr. Benjamin Coghlan, Dr. Valweiw Nkamgag Bemo, Dr. Pascal Ngoy, et. al. *Supra.* n.33 at 14.

There are many accounts in the literature published by NGOs suggesting major flaws in the Congolese health care system. Gambino reflects that the healthcare system in the DRC remains dysfunctional. “Patients routinely are required to pay for and provide the medicine, bandages and other materials they need. Those who cannot provide these materials are regularly denied treatment in state-run clinics and hospitals.”³⁵⁸

The number of excess lives that have been lost in combination with the difficulties now facing individuals in their daily lives has doubtless had an impact on the efficiency of the Congolese economy and on other central state functions such as education. These can again be seen as issues contributing to the slowing of economic development that serves to perpetuate both the demand for SALW and armed violence.

The way social and economic factors intersect both with demand and armed violence highlights the relationship between armed violence and development in the DRC. Although demand and armed violence should in no way be used interchangeably, there is a recognizable link between the acquisition of SALW in the DRC and violence. In most of the factors described above, the identified factors, such as insecurity or social and cultural factors motivate individuals to acquire weapons. However, they do not necessarily have an impact on their use in armed violence. In contrast, when evaluating the social and economic factors, it can be observed that poverty underscored by a lack of socio-economic development, influences individuals to obtain weapons for the purpose of extorting the economic and social goods which an individual or community needs through armed violence. In turn, as discussed below, the social and economic conditions worsen and the cycle begins again.

³⁵⁸ Gambino, *Supra.* n.298 at 25.

Chapter 7: Discussion and Analysis

The experimental nature of this thesis led to numerous and wide ranging results. They touched on a range of issues and answered the primary and secondary questions to varying degrees.

Recall that the primary research question was “what themes are contributing to the continued demand and proliferation of Small Arms and Light Weapons in the Democratic Republic of the Congo?” The answer to this question has developed throughout the body of this thesis. Broadly speaking four areas can be seen as contributing to the demand for SALW in DRC. The first is insecurity. Many of the participants in this research described their experiences with violence in the DRC, and some indicated that they or their neighbours possessed weapons for the purpose of self-defense. This was compounded by the fact that military and police personnel were unreliable at protecting civilian populations and at time were themselves aggressors.

The second influence on demand, which will be considered in more detail below, were social and economic factors, such as lack of livelihood options and demand for natural resources. This discussion was primarily evident in the qualitative results, although results from the questionnaires relating to the increase in weapons following the commencement of mining operations also indicate the significance of social and economic factors in arms acquisition.

The third factor was the nearly universal reflection of the possession of weapons for the purpose of hunting. This observation is significant because it demonstrates the need for any disarmament strategy to recognize the historical and economic significance of traditional hunting weapons within a community. However, since participants noted that there was a difference between their traditional hunting weapons and conflict weapons, as addressed in the discussion of historical and cultural factors, disarmament programs should focus on the collection of conflict arms. In addition, it is also important to note the lack of a perception of a gendered nature of weapons ownership, which indicates that a gendered approach may require particular sensitivity due to the lack of acknowledgement of the gendered nature of the issue. However, it is important to bear in mind the gendered nature of armed violence reported by many participants and heavily documented in the literature.

Finally, internal and regional politics also have a demonstrable link to the demand for SALW. Kathai detailed the use of weapons during the aftermath of the

2006 Presidential elections in the DRC which indicates some acquisition is based on political violence.³⁵⁹ In addition Mealer's documentation of the conflict between the Hema and the Lendu (Mealer, 2008) and the perpetual violence between the Banaymulenge and other ethnic groups suggest there may be some acquisition which results from inter-ethnic conflicts. Finally, it is important to consider the Mayi Mayi. Although only one participant in this research is a known member of the Mayi Mayi, it is important to remember that this group considers themselves the protector of the Congolese interest, even though this seems to be constantly evolving position. All of these factors not only need to be addressed in the context of disarmament but also in order to achieve sustainable peace. In addition, greater effort needs to be put into negotiating the disarmament process with the Mayi Mayi who have been one of the more reluctant groups to participate in the disarmament process and continue to perpetrate violence against civilian populations.

The research undertaken for this thesis also uncovered some of the factors contributing to the supply of SALW in the DRC. These include the extortion of mineral wealth, where corporations support armed groups or armed groups acquire weapons to protect their own mineral deposits. In addition, international actors including Rwanda and Uganda have been observed to distribute weapons to groups who have supported their interests. This was discussed by Mealer, Prunier and Diaspora participant G-6.

In addition, a large amount of data was collected on armed violence in the DRC, illustrating some of the violence that has occurred up to September of 2009. These findings are significant because they show that armed violence continues to occur despite international efforts to curb it and suggests the need for the development of alternative approaches.

Finally the majority of the secondary questions have been answered directly throughout the course of this thesis. However, the final question - "How could the factors contributing to the continued demand for SALW be incorporated into a more effective disarmament program in the DRC?" - has not been fully addressed and will be considered in further detail in this final chapter, along with the link between human security and the demand for SALW in the DRC.

7.1 Armed Violence and Social Economic Development in the DRC

³⁵⁹ Interview with Kathai, *Supra.* n.240.

The results of this thesis had the unexpected outcome of demonstrating the link between armed violence and development in the DRC. Factors associated with poor or mal-development, such as a lack of a strong, centralized government, lack of viable employment and the use of weapons for livelihood pursuits demonstrate how lack of development contributes to armed violence as a result of lack of livelihood alternatives and lack of access to basic resources. Factors which exhibit how armed violence is undermining development in the DRC have been less frequently discussed but include the forced migration of large populations, the depletion and extortion of natural resources and the difficulty which many participants described in carrying out daily activities as a result of the conflict. Broadly, Godnick, Laurence, Stohl and the Small Arms Survey observe that:

Sustainable development cannot exist in an insecure environment. Violent conflict destroys the physical infrastructure needed for an economy to grow and diverts human and economic resources away from agriculture, education, industry and other activities. Proliferation of weapons prevents sustainable development by damaging fragile economies, deterring foreign investment, and diverting domestic economic resources to public security.³⁶⁰

This section will consider how the findings under each of the themes of human security demonstrate this link. The following section will consider the legal and policy implications of these findings.

In the context of both insecurity and governance, the access of the military and police services to social and economic goods has a direct impact on the ability of both groups to ensure the security of civilian populations in addition to having an impact on the rate of predation that these groups display. Further, Prendergast and Smock indicate that economic collapse and demographic pressure “feeds insecurities and resentment providing a fertile ground for recruitment into various military forces.”³⁶¹ This links to demand of SALW in two ways. First it causes individuals to seek involvement in armed militia groups that requires the use of SALW, often in the context of perpetrating violence against civilian populations. The resulting insecurity is the second link as members of the civilian population seek SALW to defend themselves in view of the lack of a credible police force.

³⁶⁰ Godnick et. al. *Supra*. n.17 at 15.

³⁶¹ Prendergast and Smock, *Supra*. n.53 at 8.

In the context of governance and regional politics, the interference by outside governments including Rwanda and Uganda can be linked to the demand for natural resources which is a significant economic motivator for their involvement. Their subsequent arming of local populations may also be related to their effort to control natural resources. Finally the role corruption has played in siphoning money out of the general economy and into the hands of members of the Congolese elite denies access of essential economic and social services to Congolese civilians.

The link between economic factors and the demand for natural resources has already been highlighted. Although historical and cultural factors do not significantly relate to social and economic factors there is certainly an economic component to the possession of weapons for the purpose of hunting as a means of sustaining a traditional livelihood. This is a substantial factor in areas where there are few livelihood alternatives due to low levels of economic development.

As discussed earlier in this thesis development and armed violence have a mutually reinforcing relationship. Situations of extreme poverty have a greater potential to foster violence; and where violence does occur the potential for social and economic development is greatly reduced. This relationship was clearly linked in the qualitative data collected for this thesis both through interviews and review of the literature.

7.2 Demand and Human Security

Ewan observes that while national security traditionally focuses on threats to values and territorial integrity, human security recognizes that states often threaten instead of protecting their citizens.³⁶² This is evident through the documentation of the participation of Congolese soldiers and police officers in attacks against civilians. It is also evident when the Congolese government extorts mineral wealth and uses it for the benefit of a few elite members of society while denying civilians access to basic socio economic goods.

However it is not only the Congolese state that threatens the civilian population. It is evident through the discourse of the research participants and through academic accounts that non-states actors, such as the Mayi Mayi, also pose a significant challenge to human security in the DRC. The impact of these groups is amplified by the challenges associated with holding them accountable under

³⁶² Ewan, *Supra*. n.211 at 182.

international law and weaknesses within the DDRRR process. In addition, the involvement of the Rwandan and Ugandan governments in acts which breached international law and international humanitarian law,³⁶³ suggest that human security in the DRC is being threatened by outside states.

In addition, the clear link between armed violence and development in the DRC, which highlights the link between security, development and human rights with a focus both on freedom from fear and freedom and from want, suggests that the demand for SALW in the DRC is a human security based problem. Ewan suggests that the multi-disciplinary nature of human security related issues not only highlights the opportunity to adopt an holistic approach to issues such as the demand for SALW in the DRC but presents a unique opportunity for collaboration between specialists, from various disciplines.³⁶⁴ The intersection of factors contributing to the demand for SALW in the DRC creates an opportunity for collaboration between different organizations and disciplines to identify a strong approach to addressing this demand as well as broader security issues in the DRC. Some of the areas which should be drawn upon in addressing disarmament in the DRC include: international legal professions, development and humanitarian aid organizations, the UN, peace-building organizations and international financial institutions.

The following section will consider some of the implications arising from the results of this paper for disarmament and peace-building in the DRC.

7.3 Implications for Disarmament in the DRC

In 2007 the International Rescue Committee observed that the current circumstance in the DRC “cannot simply be described as either an emergency or development situation or as a conflict, or post-conflict scenario, as all of these phases can be observed to be occurring in different regions of the country.”³⁶⁵ This draws attention to the need for a holistic approach. Although there are many areas which need to be addressed on an ongoing basis it is easiest to identify these areas by relevant bodies. Thus, this section will identify key areas to be addressed by the

³⁶³ One example is the battle between Rwanda and Uganda in Kisangani described above is one example of where both countries violated international humanitarian law through the use of indiscriminate attacks against civilian populations.

³⁶⁴ Ewan, *Supra*. n.211 at 184.

³⁶⁵ Dr. Benjamin Coghlan, Dr. Valweiw Nkamgag Bemo, Dr. Pascal Ngoy, et. al. *Supra*. n.33 at 15.

Congolese government, the United Nations and by humanitarian and development organizations.

Phillipe Kadima, a graduate student in South Africa focusing on Security Sector Reform observed that the government has struggled with disarmament partly because it is a donor driven process. He indicated that as a result the government has not felt like it has the ability to control the disarmament process, and that the ability of the Congolese government to feel like it has control will be essential in achieving sustainable peace.³⁶⁶ Alusala also emphasized the need for the Congolese government to take responsibility for the disarmament process. He highlighted the need for the government to engage in voluntary disarmament. He stipulated that the government should develop a broad understanding of the needs of armed groups and consult with civilians on their views prior to the disarmament process.³⁶⁷ However, Kadima also notes that the government is not strong enough to undertake disarmament on its own – as highlighted in the research for this thesis.

