



United Nations
Office of the Special Adviser on Africa
(OSAA)



Government
of the Democratic Republic of Congo
(DRC)

**Second International Conference on DDR and Stability in Africa
Kinshasa, Democratic Republic of Congo
12-14 June 2007¹**

Issue Paper

“Combatants on Foreign Soil”²

**An assessment of their current status and of measures to facilitate
their disarmament, repatriation and inclusion in national
demobilisation and reintegration programmes**

¹ This Conference is organized with the generous support of the Governments of Belgium and Sweden

² This document was prepared by an Independent Consultant engaged by UN/OSAA.
The opinions contained in this document do not necessarily reflect those of the United Nations

Table of contents

List of acronyms.....	3
Definitions used for this report.....	4
Summary & recommendations.....	7
Summary	7
Key issues.....	8
International relations:.....	8
Good-governance:	9
Refugees:.....	9
Political Neglect:	9
DDR and the capacity of the economy:	10
Recommendations	10
1. Introduction	13
1.1 Context and aim	13
1.2 The scale of the COFS problem	14
2. Historical background of AGs and COFS in Africa	18
2.1 African rebellions	18
2.2 Rebels without borders.....	19
3. Background, scope and nature of COFS	22
3.1 AGs without borders	22
3.1.1 Groups with credible grievances	22
3.1.2 Islamic revolutionaries	23
3.1.3 AGs that developed from toppled regimes or defeated armies	24
3.1.4 Rebels without a cause	24
3.1.5 Rebel groups constituted of people facing legal charges	25
3.1.6 How, why and when do AGs cross borders?	25
3.2 Why and how do individuals become COFS?	26
3.2.1 Reasons for joining an AG.....	27
3.2.2 Victims of forced recruitment	28
3.2.3 How, why and when do AGs cross borders?	28
3.2.4 Children and female COFS	29
3.2.5 Dependants of COFS.....	29
3.3 Impact on regional security	29
4. Overview of existing political, legal and technical frameworks or mechanisms.....	30
4.1 Peace agreements and cooperation.....	30
4.1.1 Peace agreements between countries	30
4.1.2 Peace agreements between state and armed groups	31
4.1.3 Legal arrangements among countries.....	32
4.1.4 Regional collaboration	32
4.2 UN and AU operations.....	33
4.3 Other relevant initiatives	34

List of acronyms

AA	Amnesty Act 2000 (<i>Uganda</i>)
AC	Amnesty Commission (of the GoU)
ADF	Allied Democratic Forces (<i>Uganda</i>)
AFDL	Alliance des Forces Démocratiques pour la Libération du Congo – Zaïre
AG	Armed Group
AU	African Union
CAR	Central African Republic
CFA	Comprehensive cease-fire agreement
CNDD	Conseil National pour la Défense de la Démocratie (<i>Burundi</i>)
COFS	Combatants on Foreign Soils
CONADER	Commission Nationale de la Démobilisation et Réinsertion (<i>DRC</i>)
DDR	Disarmament, Demobilisation and Reintegration
DDRR	Disarmament, Demobilisation, Repatriation and Reintegration
DDRRR	Disarmament, Demobilisation, Repatriation, Rehabilitation and Reintegration
DRC	Democratic Republic of Congo
EU	European Union
FAB	Forces Armées Burundaises (<i>the army of the GoB previous to 2004</i>)
FARDC	Forces Armées de la République Démocratique du Congo (<i>the GoDRC army after 2003</i>)
FDD	Forces pour la Défense de la Démocratie
FNL	Forces Nationales pour la Libération
FDLR	Forces Démocratiques pour la Libération du Rwanda
HRW	Human Rights Watch
IAWG DDR	UN Inter-Agency Working Group on DDR
ICC	International Criminal Court
ICG	International Crisis Group
ICGLR	International Conference on the Great Lakes Region
ICTR	International Criminal Tribunal for Rwanda
IDDRS	Integrated DDR Standards;
IDP	Internally Displaced Persons
IRIN	(UN) Integrated Regional Information Networks
LRA	Lord's Resistance Army
LURD	Liberians United for Reconciliation and Democracy
MDRP	Multi-Country Demobilisation and Reintegration Programme
MLC	Mouvement pour la Libération du Congo
MODEL	Movement for Democracy in Liberia
MONUC	United Nations Mission in the DRC
NALU	National Army for the Liberation of Uganda
NEPAD	New Partnership for Africa's Development
NGO	Non-Governmental Organisation
NPFL	National Patriotic Front of Liberia
NRM	National Resistance Movement
ONLF	Ogaden National Liberation Front
OSAA	United Nations Office of the Special Adviser on Africa
RCD	Rassemblement Congolais pour la Démocratie
RDF	Rwandan Defence Forces (<i>name of the army of the GoR since 2002</i>)
RDRC	Rwandan Demobilisation and Reintegration Commission

RENAMO	Resistência Nacional Moçambicana
RUF	Revolutionary United Front (<i>Sierra Leone</i>)
SC	(UN) Security Council
SIDDR	the Stockholm Initiative on DDR;
SLF	Somali Liberation front
SPLM	Sudan People's Liberation Movement
TFC	Tripartite Fusion Cell
TG	Transitional Government (<i>DRC</i>)
TPC	Tri-Partite Plus Commission
UIC	Union of Islamic Courts
ULIMO	United Liberation Movement of Liberia for Democracy
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UPDF	Ugandan People's Defence Forces
UPRONA	Union pour la Progrès Nationale
US	United States
ZANLA	Zimbabwe African National Liberation Army

Definitions used for this report³

Armed Group (AG):

A group that has the potential to employ arms in the use of force to achieve political, ideological or economic objectives; is not within the formal military structures of a state, state-alliance or intergovernmental organisation; and is not under the control of the state(s) in which it operates.

Combatants:

According to the definition set out in the Third Geneva Convention of 1949 relative to the Treatment of Prisoners of War in relation to persons engaged in international armed conflicts, a combatant is a person who is a member of a national army or an irregular military organisation or who is actively participating in military activities and hostilities.

In this report the term combatant is used for non-state actors in order to distinguish those from the military serving in national armies. The latter are referred to as 'military'.

Combatants on Foreign Soil (COFS):

Combatants on Foreign Soil are those (non-state) combatants who do not operate in their country of origin (or nationality). COFS may either pursue political objectives or personal interests in the country of origin or in the host country. Moreover, they either serve in a cross-border operating AG from their own country or they may have joined an AG of a foreign country.

Country of origin:

³ The definitions on the Integrated DDR Standards (www.unddr.org/idders/) have been applied whenever possible.

The country of origin (or nationality) is the country where the AG member was born and/or from which it has the nationality.

Disarmament, Demobilisation and Repatriation (DDR):

Disarmament, Demobilisation and Repatriation is a process that contributes to security and stability in a post-conflict recovery context by removing weapons from the hands of combatants, taking the combatants out of military structures and helping them to integrate socially and economically into society by finding civilian livelihoods.

For demobilisation programmes with cross-border aspects, often one or two R's are added (for Repatriation and sometimes also Rehabilitation). It then becomes **DDRR** or **DDRRR**.

Dependents:

A civilian who depends upon a combatant for his/her livelihood. This can include friends and relatives of the combatant, such as aged men and women, non-mobilised children, and women and girls. Some dependants may also be active members of a fighting force.

Host country:

The host country is the country in which the COFS reside. The term does not imply that the 'host' voluntarily provides a sanctuary to the combatants.

Internally Displaced persons (IDP):

Persons who have been obliged to flee from their homes 'in particular as a result of or in order to avoid the effects of armed conflicts, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border' (according to the definition in the UN Guiding Principles on Internal Displacement).

Mercenaries:

A mercenary is any person who: (a) Is specially recruited locally or abroad in order to fight in an armed conflict; (b) Is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar rank and functions in the armed forces of that party; (c) Is neither a national of a party to the conflict nor a resident of territory controlled by a party to the conflict; (d) Is not a member of the armed forces of a party to the conflict; and (e) Has not been sent by a State which is not a party to the conflict on official duty as a member of its armed forces.

Refugee:

Defined in the 1951 UN Convention relating to the Status of Refugees as a person who: "Is outside the country of origin, has well founded fear of persecution because of race, religion, nationality, membership of a particular social group or political opinion; and is unable or unwilling to avail himself of the protection of that country, or to return there, for fear of persecution."

In Africa and Latin America, this definition has been extended. The 1969 Organisation of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa also includes as refugees persons fleeing civil disturbances, widespread violence and war. In Latin America, the Cartagena Declaration of 1984, although not binding, recommends that the definition should also include persons who fled their country 'because their lives, safety or freedom have been threatened by generalised violence, foreign aggression, internal conflicts,

massive violations of human rights or other circumstances which have seriously disturbed public order’.

Summary & recommendations

Summary

Armed groups that operate across borders (AG) as well as combatants on foreign soil (COFS) in general are recurring phenomena in several parts of Africa. Currently their existence is particularly an issue of concern in the Great Lakes Region of central Africa, parts of western Africa, Somalia, and the interrelated conflicts affecting the Darfur region of Sudan, eastern Chad and the Central African Republic (CAR).

Various types of armed groups have existed in Africa since independence. Their advanced motivations range from regional or ethnic interests, regime change or changing the political order or systems. Economic rent-seeking is an additional motive and often gradually overrules the 'official' objectives.

Although over the past years and decades several conflicts on the African continent ended, the problem of AGs and COFS persists. The potential for recruiting combatants, either in-country or cross-border appears to be highest in West Africa where there are numerous examples of in particular Liberian and Sierra Leonean former rebels and destitute youths ready for joining any party who offers them an economically interesting opportunity. It is also in this region where the highest portion of combatants joins AGs for primarily personal economic interests and can thus be considered as mercenaries. Abject poverty and, arguably, insufficient economic reintegration opportunities, cause these former combatants to return to the battlefield when they are offered the opportunity.

In the Great Lakes, several armed groups from Burundi, Rwanda and Uganda have benefited from civil conflict and state weakness in the DRC to establish and maintain an operating presence in the eastern provinces of the DRC. It is not excluded that also in the Great Lakes Region demobilised combatants could become a source of instability, like in West Africa.

The situation in Somalia is different altogether. Since the emergence of the militias of the United Islamic Courts (UIC) Somalia has attracted several hundred foreign fighters, most of whom are driven by religious convictions. The COFS in Somalia come from a range of countries, both from the Horn of Africa and farther away.

COFS can be subdivided in several ways. Below we summarise:

1. Origin of the AG:
 - a. First of all there are those COFS that serve in AGs from their own country that has crossed a national frontier. E.g. the COFS serving in Rwandan, Burundian or Ugandan AGs in the DRC.
 - b. Secondly, there is a significant group of COFS that serves in an AG of a foreign country. E.g. Liberians in Côte d'Ivoire, Chadians in Sudan and Islamic combatants from various countries in Somalia.
2. Motivation:
 - a. Ideological.
 - b. Religious.
 - c. Ethnic.
 - d. Insecurity.

