DISARMAMENT, DEMOBILISATION & REINTEGRATION AND THE DISARMING OF ARMED GROUPS DURING ARMED CONFLICT

CONSIDERATIONS OF INTERNATIONAL LAW, POLICY AND PROGRAMMING

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The *African Human Rights Policy Papers* is a series of concise, thoughtful and accessible papers published by the Centre for Human Rights (Centre) at the Faculty of Law, University of Pretoria. (See www.chr.up.ac.za.) The series runs from 2020. These papers set out key findings on contemporary topics related to human rights, good governance, social justice and democratisation in Africa. In some cases, the topics may extend to the broader range of issues related to the rule of law and international law. The primary aim of the papers is to provide policy guidance to relevant stakeholders and decision makers. Ancillary aims include: supporting advocacy campaigns, spreading knowledge, and sparking public debate on selected issues.

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Since the late 1980s, disarmament, demobilisation, and reintegration (DDR) activities—sometimes termed “micro-disarmament”—have been important components in efforts to stabilise conflict-affected societies as well as to facilitate longer-term development. According to the traditional view of DDR, disarmament is the collection from fighters and subsequent disposal of small arms and light and heavy weapons as well as associated ammunition and explosives. Demobilisation is the formal and controlled discharge of soldiers from armed forces or fighters from armed groups. The first stage of demobilisation involves processing of individual fighters in cantonment sites. The second stage of demobilisation encompasses a support package provided to the demobilised to assist in their reinsertion. Reintegration is the process by which ex-fighters acquire civilian status and gain sustainable employment and income.

As this Briefing Paper asserts, however, approaches to DDR have evolved materially over time, and have now entered a new phase, with concomitant challenges to both international human rights law and international humanitarian law (IHL). Originally designed as elements in a peace deal between former warring factions to consolidate post-conflict peacebuilding, DDR programmes have increasingly been implemented during armed conflict. And in the latest iteration of DDR programming, they have become an integral component of counterterrorism strategies during ongoing violence. These strategies are constructed with a view to defeating armed groups by draining them of human resources. In this context, disarmament is no longer the critical element; in its place, disengagement from armed groups and the encouragement of further defections predominate. This is so, despite the critical importance of humanitarian partners for any DDR programme respecting the principle of neutrality during armed conflict.

INTRODUCTION

1 United Nations Secretary-General, Note to the UN General Assembly, UN doc. A/C.5/59/31, May 2005.
The Briefing Paper offers a modern historical overview of DDR, describes changes in DDR programmes in contemporary conflicts, and explains how DDR is being incorporated in counterterrorism operations in numerous contexts. Indeed, in many countries, reference to armed conflict and associated notions of rebellion or insurgency is increasingly eschewed in favour of “terrorism” and “counterterrorism”. This new nomenclature has consequences for compliance with IHL and international human rights law, respect for humanitarian principles, and for broader issues of accountability. Moreover, counterterrorism measures in many domestic legal systems mean that those who support DDR are themselves potentially deemed to be providing “material support” to terrorism. The paper further highlights specific issues pertaining to the treatment of women and children who participated in hostilities, whether directly or indirectly.
THE ORIGINS OF DDR PROGRAMMING

The modern concept of DDR traces its origins back to the many peace deals concluded in Latin America and Southern Africa towards the end of the Cold War. As longstanding conflicts were at last being resolved peacefully by negotiation – in El Salvador and Guatemala in the Americas, in Angola, Mozambique, Namibia, and South Africa in post-apartheid Southern Africa – the question arose as to what to do with those who had taken part in the hostilities. Most were men, but some were women and some were children, rendering rehabilitation and reintegration a major challenge.

In consultation with concerned governments, the United Nations (UN) devised a standardised approach that involved common cantonment and demobilisation of fighters (almost all men), most of whom would then be given vocational training and a small package of cash and tools so they could – it was hoped – reintegrate peacefully into communities. Typically, a small number were deemed suitable to be invited to join newly formed “national unity” armed forces. While these early DDR programmes are considered to have been “far from perfect”, they were “surprisingly orderly” and were implemented “with military-like precision”. The question of whether liberty was being arbitrarily deprived in the cantonment sites where the former fighters were prevented from leaving was dodged on the basis that they had volunteered for demobilisation. But this concern persists across DDR programmes to this day, and is accentuated in the latest generation of DDR.