Thus, before control of the disarmament process is transferred from MONUC and civil society to the Congolese government, the Congolese government must engage in state building. This includes regaining control of the armed forces and police force, reducing corruption, strengthening its control over the mining sector and securing its borders. If these activities have been successfully completed, the government should undertake activities geared towards disarmament of the civilian population and the demobilization and reintegration of armed combatants. In addition, Kadima suggests that the government should seek to ensure justice for crimes which individuals and groups perpetrated during the conflict.³⁶⁸ However, it is important ensure that justice is not achieved at the expense of peace. At the domestic level, this suggests that the national courts should not blindly prosecute individuals, particularly before there is a well developed impartial legal system in place. Yet, it remains important for individuals to be held accountable for their actions, particularly those accused of more egregious crimes. Until the DRC has a stable and fair legal system, the ICC may play a role in prosecuting individuals accused of committing international crimes, such as the arrest and indictment of Laurent Nkunda which has already taken place.

³⁶⁶ Interview with Phillipe Kadima, *Supra*. n.343.

³⁶⁷ Interview with Nelson Alusala, *Supra*. n.233.

³⁶⁸ Interview with Phillipe Kadima, *Supra*. n.343.

The role which MONUC should continue to play in disarmament in the DRC is somewhat less clear. Kadima and Alusala were both very skeptical about the effectiveness of MONUC's involvement in disarmament to this point and neither saw a long-term role for it in the disarmament process. However, while most of the Congolese Diaspora participants were highly critical of the role MONUC has played in disarmament thus far, they also indicated that MONUC should continue to play a role in peacekeeping and disarmament.

The role which MONUC should eventually undertake should be to support the initiatives undertaken by the Congolese government. However, until the government has achieved better security in the East and has better control over its armed forces, MONUC has an essential role in peacekeeping and the protection of civilians. If MONUC were to pull out as a result of lack of resources or requests from the Congolese government, it could have a major destabilizing effect in the Eastern DRC. MONUC is currently the only significant force participating in the disarmament process and in some instances has been effective at mitigating inter-group conflicts and protecting civilians.

Although it seems redundant given the constant calls by members in civil society for more troops to be deployed in the DRC by developed countries and for more funding to be provided so that MONUC might actually fulfill its mandate, increased support for the mission is essential to achieving improvements in its functioning. Unilateral involvement by developed countries such as the Security Sector Reform undertaken by EU Mission to Provide Advice and Assistance to Security Sector Reform in the DRC, which flounder due to the bad faith of officials in the Congolese Ministry of Defense³⁶⁹, undermine the authority of MONUC, by creating tension between the DRC and donor countries and by failing to allow MONUC to fully carry out activities under its mandate. Countries wishing to engage with the Congolese government should thus do so through their participation in MONUC, which will give the mission more legitimacy.

The role of civil society and NGOs in the DRC should focus on a variety of areas including peace-building, development and human rights. Gilpin, Morris, and Go suggest that: "building peace in the DRC's troubled regions requires sustained

³⁶⁹ Gambino, *Supra*. 298 at 19.

intervention by a wide range of stakeholders.”³⁷⁰ This would involve collaboration by stakeholders from a variety of backgrounds to address issues from healthcare to justice to the support for human rights. Further, economic activities should be supported wherever possible. Finally, Prendergast and Smock suggests that in the Eastern Congo development and humanitarian initiatives should also attempt to create opportunities for neighbouring communities. This would support cooperation for economic and social regions and reduce risk of reprisals.³⁷¹ However, it is also important that the Congolese State takes steps to be involved in such activities in order to avoid compromising state-building processes. This involvement should be supported both by civil society and the international community.

7.4 Legal and Policy Implications

A number of broader legal and policy implications emerge from the findings. Early in this thesis it was observed that a focus on legal positivism may not be the most appropriate means through which to advance the disarmament agenda and strategies. Although international law creates obligations for states to protect their citizens’ human rights, which some authors believe include the benefits of development, these laws are generally considered to be soft law and seldom enforced.

The observable trend in the findings of this thesis, that development activities such as creating jobs and providing livelihood alternatives and strong governance should be undertaken to support disarmament, supports this observation. Broadly speaking it tends to be these development activities which support the reduction of demand and because disarmament approaches need to address both supply, which is easily addressed under international law and demand, which is not easily suppressed by international law, there needs to be a greater collaboration between international legal norms and the development of humanitarian and development policy and practice. Thus, before identifying key activities that should be undertaken in the areas of development and humanitarian policy, I will briefly consider implications for international law.

First, international jurisprudence regarding individual criminal liability for supplying weapons to groups participating in international crimes needs to be further developed, recognized in international instruments and pursued by the state members of the International Criminal Court. To this end the required mental element for

³⁷⁰ Gilpin, Morris and Go, *Supra*. n.301 at. 1.

³⁷¹ Prendergast and Smock, *Supra*. n.53 at 14.

individual criminal liability should be negligence rather than intent. It is extremely difficult to prove whether an individual may have supplied weapons to a group with the explicit intent to contribute to a genocide, whereas negligence only requires that the individual should have known the potential consequence of their actions. In addition, having negligence as the required mental element would also allow individuals such as international weapons traffickers to also be found liable under international criminal law since their interest in arms transfer may be considered outside of the scope of a particular conflict.

While I have questioned in this thesis the ability of such laws to deter potential arms traffickers from engaging in the illicit trade of weapons, the pursuit of such criminal liability may assist in the peace building process. This would be supported by a weaker mens rea requiring the demonstration of negligence rather than complicity in contributing to international crimes, as discussed above. Such liability would not only apply to nationals of countries involved in conflict but it might also apply to arms traffickers, and in the case of the DRC corporations directly involved in resource and mineral exploitation.³⁷² This would be a particularly important measure given the well documented practice of mining corporations distributing weapons in return for protection and access to mining deposits.

In addition, enforcement mechanisms for international legal instruments such as the United Nations Program of Action need to be created and the enforcement mechanisms within the UNTOC and Fire Arms Protocol should be strengthened so that strong sanctions may be taken against states that do not comply. This will help to better regulate the international trade of SALW and thus put further restrictions on the available supply.

Finally, the strengths and weaknesses of the legally positivist nature of human security need to be better recognized by all actors who work in the field of human

³⁷² In 2004, the FARDC attacked the town of Kilwa, committed a massacre and other atrocities such as torture and mass-rape with logistical supported from a Canadian mining firm, Anvil Corporation that had a copper and silver mine less than 50km from the town. In August 2010, Anvil admitted to providing this logistical support and on 8 November 2010 a group of citizens from Kilwa filed a legal complaint against the company in a Montreal Court room. (Canadian Centre for International Justice “Anvil Mining” (November, 2010) online: http://ccij.ca/programs/cases/index.php?WEBYEP_DI=14). This case raises the possibility of holding corporations liable for their involvement in International Crimes, although it is also worth mentioning that the legal responsibilities of corporations under international law is a matter of significant debate.

security. Steps should be taken in order to support the inclusion of other approaches such as diplomacy, development and humanitarian intervention as alternative approaches within human security as a whole but more specifically in relation to armed violence and development. This will help to strengthen the importance of such activities and create the precedent that the international community has an obligation to intervene to protect civilians in instances where their government is unable or unwilling to do so.

The key policy implication for this thesis is of course that demand needs to be better addressed in international disarmament initiatives. The conclusions from this thesis, in addition to research published by the Small Arms Survey, indicate areas in which initiatives addressing demand can be undertaken.

The best way to integrate demand into disarmament programs may not be through international law but instead through the development of policy asserting the need to address factors and undertaking grounded initiatives through development work and peace building. While legal initiatives which attempt to address issues relating to the supply of SALW are necessary, they must be coupled with development and peace-building initiatives to address demand.

One key finding that emerges from this thesis is that disarmament must be approached as situation specific. This is evident through the findings that, for example, indicate that many of the participants do not associate weapons ownership with gender, which has been found to contribute to demand in other contexts, although the gendered impact of the misuse of SALW and the reluctance of women to discuss the issue indicate that that the role gender plays may be understated. All of this considered, any gender specific approach undertaken as part of the disarmament strategy would have to be very sensitive and undertaken with a great deal of caution.

This finding has two policy implications. First it suggests that in the preliminary phase of a disarmament program research should be undertaken to identify the demand factors in the geographical area targeted for disarmament. The research of course can be based on existing research which suggests more universal trends. One challenge of such an approach may be the time it takes to carry out such initiatives. However, by adopting an ill-suited disarmament plan that is ineffective at reducing armed violence, initiatives may compromise other interventions such as the provision of humanitarian assistance or development work. Herby observed in 2002 that attacks or credible threats of casualties against humanitarian aid workers in

conflict areas have become a major obstacle to humanitarian work.³⁷³ This would suggest that the risks associated with intervening without a thorough understanding of the situation on the ground are far greater than not intervening at the first possible moment.

Second, it suggests the need for greater synergy between international legal initiatives and development, disarmament and peace-building initiatives. Development and peace building initiatives have the benefit of focusing on the individual needs of countries and communities while the international legal mechanisms governing supply are based on a more universal approach. Combining the two approaches will allow for universal standards to govern the transnational aspects of trade under international law while geographically and culturally specific factors can be approached through development and local peace building initiatives. The International Criminal Court can contribute to this process by prosecuting individuals from states which are party to the *Rome Statute* when their countries are unable or unwilling to prosecute them, themselves. It can also encourage countries such as the United States who have not ratified the statute to ratify it, in order to have more universal application.

This implies the need for greater cooperation between development and humanitarian aid initiatives on the one hand, and the international legal system on the other. This may prove difficult because the nature of the types of intervention offered by the institutions which govern them³⁷⁴ is substantially different. International legal initiatives combine international relations and politics with law and include the threat of sanctions and the use of force for non compliance, while development and peace building initiatives require on the ground participation and a focus on international policy. In order to bridge the gap between these two approaches, opportunities for dialogue should be created and initiatives should be undertaken which are mutually re-enforcing. This cooperation could reinforce the link between disarmament and development and encourage actors in both fields to consider the broader policy issues.

7.5 Areas for Future Research

³⁷³ Herby *Supra*. n.16 at 98.

³⁷⁴ Legal initiatives would be governed by the relevant international body such as the General Assembly, Security Council, International Criminal Court, while development initiatives are often implemented by International Financial Institutions and Non-Governmental Organizations.

The conclusions from this thesis suggest numerous areas for future research. Broadly speaking they fall into four areas: specific research pertaining to the demand for SALW in the DRC, further research on disarmament strategies globally and in the DRC, additional research on armed violence and development, and further research on policy and international law pertaining to arms and armed violence in a number of areas.

