THE ROLE OF MILITIAS AND OTHER PARAMILITARIES IN AFRICAN (UN)CIVIL WARS

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Contents

Abstract

Recent violent conflicts in Africa have seen extensive use of very irregular armed forces by governments. Examples include the use of *Kamajors* in Sierra Leone, *Janjaweed* and other militias in Sudan and *Interahamwe* militias in the 1994 genocide in Rwanda. The paper, originally written for a seminar on *Threatened Trust. The transformation of the state and fading civil security* at the Centre for African Studies, Institute for Social Anthropology, University of Basel, Basel, 9-10 January 2006, analyses the historical background of such phenomena, the strategic benefits and drawbacks of the resort to such forces, the consequences for the conduct of armed conflicts and the implications thereof for the civilian populations. Finally, it points to a number of complications caused by the presence of such forces for peace settlements and post-conflict peacebuilding, including DDR (disarmament, demobilisation and reintegration) of former combatants and security sector reform.

Preface

The use of militias and other paramilitary forces seems to become increasingly frequent, not only in Africa but also elsewhere. As pointed. This may be a cause of some concern, as that voiced in the *Human Security Report 2005*:

> Usually more heavily armed than the police, though more lightly armed than the military, paramilitaries can be disciplined forces under effective government control – or private armies operating outside legal constrains, responsible only to themselves, and operating death squads and torture camps (…) For governments, paramilitaries offer many advantages. They can be recruited rapidly, often from groups that are sympathetic to the regime. (…) The significance of paramilitaries lies in their institutional location outside of regular military and police commands and ministries. Indeed, there are often no formal lines of authority between state authorities and paramilitary leaders,. This relative independence allows national governments to shrug off responsibility for human rights violations perpetrated by paramilitaries. (…) Their power and independence means that paramilitaries can – and often do – survive long after the regimes that created and sustained them have been swept aside. Unless they are reincorporated into the new regime, they can become a source of violent disruption and pose serious threats to the new political order.[1]

In the following I shall further explore some of these claims. As an introduction the concept of "militia" is explored, finding it to refer either to a very multi-facetted phenomenon or, indeed, to several different phenomena. This is followed by an account of some historical precedents, both in Europe and in Africa as well as by a tentative assessment of the present prevalence of it sub-Saharan Africa. Three case studies are presented, illustrating the complexity of the phenomenon, leading up to a preliminary evaluation of the phenomenon as such, highlighting the complications which militias and other paramilitaries pose for post-conflict peace-building, including disarmament, demobilisation and reintegration (DDR) of combatants.

The Concept of "Militia"

The term "militia" either has a very broad (and correspondingly vague and/or abstract) meaning or it is used to refer to different phenomena. The *Encyclopædia Britannica* defines a militia as a "military organization of citizens with limited military training, which is available for emergency service, usually for local defense."[2] However, the term is also used to signify armed forces with only weak links to the state, or indeed to forces opposing the state.

One way of conceptualising militias may be to situate them along two continua – from policing to soldiering and from state to "anti-state," as illustrated in Fig. 1. First of all, their tasks are thus defined as something more "muscular" than mere policing, even though militias sometimes help maintain law and order – and as something less than soldiering, even though they may well play significant auxiliary roles in the national defence, e.g. in the form of home guards or a territorial armies. Secondly, they are certainly not "entirely state" in the sense of consisting of full-time state officials, but neither are they "anti-state" such as criminals or rebels. Non-state or "not quite state" might be the appropriate label for them.

However, taking the actual usage of the term as our point of departure, the picture becomes even more blurred than this, as the militia label is also sometimes pinned on distinctly anti-state armed groups such as the right-wing militias in the United States – who do, however, seem to see themselves as heirs to a much more respectable tradition, as we shall see below.

Fig. 1: The Concept of Militia
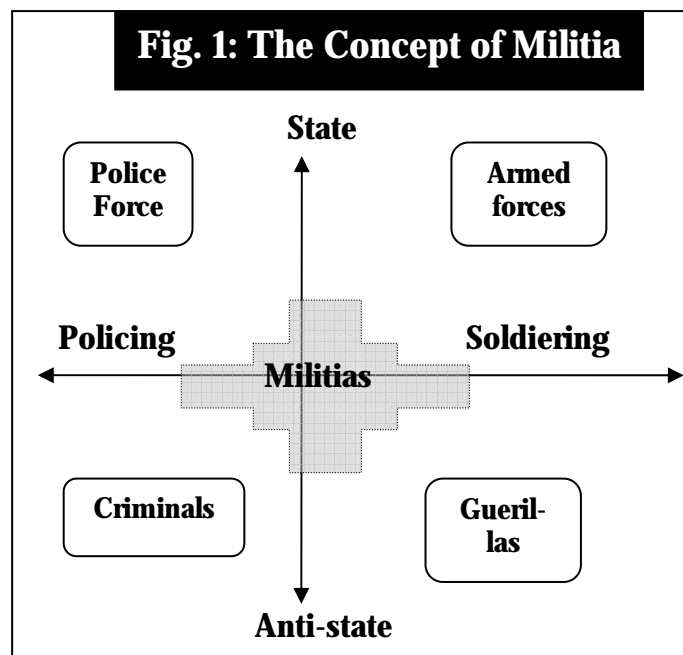
The Historical Background

In the sense of organised self-defence by societies, militias have been around for centuries or even millennia. Even though they are thus probably a much older phenomenon than that of the state, in the following we shall focus on militias in settings dominated by states, i.e. where there is either a reasonably strong state or where the absence of such a state is significant, as in the case of collapsed states.

In Europe, citizen militias were thus lauded by, among others, a thinker who is sometimes referred to as the very father of the notion of *raison d'état*, Niccolò Machiavelli (1469-1527), who regarded them as far preferable to the mercenary armies which were dominating the military scene at his time.

> As to the unserviceableness of a citizens' militia, I say that no troops can be of more service than those chosen from one's own subjects, nor can those subjects be selected in a better or more proper manner (…) It is certain that no subjects or citizens, when legally armed and kept in due order by their masters, ever did the least mischief to any state. On the contrary, they have always been of the highest service to all governments and have kept them free and incorrupt longer than they would have been without them.[3]

Militias were also recommended in America, inter alia by Alexander Hamilton (1757-1804), who in 1788 wrote the following recommendations in *The Federalist*:

> If a well regulated militia be the most natural defence of a free country, it ought certainly to be under the regulation and at the disposal of that body which is constituted the guardian of the national security. If standing armies are dangerous to liberty, an efficacious power over the militia, in the body of whose care the protection of the State is committed, ought as far as possible to take away the inducement and the pretext to such unfriendly institutions. (…) To render an army unnecessary will be a more certain method of preventing its existence than a thousand prohibitions on paper.[4]

The US use of militias, not least for law enforcement, has historically been related to the so-called *posse comitatus* principle, according to which local authorities (usually sherifs) could conscript citizens for law enforcement – but also to the "Posse Comitatus Act," passed in 1878 and

intended to prevent abuse of such provisions by insurgents and secessionists.[5] Nevertheless, the main gist of the US Constitution was initially to impose constraints on the federal authorities and armed forces, as laid down in the Second Amendment to the constitution, according to which "A well regulated militia being necessary to the security of a free State, the right of the People to keep and bear arms shall not be infringed."[6] This amendment has subsequently been exploited ideologically by NGOs such as the National Rifle Association[7] and various groups on the extreme right, some of which refer to themselves as militias, one of them even using the name "Posse Comitatus." Some of them have even been involved in activities that most would classify as terrorism, and there were links between them and the perpetrator of the attack against the federal building in Oklahoma City, Timothy McVeigh.[8]