- e. Seeking to escape legal charges.
 - f. Economic rent-seeking.
3. Finally there is a group of COFS that never decided to join an AG but who were either:
- a. Recruited forcibly *or*
 - b. Recruited under false pretexts (e.g. recently (2006) some Rwandans were lured into joining a Congolese AG under the pretext that they would be building roads in the DRC).

In order to solve the COFS issue, it is essential to understand why and how AGs cross international frontiers, as well as why people join a foreign AG in a country different of their own. In this report it is argued that many AGs are able to operate in foreign countries because those host-countries⁴ and the AG had or still have some political, security or economic relationship. AGs are often used in conflicts between countries; i.e., if the government of country Y is on bad terms with the government of country Z, it supports, or sometimes even creates, an AG in the opponent's country. Other reasons for AGs to cross borders are military pressure in their country of origin. While either the lack of state authority and common interests (of the AG and the host country) allow the AG to seek refuge in e.g. a neighbouring country. Moreover, some AGs were in fact created abroad for instance by exiles; sometimes with the support of the country or countries hosting the refugees.

Refugee populations and, more in general, the poor, needy and economically excluded are the most prominent sources for recruitment. Therefore, the COFS issue cannot be entirely resolved with a disregard for these underlying issues.

Key issues

International relations:

Conflicts between countries are a major underlying cause for the existence and creation of armed groups. Some countries host or support AGs of countries they consider hostile. These conflicts can be the result of different political agendas but can also be provoked by ethnic and social links between people on either sides of borders, e.g. in the case of Chad and Sudan and previously also Rwanda and the DRC. Whatever the reason for conflicts between countries, the support of each others' AGs usually makes conflicts more difficult to resolve, frequently destabilises entire regions and is a major factor leading for conflict escalation.

Initiatives like the Mano River Union, the International Conference on the Great Lakes Region (ICGLR), the Tripartite Plus Commission (TPC⁵) and other regional efforts involving countries that were previously in conflict are therefore of great importance to resolve the issue of COFS but also to prevent the emergence of new AGs and cross-border movements of combatants.

⁴ *I.e. the country where the AG in which the COFS are serving is operational.*

⁵ *And adjacent initiatives like the Pact on Security, Stability and Development in the Great Lakes Region of the ICGLR and the Intelligence Fusion Cell in the Congolese city of Kisangani which was created in the context of the TPC.*

Good-governance:

Many AGs were created because of a discontent with the internal distribution of power, patronage and economic wealth in their countries of origin. The distribution of wealth, the functioning of democratic institutions, the opportunities to influence government policies and e.g. exclusion of ethnic groups or entire regions, are amongst the most prominent root causes for the existence of AGs and thus also of COFS. Sometimes this relation is direct but it can also be indirect; e.g. when instability causes a refugee crisis and when some of those refugees opt to join an AG. Without better governance practices and further democratisation, measures against the proliferation of COFS are unlikely to succeed.

Refugees:

There are numerous refugees located in various countries who are involved in the organisation, financing and support to AGs in Africa. Rebel groups in the Great Lakes Region, Somalia, Sudan, etc. have representatives in Europe, North America and elsewhere. Often they are permitted to operate freely in these countries of refuge.

A striking example of this are the dozens of prominent representatives of the Forces Démocratiques pour la Libération du Rwanda (FDLR⁶) residing in western European and North American⁷ countries who are not impeded from providing support to the FDLR, a movement which has destabilised the eastern DRC since 1994 and has been implicated in serious crimes against humanity.

Political Neglect:

There are several examples of conflicts and AGs that were neglected and forgotten for some time but which then quite suddenly re-emerged and became major issues. The country in conflict can be the cause of this neglect but it is often also the international community which tends to focus on conflicts that are relatively visible. E.g. conflicts in Northern Uganda, Burundi, Côte d'Ivoire, and Guinea have for years, sometimes even decades, been on the backburner of local and/or international attention and AGs were permitted to develop, gain strength and influence.

Some groups in the Mano River Region and the African Great Lakes are again at risk of being neglected and although they are perhaps currently of only minor importance, there is a risk that they are allowed to recuperate strength⁸ and re-emerge in a couple of years, able of destabilising these regions once again.

Therefore, both local powers and the international players should ensure that peace processes are sustained, that financial support for post-war recovery flows for several years following a conflict, and that such efforts contribute to economic growth and provide employment opportunities, including for former combatants and other high-risk groups.

⁶ For the purpose of readability we will continue to use in this report the name FDLR, also when we refer to the predecessors of the movement (amongst others. the ALIR). The FDLR and its predecessors are all rooted in the grouping that organised and executed the Rwandan genocide. Since then new combatants have been recruited to reinforce the ranks and the ideology has changed somehow.

⁷ Also in African countries. E.g. in the case of the FDLR several representatives reside in some West and East African countries.

⁸ Aided by the mineral riches of the areas concerned and economic despair; the latter facilitating the recruitment of youth, including demobilised combatants (amongst which several already had the experience of being COFS).

Moreover, it should not be tolerated that AGs persist in a post-war situation or that certain military units or commanders only in part adhere to peace and transition processes. Negotiations and military pressure should lead to their full integration in government institutions or their disarmament and reintegration. A few years of social and economic follow-up of reintegrated former combatants and COFS is also essential.

DDR and the capacity of the economy:

In order to resolve the issue of COFS and cross-border operating AGs, DDR and DDRRR programmes as well as peace negotiations and agreements, should also consider the underlying reasons for their existence. Too often peace deals offer relatively generous terms for the leadership of AGs (e.g. they are offered government positions, amnesty, etc.), while ordinary combatants do not receive adequate economic reintegration assistance. Sometimes such ex-combatants also feel abandoned by their leaders after the end of the conflict.

Neglected and impoverished former combatants are at risk of joining existing- or even of creating new AGs. For example, in the case of Liberia the demobilisation of combatants in 1997 was not followed with meaningful economic reintegration measures, and the international community soon turned its attention elsewhere. A large number of these ex-combatants rejoined the fighting in Liberia in 2002-2004. In the short-term, the quality and volume of DDR programmes, as well as the duration and intensity of the economic and social follow-up⁹ are key factors in reducing this risk. However, in the medium to longer term, employment and livelihoods opportunities for ex-combatants are the key to durable integration and the prevention of the through-start of rebellions, as former combatants with a decent job or livelihood will be less prone to re-recruitment than those that are unemployed and destitute.

This is a complex issue as it does not just involve the countries immediately concerned but also donors, international institutions and the general economic situation. Nevertheless, we would like to put in a word for more extensive and sustained recovery investments in the economy of those countries that emerge from conflicts. These investments should kick in as soon as possible following the cessation of hostilities and should be sustained for at least ten years.

Paul Colliers and other scholars stated in a 2003 World Bank report¹⁰ *“The final component of the global incidence of conflict is those countries that are in the first decade of post-conflict peace. For this group the risks of further conflict are exceptionally high: approximately half will fall back into conflict within the decade. This is the area that probably has the most scope for effective international interventions to reduce the incidence of conflict. What is most likely required is a coordination of external military peacekeeping for the first few years with a build-up of large aid programs during the middle of the decade.”*

Recommendations

⁹ As this paper is written in the context of a Pan-African exchange on DDR programmes, the writer will not discuss DDR programmes in any detail. Other contributors will take and have taken this matter forward.

¹⁰ Paul Collier et al., *“Breaking the Conflict Trap: Civil War and Development Policy”*, World Bank, Washington DC, 2003.

- **Cessation of political support and hosting of COFS and foreign AGs:**
 - Countries should cease to tolerate (on their territory) or support foreign AGs.
 - The African Union and regional structures should both monitor and take action against those countries that do not respect the sovereignty and integrity of other states. It would be useful to implement an identification exercise of countries that support and host AGs and their political wings.
 - Countries, including donors, should prevent refugees and immigrants from organising state-undermining activities against their countries of origin.
 - The conclusion of regional security pacts should become a priority for countries in conflict prone zones as well as their international partners.
 - A similar pact on the level of the continent could provide the AU with the legal tools to take action against those countries that continue to host or support AGs and/or political activists supporting AGs.

- **Use all legal opportunities to pursue COFS and political exiles that are suspected war-criminals or who committed crimes against humanity:**
 - Countries emerging from conflicts should make a priority of prosecuting suspected war-criminals.
 - Donor countries and international institutions should make the rehabilitation and (re-)establishment of independent judicial institutions one of the priority areas of their aid programmes in post-conflict situations.
 - Refugees and immigrants which are suspected war-criminals or who might have been involved in acts against humanity should be investigated and prosecuted, either in international courts or in their country of origin. Host countries and the countries of origin of the refugees, human rights organisations and e.g. the International Criminal Court (ICC) in The Hague should develop close collaboration in this respect.
 - When appropriate, priority should be given to those exiles who are still members of AGs or who (continue) to support those.

- **No conflict, AG or group of COFS should be neglected:**
 - AGs do not tend to disappear automatically. If neglected, many gain strength over time. Therefore is it necessary that affected countries, regional structures, AU and external partners work together to end the presence of all AGs on the continent.
 - In post-war situations, country governments and international partners should work towards the full integration (into society or government institutions) of all AGs, combatants, officers and political activists in order to prevent AGs to make a through start in the following years.
 - COFS should either be repatriated to their country of origin or integrated in the country where they served, but should never be neglected.

- **Good-governance and state-building:**
 - In order to address the problems caused by COFS and AGs in general, it is essential that countries emerging from conflict work on state-building, including good-governance practices and democratisation. When states do not ensure that all their citizens and regions are treated equitably, conflicts are likely to continue to emerge and the issue of COFS will not cease.
 - Donor country support, as well as peer-to-peer initiatives e.g., in the context of NEPAD, should be multiplied and should receive increased outside support and larger shares of national budgets.

- **Poverty reduction and economic reintegration of former AG members:**
 - Economic misery is a major cause for young men and women to join AGs. Therefore, it is important to support countries in the process of ending their conflicts with considerable reconstruction and recovery assistance, with a focus on livelihoods and employment generation.
 - Sufficient economic reintegration assistance should be provided to demobilised ex-combatants.
 - The support to countries emerging from conflicts should continue for a considerable period (keeping in mind the 10 years period during which the risk of renewed conflict is exceptionally high).

- **Voluntary versus forced repatriation:**
 - International organisations in particular should review their policies of supporting only voluntary repatriation of COFS. COFS are not refugees and they do not enjoy the legal benefits and protection of refugees. They deliberately destabilise states, are members of armed insurrections and should be treated accordingly. In some instances are voluntary repatriations mandates of e.g. UN missions sufficient, but there are also examples where the UN Security Council should consider giving the UN missions the mandate to forcibly disarm and repatriate COFS. The same accounts for AU missions.