The research associated with this thesis was exploratory, allowing for results to be analyzed within a broad framework that allowed for the mapping of high level trends. These results demonstrated a number of the factors which continue to contribute to the demand for SALW in the DRC. However, the sample size was very small. Additional research should be undertaken to include a larger number of participants, preferably in a geographically specific region of the DRC. This research could be undertaken provincially or even in the Eastern part of the country. In addition, the research must be carried out within the DRC and interpreters should be sought in order to engage the non-French speaking population.³⁷⁵ In addition, a narrower research question might also provide a more accurate picture of the universal factors contributing to demand.

In addition to research pertaining to the demand for SALW in the DRC, a broader base of research on the disarmament process should be developed. Significant research could be done pertaining to the international community's involvement in the disarmament process. The relationship between local populations and MONUC should also be studied. Another potential area of interest for researchers may lie in the grass roots disarmament programs involving religious figures described above. Tracking these trends may point to areas of improvement within international disarmament strategies in the DRC. Additional research might also evaluate the potential for demand to be integrated into disarmament strategies, policy and law at the international level.

Further, additional research should focus on armed violence and development. Substantive research should be conducted in a number of country settings in an attempt to evaluate and extend more universal norms. Moreover, as additional projects are undertaken addressing armed violence and development by civil society

³⁷⁵ A small number of Diaspora members were unable to participate in this research due to their limited knowledge of French and English.

organizations or by International Organizations, studies should be undertaken to evaluate their effectiveness at achieving their goals.

Finally, although there is some existing research examining current trends in international law and policy pertaining to disarmament, a broader range of stakeholders should take part in the discussion of the inclusion of strategies addressing demand within the current framework. Additional research should also be under taken concerning individual criminal liability for the supply and misuse of weapons in the context of international crimes.

One of the strengths of this thesis is that it has mapped broad trends relating to the demand for SALW in the DRC. However, with more extensive research the resulting observations could contribute to a significant improvement of disarmament practices in the DRC, which addresses both supply and demand and incorporates measures to improve socio-economic development. However, it should be noted that many of the potential areas for research addressed above should not solely be addressed by academics, but rather by a wide variety of stakeholders including members of civil society, governments and policy makers. Each of these groups hold unique positions within the international community and the importance of their input and cooperation should not be underestimated.

7.6 Reflections on Sustainable Peace

To conclude, this thesis will return to one of its major conclusions, that economic and social development are directly linked to security and disarmament in the DRC. Many of the observations in this thesis demand action and prescribed solutions; yet the information is incomplete. In order to provide quantifiable results a much broader population must be surveyed and disarmament strategies considered in greater depth. However, even with that level of research, we as part of the international community, will only ever be outsiders looking in, prescribing solutions based on our understanding of reality, not that of the Congolese people. Ultimately, it is the Congolese who are best suited to identify and prescribe solutions to the demand for SALW in the DRC, armed violence and ongoing areas of conflict. It is the role of the international community, academics and concerned individuals to assist them in the pursuit of those solutions.

The interview question which yielded the most diverse and compelling results as part of this research, was the final question of the interview: “What issues still need to be addressed in order to improve the disarmament process and reduce violence

caused by small arms and light weapons?” Nearly every participant in this study responded to this question with a high degree of certainty and detail. Most importantly, nearly all of the answers proposed aspects of socio-economic development as part of the broader solution. The suggestions of each of the participants reflect the outcomes and overall tone of this thesis. So, rather than concluding with my prescription for reducing the demand for SALW and armed violence, I will conclude with theirs.

Kathai, a 54 year old mother with a strong interest in her country’s politics, summed up her feelings and those of other participants with the statement that “Violence has many sources, but in Congo it is poverty and ignorance.”³⁷⁶ This was the tone as many of the Diaspora participants reflected on public education and means of securing livelihoods as central ways to reduce violence and aid disarmament in their communities.

Many participants underscored a need to address unpaid soldiers and support good governance. Francois suggested that the first priority should be “to have a state which is accountable.”³⁷⁷ Prof. E. also advanced the need for stronger governance. He said “if you don’t have a real responsible government in Congo nothing will change. As long as you don’t have a government which is responsible, a government which is national which will really fight for the interests of the people, nothing will change.”³⁷⁸

In addition, several participants emphasized the need for soldiers to be better paid. Odéline reflected that:

Soldiers are supposed to be there to protect us, but in Congo they are instead there to rape us. ... They demand our money and threaten to kill us... To reduce violence and aid disarmament they need to pay the soldiers better. When they give a proper salary to the soldier there will be less incentive for them to break into people’s houses and take their money.³⁷⁹

In addition Danny emphasized the need for disarmed and demobilized soldiers to be better reintegrated into the community, “They need to regroup the former soldiers and give them their jobs back if they want them and then these former soldiers should be involved in the disarmament process”³⁸⁰

³⁷⁶ Interview with Kathai, *Supra.* n.240.

³⁷⁷ Interview with Francois, *Supra.* n.285.

³⁷⁸ Interview with Prof. E., 16 October, 2009 Methodist City Mission, Pretoria South Africa.

³⁷⁹ Interview with Odéline, *Supra.* n.247.

³⁸⁰ Interview with Danny, *Supra.* n.244.

Several participants emphasized the importance of the role of a strong government protecting its citizens from belligerent forces. Kyf, the young woman from Kisangani, emphasized that the government “must remove Nkunda from the East. There needs to be a barrier between Rwanda and Congo, because if there is a barrier they won’t keep coming in.”³⁸¹ Further, Jacob suggested that the government must stop incursions into Congolese territory by neighbouring governments and G-6, a former government employee, suggested the importance of the cooperation of neighboring states such as Rwanda. He said that: “there has to be more international dialogue... All of the states which surround us should be included... Such a conference would allow for us to see what all of the other countries want.”³⁸²

Moving away from more traditional security solutions, several participants emphasized the importance of education and employment for youth, particularly young men. Jean B. and Didier both observed that it was primarily youth who owned SALW and that they needed to be better engaged in the disarmament process. Didier added that, “There is not enough work for young people in Congo and that is why they sometimes do bad things or turn to crime.”³⁸³

Danico and Marcus emphasized the importance of education. Marcus stated that “If disarmament is to work, it is necessary to put kids in school, especially young boys, I don’t think that a young boy would ever choose to remain in the army over going to school.”³⁸⁴ Kathai also emphasized the need for a national education system in addition to international cooperation.³⁸⁵

Finally, a number of participants indicated the need for healing within their communities. They advocated access to social and psychological counseling, which may prove difficult given the current state of the health care system in the DRC. Danico concludes that “many people, they are really traumatized, and for them, life in our country is really dark, there is no hope. We really need correctional services... like to deal with the minds of people because we have been really disturbed with all of these wars, here and there, no peace.”³⁸⁶

³⁸¹ Interview with Kyf, *Supra.* n.239.

³⁸² Interview with G-6. *Supra.* n.257.

³⁸³ Interview with Didier, *Supra.* n.348.

³⁸⁴ Interview with Marcus, *Supra.* n.234.

³⁸⁵ Interview with Kathai, *Supra.* n.240.

³⁸⁶ Interview with Danico, *Supra.* n.238.

In summary, the Congolese people view education, meaningful employment with decent pay, good governance and healing as central components to solving armed violence. This challenges both the traditional vision of security and the traditional approach to both development and disarmament strategies. In fact it posits development as a disarmament strategy. It establishes the need for a focus on human security and armed violence and development to be further explored academically and integrated into policy and practical approaches to disarmament.

Appendix 1: International Legal Mechanisms Pertaining to the Control of SALW

International Legal Mechanisms

Rome Statute of the International Criminal Court, 1 July 2002, 2187 U.N.T.S. 90.

Program of Action to Prevent, Combat and Eradicate The Illicit Trade in Small Arms and Light Weapons in All of Its Aspects, 2001, UN Doc. A/CONF.192/15.

Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, Supplementing the United Nations Convention Against Transnational Organized Crime, UNGAOR, UN Doc. A/Res/55/255 (2001).

Responsibility of States for Internationally Wrongful Acts, International Law Commission, UN Doc. A/56/49(vol.1)(2001).

Statute of the International Criminal Tribunal for the Former Yugoslavia, annexed to Resolution 827, SC Res 827, UN SCOR, 48th sess, 3217th mtg, UN Doc S/RES/927 (1993).

Statute of the International Criminal Tribunal for Rwanda, annexed to Resolution 955, SC Res 955, UN SCOR, 49th sess, 3453rd mtg, UN Doc S/RES/955 (1994).

United Nations General Assembly “*Promoting Development through the Reduction and Prevention of Armed Violence: Report of the Secretary General*” A/64/228.

Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, September, 1996.

Regional Legal Mechanisms

EC, *Council Common Position 2003/468/CFSP of 23 June 2003 on the Control of Arms Brokering* [2003] O.J. L 156/79.

ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition and other Related Materials. 14 June 2006.

Inter-American Convention Against the Illicit Manufacturing and Trafficking in Firearms, Ammunition, Explosives and other Related Materials, 14 November, 1997.

The Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons In the Great Lakes Region and the Horn of Africa, 21 April 2004.

Appendix 2: Congolese Diaspora Questionnaires

Questionnaire for Participant Group 1

Pseudonym: _____

Age: _____

Gender: _____

City or Province of Origin: _____

Year of Departure: _____

Personal Ownership

Did you or your family own a weapon while you were living in Congo/ Zaire?

Yes No Prefer not to say

If you or your family did own a weapon in Congo/ Zaire how long had they owned it before you left?

Less than a year Less than 5 years Less than 10 years

More than 10 years. N/A

Do you associate owning a weapon with masculinity or manliness?

Yes No

Do you think owning a weapon is important for personal safety in Congo/Zaire?

Yes No

Community Trends

Did your neighbors or other members of your community owned weapons when you lived in Congo/ Zaire?

Yes No Prefer not to say I don't know

Were weapons present in the majority of households in your community?

Yes No Prefer not to say I don't know

Were Weapons easily accessible in your community?

Yes No Prefer not to say I don't know

Did your community value weapons?

Yes No Prefer not to say I don't know

Is there a hunting tradition in your community?

Yes No Prefer not to say I don't know

To the best of your knowledge are automatic weapons such as riffles or AK47s more common than non-automatic weapons such as Machetes?

Yes No I don't know

Did weapon ownership increase in your community following the Rwandan Genocide?

Yes No I don't know

Did weapon ownership increase in your community following the commencement of mining operations in the area?

Yes No I don't know

At the time of your departure would you say that weapons were present in more than 50% of households in your community?

Yes No I don't know

Armed Violence

Did your community experience a large amount of armed violence?

Yes No Prefer not to say

Was rape or other forms of sexual violence a problem within your community?

Yes No Prefer not to say

Were weapons used by people in your community to carry out sexual violence or other violent attacks?

Yes No Prefer not to say

Would you say that rape has been being used as a weapon of war by ANY party in the ongoing conflict?

Yes No Prefer not to say I don't know

Were you or anyone you know a victim of armed violence in Zaire prior to 1996?

Yes No Prefer not to say I don't know

Were you or anyone you know a victim of armed violence in Congo in 1996 or after?

Yes No Prefer not to say I don't know.

Were the police and the military involved in disarmament and arms control in your community?

