



**Centre d'Alerte et de Prévention des Conflits**

**PROBLEM OF LEGAL AND ILLEGAL WEAPONS:  
Incentive strategies to disarm civilians**

**Summary**

**In partnership with:**



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“Problem of legal and illegal weapons: Incentive strategies to disarm civilians”

## **1. Introduction**

Interpeace local partner in Burundi, CENAP, has completed a series of consultations with the population on the problem of legal and illegal weapons, and the strategies on how to disarm civilians. This research resulted from the collective decision at the National Forum held in 2008 to agree that disarmament of the population was one of the four priority issues that needed to be addressed for Burundi to move towards lasting peace.

This document summarizes the opinions and proposals collected during the communal and provincial consultations, as well as at meetings of some special groups and interviews with experts in the field. This process was supported by documentary research.

The availability of firearms and  
their illicit use is a serious threat  
to the physical security of Burundians

### **Weapons still in use despite the absence of war**

Despite the cessation of war and the implementation of integrated defence and security institutions, the physical security of citizens has continued to be disrupted by the use of weapons in acts of banditry, settling of scores, even foul crimes. The perpetrators of such acts are found not only among civilians, including demobilised former combatants, but also in the army and police.

### **Window for voluntary disarmament now closed**

Incentive programs to encourage voluntary disarmament and measures of forced disarmament have been implemented by the government in the past. Today this grace period is now over - the voluntary surrender of weapons by civilians expired on October 28, 2009, giving way to Law No. 1/14 of August 28, 2009. This law on small arms and light weapons includes authority for police searches and heavy penalties for the possession of weapons.

### **Weapons available from multiple sources**

The sources of weapons are internal but also external. Internally, the civil war has fostered leakage and theft of weapons from the State. The UN Secretary General describes this as a "*major source of illegal small arms in circulation*". The issue of leakage, loss and theft of State weapons came up frequently during consultations, including with policemen, soldiers and local administration officials.

### **Harnessing insights and proposals from across Burundian society**

This research focused on the input from different groups, of civilians, of soldiers and policemen on the role of state and community in disarmament efforts, and on the effectiveness of incentive and coercive instruments related to disarmament. Even if insecurity persists, disarmament has been productive, and the question was to discuss other accompanying and strengthening strategies to increase the results.

## **2. Challenges**

### **1. The current state of the proliferation and illicit use of weapons**

#### **Recent history has meant that Burundians have armed themselves**

A series of crises have been part of Burundi's recent history. They have ended up dangerously hampering confidence between different components of Burundian society for a long period. Politicians who were fighting for control of power and riches have manipulated the population using identity affiliations. Urged by the instinct of protection, Burundians armed themselves against each other, wanting to guard against a danger which would come from the other ethnic group. In 1972 and 1993, civilians learned to handle weapons and bought them for the fight against the defence and security forces or to ensure their own security.

#### **Need for self defence has now transitioned to banditry**

If in the beginning weapons were mainly used for self-defence purposes and armed struggle, they are now used mainly for banditry purposes. Hence, in some provinces such as Kayanza

and Ngozi, weapons are nicknamed "Ntunsonzane", denoting the destination of some of these devices. The state of weapons in the hands of civilians is so questionable they often take the lives of the civilians themselves or leave them crippled.

### **Political influences**

There are also some purely political phenomena which have adverse effects on social behaviour of the population. It is what some call "*political antagonism*", but others prefer calling it "*disagreements between political parties*," or even "*hatred between political parties*", a climate that is sometimes invoked to justify the need for self-defence in case of political tensions.

## **2. The strategies to disarm civilians**

The discussion focused on the degree of adherence of the population with respect to these methods.

### **Two types of strategies have been used to disarm civilians**

Two different approaches have been used:

- **Voluntary** - making use of awareness and granting of compensation items
- **Police and legal action** - searches of households by the police and the implementation of the law punishing illegal possession of weapons.

It has emerged from this research that voluntary strategies have attracted much more adherence than coercive strategies. And if it is too early to assess the impact of the new law, the persistence of armed crime is a sign that weapons are still available and used in the country.

## **3. Challenges and limitations of the disarmament programmes of civilians**

### **Structural and financial problems the CTDC and now the CDCPA**

The disarmament programme of civilians has had both structural and financial problems. Structurally, the CTDC (Technical Commission for the disarmament of civilians and the fight against the proliferation of small arms and light weapons) was implemented in April 2006. Its members were appointed only 4 months later and then had to wait 2 years to get experts. On the financial level, the slowness of the allocation of the budget of which part was supposed to come from the State is one of the major obstacles to the functioning of the

CDTC. Until the end of 2007, the CDTC received no budget provision, and the 2008 budget reached it only in June, when it was relieved by a second commission, the CDCPA (Commission for disarmament of civilians and fight against the proliferation of small arms and light weapons). The beginning of the latter has also been particularly difficult namely because of difficulties as they try to coordinate a multitude of stakeholders in the disarmament field and the lack of budget at its disposal.

### **3. The sources of weapons and the problems posed by those detained legally**

There are two major categories of sources of weapons: external source and internal source.

#### **External - Weapons sourced from neighbouring countries**

The external source is from Burundi's neighbouring countries (Rwanda, Tanzania and DRC) which have served as channel for weapons to the Burundian rebels, who afterwards sometimes sold them to civilians. But some civilians have also bought weapons directly in the DRC or from elements of ex-FAR (Rwandan Armed Forces) fleeing after their defeat by the RPF (Rwandan Patriotic Front) in 1994.