- **Coordination:**
 - The repatriation and reintegration of COFS takes place in more than one country. It is therefore essential that the various activities are well coordinated. Moreover, the exchange of information, including intelligence on e.g. COFS ready to accept repatriation, needs streamlining. Therefore it is important to support or develop structures that can facilitate such coordination.
 - It is recommended that either the MDRP's scope will be extended to other parts of Africa or that similar structures are also developed in regions other than the Great Lakes that are affected by COFS.
 - It is further recommended that the MDRP's role in the DDRRR of COFS will be extended.

1. Introduction

1.1 Context and aim

From 21 to 23 June 2005 a conference on Disarmament, Demobilisation, Reintegration and Stability (DDR) in Africa took place in Freetown, Sierra Leone. It was co-organised by the Government of the Republic of Sierra Leone and the United Nations Office of the Special Adviser on Africa (OSAA), with the aim of bringing together African practitioners and their international partners to share experiences and ideas about ways to improve the design, operation and implementation of DDR programmes, to better attain sustainable peace on the continent.

One of the recommendations of this conference was to strengthen the network of African DDR practitioners and build DDR capacity among African stakeholders by developing a regular and sustainable DDR evaluation process enabling the sharing of the practical experiences of African countries themselves as well as their international partners. Consultative DDR reviews by the stakeholders have been decided to take place every two years of which the upcoming conference in Kinshasa (12-14 June 2007) is the first. The conference should build on the achievements of the Freetown Conference and focus on African-owned processes enhancing effective policy formulation and strategy implementation in African DDR programmes.

The Democratic Republic of Congo's (DRC) presentation and plenary discussions in the 2005 Sierra Leone conference showed the need to also look into the question of combatants on foreign soil (COFS). The conference report stated: "*the presence of foreign ex-combatants in many African conflicts needs serious consideration*".

To treat the issue of COFS within the broader context of DDR makes sense for the following reasons:

- COFS affect peace processes that are pre-conditions to DDR programmes. They frequently commit human rights abuses in host communities, destabilise the host countries, threaten countries of origin, and in some cases undermine the political relationships between the host countries and the countries of origin.
- Once COFS have been either accepted to stay in the country where they served in an AG or after they have been repatriated to the country of origin, they have similar needs¹¹ as other demobilised combatants and they typically enter the same or similar national [DDR] programmes as their peers that did not operate across borders.
- COFS have a direct impact on security and DDR processes in both countries of origin and the host countries: The presence of COFS obliges host governments and the governments in their countries of origin to maintain a larger army and security apparatus than would have been necessary without the existence of respectively external and internal threats to security.

This paper is meant to serve as a starting point for discussion on the issue of COFS in the 2007 DDR conference in Kinshasa. It will be attempted to describe how and why individuals

¹¹ *The needs may be similar but the problems former COFS face or even more profound than other demobilised combatants and military. The experience of the Rwandan Demobilisation and Reintegration Commission demonstrates this.*

become COFS, either serving in a cross-border operating AG of their own country or in a foreign AG. There will also be a lot of attention for the AGs as it is important to understand why they exist and how some of them operate across national frontiers and why others recruit foreign nationals (which then become COFS).

This paper will also demonstrate that there are important differences among the various rebel groups that operate cross-border as well as among individual COFS. Some have as their main objectives to combat the regime in their country of origin, while others have ideological or economic objectives in the host country or even beyond¹². Moreover, whereas many COFS may pursue political objectives, others are mere mercenaries in pursuit of personal gain. The many variations in the motivations, objectives and behaviour amongst different COFS on the African continent make it undesirable to develop standard approaches to the repatriation and/or demobilisation of combatants that operate across borders. In particular the modes to convince or to force AGs to give up their armed struggle and to accept either demobilisation or integration in regular forces requires approaches adapted to the situations and characteristics of the different groups of combatants.

Consequently, this paper will not work towards recommendations for a standardised approach. The objective is rather to identify those issues that need attention from politicians and practitioners in order to develop effective programmes to address the issue of COFS in their respective host countries and countries of origin or on (sub) region level. It will also be attempted to formulate a number of principles and recommendations that are useful in the resolution of the problems by COFS and/or AGs operating across borders.

As a first step, the scale of the COFS problem will be described in the next chapter after which a description of the historic background of AGs and COFS in Africa will follow in chapter two. In chapter three, an overview of the current situation will be presented. In the final chapter a broad overview of the existing political and executive frameworks and structures dealing with COFS is presented.

1.2 The scale of the COFS problem

The numbers of COFS in Africa and their locations are dynamic and precise figures are often unknown. When figures are forwarded in this chapter they are therefore indicative and by no means precise estimates.

The Great Lakes Region (South Sudan, Uganda, eastern DRC, Rwanda, Burundi):

Firstly, over the past months there has been encouraging news from Uganda and Burundi. In both countries cease-fire agreements have been concluded with the most prominent (in the case of Burundi the only remaining) rebel groups; the LRA and the FNL respectively. Both groups maintained a military presence in neighbouring countries. The FNL had an estimated 300 men at any given time in the Ruzizi Plains area of the DRC¹³, while LRA units roamed

¹² As may currently be the case for the foreign fighters which have joined the Islamic rebels in Somalia.

¹³ Romkema, H. *Opportunities and Constraints for the Disarmament and Repatriation of the Foreign Armed Groups in the Democratic Republic of Congo; the cases of the FDLR, FNL and ADF/NALU*. MDRP, April 2007. [soon to be published]

around in the DRC and Southern Sudan¹⁴. If these two peace processes are implemented successfully, the COFS problem in the Great Lakes Region will be significantly reduced.

Other cross-border operating AGs are (with the estimated numbers of combatants¹⁵):

AG	Origin	Location ¹⁶	Estimated No
FDLR	Rwanda	DRC	7-8000
ADF	Uganda	DRC	Together: 900 max
NALU	Uganda	DRC	
PRA ¹⁷	Uganda	DRC	unknown

Moreover, limited numbers of Rwandan, Ugandan, Burundian and/or Sudanese individuals serve in foreign, mostly Congolese, AGs. Numerically, this group is not considered to be very significant. On the other hand, there are numerous Congolese who serve in a foreign AG (e.g. 60-70% of the approximately 900 ADF/NALU fighters is estimated to be of Congolese origin) but they do that exclusively in the DRC and are therefore no COFS.

The impact of these groups in the eastern provinces of the DRC is far-reaching. In the earlier quoted MDRP report it is described that the FDLR alone occupied (at the end of 2006) around 20% of the North and South Kivu provinces, while they were also the most dominant military force in another 20-30% of the territory¹⁸. In addition to that, the foreign armed groups in the DRC commit numerous human rights abuses. Thus, these groups undermine the authority of the Congolese state, have a devastating impact on the well-being of the local communities and are a considerable threat to economic recovery and governance programmes. Moreover, they have a noteworthy, in general negative, impact on the relations between the regional powers¹⁹.

West Africa (Liberia, Sierra Leone, Guinea, Côte d'Ivoire):

A Human Rights Watch (HRW) report on regional warriors in West Africa²⁰ includes a wealth of excellent qualitative information on the issue of COFS in West Africa. The report however fails to quantify the problem. This is understandable because of the nature of these COFS. When nobody calls upon them to participate in a 'mission', they either sit idly at home,

¹⁴ Numbers of LRA combatants are only vaguely known. E.g. ICG reported in its latest paper on the peace process: Northern Uganda; seizing the opportunity for peace. Africa Report N°124 – 26 April 2007: "Exact figures are unknown, but meetings held by mediators with the LRA at Nabanga in southern Sudan and eyewitness estimates as some fighters moved to assembly points suggest that previous estimates of 300-400 combatants are too low, and 800-1,000, or even more, is a better approximation" and further in the paper: "Estimating LRA numbers is still an imperfect science, however. The most recent eyewitness reports suggest that roughly 800, including women and children, are camped near Mt. Nancongo, to which must be added fighters remaining in southern Sudan and Northern Uganda and roaming to the west around the CAR-Congo-southern Sudan border."

¹⁵ The same source was used as was done for the estimate of the number of FNL COFS in the DRC.

¹⁶ This concerns the location of the COFS. Political figure heads may reside elsewhere. E.g. the ADF leadership is spread out in (at least) the following countries: the United Kingdom, Kenya and Sudan.

¹⁷ The existence of a military wing of this group is disputed.

¹⁸ Due to recent military operations by the DRC Armed Forces these percentages may have been reduced over the past months.

¹⁹ In the past this impact was negative, but increasingly these AGs do also have as a side-effect that the countries of the region develop collaboration around this joint problem; e.g. the TPC and the (ICGLR) Security Pact.

²⁰ Human Rights Watch. March 2005. *Youth, Poverty and Blood: The Lethal Legacy of West Africa's Regional Warriors*.

do some petty work or go to the diamond mining areas of the Mano River Region. Moreover, it is not just the former combatants, including the COFS, that are recruited for current and future rebellions; also other groups; jobless and under-waged young men are the main target. Quantifying the COFS at any given time in West Africa is therefore an impossible task.

The stories in the HRW report show that demobilised men and women are vulnerable to re-recruitment, especially in the absence of credible reintegration options. For recruiters, they often represent a pool of “pre-trained” fighters. It appears that the willingness to join AGs, foreign or not, as long as they offer possibilities to make some money, in West Africa is extremely high, also when compared to e.g. the Great Lakes Region. Some quotes from the HRW report illustrate this:

- A military intelligence source who has extensive experience in West Africa was quoted describing the ‘regional warriors’: *“These guys form part of a regional militia I call the insurgent diaspora. They float in and out of wars and operate as they wish. They have no one to tell them where, when and how to behave. They’re been incorporated into militias and armies all over the place – Sierra Leone, Côte d’Ivoire – and are really the most dangerous tool that any government or rebel army can have.”*
- While most joined their first armed group under duress, the vast majority of ex-combatants interviewed by Human Rights Watch willingly crossed borders to fight in any and all subsequent armed conflicts or ‘missions.’ Junior Toe, the Executive Director of Liberian Ex-combatants Anxious for Development (LEAD), a local nongovernmental organisation which advocates on behalf of ex-combatants, explains: *“There was war in Liberia and the majority of Liberian parents were unable to support their children. So male or female, the easiest way for them to have money was through war. During the first war [1989-1996], most were forced into it, but they then got used to it and got attracted to taking things. Also, another problem was that after the first disarmament [in 1997], people left them just like that. The process wasn’t complete – there was no job training or assistance with reintegration. After 1997 the situation started going bad and because of economic hardship, violence came again and the same children went back into the game, but this time they did it voluntarily. While some were forced – the majority went in voluntarily.”*
- Thirty-four fighters interviewed for this [HRW] report, had since April 2004 been approached and asked to join a fighting ‘mission’ in Guinea. About half had been approached by commanders claiming to represent a fledgling Guinean insurgency, and the other half by those claiming to be supporters of Guinean President Lansana Conté who sought to organize militias to assist in national defence. Several had also been approached about fighting in the ongoing conflict in Côte d’Ivoire. Judging from the pattern set by the region’s recent armed conflicts, a resumption of hostilities in Côte d’Ivoire or an internal armed conflict in Guinea would no doubt have devastating consequences for the civilian populations in both countries. The United Nations Mission in Liberia told Human Rights Watch they are concerned about ongoing recruitment of recently demobilised Liberian combatants for possible use in armed conflicts in neighbouring countries

The importance of good quality demobilisation and reintegration programmes is also demonstrated in the HRW report: *‘Nearly all the ex-combatants interviewed for this report were eligible for participation in United Nations funded and administered disarmament and training programs. These programs had their successes, but also their failures. For example,*

the Sierra Leonean program disarmed over 70,000 combatants, but up to 2,000 are thought to have been re-recruited and indeed later fought in wars in Liberia and Côte d'Ivoire.'