Yes Sometimes No

Were laws against armed violence enforced in your community by the police or the judicial system?

Yes Sometimes No

Appendix 3: Congolese Diaspora Discussion Questions

Discussion Questions

Personal/ Community

1. If you or your family owned a weapon while you lived in the DRC, what was the purpose for its ownership?
2. How expensive were weapons relative to the price of bread, manual tools or computers?
3. What was the primary role of weapons within your community?
4. Did you use your weapons in a manner which was consistent with the other members of your community?
5. Was there a historical or cultural significance to weapon ownership in your community? If yes please explain.
6. If weapons play a significant historical or cultural role in your community, what types of weapons would traditionally be used? Did this change at any point?
7. Did weapons ownership in your community significantly increase at any point?
8. If your community experienced a large degree of armed violence please explain they nature of this violence
9. Please describe any armed violence which you or your family experienced at any point.

Questions Relating to the Conflict

1. When did your community first learn of or become affected by the conflicts which began in 1996 and 1998?
2. In what way did these conflicts affect your community? If your community experienced violence, were local groups or militias responsible for attacks?
3. Would you say that weapons use was a significant component of the conflict? What specific affect would you say weapons use during the conflict had on your community?
4. War crimes and crimes against humanity include crimes, usually perpetrated under the direction of a state, which target civilian population and include acts such as systematic and widespread murder or other types of killings, ethnic cleansing, kidnapping, forced displacement and rape. Would you say that such events were perpetrated in your community? Did the use of small arms play a significant role in such acts?
5. Was there a significant increase in the ownership of small arms and light weapons following the beginning of the conflict? If yes would you say that the underlying motivations for weapons ownership changed?
6. What were your personal experiences with small arms and light weapons during the conflict?

Questions Pertaining to the United Nations Peacekeeping Mission

1. Were you still in the Democratic Republic of the Congo in 2003? (If no go to question 5)
2. When was the first time you heard about the United Nations Peacekeeping Mission in the DRC? Did you have any personal experiences with them? Was the MONUC active in your community?
3. Following the deployment of the MONUC and the arms embargo placed over the Eastern DRC that eventually extended to the rest of the country, did you observe a significant decrease in violence involving weapons be it criminal or associated with the conflict? Was there a significant decrease in the accessibility of weapons?
4. Are you aware of whether this changed following the deployment of a stronger peacekeeping mission and the arms embargo to the entire country in 2005? What about after the democratic elections in 2006?
5. What is your overall impression of the United Nations Peacekeeping Mission?
6. Do you feel that the UN peacekeeping mission and the ongoing arms embargoes have made a significant impact on the disarmament process in the DRC or the reduction in violence?
7. What has the relationship between members of your community and the MONUC been like and why?
8. What are your overall feelings about the disarmament process?
9. What measures do you feel could be taken to improve the overall effectiveness of the MONUC?
10. What issues still need to be addressed in order to improve the disarmament process and reduce violence caused by small arms and light weapons?

Appendix 4: Questionnaires for Individuals with Expert Knowledge on the Conflict in the DRC

Questionnaire for Research Group 2

Demographic Questions:

Name/ Pseudonym : _____

Organization: _____

Title/ Role: _____

Years of Experience in the DRC: _____

Did you work in the DRC prior to 1996? _____

Questions Pertaining to Small Arms and Light Weapons

1. To your knowledge were Small Arms and Light Weapons easily accessible in the communities where you worked? Were you aware of the relative cost of acquiring such weapons? Did this change at any point in the course of your work?
2. How would you describe the prevalence of Small Arms and Light Weapons in the region that you worked?
3. Did this change significantly when Coltan mining began? After the Rwandan Genocide? After the beginning of the conflict in 1996?
4. Are you familiar with any of the underlying motivations for weapon acquisition and ownership in the region where you were working?
5. Was there a high rate of violent crime or conflict related violence where you were working? If yes what was the role of SALW in these acts?
6. Did you or anyone you know experience violence while you were in the DRC? If yes, were weapons involved?
7. In what ways did you address SALW or armed violence through your or your organization's work?
8. Did the prevalence of armed violence in the community where you worked affect your organization's ability to operate and meet its objectives?

Questions Pertaining to the Conflict

1. In the course of your daily duties in what capacity, if any, did you address gun violence?
2. What or who were the main sources of weapons prior to the conflict in the DRC? How did weapon flow change following the beginning of the conflict?
3. Was there a significant increase in the number of SALW following the beginning of the conflict in the DRC?
4. Was there a significant change in the motivation for weapons ownership following the beginning of the conflict?
5. Did you notice a significant change in the ways in which weapons were used following the beginning of the conflict?

6. Did the means and motives for individual weapons acquisition significantly change following the beginning of the conflict?
7. Did the use of SALW significantly contribute to the scale of the human cost of the conflict?
8. In your opinion did small arms and light weapons significantly contribute to the perpetration of crimes against humanity and war crimes during the course of the conflict? Please explain.
9. Was there a significant increase in violent crime rate that was *not* associated with the conflict that involved SALW after 1996?

Questions Pertaining to the UN Peacekeeping Mission

1. What is your overall impression of the UN Peacekeeping Mission in the DRC (MONUC)?
2. In your opinion has the UN Peacekeeping Mission in combination with the arms embargo been successful at reducing weapons proliferation, reducing demand and access to weapons and reducing violence and the human cost of weapons?
3. What is your overall opinion of the disarmament process? Has the disarmament process significantly decreased the number of weapons in circulation? Has it decreased the rate at which small arms are used in violent crimes and acts of war?
4. How would you describe the MONUC's relationship with Congolese civilians? What factors have influenced this relationship?
5. Is the United Nations force large enough to be effective?
6. In your opinion has the United Nations staff and force in the DRC been adequately trained to effectively disarm and reintegrate former rebels and military personnel back into society?
7. Are there any gaps in the MONUC's approach to disarmament? If yes how might these gaps be addressed?
8. What steps should the Congolese government be taking to advance disarmament and reduce gun violence? What role can civil society play?

Appendix 5 : Consent Forms



Consent Form

Addressing the Demand for Small Arms and Light Weapons in the Democratic Republic of the Congo

Contact Information:

Primary Investigator: Kirsten Van Houten, *M.A. Candidate*

Department of International Development Studies
Dalhousie University
Halifax, N.S., Canada
B3H 4H6
(902) 412-2937
kr254019@dal.ca

Supervisor:

Dr. David Black
Director, Center for Foreign Policy Studies
Professor of Political Science and International Development
Studies
Dalhousie University
Halifax N.S., Canada
B3H 4H6
(902) 494-6638
black@dal.ca

Introduction:

You are invited to take part in a research study being conducted by Kirsten Van Houten who is a graduate student at Dalhousie University, as part of her Masters of Arts in International Development Studies. Your participation in this study is voluntary and you may withdraw from the study at any time. The study is described below. This description tells you about the risks, inconvenience, or discomfort which you might experience. Participating in the study might not benefit you, but we might learn things that will benefit others. You should discuss any questions you have about this study with Kirsten Van Houten.

Purpose of the Study

The purpose of this research is to identify the key factors which have contributed to the demand for Small Arms and Light Weapons in the Democratic Republic of the Congo both prior to and throughout the conflict which began in 1996. Small Arms and Light Weapons include any weapon which is easily transported and operated by one or two people and include, but are not limited to: guns, small anti-tank missiles and land mines. The research will seek to identify key factors which contribute to the demand for small arms and light weapons including historical and cultural contexts in addition to factors relating to personal security, human rights, politics and other areas. In addition, personal and professional reflections are being sought with regard to the peacekeeping and disarmament process being carried out by the United Nations Peacekeeping Mission in the Democratic Republic of the Congo (MONUC). Finally, it will seek to identify ways to integrate a new approach to the demand for Small Arms and Light Weapons into the ongoing peacekeeping and disarmament process. This is with a view to answer the questions: what factors have contributed to the demand for SALW in the DRC during the past 12 years of conflict and how has this demand contributed to the proliferation of SALW? Further, how might these factors be better addressed in the conflict resolution and disarmaments process?

Study Design

The study will involve a series of one-on-one private interviews with Congolese Diaspora and individuals with expert knowledge on the conflict in the Democratic Republic of the Congo at the Institute for Security Studies in Pretoria South Africa. These interviews will address factors which have contributed and continue to contribute to the demand for Small Arms and Light Weapons in addition

to the ongoing disarmament and peacekeeping mission being carried out in the region by the United Nations peacekeeping mission in the DRC.

Who Can Participate in the Study:

Any individual living in South Africa who was previously, or continues to be a citizen of the Democratic Republic of the Congo is eligible to participate in this study. An effort is being made to achieve equal representation between genders, ethnicity and geographical areas of origin.

In addition, any individual possessing specialized knowledge pertaining to the proliferation of Small Arms and Light Weapons in the Democratic Republic of the Congo as a result of professional and/or employment experience is also invited to participate.

Who will be Conducting the Research

The research will be conducted by the Principal Investigator Kirsten Van Houten.

What You will be Asked to Do

You will be asked to participate in a private one-on-one interview to be held at the Institute for Security Studies located in Pretoria South Africa. At the beginning of the interview you will be asked to respond to questions relating to your age, gender and ethnicity for demographic purposes. During the interview you will be asked to respond to questions concerning your personal experiences with Small Arms and Light Weapons while you were still living in the Democratic Republic of the Congo, in addition to your impressions regarding the United National Peacekeeping Mission in the Congo. The duration of the interview will not exceed one hour and a half.

Review of Transcripts and Provision of Results

The content of interview transcripts and audio recording will be reviewed immediately following the interview process. This will give the Principal Investigator the opportunity to review and points of uncertainty and also give the participant the opportunity add any additional points or ask that something be stricken from the

record. Additional review of transcripts may be requested by participants at any point up to 4 months following the interview.

The final results of the study will be distributed among interested participants via e-mail following its completion.

Possible Risks

Possible risks include significant emotional or psychological distress arising from the nature of the topics being addressed. Topics of concern may include discussion of personal experiences in the context of the conflict or psychological stress resulting from the immigration or refugee process. The risk of emotional or psychological distress is higher among individuals who suffer from Post Traumatic Stress Disorder, an anxiety disorder affecting individuals who have suffered as a result of traumatic events such as acts of war.

Additional risk may arise from your immigration status. As immigrants hold a precarious position within South African Society efforts are being taken to ensure the confidentiality of this interview including the use of pseudonyms and holding the interviews in private locations. Further as a member of an immigrant community you may be at risk for minor emotional distress as a result of your immigration experience.

In order to minimize possible harm you may refuse to answer any question or end the interview at any point during the interview process. Further, information will be provided for local counseling facilities should any adverse emotional distress occur or upon the request of the participant. Please note that if you are an illegal immigrant or an individual of uncertain immigration status you might be at greater risk of negative impacts from emotional distress as referral to counseling facilities and other services will be limited as a result of your status.

Possible Benefits

While there are no known benefits to the participant, possible benefits may include the contribution to a growing body of literature on the proliferation of Small Arms and Light Weapons in addition to the possible policy implications of the research on ongoing or future disarmament programs and peacekeeping missions. However, these possible benefits must be viewed within the context that this is a Master's thesis so the extent these benefits may be achieved is somewhat limited.