The Swiss militia system is much less problematic, representing a centuries-old radical form of "citizens in arms," entailing compulsory military service for all male citizens, in which all members of the militia are required to keep their weapons at home; and all are called up for periodic training.[9] Other countries have included elements of the same model in the personnel structure of their armed forces. Some countries, for instance, have home guards, assigned more or less important tasks in the defence of the national territory. For examples, see Fig. 2.[10]

Fig 2: The Role of Militias (Examples)

Switzer-land	Finland, Austria, Sweden	Denmark	U.K.
Central	Partly independent	Auxiliary	Non-military

Military roles

Militias do indeed allow for the mobilization of a very large part of the population, which may be relevant in cases of defence against a large-scale invasion. A country with a very substantial proportion of its adult (usually only male) population under arms would be very hard for an invader to "digest," also because a militia might resort to guerilla tactics, and would be well-adapted to "swimming in the countryside like a fish in water," as advocated by Mao Zedong.[11]

The founders of western strategic thinking also credited "people's war" with considerable strength, especially for national defence. Antoine de Jomini had participated in the Peninsular War, where he had been amazed by this rare spectacle of a "spontaneous uprising of a nation." For an invader possessing "only" an army, this amounted to an unequal struggle:

> His adversaries have an army, and a people wholly or almost wholly in arms, and making means of resistance out of everything, each individual of whom conspires against the common enemy; even the non-combatants have an interest in his ruin and accelerate it by every means in their power. He holds scarcely any ground but that upon which he encamps; outside the limits of his camp everything is hostile and multiplies a thousandfold the difficulties he meets at every step. (...) No army, however disciplined, can contend successfully against such a system applied to a great nation, unless it be strong enough to hold all the essential points of the country, cover its communications, and at the same time furnish an active force sufficient to beat the enemy whereever he may present himself.[12]

Despite his acknowledgement of the efficiency of guerilla warfare, however, Jomini was horrified with the spectacle of such unorganized warfare. As an alternative, he therefore recommended the creation of a militia (*Landwehr*) – which would incorporate the popular element in an organized framework. Even Clausewitz took guerilla warfare seriously, devoting an entire chapter in his *On War* (Book 6, ch. 26) to "people's war."[13]

Militias in African History

Even though they thus have a history in Europe and North America, militias are far from an exclusively northern phenomenon, but they also have a historical background in Africa.

Most armies in precolonial Africa seem to have consisted almost entirely of infantry, organised according to three different models: citizen armies (i.e. militias), "conscripts" (either locally enrolled and fighting under local chieftains or centrally enrolled and divided into more or less standing units) and professional soldiers. Many of these troops were (at least *de facto*) slaves, sometimes captives from defeated neighbouring tribes.[14] Most of these armies were quite small, at least compared to their European counterparts. Unfortunately, they were generally also quite weak and therefore unable to hold their ground in the face of European aggression. As a general rule, the Europeans thus met with surprisingly little organised military resistance. A few African nations and states were, however, able to put up a strong resistance to European conquest.[15]

- The Ashanti empire in West Africa (roughly the present Ghana) seems to have had near-universal and compulsary male military service based on a feudal form of organisation and tantamount to a levy of freemen, but its army also included slaves from vanquished neighbouring states. At full mobilisation the army numbered around 200,000 troops, who generally exhibited high fighting spirit (i.e. "morale"), springing mainly from strong unit cohesion. This was ensured by having units consist of freemen coming from the same localities, and by the fact that the slaves also belonged to families, hence also had something to lose from defeat. With the exception of a small cadre force, the organisation was similar to a militia system, consisting mainly of part-time warriors receiving no peacetime drill or training. The Ashanti Wars (1873-84) and the subsequent uprising of 1900 thus pitted a fairly well organised African army against that of the British colonialists, who had to resort to the unusual means of a predominantly white army, numbering 1,500 Europeans to a mere 700 Africans.[16]

- The Zulu kingdom in present KwaZulu-Natal (South Africa) was based on the norm that all male youths had to serve as warriors immediately upon their formal initiation into manhood. The armies were raised locally, by means of a militia system, where the warriors lived at home but took up arms when summoned by local chieftains. Under Shaka (early 19th century) these armed forces were brought under the centralised control of the king, thus creating an almost modern standing army, where warriers were trained and garrisoned until marriage. Partly as a result of this, the Anglo-Zulu War of 1879 was of a greater scale than most other colonial wars, forcing the UK to deploy around 18,000 troops, of which nearly half were British. Under King Cetschwayo the Zulus inflicted a crushing defeat on the British forces at Isandlwana in 1879, but they subsequently succumbed to the British invasion.[17]

- The Matabele Kingdom on the border between the present South Africa and Zimbabwe was established by a defected Zulu chieftain. The State initially rested on the military foundations of a general conscription of all young males from the age of fifteen, forming a standing army, combined with an enrolment of all the older men in an army reserves. The raiding of neighbours (e.g. the Mashone) constituted a major source of the kingdom's income. The Matabele War (1893) was fought by the Ndbele people under King Lobengula, partly against the British settlers, partly against the neighbouring Mashona people. In this context the Mashona put up very little resistance, whereas the Europeans raised an almost militia-style army. In the later stages of the war, when this militia had been reinforced by regular troops, the Ndbele and Shona resorted to guerilla-style warfare in the great *ChiMurenga* of 1896-97, forcing the Brits to resort to the burning of *kraals* and similar measures directed against civilians. The resistance was hampered by lack of unity (i.e. Shona fear of Ndbele domination) and lack of a unified strategy, the Ndbele being more offensive than the, almost totally defensively minded, Shona.[18]

- A special case was the Boer War (1899-1902), which pitted the two white "tribes" of South Africa against each other, but in which both Boers and British made extensive use of black African troops. Both sides were, however, in agreement that it was supposed to be "a white man's war", hence only reluctantly resorted to the use of black troops. Through most of the war, the Boers fought as guerillas and were partly organised as a militia, enrolling all able-bodied men between sixteen and sixty, without uniforms, and making extensive use also of civilian support, including women and children. [19]

The colonial period also featured elements of militias. For instance, during the Mau Mau rebellion (ca. 1950-59) the British Governor mobilised a local militia (home guard) among the Kikuyu as a counterweight to their kinsmen, the Mau Mau forest fighters.[20]

Militias in African Conflicts

After their attainment of independence African states have continued to rely, to a large extent, on militia-like armed forces as auxiliaries. One of the reasons for this is probably the mismatch between needs and capacities. On the one hand, African states are, as a general rule, quite weak in several respects – e.g. economically, militarily and in terms of failing legitimacy because of neopatrimonialist forms of government.[21] On the other hand, the tasks they are supposed to handle are also gargantuan.

The main challenge is not defending the national territory against foreign aggression, which is a rather rare occurrence in Africa.[22] What is at stake is rather what in Europe is regarded as the essential minimum of statehood, i.e. the upholding of law and order and enforcement of a Weberian "monopoly on the legitimate use of force" in the face of domestic disturbances.[23] The challenges are thus, first of all, to contravene a creeping "privatisation of security" where the insecurity of citizens becomes so intolerable that they resort to self-help (by arming themselves, forming vigilante groups or soliciting the services of private security companies);[24] and, secondly, to prevail in armed conflicts against insurgents.