Since the late 1980s, about 60 separate DDR processes have been conducted in different parts of the world. Many hard lessons have been learned along the way. Two UN reports have been particularly significant in promoting DDR in post-conflict reconstruction undertakings globally:

2. Ibid., p. 2.
FOUR GENERATIONS OF DDR AND ONE SET OF INTERNATIONAL STANDARDS

There have been as many as four “generations” of DDR programming. First generation programmes focused on the fighters: disarming them, demobilising them, and returning them to communities. Given concerns about the justness and effectiveness of this singular focus, however, a second generation of programmes expanded the scope of DDR to also encompass the needs of affected communities: those who had suffered most during the violence. Both first and second generations of DDR, though, shared the common feature that they were conducted as post-conflict programmes with a view to consolidating peace.

In contrast, third generation DDR was conducted during ongoing armed conflict with a view to promoting peace. Without the consent of the leaders of armed groups, the beneficiaries of third generation DDR are effectively “deserters”, making them a potential target for retribution from all sides and thereby substantially complicating programming efforts. More recent fourth generation DDR has made this approach an integral component of broader counterterrorism operations, seeking to tempt away and then de-radicalise former members of terrorist groups. Fourth generation DDR is programming for situations characterised as “terrorist” by the government; this new iteration possesses unique features beyond the fact that it is conducted during a situation of ongoing armed conflict.
FIRST-GENERATION DDR

The first generation of DDR programmes evolved in the late 1980s and throughout the last decade of the twentieth century. Programmes sought to address the needs of former fighters in post-conflict societies, with a primary focus on organised armed groups. The central focus of the programmes as a confidence-building tool was to enhance security and to reduce the likelihood of recurrence of violence in post-conflict states. Before the implementation of such programmes, certain preconditions had to be met. These included: the signing of a peace agreement that provided explicitly for DDR, the willingness of the former warring parties to engage in DDR; and minimum guarantees of physical security.

The definitive feature of these programmes was that they took place at the end of conflicts and with the consent of the parties. Essentially, these were the programmes implemented in countries such as Cambodia, El Salvador, Guatemala, Namibia, and South Africa.

Mozambique in the mid-1990s was a typical example of a large-scale first generation DDR programme. As discussed in Box 1, it illustrates the challenges that early DDR programmes were to face (comprehensive disarmament as well as the treatment of women and children fighters), but also the successes that could be achieved if the requisite resources were made available.

8 Ibid.
9 Ibid.

DDR PROCESS IN MOZAMBIQUE

Under the terms of the General Peace Accord, demobilised Mozambican National Resistance (RENAMO) forces and government troops were to form a 30,000-strong army. The aim was to achieve a 50-50 balance, but in practice the number of armed opposition group fighters was a fraction of that taken by the former government troops in the new army of national unity. According to the General Peace Accord, the end of the conflict would be achieved in four phases: the ceasefire, a separation of forces, the concentration of forces for a new army, and demobilisation. Disarmament would be an integral part of the overall process. Multiparty elections were to follow once demobilisation was complete and after voters had been registered.

Disarmament and demobilisation of the 110,000 former fighters were to be overseen by the United Nations Operation in Mozambique (ONUMOZ), at a cost of around US$1 million per day. The Reintegration Commission (CORE), which was mandated by the Mozambican Peace Agreement, to coordinate the reintegration of former fighters, focused on providing basic vocational training. Religious sections of Mozambican civil society also played an important part in the DDR processes, as they had in achieving a peaceful resolution of the conflict. Within the DDR programmes, for instance, the Christian Council of Mozambique (CCM) supported the collection and destruction of small arms and light weapons (SALW).