Compensation/ Reimbursement

No compensation or reimbursement is being offered for participation in this study although refreshments will be provided.

Anonymity/ Confidentiality

In order to maintain anonymity participants will be identified through the use of a pseudonym, such as P.1, in all records as well as the written publication of the outcome of this research in the form of a Master's Thesis. Limitations to the provision of anonymity include being exposed to the Principal Investigator during the interview process, the provision of sensitive information such as gender and ethnicity and the use of a voice recorder, through which someone's voice may be identifiable.

In order to maintain the confidentiality of the information provided by participants as part of this study all data will be transcribed and kept on a password-secured computer. Only the Principal Investigator, Kirsten Van Houten, will have access to the stored data. Confidentiality may be broken in the instance of disclosure of domestic abuse or harm to an adult at risk which may be disclosed during the process of this research. The procedure which will be followed in the case of such disclosure will involve the Principal Investigator contacting the relevant local authorities in Pretoria South Africa and reporting the disclosed abuse or neglect.

Dalhousie University Policy on Research Integrity requires that data be securely maintained by the institution for 5 years, post publication. This information will be held by the Principal Investigator to that time and then be discarded in the appropriate manner.

Questions

Should you have any questions with regard to the study or your participation in it please contact Kirsten Van Houten at any time at (insert local telephone number to be determined upon arrival in South Africa here) or by e-mail at kr254019@dal.ca. You will be informed of any new information which may affect your decision to participate in the research as soon as it becomes available.

Problems or Concerns

If you have any difficulties with, or wish to voice concern about, any aspect of your participation in this study, you may contact Patricia Lindley, Director of Dalhousie University's Office of Human Research Ethics Administration, for assistance at (902) 494-1462, patricia.lindley@dal.ca. Participants calling from outside of Canada may call the office Collect.

Addressing the Demand for Small Arms and Light Weapons in the Democratic Republic of the Congo

Consent to Participate in the Study

I have read the explanation about this study. I have been given the opportunity to discuss it and my questions have been answered to my satisfaction. I hereby consent to take part in this study. However I realize that my participation is voluntary and that I am free to withdraw from the study at any time.

Signature of the Participant: _____

Date: _____

Signature of the Principal Investigator: _____

Date: _____

Consent for the Use of an Audio Recording Device

I have read the explanation about this study and understand the risks associated with having my voice recorded for the purpose of this study. I hereby consent to allow an audio recording device to record the contents of this interview. However, I realize that I may ask for the recording vice to be stopped at any time during the interview process.

Signature of the Participant: _____

Date: _____

Signature of the Principal Investigator: _____

Date: _____

Consent Form

Addressing the Demand and Proliferation of Small Arms and Light Weapons in the Democratic Republic of the Congo

Contact Information:

Primary Investigator: Kirsten Van Houten, *M.A. Candidate*

Department of International Development Studies
Dalhousie University
Halifax, N.S., Canada
B3H 4H6
(902) 412-2937
kr254019@dal.ca

Supervisor:

Dr. David Black
Director, Center for Foreign Policy Studies
Professor of Political Science and International Development Studies
Dalhousie University
Halifax N.S., Canada
B3H 4H6
(902) 494-6638
black@dal.ca

Introduction:

You are invited to take part in a research study being conducted by Kirsten Van Houten who is a graduate student at Dalhousie University, as part of her Masters of Arts in International Development Studies. Your participation in this study is voluntary and you may withdraw from the study at any time. The study is described below. This description tells you about the risks, inconvenience, or discomfort which you might experience. Participating in the study might not benefit you, but we might learn things that will benefit others. You should discuss any questions you have about this study with Kirsten Van Houten.

Purpose of the Study

The purpose of this research is to identify the key factors which have contributed to the demand for Small Arms and Light Weapons in the Democratic Republic of the Congo both prior to and throughout the conflict which began in 1996. Small Arms and Light Weapons include any weapon which is easily transported and operated by one or two people and include, but are not limited to: guns, small anti-tank missiles and land mines. The research will seek to identify key factors which contribute to the demand for weapons including historical and cultural contexts in addition to factors relating to personal security, human rights, politics and other areas. In addition, personal and professional reflections are being sought with regard to the peacekeeping and disarmament process being carried out by the United Nations Peacekeeping Mission in the Democratic Republic of the Congo (MONUC). Finally, it will seek to identify ways to integrate a new approach to the demand for Small Arms and Light Weapons into the ongoing peacekeeping and disarmament process. This is with a view to answer the questions: what factors have contributed to the demand for SALW in the DRC during the past 12 years of conflict and how has this demand contributed to the proliferation of SALW? Further, how might these factors be better addressed in the conflict resolution and disarmaments process?

Study Design

The study will involve a series of one-on-one private interviews with Congolese Diaspora and individuals with expert knowledge on the conflict in the Democratic Republic of the Congo to be held at the Institute for Security Studies in Pretoria South Africa. These interviews will address factors which have contributed and continue to contribute to the demand for Small Arms and Light Weapons in addition to the ongoing disarmament and peacekeeping mission being carried out in the region by the United Nations peacekeeping mission in the DRC.

Who Can Participate in the Study:

Any individual living in South Africa who was previously, or continues to be a citizen of the Democratic Republic of the Congo is eligible to participate in this study. An effort is being made to achieve equal representation between genders, ethnicity and geographical areas of origin.

In addition, any individual possessing specialized knowledge pertaining to the proliferation of Small Arms and Light Weapons in the Democratic Republic of the Congo as a result of professional and/or employment experience is also invited to participate.

Who Will be Conducting the Research

The research will be conducted by the Principal Investigator Kirsten Van Houten.

What You will be Asked to Do

You will be asked to participate in a private one-on-one interview to be held at the Institute for Security Studies in Pretoria, South Africa. As an individual with professional experience in the area of Small Arms and Light Weapons, or in the Conflict in the Democratic Republic of the Congo, you will be asked to describe your work and respond to questions relating to what you observed relating to the arms trade in the DRC and what your impressions are of the peacekeeping mission and disarmament process. The interview shall not exceed the length of one hour and a half.

Review of Transcripts and Provision of Results

The content of interview transcripts and audio recording will be reviewed immediately following the interview process. This will give the Principal Investigator the opportunity to review and points of uncertainty and also give the participant the opportunity add any additional points or ask that something be stricken from the record. Additional review of transcripts may be requested by participants at any point up to 4 months following the interview.

The final results of the study will be distributed among interested participants via e-mail following its completion.

Possible Risks

Possible risks include moderate emotional or psychological distress arising from the nature of the topics being addressed. Topics of concern may include discussion of personal experiences in the context of the conflict. Individuals suffering from Post Traumatic Stress Disorder, an anxiety disorder resulting from experiencing traumatic events, may increase your risk of experiencing emotional or psychological distress.

In order to minimize possible harm you may refuse to answer a question or end the interview at any point during the interview process. Further, information will be provided for local counseling facilities should any adverse emotional stress occur or upon the request of the participant.

Possible Benefits

While there are no known benefits to the participant, possible benefits may include the contribution to a growing body of literature on the proliferation of Small Arms and Light Weapons in addition to the possible policy implications of the research on ongoing or future disarmament programs and peacekeeping missions. However, these possible benefits must be viewed within the context that this is a Master's thesis so the extent these benefits may be achieved is somewhat limited.

Compensation/ Reimbursement

No compensation or reimbursement is being offered for participation in this study although refreshments will be provided.

Anonymity/ Confidentiality

Participants from this set of interviews will be requested to waive their right to anonymity by giving consent to be directly quoted in the final written form of the study. Direct quotations will be used to analyze existing knowledge or fill in gaps in existing knowledge and are desired to be attributable to the source in order to maintain the academic integrity of the work. Should a participant decline, their anonymity will be maintained through the use of a pseudonym, such as P.1, in all records as well as the written publication of the outcome of this research in the form of a Master's Thesis. Limitations to the provision of anonymity include being exposed to the Principal Investigator during the interview process, the provision of sensitive information such as gender and ethnicity and the use of a voice recorder, through which someone's voice may be identifiable.

In order to maintain the confidentiality of the information provided by participants as part of this study all data will be transcribed and kept on a password-secured computer. Only the Principal Investigator, Kirsten Van Houten, will have access to the stored data. Confidentiality may be broken in the instance of disclosure of domestic abuse or harm to an adult at risk which may be disclosed during the process of this research. The procedure which will be followed in the case of such disclosure will involve the Principal Investigator contacting the relevant local authorities in Pretoria South Africa and reporting the disclosed abuse or neglect.

Dalhousie University Policy on Research Integrity requires that data be securely maintained by the institution for 5 years, post publication. This information will be held by the Principal Investigator to that time and then be discarded in the appropriate manner.

Questions

Should you have any questions with regard to the study or your participation in it please contact Kirsten Van Houten at any time at (insert local telephone number to be determined upon arrival in South Africa here) or by e-mail at kr254019@dal.ca. You will be informed of any new information which may affect your decision to participate in the research as soon as it becomes available.

Problems or Concerns

If you have any difficulties with, or wish to voice concern about, any aspect of your participation in this study, you may contact Patricia Lindley, Director of Dalhousie University's Office of Human Research Ethics Administration, for assistance at (902) 494-1462, patricia.lindley@dal.ca. Participants calling from outside of Canada may call the office Collect.

Addressing the Demand for Small Arms and Light Weapons in the Democratic Republic of the Congo

Consent to Participate in the Study

I have read the explanation about this study. I have been given the opportunity to discuss it and my questions have been answered to my satisfaction. I hereby consent to take part in this study. However I realize that my participation is voluntary and that I am free to withdraw from the study at any time.

Signature of the Participant: _____ Date:

Signature of the Principal Investigator: _____ Date:

Consent for the Use of an Audio Recording Device

I have read the explanation about this study and understand the risks associated with having my voice recorded for the purpose of this study. I hereby consent to allow an audio recording device to record the contents of this interview. However, I realize that I may ask for the recording vice to be stopped at any time during the interview process.

Signature of the Participant: _____ Date:

Signature of the Principal Investigator: _____ Date:

Consent for the Use of Direct Quotations

I have read the explanation about this study and understand the benefits in association with the risks of being directly quoted in a way which may be attributed to

me. I hereby consent to allow direct quotations from the study to be included in the text of the final publication of this study. However, I realize that I may ask for any direct quotations to be removed from the text of the study at any time prior to its publication.

Signature of Participant: _____ Date:

Signature of Principal Investigator: _____ Date:

Oral Consent Letter

Addressing the Demand for Small Arms and Light Weapons in the Democratic Republic of the Congo

Contact Information:

Primary Investigator: Kirsten Van Houten, *M.A. Candidate*

Department of International Development Studies
Dalhousie University
Halifax, N.S., Canada
B3H 4H6
(902) 412-2937
kr254019@dal.ca

Supervisor:

Dr. David Black
Director, Center for Foreign Policy Studies
Professor of Political Science and International Development
Studies
Dalhousie University
Halifax N.S., Canada
B3H 4H6
(902) 494-6638
black@dal.ca

Note:

The oral consent process is only to be used by individuals with a level of literacy which is not adequate to fully appreciate the significance of the written informed consent process as a result of the additional risks which it poses to participants. This form shall be read to participants prior to the assertion of informed consent to be obtained on a voice recorder.