Chad-Sudan-CAR:

Most regional and international journalists as well as several analysts²¹ who report on the conflicts in Darfur, Chad or the Central African Republic (CAR) agree that COFS (and state support to foreign AGs) play an important role in this region. There is however neither an estimate available of the total number of COFS in this part of Africa, nor an inventory of all groups that have integrated foreign combatants or groups that operate across-borders.

Obvious however seems that governments entertain relations with AGs of neighbouring countries which they consider hostile. The AGs either fight in their own countries against the respective governments or at their neighbour's, sometimes in AGs fighting the government or in militias supportive of a government. Moreover, Chadian and Sudanese AGs have recruited amongst the refugee populations (and Internally Displaced Persons; IDPs) in the border regions. The ethnic and social links between many of the Darfurians and both the Chadian government and the Chadian rebels, many of them are from the Zaghawa ethnic group, play a facilitating role in the creation of cross-border alliances.

The CAR is also affected by the same conflict. E.g. Chadian rebels are known to have used the country for their April 2006 attack on the capital N'Djamena²². Moreover, the civil war that brought President François Bozizé Yangouvonda to power in March 2003 attracted COFS of various origins, amongst which Chadians and Congolese, which have since often joined groups of local rebels²³. Also in the case of the CAR, estimates of the numbers of COFS are difficult to obtain.

Somalia:

In particular the Union of Islamic Courts has integrated considerable numbers of COFS, though estimates are difficult to find. It seems likely that if the conflict in Somalia were to drag on for a considerable period, the number of COFS will gradually increase due to a global emergence of Islamic activism and the recruitment practices of Somali groups (e.g. the call for Muslims to join the fighting in Somalia the Al Jazeera network reported about in March 2007²⁴).

Elsewhere in Africa:

In other parts of Africa the issue of COFS appears to be a minor or non-existent problem at this time.

²¹ Amongst others from the Great Lakes Centre for Strategic Studies (www.glcss.org), International Crisis Group (www.crisisgroup.org), Institute for Security Studies (www.iss.co.za) and Human Rights Watch (www.hrw.org).

²² Amongst other sources: Reuters' www.AlertNet.org and www.AllAfrica.com.

²³ Recently progress was reportedly made towards the demobilisation and reintegration of (some of) these groups.

²⁴ 24 Al Jazeera published on March, 24 (2007) even a report that showed that the Islamic rebels actively recruit foreigners: "The Somali Liberation Front (SLF), an otherwise unknown group [most likely linked to the UIC], have called on Arabs and Muslims to come to Somalia to fight Ethiopian troops".

2. Historical background of AGs and COFS in Africa

2.1 African rebellions

In the early nineties of the past century, immediately after the end of the Cold War, there has been an upsurge of conflict in Africa. Status quo situations, the results of sometimes careful power balancing acts between the Eastern and Western blocs, quite suddenly turned violent, either because outside pressure to refrain from violence became absent or because support to weak or unpopular governments ceased.

These new conflicts, or rather *latent-conflicts-turned-violent*, added to already existing (civil) wars and gave the continent a grim image. In the mid 1990s the war efforts had resulted in several regime changes across the continent and Eritrea's independence from Ethiopia. In most cases, these were presumed positive by many in Africa as well as by donor countries. Analysts and diplomats even spoke of 'New Africanism', a term that was never well defined but which hinted at the expectation and hope that the new regimes would be more democratic and representative than their predecessors²⁵.

When at the end of 1990s and at the start of the new millennium new wars broke out, often involving countries and leaders that were identified with this 'New Africanism', the hope for a more secure Africa that could improve the well-being of its populations and participate in the global economy diminished considerably. However, recently there has been a new wave of peace agreements, elections and democratisation processes and it appears that some parts of the continent are becoming more stable²⁶.

Nonetheless, despite these improvements in the security situation and the prospects for development, across the continent numerous armed groups (AGs) remain active. AGs do not only exist in countries and regions that are 'in the news' or in 'declared' civil war, like Somalia and the Darfur region of Sudan, but also in other places where there is supposed to be peace or where media attention has faded. E.g. in the DRC scores of AGs, either with Congolese, Rwandan or Ugandan²⁷ backgrounds, remain active and also in West Africa there continue to be combatants that roam around, create insecurity problems for local communities and threaten state security²⁸.

The Ugandan Amnesty Commission (AC²⁹) provided in October 2006 a list of reintegrated former Ugandan rebels which showed that since the year 2000 the AC had reintegrated former combatants from 27 different rebel groups. Obviously, not all these movements are equally

²⁵ It was also in this period that e.g. the World Bank started to use the term 'good governance' which became one of the most prominent spearheads of its programmes in Africa.

²⁶ In particular in the Great Lakes Region, in part of Sudan, and in West Africa. Despite an end to several wars and the DDR or integration of several AGs in those regions, it cannot be denied that a lot remains to be done.

²⁷ The Burundian AG *Forces Nationales pour la Libération (FNL)* also still has a presence in the DRC but is disregarded in this list because of the cease fire agreement brokered in September 2006 in Dar es Salaam and the continuing efforts of the Government of Burundi, the FNL and regional and international partners to resolve this conflict in a durable manner.

²⁸ E.g.: IRIN 20 April 2007 – "Thousands of disarmed former fighters from Liberia's 14 year civil war are still roaming the country without training or reintegration into society, threatening Liberia's chances of future stability, the head of the Liberian government's disarmament and reintegration commission warned on Thursday."

²⁹ The Ugandan AC was created under the Amnesty 2000 Act and has been made responsible for, amongst others, the reintegration of former Ugandan rebels.

important, and the meaningful existence of some alleged groups is even doubtful. Yet this remains a significant and a complex topic, also in many areas that are less covered by the international press-agencies and broadcasters or that receive only modest attention from analysts.

2.2 *Rebels without borders*

A few years ago we interviewed a soldier in the Great Lakes region who had started his military career as a child soldier in the National Resistance Movement (NRM) of Uganda that was led by the current president of Uganda, Yoweri Museveni. This soldier explained that since the mid-1980's he had fought and received training in seven different countries: Uganda, Mozambique, Sudan, Kenya, Rwanda, Burundi and the DRC³⁰. He had done so serving a variety of rebel groups and in at least two different government armies. Still, this soldier was not a mercenary. His aim was not personal gain. Rather, he had adhered to the ideologies and objectives of consecutively the National Resistance Army (NRM) and the Rwandan Patriotic Front (RPF) and had been ordered by these to attend training courses or to reinforce allies in the region.

There are however also rebels who fight for personal gain or interests or, as Human Rights Watch (HRW) showed in a report³¹, even fight for the sake of fighting. Mohammed, a 24 year old Liberian who fought in Liberia, Sierra Leone, Guinea and Côte d'Ivoire said *"There are some of us who can't seem to live without a weapon – anywhere we hear about fighting, we have to go. It's because of the way we grew up – and now it's in our blood. A warrior can't sit down when war is on...."*

However, the majority of African COFS over the past decades of independence however, seem to have joined AGs not in the first place for personal material gain. Some examples are given here below. The examples do amongst others show that combatants can easily shift from being COFS serving a foreign force to rebels operating in their own country and vice-versa:

- After the defeat of the Belgian backed Katangese rebellion (fighting for an independent Katanga; 1960-63), many of the 'Gendarmes Katangais' left the Congo (Zaire) for Angola and participated in the civil war in their host country³². Occasionally they tried to return to their home country, e.g. in May 1978 they briefly occupied the copper town Kolwezi, but, benefiting from the AFDL war against Mobutu's regime, it took till 1996/97 before most of them returned home.
- Rwandans who had fled their country in waves of ethnic killings (1959, 1962, etc.) joined the Ugandan (NRM) struggle against the Obote regime in 1980. They did that amongst others because they were discriminated against in Uganda. Once the NRM overthrew the government in 1986 and had established some order in the country, the Rwandans in the Ugandan army organised a rebellion against the Rwandan regime in the form of the Rwandan Patriotic Front (RPF). The latter prevented the refugees to

³⁰ Arguably Tanzania could be added to this list as the soldier explained that in particular a move from Uganda to Mozambique was facilitated by Tanzanian officials who apparently also played a role in the planning.

³¹ Human Rights Watch. March 2005. *Youth, Poverty and Blood: The Lethal Legacy of West Africa's Regional Warriors*.

³² The writer met some of them in the Angolan city Lubango in September 1995. They had apparently integrated the Angolan armed forces and occupied normal duties like their Angolan peers.

return home because, as the Rwandan (Habyarimana) government stated '*Rwanda is a small country that cannot feed more people*'. The RPF which opened a military front within Rwanda in 1990. Reinforced by Rwandan refugees from Burundi, Tanzania and Zaire as well as with Rwandans from within the country, the RPF gained power in 1994.

- Zimbabweans in exile created (amongst others) in 1965 the Zimbabwe African National Liberation Army (ZANLA) in Tanzania. Initially this movement engaged the Rhodesian white minority government from Zambian soil but from 1975 onwards Mozambique became the main base and an important backer of the ZANLA. After a protracted conflict, all Zimbabwean parties signed in 1979 the Lancaster House Agreement, ending the civil war, after which the political wing of the ZANLU (led by President Mugabe) won with a landslide victory the elections in 1980.
- The Sierra Leonean Revolutionary United Front (RUF), created in 1988 in Libya, attacked in 1991 Sierra Leone from Liberian territory. The country's diamond areas were the main target. Initially the diamonds were used to achieve the political aims of the RUF³³, but increasingly the diamonds became an objective of their own. The RUF and in particular individual combatants with an RUF record reinforced on and off government and rebel forces in neighbouring Liberia, Guinea and Côte d'Ivoire. The RUF is now a political party that won at the 2002 elections 2.2 % of popular votes and no seats.