"UNCIVIL WARS"

Even the armed intra-state conflicts in Africa tend to be "messier" than we are accustomed to from European history or from other parts of the world. Not only are they rarely "binary" in the sense of pitting one rebel movement against the government, but they frequently feature a multitude of actors, who often do not even belong to the same category – a *melée* of guerillas, mercenaries and private military companies, militias, warlords, proxies of neighbouring states, commercial enterprises, peacekeepers from either the UN or regional or subregional organisations, etc.

These armed conflicts mostly belong to the category of what goes under names such as "new wars" (Mary Kaldor), "uncivil wars" (Donald Snow), "wars of the third kind" (Kalevi Holsti), "Hobbesian Warres" (Martin Van Creveld)[25] or which are referred to as "small wars" and "low-intensity conflicts."[26] Most of these terms are, in fact, misnomers as the "new" wars are not really a new phenomenon,[27] and as most such wars are neither small nor low-intensity when seen from the perspective of the combatants or the civilian victims. Indeed, the death-toll of war in the

Fig. 3: Clausewitzian/Trinitarian War
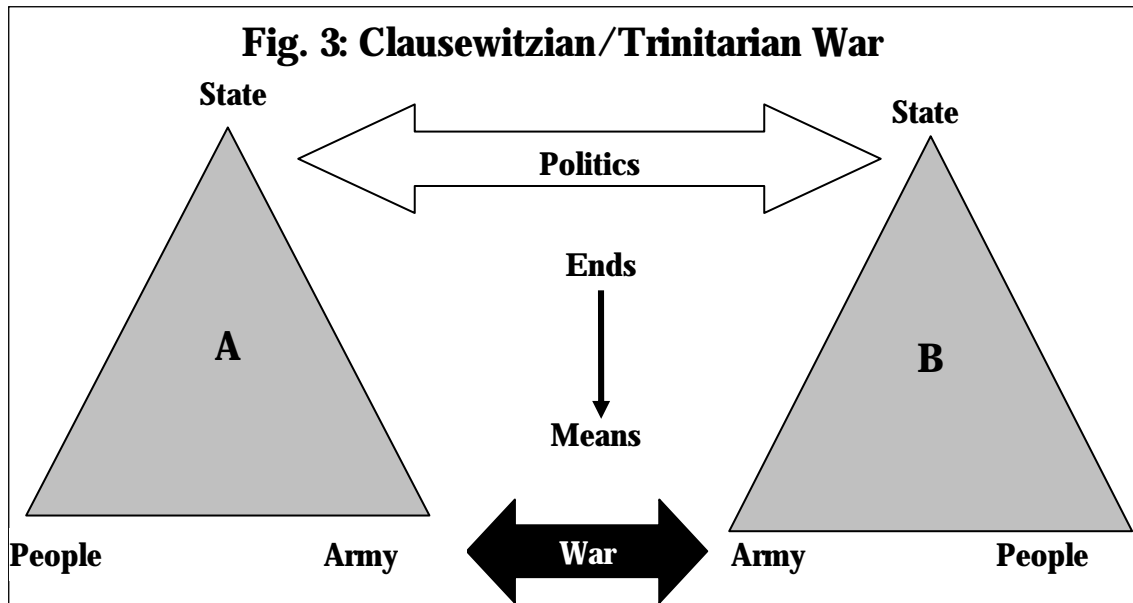
Congo is estimated at more than three million, which is higher than the two European world wars, measured against the total population.[28]

It is debatable whether these armed conflicts actually form a coherent category. What might suggest that they do not is the fact that it is much harder to enumerate their common characteristics in positive terms (i.e. without resort to terms with the prefix non or equivalents) than to define them in negative terms.[29] They might thus be characterised as

- Non-trinitarian or non-Clausewitzian, i.e. neither waged between harmonious "trinities" of peoples, states and armies[30] nor constituting any continuation of politics by military means[31] (see Fig. 3).
- Non-international in the narrow sense of not being waged by states against other states – which does not necessarily mean that they are intra-state, as many (perhaps most) "spill over" into neighbouring territories, making them at least "transnational".[32]
- Non-binary, as they are not duel-like contests of strength between two opposing sides, but often feature a multitude of warring factions, few of which are really under the complete control of their respective leaders.
- Non-regulated as they are (almost) not covered by the laws of war such as the Hague or Geneva conventions.[33]
- Non-civil (or "uncivil"), as they often exhibit extreme degrees of violence, mainly directed against civilians – in which respect they differ from traditional guerilla wars and wars of national liberation where the need to "win the hearts and minds" of the population made such tactics counterproductive.[34]

- Non-nuclear as well as non-conventional as they defy the nuclear-conventional dichotomy which seemed to make sense in Cold War Europe.
- Non-territorial in the narrow sense of not being waged by states to incorporate parts of other states' national territories into their own and thus to change borders. To the extent that they are about territory at all, they tend to be about gaining of control over lootable resources, or about secession. In the latter case, the wars do not really belong to our amorphous category, but rather to that of "wars of national liberation", as least as seen by the secessionist parties (e.g. the leaders of Katanga, Biafra, Eritrea or, to some extent, southern Sudan – or Northern Ireland for that matter) who rely on the support of what they hope will be the citizens of a new state and who therefore have strong incentives to temper violence against civilians in "their" region.[35]

One should not jump from the above list of what the "new wars" are not to the conclusion that they are tantamount to chaos as in the fashionable (and convenient) thesis about the "coming anarchy" or "new barbarism," which has been most effectively promulgated by the journalist Robert Kaplan, inspired by a journey to Sierra Leone.[36] As convincingly argued by, among others, Paul Richards, there may well be an inherent rationality in these wars, both as far as the leaders and the rank-and-file are concerned.[37]

The International Institute for Strategic Studies in its 2005 version of *The Military Balance* aptly sums up the complexities:

> The conflict environment has always included terrorists, rural guerrillas, bandits, tribal fighters and mercenaries. But today it also includes drug traffickers, multinational corporations, private military companies, unarmed protesters, environmental groups, computer hackers, rioters, militias, people smugglers, pirates, religious sects, urban guerrillas, media and diplomatic alliances. Many of these groups are not "threats" in the sense of armed opposition, and applying military force against many of them would be problematic in legal, moral and technical terms.[38]

MILITARIES AND PARAMILITARIES

Faced with a multitude of such complex conflicts and with quite modest regular armed forces at their disposal it is not surprising that the weak African states have had to rely partly on paramilitary forces of all sorts, as will be apparent from Table 1.

The paramilitary forces listed above are merely the officially sanctioned ones, to which should be added the more shady categories.[39] Sometimes one country supports a rebel movement fighting against a neighbouring state with which is has hostile relations, thus using the rebels as proxies in an international conflict. This was, for instance, the case of the apartheid regime's support for UNITA in Angola and Renamo in Mozambique[40] and of Uganda's support for the SPLA in Sudan and the corresponding (retaliatory) Sudanese support for the LRA in northern Uganda (*vide infra*), not to mention the US support for the *Mujahedeen* in Afghanistan and the Contras in Nicaragua.[41]