Introduction:

We invite you to take part in a research study being conducted by Kirsten Van Houten who is a graduate student at Dalhousie University, as part of his/her Masters of Arts in International Development Studies. Your participation in this study is voluntary and you may withdraw from the study at any time. The study is described below. This description tells you about the risks, inconvenience, or discomfort which you might experience. Participating in the study might not benefit you, but we might learn things that will benefit others. You should discuss any questions you have about this study with Kirsten Van Houten.

Purpose of the Study

The purpose of this research is to identify the key factors which have contributed to the demand for Small Arms and Light Weapons in the Democratic Republic of the Congo both prior to and throughout the conflict which began in 1996. Small Arms and Light Weapons include any weapon which is easily transported and operated by one or two people and include, but are not limited to: guns, small anti-tank missiles and land mines. The research will seek to identify key factors which contribute to the demand for weapons including historical and cultural contexts in addition to factors relating to personal security, human rights, politics and other areas. In addition, personal and professional reflections are being sought with regard to the peacekeeping and disarmament process being carried out by the United Nations Peacekeeping Mission in the Democratic Republic of the Congo (MONUC). Finally, it will seek to identify ways to integrate a new approach to the demand for Small Arms and Light Weapons into the ongoing peacekeeping and disarmament process. This is with a view to answer the questions: what factors have contributed to the demand for SALW in the DRC during the past 12 years of conflict and how has this demand contributed to the proliferation of SALW? Further, how might these factors be better addressed in the conflict resolution and disarmaments process?

Study Design

The study will involve a series of one-on-one private interviews with Congolese Diaspora and individuals with expert knowledge on the conflict in the Democratic Republic of the Congo at the Institute for Security Studies in Pretoria South Africa. These interviews will address factors which have contributed and continue to contribute to the demand for Small Arms and Light Weapons in addition to the ongoing disarmament and peacekeeping mission being carried out in the region by the United Nations peacekeeping mission in the DRC.

Who Can Participate in the Study:

Any individual living in South Africa who was previously, or continues to be a citizen of the Democratic Republic of the Congo is eligible to participate in this study. An effort is being made to achieve equal representation between genders, ethnicity and geographical areas of origin.

In addition, any individual possessing specialized knowledge pertaining to the proliferation of Small Arms and Light Weapons in the Democratic Republic of the Congo as a result of professional and/or employment experience is also invited to participate.

Who will be Conducting the Research

The research will be conducted by the Principal Investigator Kirsten Van Houten.

What You will be Asked to Do

You will be asked to participate in a private one-on-one interview to be held at the Institute for Security Studies located in Pretoria, South Africa. At the beginning of the interview you will be asked to respond to questions relating to your age, gender and ethnicity for demographic purposes. During the interview you will be asked to respond to questions concerning your personal experiences with Small Arms and Light Weapons while you were still living in the Democratic Republic of the Congo, in addition to your impressions regarding the United National Peacekeeping Mission in the Congo. The duration of the interview will not exceed one hour and a half.

Review of Transcripts and Provision of Results

The content of interview transcripts and audio recording will be reviewed immediately following the interview process. This will give the Principal Investigator the opportunity to review and points of uncertainty and also give the participant the opportunity add any additional points or ask that something be stricken from the record. Additional review of transcripts may be requested by participants at any point up to 4 months following the interview.

The final results of the study will be distributed among interested participants via e-mail following its completion.

Possible Risks

Possible risks include moderate emotional or psychological distress arising from the nature of the topics being addressed. Topics of concern may include discussion of personal experiences in the context of the conflict or psychological stress resulting from the immigration or refugee process. In order to minimize

possible harm you may refuse to answer a question or end the interview at any point during the interview process. Further, information will be provided for local counseling facilities should any adverse emotional stress occur or upon the request of the participant.

Possible Benefits

While there are no known benefits to the participant, possible benefits may include the contribution to a growing body of literature on the proliferation of Small Arms and Light Weapons in addition to the possible policy implications of the research on ongoing or future disarmament programs and peacekeeping missions. However, these possible benefits must be viewed within the context that this is a Master's thesis so the extent which it might affect these benefits is somewhat limited.

Compensation/ Reimbursement

No compensation or reimbursement is being offered for participation in this study although refreshments will be provided.

Anonymity/ Confidentiality

In order to maintain anonymity participants will be identified through the use of a pseudonym, such as P.1, in all records as well as the written publication of the outcome of this research in the form of a Master's Thesis. Limitations to the provision of anonymity include being exposed to the Principal Investigator during the interview process, the provision of sensitive information such as gender and ethnicity and the use of a voice recorder, through which someone's voice may be identifiable.

In order to maintain the confidentiality of the information provided by participants as part of this study all data will be transcribed and kept on a password-secured computer. Only the Principal Investigator, Kirsten Van Houten, will have access to the stored data. Confidentiality may be broken in the instance of disclosure of domestic abuse or harm to an adult at risk which may be disclosed during the process of this research. The procedure which will be followed in the case of such disclosure will involve the Principal Investigator contacting the relevant local authorities in Pretoria South Africa and reporting the disclosed abuse or neglect.

Dalhousie University Policy on Research Integrity requires that data be securely maintained by the institution for 5 years, post publication. This information will be held by the Principal Investigator to that time and then be discarded in the appropriate manner.

Questions

Should you have any questions with regard to the study or your participation in it please contact Kirsten Van Houten at any time at (insert local telephone number to be determined upon arrival in South Africa here) or by e-mail at kr254019@dal.ca. You will be informed of any new information which may affect your decision to participate in the research as soon as it becomes available.

Problems or Concerns

If you have any difficulties with, or wish to voice concern about, any aspect of your participation in this study, you may contact Patricia Lindley, Director of Dalhousie University's Office of Human Research Ethics Administration, for assistance at (902) 494-1462, patricia.lindley@dal.ca. Participants calling from outside of Canada may call the office Collect.

Addressing the Demand for Small Arms and Light Weapons in the Democratic Republic of the Congo

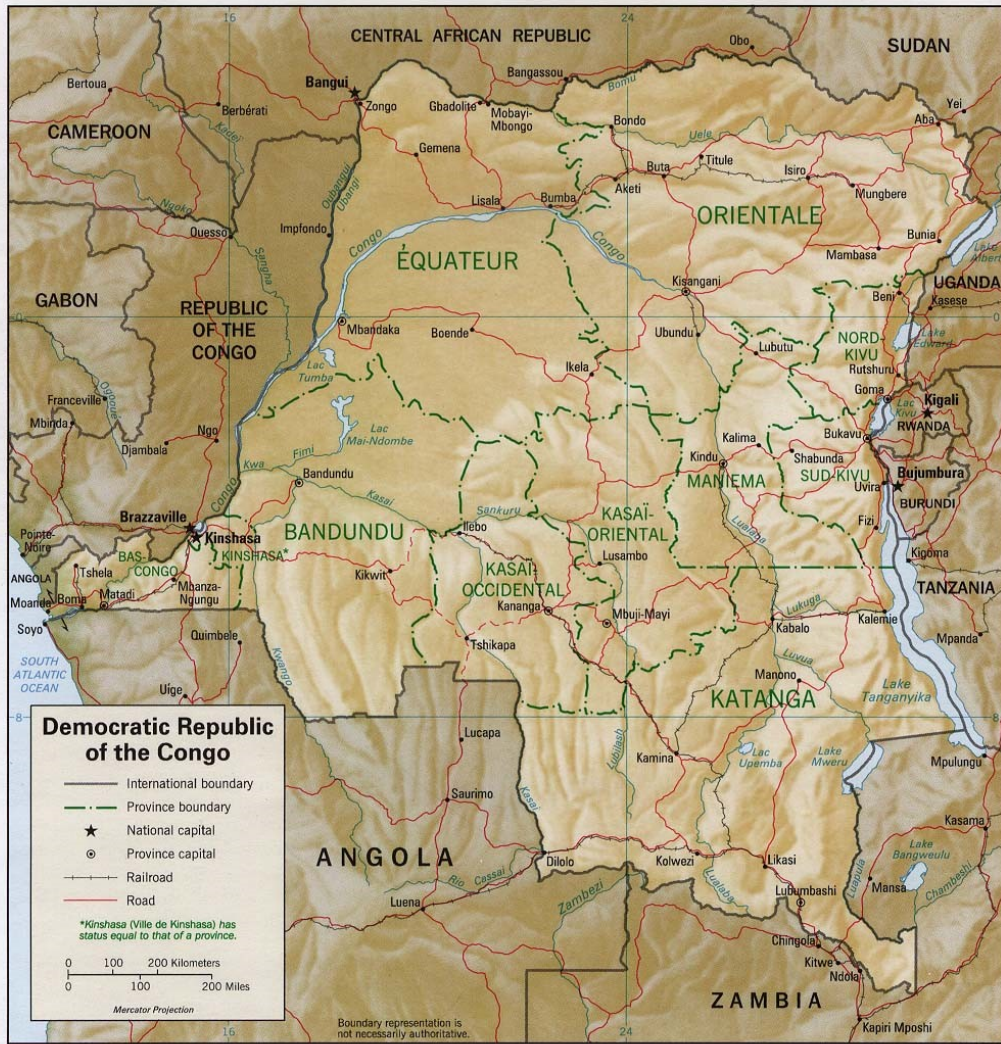
Consent to Participate in the Study

I have read the explanation about this study. I have been given the opportunity to discuss it and my questions have been answered to my satisfaction. I hereby consent to take part in this study. However I realize that my participation is voluntary and that I am free to withdraw from the study at any time.

Consent for the Use of an Audio Recording Device

I have read the explanation about this study and understand the risks associated with having my voice recorded for the purpose of this study. I hereby consent to allow an audio recording device to record the contents of this interview. However, I realize that I may ask for the recording vice to be stopped at any time during the interview process.