A significant number, probably the majority, of current and past African rebel groups either operate or have operated across borders and at least have political representations and logistics units abroad. Some countries are more receptive to hosting foreign opposition and/or armed groups and appear repeatedly in descriptions of these AGs and parties. As such, the countries concerned, which are not always directly affected by conflict themselves, have also contributed disproportionately to the proliferation of COFS in Africa.

When they have a military presence in a host country which is itself at war, foreign AGs are prone to join the fighting as this has many advantages. By supporting either a rebel group or the government of a host country, the foreign AG gains both the right to stay in the host country, although they may have to fight for that right, and, if their ally gains the upper hand in the conflict in the host country, they are also likely to receive political and military support from their host, thus increasing the chances of achieving their objectives in their home-country³⁴.

In any case, AGs usually cannot operate within their own country without at least political bases and logistics units abroad. This pinpoints a serious issue for peace and security in Africa. As long as countries willingly host or support opposition groups, either political or military, from e.g. neighbours, rebellions can never be defeated entirely and tensions between countries will unavoidably persist. Moreover, political representations or logistics units are often a starting point for combatants and rebel movements to cross borders, ultimately affecting the security in the host country and providing fertile ground for conflicts to expand across borders.

³³ When the RUF began, it put forward the slogan "No more slaves, no more masters. Power and wealth to the People"

³⁴ This was e.g. the case with the CNDD of Burundi. In the period of 1998 till 2002 it fought on the side of DRC government forces against rebels supported by some of the neighbouring countries and in 2005 it won the elections in Burundi.

Refugee populations can also be a major source for COFS, especially when located on the borders of their country of origin. For instance, Che Guevara reported in his letters that he was already training Rwandan refugees in 1965 in Congo/Zaire. Currently, both sides in the Darfur conflict accuse the other of recruiting amongst refugees from their respective countries. Similar situations occurred a couple of years ago in the Mano River region amongst Liberian, Sierra Leonean and Guinean refugees. Several Somali factions recruited already in 1993 in the refugee camps in Kenya and Ethiopia.

In sum, AGs that cross borders or combatants that join an AG in a foreign country exist and have existed in most of the conflicts that occurred in Africa since independence. Political ideologies, ethnic and linguistic ties, personal security concerns and economic interests all play important roles in this phenomenon. A key issue is the support that AGs receive from their host countries. Finally, it should be noted that COFS are not a specifically African problem; COFS have been known to participate in e.g. the Spanish civil war, revolutionary wars in Latin America and more recently e.g. in Iraq, the former Yugoslavia, Chechnya, the Philippines and Afghanistan.

3. Background, scope and nature of COFS

3.1 AGs without borders

Before we present the main reasons for individuals joining AGs and becoming combatants on foreign soil (COFS) we need to make a summary analysis of the AGs themselves; without AGs there are no COFS and vice-versa. Moreover, although the objective of the COFS may coincide with those of the AG, this is not always the case. And finally, in order to solve the issue of COFS and combatants in general, the existence of AGs needs to be tackled simultaneously because as long as AGs exist, some persons will be attracted to them and consequently, DDR and DDRRR programmes that are not supplemented by e.g. peace negotiations or military operations against AGs, cannot end the problem.

3.1.1 Groups with credible grievances

Many AGs claim that they were created because of exclusion or political and economic injustice. “*The government has forgotten (or [even] discriminates against) our part of the country*” is an often heard claim³⁵. One of the difficulties is that the *raison d’être* of many AGs have become blurred over time; either the reasons or root causes that led to the creation of the respective AGs have been addressed or were resolved or other objectives were added over time. Economic rent-seeking is a recurring ‘added reason’, although it will always be veiled by one or the other political goal.

On the other hand, many of the claims made by AGs, often contain at least a grain of truth. The Government of Uganda had indeed invested little in the northern part of the country (as the LRA claims) since 1986, Samuel Doe was indeed a ruthless dictator (as Charles Taylor’s National Patriotic Party claimed³⁶) and also the Burundian AG the FNL has, at least to a large extent, long been right when it claimed that the country’s previous government discriminated against poor Hutu peasants³⁷.

However, while the claims of many AGs may seem legitimate at first glance, one needs to ask the question whether starting a rebellion was the right and only possible answer. Sometimes, e.g. in the absence of functioning democratic institutions, when parties cannot claim their rights or address their concerns to the government, there may be few other choices, but this is certainly not always the case. In a way, rebellions are also easy ways of showing discontent when states are weak. Moreover, when successful, they may offer a more rapid way to the accomplishment of political and personal economic aims than securing changes through the (sometimes poorly functioning) democratic institutions. At least rebel leaders that succeed in ringing the alarm bells hard enough in the capital often achieve their goals³⁸; their militiamen and the population or interest group they say to represent are often less well served.

³⁵ To list and analyse all possible reasons to start a rebellion or AG is out of the scope of this briefing paper. Obviously there are many more reasons than the ones mentioned in this report.

³⁶ The next rebel group, the LURD, credibly made similar claims about Charles Taylor’s government.

³⁷ The fact that the in August 2005 elected president of Burundi, Pierre Nkurunziza, is a Hutu and was before a rebel leader with similar, but less extreme, claims as the FNL, is probably the main reason why the FNL is now negotiating a peace deal. Few Burundians would understand a continuation of the armed struggle since the political order in the country has changed and seems to reflect the objectives of the FNL.

³⁸ E.g. there are numerous examples of rebel leaders that received handsome sums of money and were offered good posts in the government once they accepted a peace deal.

Moreover, in many countries the political situation has changed while the AG was in ‘the bush’. E.g. several of Uganda’s dozens of rebel groups started their quest even before Museveni’s NRM acceded to power in 1986 or when Uganda was still a one-party (NRM) state (a multi-party system was reinstated in Uganda in May 2005); still most Ugandan rebels have no other agenda than fighting the government and its policies. Another example is derived from some of Congo’s AGs. At the onset (most appeared either at the start of the 1996 ‘first Congo war’ or in 1998) they claimed to be fighting to protect the country’s territorial integrity against foreign invaders. According to this logic, they should have ended their struggle and disbanded in 2002 when the Rwandan and other foreign armies left the country. However, to this date some groups continue to resist the (full) integration into the new national army.

One problem in this respect is the low level of education of many AG leaders. For example, several Congolese Mayi-mayi groups, the RUF, and some of the leaders of Somalia’s Islamic Courts coalition have had this problem³⁹. Low levels of education may both cause people to earlier choose armed solutions for real or perceived problems and may make it more difficult to find ways of ending such conflicts. Experience shows that poorly educated rebel leaders find it difficult to participate in negotiations and often they get the impression that they cannot ‘negotiate’ with the ‘intellectuals’ on the other side of the table on an equal footing.

Some independence movements also continue to exist (e.g. in the Angolan Cabinda province⁴⁰, the Ogaden province⁴¹ of Ethiopia, southern Sudan⁴² and previously in Eritrea) but their numbers and impact appear to be diminishing when compared to the first decades after independence of African countries. The desire to gain independence is often rooted in either a distinct social background (e.g. the Somali Ogadens in Ethiopia) or because of the existence of particular riches that the habitants of a region do not want to share with their compatriots (oil in Cabinda and in the 1960s the copper mines of Katanga).

3.1.2 Islamic revolutionaries

A relatively new phenomenon in Africa is those AGs that (claim to) fight for the Islamic religion and draw support from distinct members of Islamic communities throughout the continent and beyond. These groups need some specific attention in this paper because they appear to attract more foreigner combatants than the average rebellion. Several news agencies (a.o. BBC, RFI, Al Jazeera) reported significant numbers of foreign fighters amongst the Union of Islamic Court (UIC) forces in Somalia. This should be no surprise considering similar situations in other conflict zones like Iraq, Chechnya, Afghanistan and a decade ago in Bosnia. On the African continent this problem seems to be concentrated in Somalia; however it cannot be considered as a unique feature of the Somali conflict⁴³.

³⁹ *The writer was involved in negotiations with the Congolese Mayi-mayi and interviewed some observers of the conflicts in Uganda and Somalia.*

⁴⁰ *The on-line encyclopaedia www.wikipedia.org has even an article on the ‘republic of Cabinda’.*

⁴¹ *Independence from Ethiopia is amongst others the aim of the Ogaden National Liberation Front (ONLF).*

⁴² *In 2011 Southern Sudan’s population is scheduled to be offered the opportunity to vote in a referendum about possible independence from Sudan. The SPLA in the past favoured independence.*

⁴³ *Uganda’s ADF is another rebel group with an Islamic agenda.*

The current global political environment is such that significant minorities of relatively fundamentalist Islamists consider it their duty to support movements as the UIC and as a consequence all kinds of nationalities can be found amongst the financiers and combatants of such movements.

While Islam may play a major part in the ideology of the various groups, there are always also other aspects. Some Somali analysts argue that besides opposing views on the Islam and the role of it in public life, the Somali government and the UIC also obtain their respective grassroots support from different clans. As such, Islam may be a tool to rally support for some of the UIC leaders, both from abroad and within Somalia from clans other than those that dominate the UIC⁴⁴.

Therefore, although religion may be a genuine motivation for some, for others it is a tactical tool to rally support. As such, religion plays a similar role as ethnicity has in some cases (e.g., Burundi, Rwanda). Although it cannot be denied that ethnicity and religion play important roles in many conflicts, it is also clear that it is often exploited by AG leaders or politicians to gather people behind them; as a variety on the well-known *-divide-and-rule-* politics applied by scores of unscrupulous leaders in the past.

3.1.3 AGs that developed from toppled regimes or defeated armies

Such groups are widespread in Africa. E.g. some of the Ugandan AGs are remnants of either the Obote or the Amin governments (and their respective armies), the FDLR is linked to the former Rwandan army (ex-FAR), while many of the roaming West African ‘ex’-combatants can be traced back to Charles Taylor’s movement (which became the government from 1997 till 2003). Not all defeated government forces turn into rebels though. For example the armed forces of Mobutu’s Zaire were either integrated into the new Congolese army, retired or went into (non-combatant) exile.

The trouble with defeated or dislodged armies is that they usually pull back to a friendly territory or places where there is an absence of authority (like the remnants of the former Rwandan did when they retreated into the Zaire of Mobutu), and they typically have significant military skills and political networks. Therefore, it is not rare that remnants of defeated armies turn into ‘AGs on foreign soil’ and thus are a major source of COFS.