Table 1: Military and Paramilitary Forces in Sub-Saharan Africa[42]											
	Reg. armed forces	Paramilitary							Total Armed Forces	Para mil. Share	Milex US$mil (2004)
Country		G	PRG	MP	P	MM	SF	Total			
Angola	108.4	0	-	10.0	-	-	-	10.0	118.4	8%	1,000.0
Benin	4.6	2.5	-	-	-	-	-	2.5	7.1	35%	67.5
Botswana	9.0	-	-	1.5	-	-	-	1.5	10.5	14%	348.0
Burk. F.	6.6	4.5	-	-	-	45.0	-	49.5	56.1	88%	61.9
Burundi	45.0	5.5	-	-	-	30.0	-	35.5	80.5	44%	45.0
Camer.	14.1	9.0	-	-	-	-	-	9.0	23.1	39%	283.0
Cape V.	1.2	-	-	-	-	-	-	0	1.2	0%	5.6
CAR	1.6	1.0	-	-	-	-	-	1.0	2.6	39%	15.0
Chad	25.4	4.5	5.0	-	-	-	-	9.5	34.9	27%	46.9
ROC	10	2.0	?	-	-	-	-	2.0	12.0	17%	56.2
Côte d'Iv.	8.1	7.6	1.4	-	-	1.5	-	10.5	18.6	56%	187.0
DRC	64.8	-	-	-	?	-	?	0	64.8	0%	na
Djibouti	8.5	1.4	-	-	-	-	2.5	3.9	12.4	32%	25.3
Eq.Guin.	1.3	-	-	-	-	-	?	0	1.3	0%	6.8
Eritrea	201.8	-	-	-	-	-	120.0	120.0	321.8	37%	74.0
Ethiopia	182.5	-	-	-	-	na	-	0	182.5	0%	290.0
Gabon	4.7	2.0	-	-	-	-	-	2.0	6.7	30%	16.8
Gambia	0.8	-	-	-	-	-	-	0	0.8	0%	2.2
Ghana	7.0	-	-	-	-	-	-	0	7.0	0%	49.6
Guinea	9.7	1.0	1.6	-	-	7.0	-	9.6	19.3	50%	107.0
Guin-Bis,	7.3	2.0	-	-	-	-	-	2.0	9.3	22%	4.5
Kenya	24.1	-	-	-	5.0	-	-	5.0	29.1	17%	251.0
Lesotho	2.0	-	-	-	-	-	-	0	2.0	0%	32.7
Liberia	15.0	-	-	-	-	-	-	0	15.0	0%	0.9
Madag.	13.5	8.1	-	-	-	-	-	8.1	21.6	38%	50.4
Malawi	5.3	-	-	1.5	-	-	-	1.5	6.8	22%	12.9
Mali	7.4	1.8	2.0	-	1.0	3.0	-	7.8	15.2	51%	93.8
Mauritius	0	-	-	-	-	-	2.0	2.0	2.0	100%	19.3
Mozam.	11.2	-	-	-	-	-	-	0	11.2	0%	110.0
Namibia	9.2	-	-	-	6.0	-	-	6.0	15.2	39%	177.0
Niger	5.3	5.4	2.5	-	1.5	-	-	9.4	14.7	64%	28.1
Nigeria	78.5	-	-	-	2.0	-	80.0	82.0	160.5	51%	571.0
Rwanda	41.0	-	-	-	10.0	-	2.0	12.0	53.0	23%	46.0
Senegal	13.6	5.0	-	-	-	-		5.0	18.6	27%	93.8
Seych.	0.2	-	-	-	-	-	0.5	0.5	0.7	69%	12.6
Sierra L.	13.0	-	-	-	-	-	-	0.0	13.0	0%	28.5
Somalia	-	-	-	-	-	-	-	0.0	n.a.	n.a.	na
South A.	55.8	-	-	-	-	-	-	0.0	55.8	0%	3,400.0
Sudan	104.8	-	-	-	-	-	17.5	17.5	122.3	14%	426.0
Tanzania	27.0	-	-	1.4	-	-	-	1.4	28.4	5%	362.0
Togo	8.6	0.8	-	-	-	-	-	0.8	9.3	8%	33.7
Uganda	45.0	-	-	-	0.8	10.0	1.0	11.8	56.8	21%	197.0
Zambia	15.1	-	-	0.7	0.7	-	-	1.4	16.5	8%	39.7
Zimb.	29.0	-	-	-	17.2	-	-	17.2	46.2	37%	237.0
Total SSA	**1,246,6**	**64,0**	**12.5**	**15.1**	**44.2**	**96.5**	**225.5**	**457.7**	**1,704,3**	**27%**	**8,916**

Legend: G: Gendarmerie; MP: Mobile police: PRG: Presidential or Republican Guard; MM: Miscellaneous militia; P: Miscellaneous police; SF: Miscellaneous special forces

Case Studies

In the following we shall take a closer look at three case studies of Sierra Leone, Sudan and Rwanda, focusing on "pro-state militias" in the (sometimes unofficial) service of the incumbent rulers of the states in which they are operating.

SIERRA LEONE: REBELS, SOBELS AND *KAMAJORS*

The war in Sierra Leone was to some extent a side-show to that in Liberia.[43] It began with an assault into the eastern part of the country in March 1991 launched not only by the socalled Revolutionary United Front (RUF) but also by forces of Charles Taylor's NPFL (National Patriotic Front of Liberia) in an attempt to topple president Momoh's government. This led to an extraordinarily bloody civil was which ravaged the country until 2001,[44] and in the final phases of which the "strategy" of the RUF consisted mainly of a systematic terrorisation of the civilian population, featuring amputations of limbs, rapes and looting.[45] The war featured a plethora of various forms of combatants, including the following:

- Government soldiers, within which category a distinction should be made between the old and the new. The "old guard" belonged to the ruling elite and had been accustomed to not only a part of the "take" from corruption, but also to a share of political power.[46] The new troops were enlisted by the military regime of Valentin Strasser (the NPRC, i.e. the National Provisional Revolutionary Council) during the war via the (mainly voluntary) recruitment into the army of unemployed urban youths for the counter-insurgency war against the RUF.[47] The ranks were thus swelled with new recruits with very rudimentary training – in its turn paving the way for the military coup in by the AFRC (Armed Forces Revolutionary Council) of Johny Paul Koroma which almost immediately aligned itself with the former enemy, the RUF.
- Mercenaries, both of the olf-fashioned irregular kind (quite a few apparently coming from Burkina Faso) and in the shape of regular employees of the South Africa-headquartered private military company (PMC) Executive Outcomes.[48]
- Peacekeepers, first from ECOWAS (ECOMOG) and subsequently also from the UN, whose initial deployment of UNOMSIL was a complete failure, whereas the successor UNAMSIL was much larger, better resourced, and also quite successful**.**[49]

- Indigenous rebels, mainly from the RUF, consisting mainly of youths (either lumpens or "merely" marginalised and alienated school drop-outs),[50] but also of forcefully recruited child soldiers, including girls, most of whom were used as sex slaves or other auxiliaries, but some of whom were also deployed in combat roles.[51]
- Rebels from abroad, mainly Liberia, some of whom did, of course, transmute into Liberian government troops upon Charles Taylor's winning of the 1997 presidential elections – in turn transforming previous Liberian government troops into rebels, e.g. under the banners of LURD and MODEL.
- Finally, the war featured an extensive use of pro-government/pro-state militias in the form of the *Kamajores* and the CDF (Civil Defence Force).

The initial core of the *Kamajores* were local "traditional hunters," mainly recruited among the Mende ethnic group and based to some extent on the "secret" *Poro* initiation societies. Whereas their traditional task was to provide their tribes of origin and residence with game as well as to protect them against intruders, they were now reorganised as a militia, partly by the tribal chiefs – and subsequently trained, also by the aforementioned Executive Outcomes. Most accounts agree that the *Kamajores* behaved far better than both the regular troops and the RUF, perhaps because of their ethos of protection which "happened to be" quite in line with the humanitarian laws of war – and especially so when they were deployed in their home areas. Gradually, however, the original core of fighters seems to have been diluted, e.g. by the *Kamajores*' incorporation into the more amorphous CDF, by the defection of RUF combatants to join their ranks, and by their deployment further afield, i.e. beyond the control of their tribal authorities.[52] Upon the achievement of peace, at least some of the former Kamajores seem to have joined LURD in neighbouring Liberia.