#### **Internal – the government has armed civilians in the past**

Internally, the government has armed civilians in the context of the civil self-defence (1972, 1993). Out of the 3 996 weapons distributed to civilians for self-defence after the 1993 war, at least 284 could not be recovered. On the other hand, ex combatants were also cited for having concealed weapons at the time of demobilization. Some have even acknowledged it on the pretext of protecting themselves against eventual revenge or persecution by society once reintegrated into civil life.

#### **Defence and security forces another internal source**

Finally, the defence and security bodies were also cited among other sources. For instance, 932 weapons were lost by soldiers between 1994 and 2008. In the national police, 49 weapons were lost between 2005 and 2008, and 10 were diverted during the same period, while 66 policemen deserted with their weapons and 221 others have used them unlawfully.

### **3. Conclusions**

1. The proliferation of illegal weapons is above all explained by civil war and the inability of the defence and security bodies to ensure the security of individuals and institutions, but also by other armed conflicts that have made access to weapons in the sub region possible. The success of civil disarmament depends upon the improvement of security in the country and on the borders.

2. The defence and security bodies were also cited as sources of leaks, theft and loss of weapons. It is possible that these weapons are related to acts of crime and other violations of human rights.

3. The civil disarmament has produced encouraging results despite structural and mainly financial challenges. The persistence of armed crime demonstrates the continued presence of weapons in the hands of civilians.

4. All of these elements show that attention should still be given to the disarmament of civilians in general and in the management of legally held weapons in particular.

### **4. Recommendations**

#### ***Recommendation No. 1:***

***Implement cells of community security to support community policing and administration in the hills.***

It is the civil and unarmed cells which would be implemented by the communities themselves. They would carry out vigilance patrols and would be equipped with a strategy to quickly alert the police with whom they would work closely. This would on the one hand contribute to improving police operations in terms of speed to arrest criminals before they succeed their projects. On the other hand, emanating from communities, the cells would work closely with community policing and administration with which they would share

information. This would allow consolidation of the trilogy "**population, administration, police.**"

***Recommendation No. 2:***

***Set up education clubs of young people to promote non-violence in the Communes.***

When there is poverty and unemployment the situation is further aggravated by having weapons in hands of civilians. Young people, mostly unemployed, make use of firearms to get financial gains by taking property from other citizens. Banditry with firearms is now seen as an income generating activity. During this research, it emerged that some bandits are recruited among young demobilized soldiers familiar with weapons used during the war. To make matters worse, young demobilized other unemployed people are manipulated by politicians who use them as an instrument of threat against those they do not share political views.

These education clubs would provide a framework for exchanges on youth related issues. On the one hand, the club activities will help overcome the distrust of all kinds among young people. On the other hand, in addition to education around non-violence, club activities should include training in specific skills to increase their capacity for self reliance. This would also help prevent young people from the temptation to resort to arms as a means of access to economic resources because they would be able to access them through honest means. Finally, once the young people support the cause of security in communities, they may participate in the awareness against the use of violence in general and firearms in particular.

***Recommendation No. 3:***

***Declare a new grace period for voluntary surrender of weapons without granting compensation. Support this action with a strong community outreach initiative involving religious denominations, administrative officials and local elected officials.***

The disarmament of civilians has produced significant results. Overall, during the consultations, the population showed adherence to the strategy of voluntary surrender of

weapons. However, the announcement of the end of the amnesty period to make way to coercive law has not been well received even if it seems to have incited many people to surrender their weapons hurriedly in fear of contravening the law. Thus, more than 13,000 weapons and more than 78,000 ammunitions were voluntarily surrendered in only 10 days (from 19 to 28 October 2009) thanks to high awareness of the initiative. Despite this it appears that a large number of weapons still remain in the hands of the civilians.

*"Declare a new grace period for voluntary surrender of weapons"* would constitute an opportunity for all stakeholders, mainly religious denominations, the administrative officials and local elected officials, to get involved by using their charisma to convince illegal holders to surrender weapons.

The period of voluntary surrender of weapons should be preceded by a strong media campaign focussed on sanctions to which any person found in illegal possession of weapons is exposed. In order to overcome the resistance of some people, cases of persons already punished for illegal possession of weapons should be publicized so that holders do not consider the law as a mere scare mongering tactic.

***Recommendation No. 4:***

***Strengthening the security of weapons in the hands of the defence and security bodies and continue training for these bodies in order to make them institutions that are professionally reliable and that provide reassurance for the population.***

This research has allowed us finally to realise that weapons leaking from the State could continue threatening public security if efforts are not made within the sense of running dry this source of proliferation. Projects in this way exist. It is namely the arms marking project to facilitate traceability or the project of individual and definitive endowment of the weapon for each policeman or soldier so that in case of transfer, he is no longer obliged to surrender his first weapon to the original unit to receive a new endowment in the new unit. The new law on SALW also improves the management of arms in general by introducing registers in order to record all the weapons in the hands of the defence and security bodies as well as those legally held by civilians (Art.43). Other projects for capacity building and

professionalizing the defence and security bodies are under implementation or are already closed. Despite these laudable enterprises, cases of banditry, assassinations, illegal use of weapons etc., ascribable to elements of the police continue being reported.

This recommendation consequently calls on the Government of Burundi and the international community to redouble effort in supporting projects of professionalization of these bodies.

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