The CCM also supported a dozen or so Mozambican youths, some of whom were former child soldiers from both RENAMO and FRELIMO forces, who came together in 1995 to discuss effective ways for community members to participate in keeping the peace and broader security. This “Community Intelligence Force” helped community members to understand the need for reconciliation and weapons collection. Their work included training of community

11 Ibid.
14 The Community of St Egidio had played a key role in bringing the warring parties together, leading to the 1993 Rome Peace Accords between the ruling FRELIMO party and RENAMO.
members on how to enable the safe collection and destruction of SALW that were still in illicit hands.\textsuperscript{16}

Yet, as one commentator observed, despite the rhetoric, official disarmament efforts of SALW “had limited success”. Although ONUMOZ collected more than 200,000 weapons during and after demobilisation, none was destroyed.\textsuperscript{17} Indeed, it is even claimed by one commentator that the UN “failed to effect meaningful disarmament during its ONUMOZ operation”; in part because there was a fear that it would undermine the peace process. That said, subsequent efforts were more successful, as “confidence in peace at local levels and in senior policy-making circles grew”.\textsuperscript{18}

For the initial two-year period, cash payments were made to former fighters. Disabled soldiers and war veterans who had served under the colonial government were also provided with pensions.\textsuperscript{19} But most of the former fighters could not be absorbed by the then weak Mozambican economy. Given that many were interested in settling in rural areas, the reintegration process encouraged them to commence subsistence farming and provided them with farming tools.\textsuperscript{20} Meanwhile, younger children, who had formed a significant percentage of the RENAMO forces, were cantoned separately from adults and were offered the opportunity to receive educational support. At one point in time, however, some rebelled, demanding that they be given the same vocational reinsertion package that their adult counterparts were receiving.

As is the case elsewhere in the world, female fighters in Mozambique also had specific needs that required attention in the DDR process. However, the DDR programme failed to acknowledge those needs.\textsuperscript{21} Only men were issued with resettlement grants and only men’s clothing was available under the programme.\textsuperscript{22} This was a reflection of the narrow focus and even discriminatory element of many DDR programmes, which leave many of those particularly at risk – women, children, and persons with disabilities – with little assistance.\textsuperscript{23}

\begin{thebibliography}{99}
\bibitem{16} "Mozambique: Civil Society Roles in DDR", DCAF-ISSAT, 2018.
\bibitem{17} Vines, "Renamo’s Rise and Decline: The Politics of Reintegration in Mozambique", p. 381.
\bibitem{18} Ibid.
\bibitem{19} Lamb, "DDR 20 Years Later Historical Review of the Long-term Impact of Post-independence DDR in Southern Africa", p. 5.
\bibitem{20} Ibid.
\bibitem{21} Knight, “Disarmament, Demobilization, and Reintegration and Post-Conflict Peacebuilding in Africa: An Overview”, p. 45.
\bibitem{22} Ibid.
\end{thebibliography}
Although the DDR programme in Mozambique did register a number of achievements, the fragility of its peace was clear in the elections that followed when RENAMO’s leader, Afonso Dhlakama, decried their integrity and threatened to return to violence. While peace was maintained its fragility was highlighted two decades later in 2013 vestiges of RENAMO returned to violence. In May 2018, Dhlakama’s unexpected death – he had been in hiding from the authorities – shook the peace process. President Felipe Nyusi declared publicly, “I hope that we as Mozambicans can continue to do everything so things do not go down.”

The challenges to peace in Mozambique have not, though, come primarily from a failed or only partially successful DDR process. What has most hampered peacebuilding from the outset was the political system foreseen by the peace deal. Essentially a winner-takes-most political landscape has meant marginalisation of the former armed opposition in subsequent years and decades. Minimising the stakes in elections reduces the capacity for shocks and maximises inclusion, although this can be a bitter political pill for many to swallow.

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THE UN INTEGRATED DDR STANDARDS (IDDRS)

The varying experiences and lessons learned from first-generation DDR, including in Angola and Mozambique, were the basis for the content of the first edition of the Integrated DDR Standards (IDDRS) elaborated by an inter-agency effort of the United Nations. The first edition of the Standards was published in 2006, aiming to bring consistency to the previously “fractured” UN approach to DDR (the UN’s own word).  

Today, the IDDRS are spread across twenty-five modules and three sub-modules. The Standards, which, as of writing, were being subjected to thorough revision, serve as a set of policies, guidelines, and procedures for DDR programmes.

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26 At: bit.ly/3dBy0hM.
SECOND-GENERATION DDR

A second generation of DDR began to emerge in the 2000s, while the IDDRS were already being completed. This new, more sophisticated approach saw adaptation occurring "in line with the evolution of global peace, security and development agendas". The key features of this new generation reflected a broadening of focus from "a narrow preoccupation" with the demobilisation and reintegration of former fighters to the far more expansive – and expensive – goals of building the conditions for sustainable peace.