SUDAN: SLAVE RAIDERS, *MUJAHIDIIN* AND *JANJAWEED* MILITIAS

Not only has Sudan seen the longest civil war in Africa, but the country is also home to some of the most complicated conflicts, fought on different "stages" and frequently pitting various irregulars against each other.

The North-South Conflict: Islamists v. Secularists

The main stage has, of course, been occupied by what is usually (albeit somewhat misleadingly) referred to as the North-South conflict. The issues at stake in this conflict have been aptly labelled by the International Crisis Group as "God, oil and country."[53]

- "Country," because the very statehood of Sudan has been contested ever since the run-up to independence in 1956, which saw a controversy over a possible union with Egypt,[54] in a certain sense the former colonial ruler, first on behalf of the Ottoman Empire and then jointly with the UK under the condominium rule of "Anglo-Egyptian Sudan."[55] Following the decision to become a sovereign state came the controversy over the degree of centralisation v. autonomy,[56] especially for the South which has yet, after around fifty years of civil war, to reach a conclusion (*vide infra*).

- "God" featured in the latter dispute from the very beginning, pitting Islamist against secularists, the former wanting to extend Islamic *shari'a* law to the entire country,[57] i.e. also into the southern and non-Muslim parts of the country, which the British (simultaneously with promoting *shari'a* courts as an element in their indirect rule) had treated as a "protected area."[58]

- "Oil" only came into the picture after 1978. The main effect was to further exacerbate the North-South conflict,[59] as it now gave both sides more to struggle over, because some of the main oil fields happened to be located on he dividing line between the two.[60] It thus gave the North even more reason to refuse secession (or even autonomy) and the South additional grounds to want it.

The first round of the civil war between the GoS (Government of Sudan) and the secessionist rebellion in the South, the *Anya-Nya* guerilla movement, lasted from 1955, i.e. the very eve of independence,[61] until the signing of the Addis Ababa agreement by the Nimeiry regime in 1972, which granted the South considerable autonomy.[62]

The second round began in 1983 with Nimeiry's abrogation of the autonomy of the south and his promulgation of the "September Laws" entailing an application of *shari'a* to the South.[63] This first lead to a resumption of fighting by former *Anya-Nya* fighters (the "*Anya-Nya II*")[64] and soon to the formation of the SPLA under the leadership of the late John Garang de Mabior,[65] who managed to unify the movement, applying a substantial amount of coercion.[66]

In the course of this protracted civil war, the GoS has on several occasions made extensive use of militias and other irregulars as auxiliaries. After the fall of Niemeiry and (following a brief interlude of civilian rule) the assumption of power by the NIF (National Islamic Front),[67] the GoS in 1992 thus resorted to the proclamation of *jihad* against the insurgents (initially in the Nuba Mountains and Southern Kordofan, subsequently in the whole of South Sudan) thus playing on the example of the *Mahdiyya*.[68] The mastermind behind this seems to have been the leader of the Muslim Brotherhood's branch in Sudan, Hasan al-Turabi.[69] Besides bestowing on president Bashir the religious title of *imam al jihad,* the *jihad* allowed the GoS to mobilise militias

(partly based on orginal tribal militias known as *murahileen*) under the auspices of the Popular Defence Force (PDF, usually labelled *mujahidiin*) to fight the SPLA, who were now portrayed as infidels or (even worse) apostates, as far as the Muslim members were concerned.[70] However, it seems that the *mujahidiin* were singularly ineffective as a fighting force. In the words of an SPLA fighter, they "would give us warning of their attacks by their shouts of 'Allahu Akhbar!' The trenches were so close that we could hear the shouts and make ourselves ready when they attacked."[71] Scott Peterson thus recalls other comical features of the *jihad*:

> When government forces captured a rebel headquarters at Torit in 1993, a minister who had visited the town told Sudan Television that he saw angels coming down from the sky to pay their respects to the "martyrs of the *jihad*." This divine intervention was even more profound, he said, because wild monkeys marched in front of the advancing soldiers, acting as minesweepers. The government was taking the advice of one academic who suggested the use of *jinns*, spirits lower than angels that appear in human or animal form and can influence people. Bashir was quoted in the army newspaper requesting a feasibility study on "how *jinns* could help in planning strategy".[72]

The militias did, on the other hand, prove useful for a forced displacement of the local civilian population which, according to some observers, almost reached genocidal proportions.[73] Eventually, even Turabi had to concede that the counter-insurgency no longer qualified as a *jihad*.[74]

More effective was the "outsourcing" by the GoS of the counter-insurgency war to Bahr-al-Gazaal Arab tribal warriors. These militias were armed and supported by government forces in their raids against their (Ngok) Dinka neighbours, and in return for their services the militias were apparently given a licence to also engage in raids for the capture of Dinka slaves who were either used in their home districts or sold in Khartoum.[75] In response, local Dinka militias (*Titweng*) emerged, apparently unrelated to the struggle of the SPLA, to protect villagers against the slave raiders.[76]

Another, even more baroque, strategy was for the government to provide clandestine support to rebels which were ostensibly fighting against the GoS itself, as was the case of its occasional support for the various splinter groups from the SPLA. The SPLA thus split in 1989 with the defection of Riek Machar, joined by many of his fellow Nuer, who formed what has been called both "SPLA-United", "SPLA-Nasir", the "Sudan People's Defence Forces" (SPDF) and, since 1994, the "Southern Sudan Independence Movement."[77] The split proved disastrous for the

SPLA, as the two factions spent at least as much effort on fighting each other as on their joint liberation from the North. The rulers in Khartoum skillfully pursued a divide-and-rule strategy by periodically supporting Machar's SPLA and other rival movements, even though they were, by virtue of their demand for secession, ostensibly more radical than Garang's faction, which fought "merely" for autonomy and democracy.[78]

Besides weakening the liberation movement(s), this intra-SPLA struggle also exacted a massive casualty toll on the civilian population of the south, e.g. in the form of SPLA-United raids against Dinka villages (in collaboration with remnants of the old *Anya-Nya* II)[79] and SPLA-Mainstrean retaliation against Nuer villages. It did not help that the guerilla struggle of the SPLA-United also seriously divided the Nuer people, producing a new round in what Douglas Johnson calls "the Nuer civil war".[80] Gradually, however, the SPLA seems to have shedded its image of a Dinka army, just as it has largely abandoned its previous practice of harsh treatment of civilians, aiming rather at the establishment of a benign administration of (growing) liberated areas.[81] However, the two SPLA factions only re-united in January 2002.[82]

The GoS applied a similar *divide et impera* strategy, based on the logic that "my enemy's enemy is my potential ally," to its relations with neighbouring states. SPLA Mainstream thus relied on support from Ethiopia, in return for which they helped the *Derg* regime in Addis Ababa in the latter's counter-insurgency wars against the various liberation movements such as the OLF (Oromo Liberation Front) and the Gambela People's Liberation Front, GPLF.[83] After the fall of fall of the Mengistu regime, however, the SPLA had to rely more on another foreign patron, namely Uganda, which willingly supported the Sudanese rebels – partly as a *quid pro quo* for Khartoum's support for the Lord's Resistance Army (LRA),[84] which could thus be seen as a "super-irregular" auxiliary of GoS.[85] In 2002, however, Sudan and Uganda agreed to discontinue this support and to grant each other the right to conduct "hot pursuits" across the border, a permission which Uganda in March 2002 used to launch "Operation Iron Fist" into southern Sudan in pursuit of LRA fighters.[86] By 2005, i.e. after the peace agreements between the SPLA and GoS, the SPLA was even used by Kampala to "mob up" the LRA in Southern Sudan, in its turn suspected by the SPLA of being exploited by the GoS to spoil the new-found peace.[87]