3.1.4 Rebels without a cause

Although most rebellions start with a somewhat defensible cause, they quite often turn into rent-seeking enterprises. Some AGs have primarily economic objectives from the beginning, typically with a thin political veneer. In some cases however it is very obvious that an AG’s primary objective is to generate personal gain for its leadership. Examples of these are some remnants of Congolese Mayi-mayi that have achieved their initial aim (territorial sovereignty) but still remain in the forest, coincidentally often in mining areas or remnants of Liberian factions that continue to occupy rubber plantations. The ADF of Uganda, for example, is not undertaking any activities that could make them achieve their stated aim of regime change in

⁴⁴ *The UIC is mainly identified with the Hawiye, Rahanweyn and Darod clans.*

Uganda. However, the ADF is actively exploiting eastern Congo's minerals⁴⁵. The same happened with many of the West-African rebel groups; at the onset they may have had a point in organising resistance to an undemocratic regime but many ended up existing primarily to exploit diamonds and other resources for their leaders.

3.1.5 Rebel groups constituted of people facing legal charges

The Rwandan FDLR is the ultimate exponent of an AG that is dominated by people who have good reasons to fear international as well as national justice. Therefore, the leaders of this group have little choice but to continue as an AG, even though they may have realised⁴⁶ that they have an insignificant chance of returning to Rwanda by force and imposing regime change and, ultimately, immunity from legal prosecution for the crimes some of them committed during the genocide. The FDLR is benefiting from a power vacuum in Congo's eastern provinces; a vacuum that cannot easily be filled considering the DRC's severely weakened state structures and the vastness of its territory.

3.1.6 How, why and when do AGs cross borders?

Many borders in Africa are porous. Though this does not facilitate the prevention of cross-border operating AGs, it is not the main cause either⁴⁷. More important is the attitude of the host country towards the foreign AGs and individual combatants. In those cases where a host country immediately acts decisively against armed foreigners on its territory, the foreign AG will only have three options; to disarm and become civilian refugees, to cross back into the country of origin and face the adversary or to seek a sanctuary elsewhere.

Over the past months, Kenya showed that this may be an option in some cases. The Kenyan authorities prevented the IUC fighters from Somalia, who were fleeing the advances of the coalition of Ethiopian and Somali government forces, from entering Kenyan territory, and thus denied these forces the option of a temporary strategic retreat. From the humanitarian perspective this may have been a contentious decision, especially because it simultaneously prevented civilian refugees from finding a refuge. However, in the long run this decision may have prevented the conflict in Somalia from spilling over to (north-eastern) Kenya.

For a variety of reasons not all countries act in such ways. Some countries host foreign AGs for political reasons, others do not have the military capability to prevent the presence of foreign AGs.

AGs may have a variety of reasons for crossing borders:

⁴⁵ Recent rumours about possible links between the ADF and the UIC might change this analysis as it could potentially provide the ADF with some new impulses that could encourage it to take up their quest once again. Recent incursions by the ADF into Uganda indicate that this could already be the case.

⁴⁶ For details on the foreign armed groups operational in the eastern provinces of the DRC (FDLR, FNL, ADF and NALU) it is recommended to read a (the soon to be published) report from the Multi-country Demobilisation and Reintegration Programme (MDRP): Hans Romkema. *Opportunities and Constraints for the Disarmament & Repatriation of the Foreign Armed Groups in the Democratic Republic of Congo; The cases of the FDLR, FNL and ADF/NALU*. MDRP, April 2007.

⁴⁷ If permeable borders would by themselves be a cause for the creation and existence of AGs, many other parts of the world would suffer insurrections; e.g. European and Latin American borders are hardly policed.

- First of all, some AGs are created outside the home country. This is e.g. the case when an AG is created by a refugee population or is a regrouping of a defeated regime's army. Sometimes it is a combination of these two. The Rwandan RPF started as an organisation of Rwandan refugees in Uganda; The FNL was created by Burundian exiles in Rwanda and Tanzania, etc.
- AGs can be under severe military and political pressure within the country of origin, forcing them to flee to a third country, usually a neighbour and preferably a place where the reception will not be hostile. E.g. to a country that has strained relations with the government of the AG's home-country. Examples: FNL used the DRC; the LRA used Sudan, the DRC and CAR; LURD used Sierra Leone and Guinea, etc.
- AGs can cross borders when they are invited to do so, either by a foreign AG or a government. This can be the case if the host is also at war and one of the parties requires reinforcements. In such cases, the AG might accept the invitation if the rewards are high enough. For example, in 2002, President Ange-Félix Patassé of the Central African Republic invited the Congolese AG Mouvement pour la Libération du Congo (MLC) to come to his country and help him put down a coup attempt.
- AGs can also cross borders for economic reasons. In particular when a neighbouring country is not well organised or in a state of war, the benefits can outweigh the military and political costs. For example, in the countries of the Mano River Region, Liberian, Sierra Leonean and Guinean AGs exploit the sub-soil in all three countries as if borders did not exist.

As stated before the attitude of the host country is critical. If the host country has strained relations with the government from the country of the AG, the reflex in the past has too often been that the AG is welcomed and often even can count on some level of political and/or military assistance. Thus, in the recent past, the government of Chad may have supported Sudanese rebels, the government of Sudan is alleged to have supported Chadian and Ugandan rebels, the government of Uganda is accused of having supported Sudanese and Congolese rebels, the government of the DRC/Zaire supported Ugandan, Rwandan and Burundian AGs, while the governments of Rwanda and Burundi are said to have supported Congolese insurgents, etc.⁴⁸ As long as AGs and the support to them are used to settle political differences between nations, COFS will remain an important destabilising factor in many parts of Africa.

3.2 Why and how do individuals become COFS?

This section will present more details about how and why individuals become AG members and ultimately how AG members turn into COFS. The descriptions below should not be considered as exhaustive; every individual combatants and each AG have their own particularities which can never be fully explored in a briefing paper such as this. It should be realised though that for individual cases of AGs and groups of COFS it is necessary to

48 HRW (quoted above) presented similar information for West Africa: Some of the key state and non-state actors known to have supported insurgencies in West Africa include the Ivorian and Burkina Faso governments which, from at least 1989, provided backing for the NPFL, the NPFL which, from 1991, backed and provided combatants and logistical support for the RUF's insurgency against Sierra Leone, the Sierra Leonean government, which from 1991, used combatants from ULIMO [from Liberia] to fight the RUF and in turn provided them logistical backing to attack the NPFL; the Guinean government which, from at least 2000, backed the LURD [Liberia]; the Liberian government which during 2002-2003 provided troops to support an insurgency against the Ivorian government; and the Ivorian government which armed and trained Liberians to assist in their military campaign against Ivorian rebels, who were backed by Burkina Faso.

understand the root causes of their existence. Therefore, every DDR or DDRRR operation requires a thorough analysis of the political, security, social and economic contexts before an effective operation can be planned.

The information from this section will hardly differ from an analysis of the causes of existence of combatants in general. COFS are often not different from 'ordinary combatants' except from the fact that they operate in a foreign country.

3.2.1 Reasons for joining an AG

The reasons for joining an AG on a voluntary basis are multiple and combatants often have more than one reason to join an AG. Below we will list some (of the most important) examples:

- *The combatant subscribes to the political objectives of the AG:* Such cases often occur in situations where social or political groups have the perception that they are excluded or discriminated against. However, agreeing with a group's objectives alone is often not enough reason enough to join the movement. One Congolese Mayi-mayi once said in 2000 "*I do indeed agree with my movement's goals but if I had a decent house, a car and money for holidays, you would not have found me in the bush*". When the issues at stake are more evident, the movement and the combatants become more ideologically motivated. E.g., Rwandans joining the RPF (they were not allowed to return to their own country), Ugandans joining the NRM (after the killings committed by the presidents Obote and Amin), South Africans joining the ANC (due to apartheid), etc. are examples of movements that started with strongly motivated and ideologically driven men and women who fought for comprehensible causes.
- *Religion and ethnicity* have been and are in many instances reasons to join an AG. We discuss them here together because both religion and ethnicity may seem to some a 'defensible cause' but are in many instances used tactically by politicians with other motivations. In the Zaire of Mobutu politicians from the eastern provinces exploited ethnic differences in the hope to increase their chances of gaining political positions⁴⁹. Similarly, the Somali UIC is not just an Islamic movement, it is also identified with specific clans. This does not imply that all claims from AGs fighting for the rights of e.g. an ethnic group or for their own views on a religion are misled. Many Islamic fighters and leaders may truly believe in their quest and those motivated by ethnic interpretation of the issues at stake in a conflict may have a point, e.g. when a government is discriminating against a certain group.
- *The combatant is poor and has hardly any future perspective:* Most of the young men and (less) women that join AGs are relatively poor, not well educated and have only limited chances on the job market. For them the AG offers the promise of a filled stomach and 'career opportunities'. Their own poverty, often accompanied by a feeling of exclusion, can often easily be merged with the objectives of an AG.
- *Insecurity:* Security problems provide also indirect reasons for joining AGs. As a child soldier in the DRC stated: "*due to insecurity my parents could not tend the fields anymore and we went hungry for quite a while. When also the schools closed down, most teachers had fled the village, I was both hungry and without occupation. Then I decided to join the rebels*".

⁴⁹ Read e.g. the dissertation of Dr Koen Vlassenroot. 2001-2002. University of Gent, Belgium. *The Making of a New Order; Dynamics of Conflict and Dialectics of War in South Kivu and Hans Romkema. November 2001. Life & Peace Institute. An Analysis of the Civil Society and Peace Building Prospects in the North and South Kivu provinces; Democratic Republic of Congo (www.life-peace.org).*

- *Justice:* Those who have troubles with justice are more prone to join AGs. The Rwandan FDLR is an exceptional case of a movement that is to a large extent controlled by people who realise that the international and the Rwandan judiciaries are waiting for them. The leadership of the LRA faces a similar dilemma following recent indictments by the ICC.

Of course, there are also many men and women that are lured into an AG under false pretexts. Promises of money and lucrative jobs are frequently used to convince especially young men to join an AG, while the AG actually only needs more cannon-fodder. If the average AG makes money in one way or the other, it is often the leaders who keep that for themselves. Lofty, vague and ambitious objectives are formulated by AG leaders for the simple reason that if they would tell the truth, they would not be able to recruit a substantial militia.

3.2.2 Victims of forced recruitment

In most cases, those who were recruited by force happened to be in the wrong place at the wrong time. Various reports show that the victims of forced recruitments are often children, both boys and girls, and young men. E.g. the Ugandan LRA and the former Liberian AG Liberians United for Reconciliation and Democracy (LURD) regularly attacked primary or secondary schools for recruitment purposes. It is obvious that the victims of these forced recruitment practices did not join the AG with any purpose of their own.