Appendix 6: Map of the DRC



Source : <http://maps.nationmaster.com/country/cg/1>

Appendix 7: Questionnaire Results by Total and Gender Breakdown

All Participants (31)	Yes	No	Don't Want to Say	Don't Know	Sometimes	Less than 5 Years	Less than 10 Years	More than 10 Years	Less than a year
Question									
<i>Did you or your family own a weapon while you were living in Congo/ Zaire?</i>	8	21	2						
<i>If you or your family did own a weapon in Congo/ Zaire how long had they owned it before you left?</i>		22	2			2	1	1*	3
<i>Do you associate owning a weapon with masculinity or manliness?</i>	8	23							
<i>Do you think owning a weapon is important for personal safety in Congo/Zaire?</i>	12	19							
<i>Did your neighbors or other members of your community owned weapons when you lived in Congo?</i>	19	8		4					
<i>Were weapons present in the majority of households in your community?</i>	14	9	3	5					
<i>Were Weapons easily accessible in your community?</i>	17	9	1	4					
<i>Did your community value weapons?</i>	11	15	2	3					
<i>Is there a hunting tradition in your community?</i>	22	6	1	2					
<i>To the best of your knowledge are automatic weapons more common than non-automatic weapons?</i>	14	7		10					
<i>Did weapon ownership increase in your community following the Rwandan Genocide?</i>	22	7		2					
<i>Did weapon ownership increase in your community following the commencement of mining operations in the area?</i>	22	5		4					
<i>At the time of your departure would you say that weapons were present in more than 50% of households in your community</i>	12	13		6					
<i>Did your community experience a large amount of armed violence?</i>	23	5	3						
<i>Was rape or other forms of sexual violence a problem within your community?</i>	26	5							

Question	Yes	No	Don't Want to Say	Don't Know	Sometimes	Less than 5 Years	Less than 10 Years	More than 10 Years	Less than a year
<i>Were weapons used by people in your community to carry out sexual violence or other violent attacks?</i>	22	7	2						
<i>Would you say that rape has been being used as a weapon of war by ANY party in the ongoing conflict?</i>	23	3	3	2					
<i>Were you or anyone you know a victim of armed violence in Zaire prior to 1996?</i>	19	8	1	3					
<i>Were you or anyone you know a victim of armed violence in Congo in 1996 or after?</i>	23	4	1	3					
<i>Were the police and the military involved in disarmament and arms control in your community?</i>	7	8			16				
<i>Were laws against armed violence enforced in your community by the police or the judicial system?</i>	9	10			12				
* The individual who indicated he owned a weapon for more than 10 years possessed the weapon for employment related purposes									

Gender Breakdown Female Participants (9)	Yes	No	Don't Want to Say	Don't Know	Sometimes	Less than 5 Years	Less than 10 Years	More than 10 Years	Less than a year
<i>Did you or your family own a weapon while you were living in Congo/ Zaire?</i>	1	8							
<i>If you or your family did own a weapon in Congo/ Zaire how long had they owned it before you left?</i>		9							
<i>Do you associate owning a weapon with masculinity or manliness?</i>	2	7							
<i>Do you think owning a weapon is important for personal safety in Congo/Zaire?</i>	2	7							
<i>Did your neighbors or other members of your community own weapons when you lived in Congo?</i>	2	4		3					
<i>Were weapons present in the majority of households in your community?</i>	1	3	1	4					
<i>Were Weapons easily accessible in your community?</i>	2	5	1	1					
<i>Did your community value weapons?</i>	3	4	1	1					
<i>Is there a hunting tradition in your community?</i>	5	2		2					
<i>To the best of your knowledge are automatic weapons more common than non-automatic weapons?</i>	3	2		4					
<i>Did weapon ownership increase in your community following the Rwandan Genocide?</i>	6	2		1					
<i>Did weapon ownership increase in your community following the commencement of mining operations in the area?</i>	6	3							
<i>At the time of your departure would you say that weapons were present in more than 50% of households in your community</i>	2	4		3					
<i>Did your community experience a large amount of armed violence?</i>	7	1	1						
<i>Was rape or other forms of sexual violence a problem within your community?</i>	8	1							

Question	Yes	No	Don't Want to Say	Don't Know	Sometimes	Less than 5 Years	Less than 10 Years	More than 10 Years	Less than a year
<i>Were weapons used by people in your community to carry out sexual violence or other violent attacks?</i>	6	2	1						
<i>Would you say that rape has been being used as a weapon of war by ANY party in the ongoing conflict?</i>	6	1	1	1					
<i>Were you or anyone you know a victim of armed violence in Zaire prior to 1996?</i>	6	1		2					
<i>Were you or anyone you know a victim of armed violence in Congo in 1996 or after?</i>	6		1	2					
<i>Were the police and the military involved in disarmament and arms control in your community?</i>	1	1			7				
<i>Were laws against armed violence enforced in your community by the police or the judicial system?</i>	1	3			5				

Male Participants (22)	Question	Yes	No	Don't Want to Say	Don't Know	Sometimes	Less than 5 Years	Less than 10 Years	More than 10 Years	Less than a year
	<i>Did you or your family own a weapon while you were living in Congo/ Zaire?</i>	7	13	2						
	<i>If you or your family did own a weapon in Congo/ Zaire how long had they owned it before you left?</i>		13	2			2	1	1	3
	<i>Do you associate owning a weapon with masculinity or manliness?</i>	6	16							
	<i>Do you think owning a weapon is important for personal safety in Congo/Zaire?</i>	10	12							
	<i>Did your neighbors or other members of your community owned weapons when you lived in Congo?</i>	17	4		1					
	<i>Were weapons present in the majority of households in your community?</i>	13	6	2	1					
	<i>Were Weapons easily accessible in your community?</i>	15	5		2					
	<i>Did your community value weapons?</i>	8	11	1	2					
	<i>Is there a hunting tradition in your community?</i>	17	4	1						
	<i>To the best of your knowledge are automatic weapons more common than non-automatic weapons?</i>	11	5		6					
	<i>Did weapon ownership increase in your community following the Rwandan Genocide?</i>	16	5		1					
	<i>Did weapon ownership increase in your community following the commencement of mining operations in the area?</i>	16	3		3					
	<i>At the time of your departure would you say that weapons were present in more than 50% of households in your community</i>	10	9		3					
	<i>Did your community experience a large amount of armed violence?</i>	16	4	2						
	<i>Was rape or other forms of sexual violence a problem within your community?</i>	18	4							

Question	Yes	No	Don't Want to Say	Don't Know	Sometimes	Less than 5 Years	Less than 10 Years	More than 10 Years	Less than a year
<i>Were weapons used by people in your community to carry out sexual violence or other violent attacks?</i>	16	5	1						
<i>Would you say that rape has been being used as a weapon of war by ANY party in the ongoing conflict?</i>	17	2	2	1					
<i>Were you or anyone you know a victim of armed violence in Zaire prior to 1996?</i>	13	7	1	1					
<i>Were you or anyone you know a victim of armed violence in Congo in 1996 or after?</i>	17	4		1					
<i>Were the police and the military involved in disarmament and arms control in your community?</i>	6	7			9				
<i>Were laws against armed violence enforced in your community by the police or the judicial system?</i>	8	7			7				

Bibliography

- Osita, Afoaku, "Congo's Rebels: Their Origins, Motivations and Strategies" in John F. Clark, *The African Stakes in the Congo War* (New York: Palgrave and MacMillan, 2002) 110.
- Interview with AK, 12 October, 2009, Methodist City Mission, Pretoria, South Africa.
- Dapo Akande, "International Organizations" in Malcolm D. Evans (ed) *International Law Second Edition* (New York: Oxford University Press, 2006) 276.
- Interview with Nelson Alusala, December 2009, Institute for Security Studies, Pretoria, South Africa.
- Interview with Anna- Marie, Counselor, Bright Site Project, Pretoria, South Africa.
- Interview of David Atwood, September 14, 2009 at the Quaker Office of the United Nations in Geneva Switzerland.
- David Atwood, Anne-Kathrin Glatz and Robert Muggah, *Demanding Attention: Addressing the Dynamics of Small Arms Demand* (Geneva: Quaker Office of the United Nations, 2006).
- Björn Aust and Willem Jaspers, *From Resource War to Violent Peace: Transition in the Democratic Republic of Congo(DRC)* (Germany: Bonn International Center for Conversion, 2006)
- Sultan Barakat, Chard, Tim Jacoby and William Lume, "Research Design in the Context of War and Armed Conflict" *Third World Quarterly*, 23 (5) 991.
- Susan Bartels, Michael VanRooyen, Jennifer Leaning, Jennifer Scott and Jocelyn Kelly, *Now the World is Without Me: An Investigation of Sexual Violence in the Eastern Democratic Republic of the Congo*. (Harvard Humanitarian Initiative and Oxfam International, April 2010).
- Ted Benton and Ian Craib *Philosophy of Social Science: The Philosophical Foundations for Social Thought* (New York: Palgrave, 2001).
- Morten Boas, Kathleen M. Jennings, Timothy M. Shaw, "Dealing with Conflicts and Emergency Situations" in Vandana Desai and Robert B. Potter, "Doing Development Research" (London: Sage Publications, 2006) 70.
- Alexandra Boivin, "Complicity and Beyond: International Law and the Transfer of Small Arms and Light Weapons" (2005) 87 *Int'l Rev. Of the Red Cross*, 467.
- Henri Boshoff, "Situation Report: The Disarmament Demobilization and Reintegration Process in the Democratic Republic of the Congo" (Pretoria: Institute for Security Studies, 2007).
- Alan Boyle, "Soft Law in International Law-Making" in Malcolm D. Evans, *International Law, Second Edition* (New York: Oxford University Press, 2006) at 142.

- Maya Brehm, "The Arms Trade and States' Duty to Ensure Respect for Humanitarian and Human Rights Law" (2007) 12(3) J. of Con. And Sec. K. 359.
- Canadian Centre for International Justice "Anvil Mining" (November, 2010) online: http://ccij.ca/programs/cases/index.php?WEBYEP_DI=14
- "Chapter 3: The Death Toll in the Democratic Republic of the Congo," in Human Security Report Project, *Human Security Report 2009: The Shrinking Costs of War*, (2009) Simon Fraser University 37
- Charter of the United Nations*, 24 October 1945, 1 UNTS XVI.
- Dr. Benjamin Coghlan, Dr. Valweiw Nkamgag Bemo, Dr. Pascal Ngoy, Dr. Tony Steward, Flavian Mulumba et. al., "Mortality in the Democratic Republic of the Congo: An On-Going Crisis" (2007) International Rescue Committee.
- Control Arms Campaign, *The Call for Tough Arms Control: Voices from the Democratic Republic of the Congo* (2006).
- N. Cooper, "Conflict Goods: The Challenges of Peacekeeping and Conflict Preventing" (2001) International Peacekeeping 2.
- James Crawford and Simon Olleson, "The Nature and Forms of International Responsibility" in Malcolm D. Evans (ed) *International Law, Second Edition* (New York: Oxford University Press, 2006) 452.
- Robert Cryer et. al. *An Introduction to International Criminal Law and Procedure* (Cambridge: Cambridge University Press, 2007).
- Interview with Danico, 28 October 2009, Bright Site Project, Pretoria, South Africa.
- Interview with Danny, 27 October, 2009, Bright Site Project, Pretoria, South Africa.
- Interview with Annie Desilets, 31 August, 2009, phone interview.
- Interview with Didier, 21 October, 2009, Bright Site Project, Pretoria South Africa.
- Theresa A. DiPerna, "Small Arms and Light Weapons: Complicity 'With a View' Toward Extended State Responsibility (2008) 20 Fl. J. of Int'l L. 25
- Alan Doss, "In Pursuit of Peace" (2010) The Ambassador's Review 1.
- Kevin C. Dunn, "A Survival Guide to Kinshasa: Lessons of the Father Passed Down to the Son" in John F. Clark, *The African Stakes in the Congo War* (New York: Palgrave and MacMillan, 2002) 53.
- Pauline Ewan, "Deepening the Human Security Debate: Beyond the Politics of Conceptual Clarification" (2007) Politics, 27 (3) 182.
- Sami Faltas, Wolf-Christian Paes and Torge Kübler, "The Problem of Arms in Developing Countries: The Current International Debate and Recommendations for Development Cooperation, In Particular Technical Cooperation" (1994) Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH, Division 42 Health. 9.