The Comprehensive Peace Agreement (CPA) which was signed between the GoS and the SPLA in January 2005 (after protracted negotiations following the signing the 2002 "Machakos protocol")[88] has created a totally new situation. Not only has the South been promised substantial self-government[89] and a referendum on secession after the six-year transition period as well as a "fair share" of both political power and oil-revenues in the meantime.[90] In the protocol on

security arrangements, the two parties have also resolved to partly merge their armies, according to a rather unusual formula:

> 1a. In the context of a united Sudan, and should the result of the referendum on self-determination confirm unity, the Parties (the Government of the Sudan and the Sudan People's liberation Movement and Army) agree to the formation of the future army of Sudan that shall be composed from the Sudanese Armed Forces (SAF) and the Sudan People's Liberation Army (SPLA).

> b. As part of a peace agreement and in order to end the war, the Parties agree that the two forces, the SAF and the SPLA shall remain separate during the Interim Period, and further agree that both forces shall be considered and treated equally as Sudan's National Armed Forces during the Interim Period taking into consideration 1(c) below.

> c. The parties agree to the principles of proportional downsizing of the forces on both sides, at a suitable time, following the completion of the comprehensive ceasefire arrangements.

It was further agreed that a comprehensive ceasefire was to be implemented; that forces should be redeployed and that

> the SPLM/A undertakes that the demobilized Southern Sudanese from those currently serving in SAF in Southern Sudan shall be absorbed into various institutions of the Government of Southern Sudan along with demobilized SPLA soldiers (3d)

Moreover, "Joint/Integrated Units" were to be formed, comprising equal numbers of SAF and SPLA, which shall constitute "a nucleus of a post referendum army of Sudan, should the result of the referendum confirm unity, otherwise they would be dissolved and the component parts integrated into their respective forces." In the course of the interim period, the chiefs of staff of the two armies, forming a Joint Defence Board (JDB), were further envisaged to develop a common military doctrine.[91] By implication, the SPLA has now become part of the SAF (Sudan Armed Forces) whilst at the same time retaining its separate identity – and with a possible future role, five years hence, as the armed forces of an independent South Sudan, the primary mission of which will surely be to defend the new state against the SAF. Presently, however, they are being transformed into a kind of pro-state militia.

While this could, optimistically, be regarded as a happy ending of Africa's most protracted civil war, peace has yet to come to Sudan. Whereas the CPA (in separate protocols) dealt with some of the other conflicts raging in the Sudan,[92] no provisions were made for the Darfur province(s).[93] This omission was soon to prove its ominous consequences.

Darfur: Ethnic Cleansing by Militias

Even though the conflict in Darfur is usually reckoned as having commenced in February 2003, its roots go back much further. Antecedents and precursors include the centuries-old conflicts between the various African and Arab tribes in the region,[94] typically intensified during the all too frequent famines;[95] and flaring up into local civil wars as in 1987-89;[96] the rise of "Arab supremacy" groupings and ideologies in the 1990s (e.g. the "Arab Gathering," *Tajumu al Arabi*);[97] and the political organisation of the non-Arab tribes and their resort to armed self-protection.[98]

A new rebel group, the Sudan Liberation Movement/Army (SLM/A, formerly DLF: Darfur Liberation Front) emerged in February 2003.[99] By 2004 it had established a loose alliance with the SPLA under the auspices of the all-Sudanese NDA (National Democratic Alliance). In the spring of 2003, another rebel group made its appearance, the Justice and Equality Movement (JEM), seemingly inspired by a Turabi who had by then become totally estranged from the government, the coming to power of which he had himself orchestrated in 1989.[100] Even though the collaboration between SLA and JEM was not always smooth,[101] the two insurgent groups have worked quite closely together most of the time, mainly applying traditional guerilla tactics, but increasingly preoccupied with self-protection.[102]

The government response was quite brutal, combining air strikes and traditional army counter-insurgency tactics with the use, once again, of local and government-armed militias, the *Janjaweed*.[103] These horse or camel-mounted militias are mainly drawn from the *Baggara* Arab tribes and had previously been used in counter-insurgency warfare, e.g. in the "Masalit War" of 1994 against the SPLA.[104] The militia seems to be under the supreme command (to the extent that there is one) of Musa Hilal, in turn collaborating closely with the GoS. He seems to have a more or less genocidal agenda, wanting to "change the demographics of Darfur and empty it of African tribes" and to "justify" this by proclaiming it a *jihad*,[105] rather surprisingly considering that the victims of this war are all devout Muslims. Besides thus using ideology as a recruitment tool, the militias seem to also receive pay (150,000 Sudanese pounds per month plus 20,000 a day for horses and camels).[106] The close collaboration between the militia and the SAF has been amply documented.[107] Even though the GoS, under strong international pressure, has pledged to do its best to rein in the *Janjaweed*, it has been utterly unsuccessful in this (if it has ever tried), as militia camps seem still to be operative.[108]

The result of this civil war have been absolutely devastating for the civilian population of Darfur, who have either been killed (almost always indiscriminately and often in a very brutal and sadistic manner), raped or simply evicted from their villages which have subsequently been burned down to the ground, after having been looted of everything of value.[109] A consequence of this has been a large number of civilian IDPs (internally displaced persons) of which a staggering 1.8 million were recorded by the end of 2005) as well as a growing number of refugees (around 200,000), mainly in neighbouring Chad.[110]

Even though it remains controversial whether the conflict should be labelled a genocide (as suggested by the United States)[111] or "merely" crimes against humanity, there can thus be no disputing the severity of the suffering of the civilian population. Except for some humanitarian assistance to the victims, condemnations of the GoS and the direct perpetrators as well as the sponsoring and facilitation of negotiations, however, little had, by the time of writing August 2006, been done by the international community.[112]

The UN left it to the African Union (AU) to monitor the (extremely fragile) ceasefire in the region, for which (quite demanding) operation both NATO and the EU have promised, and partly provided, substantial support.[113] Moreover, after some vacillation, with the United States proposing a special court to try cases against, inter alia, the *Janjaweed*, the UN Security Council finally agreed (in resolution 1593 of 31 March 2005) to ask the International Criminal Court (ICC) to take charge of the matter, and it has subsequently prepared a list of 51 names of suspects, some of whom will undoubtedly be tried, in due course.[114]

RWANDA: GENOCIDE BY MILITIAS

The most frightening example of an official use of militias was the employment by the Rwandan government of militias based on the youth wings of the two leading "Hutu Power" parties for a full-fledged genocide.[115] The infamous *Interahamwe* was thus afilliated with the MRNDD (*Mouvement Républicain National pour la Democratie et Développement)* and the *Impuzamugambi* militia with the CDR (*Coalition pour la Défense de la République*). Both were trained by the military, i.e. the FAR (*Forces Armées de Rwanda*) in special and secret training camps, and used, since early 1993, for random killings and (compared to what was to follow) small-scale massacres.