However, many AGs developed strategies to bind the forcibly recruited youngsters to their movements. Again the LRA, several of the West-African rebel groups and e.g. the Rwandan FDLR have forced their recruits, children in particular, to commit atrocious crimes, often against relatives, in order to prevent them from fleeing the AG for fear of justice or being rejected in the community or by the family.

3.2.3 How, why and when do AGs cross borders?

COFS in AGs operating across borders

Once a person is a member of an AG, he or she has little choice but to follow the orders of the group's hierarchy. We can therefore safely assume that it is the combatant's commander who orders him or her to cross a border. The reasons for AGs to cross borders, either to establish a base or to flee from a stronger adversary in the country of origin, have been described above.

COFS in foreign AGs

The phenomenon that combatants from foreign nationalities join an AG is perhaps more rare than the above case, but is nevertheless quite widespread. Sierra Leoneans fought in Liberia, Liberians fought in Sierra Leone, both Sierra Leoneans and Liberians joined rebellions in Côte d'Ivoire and Guinea. There have also been consistent reports of Rwandans and Ugandans joining Congolese AGs⁵⁰. The above cases tend to be examples of individuals seeking a way out of poverty or dodging legal and political problems in their own country. However, there are also cases where people join a foreign AG for ideological reasons.

⁵⁰ Amongst others: 1) The MONUC interviewed (March 2007) several individuals from Rwandan origin who had sided with the (then still) rebel commander General Laurent Nkunda in the North Kivu province. 2) Some of the commanders of rebel groups in the Congolese Ituri district were of Rwandan and Ugandan origin.

Actually, to differentiate between the foreigners in an AG and the AG's local members only makes sense when it comes to demobilisation and reintegration. Although there are also cases where the foreigners in an AG are used to implement certain orders that the local AG members may refuse; e.g. when it concerns punitive actions against the local population.

3.2.4 Children and female COFS

From the various documents that were exploited for this study and also according to the personal experiences from the writer, it is obvious that female and children combatants require special attention in DDRRR/DDR programmes of COFS. They should benefit from adapted assistance and there should be attention to their specific needs. However, this is not different from what will be discussed in meetings or papers about demobilisation and reintegration programs in general.

With the possible exception of a different tie between female and children COFS and the host country. E.g. children combatants on foreign soil may never have seen the country of origin and one could thus imagine that they should be offered the option to choose their nationality and thus could be offered easier than is the case with adults, the option to be demobilised and integrated in the host country.

The tie that women have with the host country may also be stronger than is the case for their male colleagues, especially if they form a household with a local man. From the cultural viewpoint, men are usually still considered the heads of households, and therefore women should be offered the opportunity to decide for themselves whether they want to return home or stay in the country of their spouse. For men, this is a point that requires some consideration as well though.

3.2.5 Dependants of COFS

COFS are usually accompanied by dependents. Often these are spouses, children or other relatives. The dependents are not always foreigners to the host country where the COFS serves in an AG. If the COFS e.g. found a spouse in the host country, this is a point of consideration in DDRRR programmes, as it would not be humane to make a separation obligatory.

However, especially when an AG was created by refugees, the dependents are often from the same nationality as the COFS. In programmes aiming at the repatriation of COFS, the status of the dependents is sometimes unclear, especially when simultaneously also refugee repatriation is ongoing. In the earlier quoted MDRP report, some repatriated former COFS were quoted saying that in a number of cases their dependents had encountered difficulties, either to convince the UNHCR that they were civilians or MONUC (UN Mission for the Congo) officials that they were dependents of combatants.

3.3 *Impact on regional security*

COFS and cross-border operating AGs are significant threats to regional security in all areas where they exist in significant numbers. The wars in the Great Lakes Region in 1996 and

1998 were triggered in significant part because Zaire/DRC hosted rebel groups from neighbouring countries.

AGs, COFS and the support to them have a damaging impact on the relationships between countries. Moreover, insecurity caused by AGs can have a negative impact on development, democratisation processes and state-building in host countries. In a sometimes vicious spiral, AGs and COFS exist in part because of conflicts between countries, while inter-state conflicts are exacerbated by the existence of AGs and COFS. The latter is especially the case when AGs receive clear support from a national government or army.

By contrast, where governments cooperate to tackle AG and COFS concerns of mutual interest, this can help to restore positive relations and contribute to regional stabilisation. For example, the presence of foreign AGs and COFS in the DRC was one of the main reasons for over a decade of war, but recent regional cooperation around this issue may become a factor in regional stabilisation and the normalisation of relations. Together with Rwanda, Uganda and Burundi the DRC government has recently begun to realise that the foreign armed groups on its soil entail a threat to Congolese security and development, and it is now working with these governments to tackle this problem jointly.

4. Overview of existing political, legal and technical frameworks or mechanisms

In this chapter we will present an overview of the existing political, legal and technical frameworks or mechanisms that contribute to solving the issue of COFS in Africa.

First of all, if all countries would respect the existing agreements and (international) laws, the assistance that some governments give to AGs would probably cease. COFS and cross-border AGs can only exist in an environment that tolerates them. Secondly, the recruitment of militiamen or soldiers who join an AG as COFS because of a desire for private gain, thus as mercenaries, is prohibited by the *–International Convention against the Recruitment, Use, Financing and Training of Mercenaries–*.

4.1 Peace agreements and cooperation

4.1.1 Peace agreements between countries

When two or more different states manage to end a conflict with a peace agreement, they usually also make provisions for COFS. Examples of those include:

In the Great Lakes Region:

- The Lusaka Agreement (1999) between the Governments of all countries involved in the (second) DRC war which stated amongst others:
Article 22: There shall be a mechanism for disarming militias and armed groups, including the genocidal forces. In this context, all parties commit themselves to the process of locating, identifying, disarming and assembling all members of armed groups in the DRC. Countries of origin of members of the armed groups, commit themselves to taking all the necessary measures to facilitate their repatriation. Such measures may include the granting of amnesty in countries where such a

measure has been deemed beneficial. It shall, however, not apply in the case of suspects of the crime of genocide. The Parties assume full responsibility of ensuring that armed groups operating alongside their troops or on the territory under their control, comply with the processes leading to the dismantling of those groups in particular.

- The Pretoria agreement (2002) between the governments of the DRC and Rwanda stated amongst others:
 - *Article 5: The government of Rwanda reaffirms its readiness to withdraw from the territory of the DRC as soon as effective measures that address its security concerns, in particular the dismantling of the ex-FAR and Interahamwe forces, have been agreed to. Withdrawal should start simultaneously with the implementation of the measures, both of which will be verified by MONUC, JMC [Joint Military Commission] and the third party.*
 - *Article 8.1: The DRC government will continue with the process of tracking down and disarming the Interahamwe and ex-FAR within the territory of the DRC under its control.*
 - *And further details in the 'Programme of implementation'.*

Between Sudan and Uganda (December 1999):

- *Article 3. We will make every effort to disband and disarm terrorist groups and to prevent any acts of terrorism or hostile actions that might originate in our territory that might endanger the security of the other nation.*
- *Article 4. We agree not to harbour, sponsor, or give military or logistical support to any rebel groups, opposition groups, or hostile elements from each others' territories.*

4.1.2 Peace agreements between state and armed groups

Peace agreements between states and rebels from the same country often fail to include provisions for COFS. E.g. there is no reference to COFS in the agreements between the government of Liberia and the Movement for Democracy in Liberia (August 2003).

Relatively rarely do national agreements include such provisions:

- Peace Agreement Between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone:
 - *Article XVIII: All mercenaries, in any guise, shall be withdrawn from Sierra Leone immediately upon the signing of the present Agreement. Their withdrawal shall be supervised by the Joint Monitoring Commission.*
- Accord Global et Inclusif sur la Transition en République Démocratique du Congo concluded in Pretoria, South Africa between the DRC government and various rebel groups:
 - *Les Composantes et Entités au DIC [Inter Congolese Dialogue] Parties au présent Accord (les Parties), à savoir le Gouvernement de la RDC, le RCD, le MLC, l'Opposition politique, les Forces Vives, le RCD-ML, le RCD-N et les Mai-Mai, acceptent de conjuguer leurs efforts dans la mise en application des Résolutions du Conseil de sécurité des Nations Unies pour le retrait de toutes*

les troupes étrangères du territoire de la RDC et du désarmement des groupes armés et des milices, et de sauvegarder la souveraineté et l'intégrité territoriale de la RDC.

4.1.3 Legal arrangements among countries

Most countries will have legal agreements that will at least allow them to send undesired foreign nationals back to their respective countries. In cases where e.g. a major UN DDRRR programme is absent these agreements will provide at least the minimum legal framework for the repatriation of COFS. However, when the number of COFS is considerable and the country of origin does not have a DDR programme or when that programme is low on funding, this practice may not be sufficient, as insufficient reintegration support may cause the former COFS to rejoin illegally their AG.

4.1.4 Regional collaboration

The best current example of regional collaboration with a focus on COFS is the Tri-Partite Plus Commission (TPC) in the Great Lakes Region with the governments of the DRC, Rwanda, Burundi and Uganda participating. The TPC was initiated and is facilitated by the government of the United States (US). The TPC resulted in 2004 in the establishment of a joint intelligence unit, the Tripartite (intelligence) Fusion Cell (TFC), in the Congolese city of Kisangani. This TFC aims to share intelligence on the Rwandan and Ugandan AGs in the DRC, allowing the Congolese armed forces (FARDC) to apply pressure on these groups. The TFC has allowed the militaries of the member countries to work together towards a common objective, which has contributed to restoring a degree of mutual confidence among the respective military forces of the countries.

Recently (April, 17 2007) the heads of the military of the four participating countries met in the Burundian capital Bujumbura within the framework of the TPC and agreed about a number of concrete measures and on the development of common strategies to tackle the problem of cross-border operating AGs in the Great Lakes Region. On the issue of COFS, the TPC and the TFC still have to prove their impact but the fact that these countries that were only a few years ago engaged in bitter wars are in the process of developing joint strategies for one of the most significant problems they share, but which was also exploited during the period of conflict, is encouraging.

The International Conference on the Great Lakes Region (ICGLR) is another regional initiative that has made a useful contribution to the mitigation of tensions in the region. Through resolutions 1291 (24 February 2000) and 1304 (16 June 2000), the UN Security Council (SC) affirmed that under the auspices of the United Nations (UN) and the African Union (AU), an international conference on peace, security, democracy and development in the Great Lakes Region should be organised. After a series of meetings at different levels (governments, civil society, women groups, youth, etc.), the countries of the region⁵¹ signed

⁵¹ *The member countries of this initiative are: DRC, Rwanda, Burundi, Uganda, Kenya, Tanzania, Sudan, Central African Republic, Republic of Congo, Angola and Zambia. Moreover, there are several co-opted countries.*

in December 2006 a peace pact⁵² that provides a promising framework for the peaceful resolution of regional conflicts and development. On the issue of armed groups, the pact states that ICGLR member states should “*abstain from sending or supporting armed opposition forces or armed groups or insurgents onto the territory of other Member States, or from tolerating the presence on their territories of armed groups or insurgents engaged in armed conflicts or involved in acts of violence or subversion against the Government of another State*”.