Second generation DDR, therefore, took on a broader and more inclusive approach by focusing also on support to affected communities (as opposed to first generation DDR programming, which focused solely on the former fighters). This expanded significantly the scope and number of beneficiaries of individuals who would be expected to benefit from the reintegration process.

This second wave of DDR programmes, which was especially common in programme design following

conflicts in the Balkans, South-East Asia, and West and Central Africa, was expected to “contain and reduce multiple forms of violence, while also neutralizing spoilers [those who forcibly opposed peace], building bridges with communities, and contributing to legacy public goods”. The agenda for DDR was becoming far more ambitious. One linkage to the first generation of programmes did, though, remain consistent: DDR was still a post-conflict endeavour (or at least one that occurred after widespread or generalised violence had come to an end, even if no peace agreement had been formalised).

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27 Muggah and O’Donnell, “Next Generation Disarmament, Demobilization and Reintegration”.
29 Muggah and O’Donnell, “Next Generation Disarmament, Demobilization and Reintegration”.
THIRD-GENERATION DDR

A strict demarcation between war and peace, as far as DDR programming is concerned, was never likely to hold firm. Accordingly, so-called third-generation DDR, which has taken root over the last decade, is implemented during ongoing armed conflict, with a view to promoting – or even compelling – peace. Implementation of DDR in fragile contexts, especially during ongoing hostilities, is especially challenging, sometimes because members of armed forces and/or armed groups may continue to perpetrate or foment violence while DDR is underway. Armed groups may target those who leave their ranks without consent. Such an environment also poses a threat to civilians, including the staff of international organisations who might be targets of armed groups. Also, the "legal and political frameworks for DDR are less clear in the context of an ongoing conflict, and determining eligibility criteria is often more problematic."

While third generation DDR borrows some aspects from its second generation parent (strengthening community resilience, encouraging constructive dialogue and debate, and promotion of education and economic opportunities, among others), it also focuses on tackling factors that influence the vulnerability of individuals to recruitment into armed groups. A unique characteristic of third generation DDR is that, in addition to socio-economic integration, it has included the element of social and political engagement. Essentially, third generation DDR focuses on offering "a more sustainable economic, social and political alternative to conflict."

In practice, however, more often the results have been disappointing. In Afghanistan, for instance, in 2015 four international programmes designed to disarm, demobilise, and reintegrate members of militias since 2001 are said to have "largely failed". The programmes had "instead largely reinforced existing power relations. Perhaps their gravest impact has been to deepen patterns of political exclusion that underlie much of the violence that have driven support for the insurgency."

30 Ibid., p. 5.
31 Ibid.
32 Ibid.
34 Ibid.
FOURTH-GENERATION DDR(R)

This is, though, not the end of the story. In an era increasingly pockmarked by terrorism and counter-terrorism, a fourth generation of programming has emerged, first in Somalia and then in the countries of the Lake Chad Basin. In what may become the new normal in many armed conflicts, ”disengagement” and ”disassociation” have been replacing disarmament and demobilisation.

For DDR programmes the challenge of precluding a return to violence among the beneficiaries is considerable. So-called ”de-radicalisation” is hard to achieve in stable situations, let alone amid ongoing hostilities and without the presence of many foreign terrorist fighters. And while effective impunity may be seen as a price worth paying in exchange for peace, the linkage during armed conflict is far harder to discern. To incite sustained defections from an armed group, broader DDRR interventions (Disengagement, Disassociation, Reintegration, and Reconciliation) have to be intertwined with robust protection and accountability policies and practices. There is no short-cut to success.

In this fourth generation of DDR programming, international guidance on core issues is especially lacking. One notable instance is the process for identifying possible beneficiaries. This concerns, in particular, the screening that should take place before participants are selected. This is so, whether or not they are being confined to a secure rehabilitation centre (and therefore whether arbitrary deprivation of liberty may be occurring). Evidence-based advice on how de-radicalisation (disengagement and disassociation) should be conducted is also in short supply.