Prior to the start of the genocide in April 2004, the total numbers were, according to Allison de Forge, around two thousand in the capital plus smaller contingents in the rest of the country. Once the genocide was launched, however, the militia ranks swelled to between twenty and thirty

thousand – according to Gérard Prunier even 50,000.[116] The two militias were separate in terms of "uniform," but collaborated closely, some people even being members of both – and a week into the genocide they were joined by a third militia, the *Inkuba*, affilliated with the youth wing of the MDR (*Mouvement Démocratique Républicaine*) as well as by young members of a fourth party, the PSD (*Parti Social Démocrate*).[117]

In addition to these militias, a "Civilian Self-Defence Force" had also been created, as had been advocated ever since the RPF attack in October 1990, inter alia by a group of university professors. They advocated this force to take charge of internal security, i.e. as a complement to the army which was by then preoccupied with national defence against the RPF (Rwandan Patriotic Front) invasion, and they suggested that it should be armed with traditional weapons rather than the more expensive firearms. In 1991 the idea was taken further by a Colonel Nsabimana, who envisioned the arming of one person per ten households, to be trained locally, continuing to live at home and going into action under the orders of National Policemen or local military units – a programme which was partly implemented in 1992, yet with only modest success.

In 1993 a group of officers (including a "Colonel Mike" who seems to be identical with the notorious Colonel Théoneste Bagosora, now awaiting trial at the International Criminal tribunal for Rwanda, ICTR, in Arusha) advocated, in an open letter, the establishment in each commune of a battalion of "robust young men," who were to receive rudimentary military training on the spot for them to be ready to form a "popular army" in support the regular army, but operating under the joint auspices of the ministries of Youth, Defense and the Interior. Whether or not Colonel Mike was identical with Bagosora, a notebook left behind by the latter after he fled Kigali included details for such as force, to which weapons should be distributed, not merely clubs, axes and machetes, but also AK47s and hand grenades – a plan which he began implementing on his own behalf and without the authorisation of the Ministry of Defence. The distribution was coordinated with the local *burgomasters* and the recipients included school teachers, government employees, communal councilors, army reservists, and shopkeepers.[118]

Even though there is no conclusive evidence of France providing training directly to these militias, the contingent of more than one thousand French troops were definitely involved in the training of the FAR (*Forces Armées de Rwanda*) who in turn helped train the various militias – the most perverted example today of the fashionable "train-the-trainers" methodology.[119] According to the calculations of De Forge, more than half a million machetes were imported between January 1993 and March 1994, i.e. one per three adult Hutu males of the country.[120] As the activities of the militias escalated, several calls were made by civil society actors in Rwanda as well

as by international NGOs for steps to disarm them, and on the 10th of January 2004 an *Interahamwe* commander, "Jean Pierre," informed the UN forces, UNAMIR (*sub rosa*) about the plans for a genocide. On the 17th of February UNAMIR called for an end to militia training and armament,[121] but to no avail.

When the genocide began in the immediate wake of the shooting down of President Habyarymana's plane in the evening of the 6th of April 1994, the first to embark on the outright genocide were elite army units such as the Presidential Guard, but as early as the next morning the first militias has joined in the slaughter.[122] In the following hundred days, these militias seem to have been responsible for most of the killings, either directly or by leading civilians. In fact, this could be viewed as a perverted chain of command, running from the interim government via the FAR and the militias (or via the prefects and *burgomasters*)[123] to the ordinary (Hutu) civilians, an extraordinary number of whom (according to some observers as many as 200,000)[124] took an active role in the killings. An ordinary civilian convicted of such killings ("Pancrace") explained how it worked:

> During that killing season we rose earlier than usual, to eat lots of meat, and we went up to the soccer field at around nine or ten o'clock. The leaders would grumble about latecomers, and we would go off on the attack. Rule number one was to kill. There was no rule number two. It was an organisation without complications. (…) Killing is very discouraging if you yourself must decide to do it, even to an animal. But if you must obey the orders of the authorities, if you have been properly prepared, if you feel yourself pushed and pulled, if you see that the killing will be total and without disastrous consequences for yourself, you feel soothed and reassured. You go off to it with no more worry.[125]

His comrade, "Fulgence," added that "the hunt was more demanding on the days of huge operations, when we searched behind the *interahamwe* and soldiers. Those fierce young fellows never let go."[126]

These "fierce young fellows" also frequently combined the killings with gratuitous cruelty (i.e. torture), simply because (as exclained by "Adalbert") "they wanted seething excitement. They felt cheated when a Tutsi died without a word," and they used torture (as formulated by the aforementioned Pancrace) "like a recreational break in a long work day."[127] Another form of "recreation" was the frequent individual or gang rapes of Tutsi women, for which the militias were largely responsible – even though the FAR also perpetrated quite a few.[128]

The aforementioned "civilian defence groups" also played an important role as perpetrators of the genocide, even though the force had not been completely organised before the killings began. They were nevertheless speedily mobilised, usually under the command of retired army officers or sometimes *Interahamwe* commanders and equipped, mainly with machetes, but sometimes also firearms. Soon, the civilian defence groups cooperated so closely with the militias that they were, to all practical intents and purposes, indistinguishable from them.[129]

After the genocide came to an end with the victory of the RPF, the militias along with (now ex-) FAR took refuge in the Kivu provinces of neighbouring Zaïre (now DRC: Democratic Republic of Congo). From bases within the refugee camps, they continued their struggle against the new RPF government of Rwanda,[130] and ever since, they have taken part in the civil war in Congo,[131] where they have mainly collaborated with the Mai-Mai militia[132] Today they form the main component of the FDLR (*Forces Démocratiques de Libération du Rwanda*), which was created in 2000 through a merger of ALIR (*Armée pour la Libération de Rwanda*) with other forces.[133] Having waged a rather low-key armed struggle, in March 2005 the FDLR officially renounced violence and proclaimed its intention to transform itself into a political party, but this was rejected by the government of Rwanda. [134]

Interahamwe leaders have been tried on charges of genocide and crimes against humanity before the ICTR. In 1999, Omar Sherushago (a leaders of the *Interahamwe* in Gisenyi) and Georges Rutaganda (2nd Vice President of *Interahamwe*) were thus convicted to fifteen years and life imprisonment, respectively.[135]

Conclusion: Pros and Cons of the Use of Militias

We have thus seen that African states have on numerous occasions made use of the services of militias, i.e. part-time paramilitary forces, for a variety of missions, ranging from the upholding of law and order and national defence to counter-insurgency and even genocide.

There are certainly advantages to be derived from such use, viewed from the point of view of the incumbent rulers of the state.

- First of all, militias are cheap and thus an obvious choice for governments strapped for cash, as is the case of most in Africa. There is no need for full-time salaries, even in times of peace, as these are part-time forces which are only mobilised in times of need. Often not even the living expenses of deployed militias need to come out of the national treasury, as the militias can "live off the land" by preying on the civilian population, looting their valuables and/or engaging in profitable commercial ventures such as smuggling or slave raiding with an impunity they would not otherwise enjoy. This also tends to lower the logistical costs, as well as the costs of arming the troops, who can often make do with traditional weapons or even "dual use" weaponry such as farming implements.
- Secondly, in some cases local militias are simply better at the job than regular troops, both because they are lighter and thus more agile and because they usually have an intimate familiarity with the terrain. Moreover, like guerillas they can more easily blend in with the local, civilian population for the obvious reasons that they are themselves mainly civilians, who are merely moonlighting as soldiers.
- Thirdly, militias are, in principle, easier and cheaper to demobilise after the signing of a peace agreement, as they can simply return to their previous occupation which they have never quite abandoned and to their native village that they have never quite left. Disarmament, demobilisation and reintegration (DDR) should thus, at least in principle, be both uncomplicated and cheap.
- Fourthly, militias are a useful instrument for missions, which the incumbent rulers would like to have performed, but for which they are reluctant to take responsibility and be held accountable. Especially when the chains of command are unclear, the corresponding chains of responsibility are similarly blurred and "plausible deniability" becomes an attractive option – also because it is less than clear to which extent the laws of war apply to such irregulars.