- Nadia Fischer, "Outcome of the United Nations Process: The Legal Character of the United Nations Program of Action" in Erwin Dahinden, Julie Dahlitz, and Nadia Fischer (eds.) *Small Arms and Light Weapons Legal Aspects of National and International Regulations* (Geneva:United Nations, 157).
- Interview with Francis, 29 October, 2009, Bright Site Project, Pretoria South Africa.
- Interview with Francois, October 2009, Johannesburg, South Africa.
- Georg Frerks, "Human Security as Discourse and Counter-Discourse" (2008) *Security and Human Rights* 1, 8.
- Interview with G-6, 2 December, 2009, Bright Site Project, Pretoria South Africa.
- Anthony, W. Gambino, "Congo: Sustaining Peace, Securing Progress" (2008) *Council on Foreign Relations: Centre for Preventive Action*
- Kiflemariam Grebrewold, "The Relationship between Human Security, the Demand for Arms and Disarmament in the Horn of Africa" (2002) *Medicine, Conflict and Survival* 18, 400.
- Nicholas Gilby, *The No Non-Sense Guide to the Arms Trade* (United Kingdom: The New International, 2009).
- Raymond Gilpin, Catherine Morris and Funai Go, "Beyond Emergency Responses in the Democratic Republic of the Congo" (2009) *United States Institute for Peace*.
- William Godnick, Edward J. Laurance, Rachel Stohl and Small Arms Survey, "Effects of Small Arms Misuse" in *Small Arms and Light Weapons: A Call for Action* (HFG Review, 2005) 10.
- Peter Herby, "Humanitarian Implications of Small Arms Proliferation and Proposed Codes of Conduct: Arms-Availability – A Matter of Urgent Humanitarian Concern" in Erwin Dahinden, Julie Dahlitz and Nadia Fischer (eds.) *Small Arms and Light Weapons: Legal Aspects of National and International Regulations* (Geneva: United Nations, 2002) 96
- Stephen M. Hill, "Introduction, Future Directions in Small Arms Control" (2006) *Contemporary Security Policy* 1.
- Kate Holt and Sarah Hughes, *Will Congo's Women Ever Have Justice?* 12 July, 2004, *The Independent*, online: <http://www.independent.co.uk/news/world/africa/will-congos-women-ever-have-justice-552891.html>
- Human Development Report 1994, New Dimensions for Human Security*. United Nations Development Program, 1994.
- IANSA, *UN Firearms Protocol, Has Your Country Ratified?* (2008) internet: <http://www.iansa.org/un/firearms-protocol.htm>
- Interview with Jacob, 19 October, 2009, Bright Site Project, Pretoria South Africa.
- Interview with James, 7 November, 2009, Private Residence, Pretoria South Africa.

- Interview with Jean B., 21 October, 2009, Bright Site Project, Pretoria South Africa.
- Interview with Jean Claude, 21 October 2009, Bright Site Project, Pretoria, South Africa.
- Interview with Phillipe Kadima, 11 November, 2009, Pretoria South Africa.
- Interview with Kathai, 29 October, 2009, Bright Site Project, Pretoria South Africa.
- Nico Keijzer and Elies van Sliedregt, “Correspondents’ Reports: The Netherlands: Cases: War Crimes: Prosecutor v. G. Kouwenhoven” (2006) 9 Yearbook of IHL, 537
- Michael T. Klare, “Stemming the Lethal Trade of Small Arms and Light weapons” (1995) *Issues in Science and Technology* 52
- Jarold Hongju Koh, “The Robert L. Levine Distinguished Lecture Series: A World Drowning in Guns” (2003) 71 *Fordham L. Rev.* 233
- Benedict Korf, “Cargo Cult Science, Armchair Empiricism and the Idea of Violent Conflict.” (2006) *Third World Quarterly*, 459
- Interview with Kyf, 2 December, 2009, Methodist City Missions, Pretoria, South Africa.
- Peter Lock “Armed Conflicts and Small Arms Proliferation: Refocusing the Research Agenda” (1996) Discussion paper for the 45th Pugwash Conference on Science and World Affairs, Lathi, Finland, 2-7 September 1996 2.
- Stephanie Matti, “Resources and Rent Seeking in the Democratic Republic of the Congo” (2010) *Third World Quarterly*, 31(3) 405.
- Interview with Marcus, 27 October, 2009, Bright Site Project, Pretoria South Africa
- Jermaine O. McCalpin, “Historicity of a Crisis” in John F. Clark, *The African Stakes in the Congo War* (New York: Palgrave and MacMillan, 2002) 32.
- David MacClean, *Transnational Organized Crime: A Commentary on the UN Convention and Its Protocols* (New York: Oxford University Press, 2007).
- Bryan Mealer, *All Things Must Fight to Live: Stories of War and Deliverance in the Congo* (New York: Bloomsbury, 2008).
- Augusta Muchai, “Arms Proliferation and the Congo War” in John F. Clark, *The African Stakes in the Congo War* (New York: Palgrave and MacMillan, 2002) 185.
- Robert Muggah, “Diagnosing Demand: A Framework for Assessing the Causes of Armed Violence and Small Arms (Mis)Use.”(2003) Quaker Office of the United Nations 1.
- Moises Naim, “The Five Wars of Globalization” (2003) *Foreign Policy Magazine*, 29.

- Interview with Nicole, 19 November, 2009, Bright Site Project, Pretoria, South Africa.
- Stephen C. Neff, "A Short History of International Law, in Malcolm D. Evans (ed.) *International Law, Second Edition* (Oxford University Press: New York, 2006) at 49
- G. Nzongola-Ntalja, "From Zaire to the Democratic Republic of the Congo" (2004) 28, *Nordic African Institute* 24
- Interview with Odéline, 28 October, 2009, Bright Site Project, Pretoria, South Africa.
- Interview with Sandra Oder, 18 November, 2009, Institute for Security Studies, Pretoria, South Africa.
- Roland Paris, "Human Security: Paradigm Shift or Hot Air?" (2001) *International Security*, 26(2) 87.
- John Prendergast and David Smock, *Putting Humpty Dumpty Back Together Again: Reconstructing Peace in the Congo* (1999) US Inst. For Peace Spec. Report.
- Interview with Prof. E., 16 October, 2009 Methodist City Mission, Pretoria South Africa.
- Program of Action to Prevent, Combat and Eradicate The Illicit Trade in Small Arms and Light Weapons in All of Its Aspects*, 2001, UN Doc. A/CONF.192/1.
- The Prosecutor Against Theoneste Bagosora*, International Criminal Tribunal for Rwanda, 17 March 1998 ICTR-96-71
- The Prosecutor v. Bagosora, Kabigili, Ntabakuze, Nsengiyumva*, 18 Dec. 2008, The International Criminal Tribunal For Rwanda, ICTR-98-41 T.
- Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, Supplementing the United Nations Convention Against Transnational Organized Crime*, UNGAOR, UN Doc. A/Res/55/255 (2001).
- Gérard Prunier, *Africa's World War: Congo, the Rwandan Genocide and the Making of a Continental Catastrophe* (London: Oxford University Press, 2009)
- Joost van Puijenbroek, "Human Security from Below, A Case Study from the Ituri District of the Democratic Republic of the Congo" (2008) *Security and Human Rights* 1, 45.
- Quaker Office of the United Nations "Advancing the Armed Violence Agenda" (2003) *Armed Violence and Development Policy Brief* No. 4.
- Quaker Officer of the United Nations "Mapping AVD Programmes, What is Happening on the Ground?" (2009) *Policy Brief* at 4.
- Edward B. Rackley, "Democratic Republic of the Congo: Undoing Government By Predation" (2006) *Disasters*, 30 (4) 416.

- Richardson, F. C. and Fowers, B. J., “Interpretive Social Sciences.” (1998) *American Behavioural Scientist* 41.4, 465.
- Interview with Ronald, 10 November, 2009, Bright Site Project, Pretoria South Africa.
- Rome Statute of the International Criminal Court*, 1 July 2002, 2187 U.N.T.S.
- Joachim Schulze, “Small Arms and Light Weapons General Description and Character” (17 November, 1994) Genf-CD Delegation
- Security Council, *Resolution 1291* (2000) S/Res/1291
- Security Council, *Resolution 1493*, (2003) S/Res/1493.
- Security Council Resolution, 1565, (2004) S/Res/1565.
- Security Council, *Resolution 1807* (2008) UN Doc. S/Res/1807.
- Ian Smillie, “Whose Security? Innovation and Responsibility, Perception and Reality” in Sandra J. MacLean, David R. Black and Timothy M. Shaw (eds.), *A Decade of Human Security: Global Governance and New Multilateralisms* (Aldershot: Ashgate: 2006) 19
- Statute of the International Criminal Tribunal for Rwanda*, annexed to *Resolution 955*, SC Res 955, UN SCOR, 49th sess, 3453rd mtg, UN Doc S/RES/955 (1994).
- Statute of the International Criminal Tribunal for the Former Yugoslavia*, annexed to *Resolution 827*, SC Res 827, UN SCOR, 48th sess, 3217th mtg, UN Doc S/RES/927 (1993).
- Jason K. Stearns, “Congo’s Peace Miracle or Mirage?”(2007) 202.
- Stemmet, “Learning from Field Experience” in Erwin Dahinden, Julie Dahlitz and Nadia Fischer (eds.) *Small Arms and Light Weapons: Legal Aspects of National and International Regulations* (Geneva: United Nations, 2002)
- “Table 1: Human Development Index and its Components” in *Human Development Report 2010* (2010) 145.
- Interview with Tom Tom, 28 October, 2009, Bright Site Project, Pretoria, South Africa.
- Claudette Torbey, “Note and Comment: The Most Egregious Arms Broker: Prosecuting Arms Embargo Violators in the International Criminal Court” (2007) 25 *Wis. Int’l L.J.* 335.
- Thomas Turner, *The Congo Wars: Conflict, Myth and Reality* (New York: Zed Books, 2007).

United Nations General Assembly, *Promoting Development through Reduction and Prevention of Armed Violence: Report of the Secretary General*, A/64/288 (2009)

Gerhard Werle, "Individual Criminal Responsibility in Art. 25 ICC Statute" (2007) 5 *J. Intl' Crim. Jus.* 955.

Anneke van Woudenberg, "The Protection of Civilians in Armed Conflict: the Case of the Democratic Republic of the Congo" 30 September, 2009, presented at the Institute for Security Studies, Pretoria, South Africa.

Christine Wyatt, "The Forgotten Victims of Small Arms" (2002) *SAIS Rev.* 22.1, 223.

Crawford Young, "Contextualizing Congo Conflicts: Order and Disorder in Post Colonial Africa" in John F. Clark, *The African Stakes in the Congo War* (New York: Palgrave and MacMillan, 2002) 13at 14.