36 The addition of ”reconciliation” reflects the importance of engaging and supporting communities in the process of peacebuilding. The risk – and too often the tendency – has been to simply parachute back in to affected communities those who have been through a DDR programme, disregarding their fears and legitimate demands for accountability.
Another important lacuna is with respect to the protection of children formerly associated with an armed group. In particular, the 2007 Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups should be considered no longer fit for purpose. As they recall, all children are entitled to protection and care under a broad range of international, regional, and national instruments. But they address the specific protection of children associated with armed forces or armed groups in just two paragraphs, one of which recalls general human rights principles, while the other focuses on children born to girls during their time amid armed forces or armed groups.

The Paris Principles do not address the disarmament of former child soldiers, beyond stating simply that where there are formal DDR processes, "special provision should be made for children." The UN’s IDDRS on disarmament specifies that: "Children shall under no circumstances be expected to submit a weapon or prove their knowledge of weapons-handling in order to be released from a fighting force." What, then, is the nature of this special provision?

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39 UN, IDDRS Module 4.10: "Disarmament", 1 August 2006, para. 7.3.5.
Throughout all four generations of DDR programming, women have often been excluded from DDR programming. Despite reports that 56 per cent of Boko Haram’s suicide attacks between April 2011 and June 2017 were carried out by women or girls, and the increasing involvement of Kenyan women in violent extremist organisations, the stereotype persists in some quarters that women have no role in warfare, hampering the implementation of international standards on women and DDR as well as women’s inclusion in peacebuilding and conflict resolution processes generally.

Women may be associated with an armed force or group in a wide range of capacities. They may participate directly in hostilities as fighters or suicide bombers, or, unarmed, they may be engaged as spies, messengers, or as logistical personnel. They may also be associated as sex slaves, cooks, or nurses. Women may be excluded from the benefits of DDR because they do not have a weapon to hand in – often, at least in the past, one of the criteria for participation in a DDR programme –, which hinders a complete and successful micro-disarmament process. It also contributes to a greater risk of resurgence of conflicts in later years. This is because women may be presumed to be only victims not actors and those performing “support” functions in armed forces or armed groups or who were used as sex slaves, may be denied the possibility to be fully reintegrated into communities.

The IDDRS Module 5.10 on Women, Gender and DDR and the AU Operational Guidelines on Women and DDR both have dedicated provisions on the protection and inclusion of women in DDR processes. Within the broader discussion about gender, the AU Guidelines recognise that peace processes that omit the participation of women fail to adequately cater for their needs. The AU Guidelines condemn the stereotypic approach with which women’s needs are addressed even when they are included in DDR processes. Arguably, however, the Guidelines themselves may reinforce stereotypes insofar as they direct states to formulate strategies to ensure the “unconditional release of all abducted women within a particular armed group” is made “a condition of any peace agreement”. This could be understood to mean that all women abducted by an armed force or group need “rescue”, lacking the agency to independently decide to leave an armed force or group.

45 Ibid.
CONCLUDING REMARKS

Key lessons that can be drawn from DDR experiences include the following:

1. Careful assessment and preparation: DDR initiatives should be established upon careful assessment of the context, the beneficiaries, spoilers, and other challenges.

2. Inclusivity: DDR processes should be inclusive, paying special attention to the particular needs of women, children, and persons with disability.

3. Accountability: Efforts must be made to ensure accountability for gross violations of international human rights law and serious violations of IHL. This should be done without undermining the objective of ensuring peace and stability in conflict-affected communities.

4. Ensuring that communities benefit: For DDR initiatives to succeed, especially at the reintegration stage, they should provide tangible benefits to not only former fighters but also the communities in which they are reintegrated.

5. Linkages to larger reforms and development processes in society: Although DDR initiatives are generally short-term, to attain success they must link to the broader reform and development agenda in conflict-affected communities.

As the leader in DDR internationally, the UN needs to do more to support affected countries to coordinate approaches and exchange lessons learned. The UN plans to elaborate a new IDDRS module specific to counterterrorism. This is to be welcomed. But the role of DDR(R) in a counterterrorism scenario needs to be carefully considered. Is it peace-making or peace-building? How aligned will the UN have to be with governments that may be engaging in widespread abuses?

For its part, UNICEF should seize the opportunity to lead a careful revision of the Paris Principles to ensure that the protection of children associated with armed groups, along with their disarmament and reintegration, is addressed seriously. There are many, many challenges ahead for DDR(R) policy and programming, both within and outside counterterrorism operations. Hopefully this Briefing Paper will stimulate greater discussion on at least some of them.
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