4.2 UN and AU operations

Among all current UN and AU missions in Africa, only MONUC seems to have a clear mandate to address the DDRRR of COFS. Other missions only have national mandates. In part this is clearly a result of the relative importance of COFS in the DRC for both internal and regional peace and security. However, as this and other reports show, COFS are a problem in many parts of the continent and should not be neglected in any of the conflict zones.

Perhaps that the different nature of the issue of COFS in West Africa justify the different approach by the UN. In West Africa COFS appear more to operate as mercenaries than as convinced members of AGs (as is often the case in the Great Lakes Region⁵³). Indeed, it seems as if the problems of COFS in West Africa is rather an economic problem that can perhaps partly be tackled through more effective economic reintegration of former combatants back into society, and further mainly requires economic development and in particular the creation of remunerated job opportunities.

The mandates of the African Union (AU) forces in both Darfur and Somalia also lack a mandate on COFS. This was also the case when the AU intervened militarily in Burundi (November 2003 – June 2004). These gaps leave a void that currently nobody seems to be able to fill or, in the case of Somalia, that is addressed militarily through a coalition of Somali, Ethiopian, US and Kenyan governments.

The UN Mission for the Congo (MONUC) has a mandate to track down and repatriate foreign combatants and their dependants in the DRC and to support operations of the Congolese armed forces (FARDC) that aim at the disarmament of foreign combatants⁵⁴. In order to achieve this, MONUC has established since 2000 a nationwide DDRRR programme with offices in all Congolese provinces that host COFS. The UN Security Council has repeatedly reiterated its wish that the MONUC can only repatriate foreign combatants who willingly accept repatriation; i.e. voluntary operation only.

MONUC has led or participated in a number of military operations, in particular against the Rwandan AG the FDLR. The MONUC’s mandate allowed it to participate or even lead such operations because it was either in support of FARDC operations or a measure to protect Congolese civilians against the often grave human rights abuses committed by this AG. However, the use of force against the FDLR without the mandate to disarm and repatriate by

⁵² See the presentation of the pact at: http://www.icglr.org/F_END/docLib.asp?action=search&cat=5

⁵³ At least to some extent does this apply for the FDLR and the FNL. The Ugandan groups appear less ideologically motivated.

⁵⁴ <http://www.un.org/Depts/dpko/missions/monuc/mandate.html>

force if necessary, has limited the effectiveness of such operations and, according to many local sources, has only relocated the COFS and also the problems they cause.

Although MONUC has managed to repatriate a few thousand COFS, its mandate and the implementation of it, have not led to significant and sustained improvements for the host-communities in Eastern DRC. The fact that MONUC was only allowed to repatriate COFS on a voluntary basis has certainly not empowered it to fulfil the repatriation mandate and to protect local communities effectively.

4.3 Other relevant initiatives

National DDR programmes:

Most countries in conflict and all countries in post-conflict situations have national demobilisation and reintegration programmes. Those programmes do sometimes also have a mandate to repatriate foreign combatants they identify in the course of the DDR activities. The primary emphasis however is rarely on COFS. Some countries also have specific repatriation commissions. E.g. at the times of the rebellion, the DRC had repatriation commissions in a number of provinces in the East. Also, Rwanda had a repatriation commission but that commission was dissolved following the repatriation of the majority of Rwandan refugees; subsequently the Rwandan Demobilisation and Reintegration Commission (RDRC) was tasked with the reception and reintegration of repatriated COFS, while the local administration is responsible for the reintegration of repatriated refugees.

National DDR programmes can potentially play an important role in the repatriation of COFS. However it is essential then that the COFS have a chance of entering such programmes and that is more likely when it concerns COFS that serve in AGs of a host country with a DDR programme (like was often the case in several West African countries). In case of AGs that operate in a foreign country and which are not part of a peace process in that country (like the Rwandan and Ugandan AGs in the DRC), the chances are much slimmer for a national DDR programme to play a significant role in repatriation.

Nonetheless, the experience of national DDR programmes in dealing with irregular combatants can still be useful, but then their mandate should be extended to the repatriation of COFS, including those serving in foreign AGs.

National DDR programmes, as well as repatriation commissions are constrained by the fact that they do not typically operate across borders. Therefore it is essential that collaboration is developed with similar structures in the host countries of the COFS. Moreover, especially in a case like the DRC (as it hosts many COFS), it is essential that the host country develops a structure that is responsible for the repatriation of COFS. Besides such a structure having an immediate impact on the (prospects for) repatriation of COFS in that country (the DRC e.g.), it provides also the structures responsible for the reintegration of the former COFS in the country of origin (e.g. the RDRC and the Ugandan Amnesty Commission; AC) with a counterpart and as such an opportunity for close cross-border collaboration.

Ideally, both the host country and the country of origin have structures that are charged with the responsibility for on the one hand the repatriation and the preparation/sensitisation for that and the reception and reintegration of the former COFS on the other hand. Such structures can

then coordinate their activities but also share intelligence and make sure that all repatriation opportunities are seized.

In order to avoid a multiplication of structures with overlapping mandates, it may be useful to mandate national DDR commissions with the repatriation of COFS. In the DRC for example, this would avoid that COFS who served in a Congolese AG enter a repatriation programme differently than COFS from foreign AGs that operate in the DRC. Most likely this would also facilitate the communication with the RDRC and the AC as they are structures with comparable mandates. Moreover, the various DDR commissions in the entire Great Lakes Region are funded by the same structure, the Multi-country Demobilisation and Reintegration Programme (MDRP) and this could add even more advantages in the cross-border collaboration⁵⁵.

Multi-country Demobilisation and Reintegration Programme⁵⁶:

The MDRP partnership's interest in the repatriation of foreign AGs is based upon its overall objective of supporting the consolidation of peace in the greater Great Lakes Region through demobilisation and reintegration activities in the countries of the region. The fact that a significant number of combatants continue to live in and operate from a foreign country (in most cases the DRC), frustrates both ongoing demobilisation and reintegration programs supported by the MDRP and represents a major obstacle to the accomplishment of MDRP's overall objective: supporting stabilisation in the region.

The MDRP currently only plays an indirect role in the repatriation of COFS in the greater Great Lakes Region but could be well-placed to expand to the area of repatriation. An important asset of the MDRP is that it technically and financially supports national DDR programmes and as such could help the various countries to exchange information from the field and databases as well as to harmonise the strategies and methods applied in the various countries such that it can be avoided that certain groups of combatants remain outside the scope of the DDR/DDRRR programmes.

Moreover, support from an organisation like the MDRP can help national DDR programmes to become equal partners of UN structures such as MONUC in the DRC and as such complement the UN's work.

SIDDR, IDDRS & UN IAWG DDR⁵⁷ :

These three initiatives are positive developments that could lead to the improvement of demobilisation and reintegration programmes. However, the focus of all these programmes is

⁵⁵ *These advantages have already started to materialise. The MDRP Secretariat staff have facilitated on various occasions the exchange of information regarding COFS between the various countries concerned. On some occasions this led to the repatriation of COFS; e.g. from the DRC to Rwanda.*

⁵⁶ *The MDRP is an initiative supported by 11 donor countries (Belgium, Canada, Denmark, France, Germany, Italy, Netherlands, Norway, Sweden, the United Kingdom and the European Commission), involving 30 partner organisations, including several UN agencies. The funds for the MDRP come from two different sources. Approximately 200 million US dollars originate from World Bank/IDA funds and up to 300 million US dollars from a Multi Donor Trust Fund (MDTF). The MDRP's aim is to break the cycle of conflict in the greater Great Lakes Region of Africa (Angola, Burundi, the Central African Republic, the Democratic Republic of Congo, the Republic of Congo, Rwanda and Uganda) by supporting demobilisation and reintegration efforts. [See for more details: <http://www.mdrp.org>].*

⁵⁷ *SIDDR: The Stockholm Initiative on DDR;
IDDRS: International DDR Standards;
UN IAWG DDR: The UN Inter-Agency Working Group on DDR.*

on the demobilisation and reintegration of combatants who are disarmed and demobilised in their own country. However, the IDDRS DDR module includes an extensive chapter on cross-border population movements, including useful information on the repatriation of COFS. Whereas the Handbook on DDR that is published on the website of the Stockholm Initiative on Disarmament, Demobilisation and Reintegration (SIDDR⁵⁸) COFS are hardly mentioned.

Nevertheless, these initiatives, the IDDRS in particular, can contribute to the further improvement of DDRRR programmes. Especially on the level of standardising procedures, making it easier to fine-tune activities between countries, these initiatives can contribute positively. However, UN Missions are constrained by the fact that most missions are set-up to function in and serve one country only (the MONUC in the DRC, UNMIS in Sudan, etc.). Therefore, an organisation like the MDRP may be required to play a facilitating role in the coordination and capacity building of cross-border activities.

The repatriation of refugees:

The United Nations High Commissioner for Refugees (UNHCR) usually concludes tripartite agreements with the country hosting refugees and the country of origin. These tripartite agreements provide frameworks in those cases that the situation allows the voluntary repatriation of refugees.

The COFS are usually excluded because the UNHCR will not deal with individuals that are not civilians. The dependants of the combatants however, are also sometimes excluded as has been claimed by several local sources and refugees in eastern DRC⁵⁹. However, it is the UNHCR's policy to *“to build linkages with the reintegration components of DDR programmes, especially where there are plans to reintegrate ex-combatants into communities or areas with returnees and IDPs. Linkages between the 4Rs [repatriation, reintegration, rehabilitation and reconstruction] and other approaches like DDR ensure not only that programming is coherent, but more importantly that all efforts contribute to social and political stability and reconciliation, particularly at the grassroots level”*.

Therefore, the UNHCR is unlikely to play an active role in the repatriation of COFS. Nevertheless, the repatriation of refugees by the UNHCR and its partners are essential additions to the repatriation of COFS, especially when COFS live amongst refugees. COFS and refugee communities are often closely tied together and the two cannot be separated easily. It is therefore not a likely scenario that refugee communities and COFS decide separately from each other to accept repatriation. Consequently, the UNHCR and the structures involved in the repatriation of COFS need to coordinate their activities such that COFS and civilians have similar opportunities to repatriate.

⁵⁸ <http://www.sweden.gov.se/sb/d/4890;jsessionid=avat4NWgSU19>

⁵⁹ Interviews in the territories of Bunyakiri and Walungu in the South Kivu province of the DRC. October 2006.