However, there are also drawbacks to the use of militias.

- First of all, the reverse side of the "command/responsibility coin" is that militias may escape control. Once unleashed, the "dogs of war" may simply prove difficult to rein in again, and out-of-control militias may thus come back to haunt the rulers who brought them into being in the first place.
- Secondly, the militias may have taken a liking to all of the aforementioned commercial activities and be reluctant to abandon such lucrative ventures as smuggling in favour of unrewarding tasks such as tilling the land.
- Thirdly, the African examples recorded above also point to an inherent risk of brutalisation. Militia-men who have been given a license to mame, rape and kill with impunity for the duration of the war will not easily transform themselves into model citizens, just because the fighting officially comes to an end. Just like the (semi-authentic) gangster "Henry Hill" in Martin Scorcese's film *Goodfellas* the individual militia trooper may in fact have come to enjoy suddenly "being somebody in a neighborhood that was full of nobodies."[136] There is thus a significant risk that militias will prefer continuing a "life of the gun" to civilian life, for instance by turning to crime as an alternative to letting themselves be "DDR'ed."

More generally, the use of militias does little to promote the state's monopoly of the legitimate use of force or to further the kind of civil-military relations one normally associates with democracy and "good governance." Even though part-time militia service may well be a useful companion of democracy in countries such as Finland or Switzerland, it does not follow that states without a similar foundation of a stable and mature democracy will automatically benefit from militias.

It is, of course, conceivable that African countries such as Sierra Leone, Sudan and Rwanda could emulate the Swiss system, but their point of departure is so very different from that of a neutral and prosperous country in the heart of Europe and surrounded by democratic and friendly neighbours. Hence, however attractive the Swiss militia model might seem, a relevant caveat might be the response of a proverbial Irish farmer "in the middle of nowhere" to British visitors gone astray and asking for the way to Dublin: "If I were you, I wouldn't be starting from here."

Endnotes

[1] Human Security Centre, University of British Columbia, Canada: *Human Securty Report 2005. War and Peace in the 21st Century* (Oxford: Oxford University Press, 2005), pp. 35 and 37.

[2] "Militia," in *Encyclopædie Britannica Online*, at www.britannica.com/eb/article-9052682?query=militia&ct=eb.

[3] Machiavelli, Niccolò: *The Art of War* (New York: Da Capo Press, 1965), pp. 30-31. See also Meinecke, Friedrich: *Machiavellism. The Doctrine of* Raison d'Etat *and Its Place in Modern History* (Boulder, CO: Westview Press, 1984).

[4] Hamilton, Alexander: "The Federalist No. 29: Hamilton," (9 January 1788) in Garry Wills (ed.): *The Federalist Papers by Alexander Hamilton, James Madison and John Jay* (New York: Bantam Books, 19882), pp. 138-139.

[5] The wording is "Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both". See US Federal Law 18 U.S.C. § 1385, at www.law.cornell.edu/uscode/html/uscode18/usc_sec_18_00001385----000-.html

[6] See "U.S. Constitution: Second Amendment," at http://caselaw.lp.findlaw.com/data/constitution/amendment02/. On the background see Shalhope, Robert E.: "The Ideological Origins of the Second Amendment," *The Journal of American History*, vol. 69, no. 3 (1982), pp. 599-614. See also Levinson, Sanford: "The Embarrassing Second Amendment," *The Yale Law Journal*, vol. 99, no. 3 (1989), pp. 637-659; Williams, David C.: "Civic Republicanism and the Citizen Militia: The Terrifying Second Amendment," *ibid.*, vol. 101, no. 3 (1991), pp. 551-615; Kates, Don B., Jr.: "Handgun Prohibition and the Original Meaning of the Second Amendment," *Michigan Law Review*, vol. 82, no. 2 (1983), pp. 204-273; Yassky, David: "The Second Amendment: Structure, History, and Constitutional Change," *ibid.*, vol. 99, no. 3 (2000), pp. 588-668; Alstyne, William van: "The Second Amendment and the Personal Right to Arms," *Duke Law Journal*, vol. 43, no. 6 (1994), pp. 1236-1255; Higginbotham, Don: "The Federalized Militia Debate: A Neglected Aspect of Second Amendment Scholarship," *The William and Mary Quarterly*, vol. 55, no. 1 (1998), pp. 39-58.

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[96] Flint & De Waal: *op. cit.* (note 93), p. 25;

[97] Flint & De Waal: *op. cit.* (note 93), pp. 38-39 and 49-57; Prunier, Gérard: *Darfur. The Ambiguous Genocide* (Ithaca, NY: Cornel University Press, 2005), pp. 45, 61-62. On the background, i.e. the multiple identities of the Arabs in Sudan see Deng: *op. cit.* (note 54), pp. 387-435.

[98] Flint & De Waal: *op. cit.* (note 93), pp. 70-85.

[99] See the SLM/A's website at www.slma.tk/. See also Flint & De Waal: *op. cit.* (note 93), pp. 76-88; Prunier: *op. cit.* (note 97), pp. 93-95, 106-109.

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[101] See International Crisis Group: "Unifying Darfur's Rebels: A Prerequisite for Peace," *Africa Briefing*, no.32 (Brussels: ICG, 2005).

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[104] Flint & De Waal: *op. cit.* (note 93), pp. 57-61.

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[110] See the UN Office for the Coordination of Humanitarian Affairs' *Sudan Humanitarian Overview*, vol. 1, no. 1 (2005) p. 3; and the UNHCR's (UN High Commissioner for Refeguees) *Sudan Operations. Sudan/Chad Updates*.

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[114] See "U.S. Proposes New Regional Court to Hear Charges Involving Darfur, Others Urge ICC," *The American Journal of International Law*, vol. 99, no. 2 (2005), pp. 501-502. On the ICC's cases see its website: http://www.icc-cpi.int/cases/current_situations/Darfur_Sudan.html.

[115] Kakwenzire, Joan & Dixon Kamukama: "The Development and Consolidation of Extremist Forces in Rwanda", in Howard Adelman & Astri Suhrke (eds.): *The Path of a Genocide. The Rwanda Crisis from Uganda to Zaire* (New Brunswick, NJ: Transaction Publishers, 2000) pp. 61-92, especially pp. 78-81; De Forge, Allison: *Leave None to Tell the Story: Genocide in Rwanda* (Human Rights Watch, 1999), at www.hrw.org/reports/1999/rwanda/. See also Prunier, Gérard: *The Rwanda Crisis. History of a Genocide.* 2nd Edition (Kampala: Fountain Publishers, 1999), pp. 242-248, 255-259; Sellström, Tor & Lennart Wohlgemuth: "Historical Perspective: Some Exlanatory Factors", Study 1 og Erikson, John & al.: *The International Response to Conflict and Genocide: Lessons from the Rwanda Experience. Synthesis Report*

(Copenhagen: Joint Evaluation of Emergency Assistance to Rwanda, 1996) pp. 46-48; Gourevitch, Philip: *We Wish to Inform You that Tomorrow We Will Be Killed with Our Families. Stories from Rwanda.* London: Picador, 2000), *passim*; Mamdani. Mahmood: *When Victims Become Killers. Colonialism, Nativism, and the Genocide in Rwanda* (Oxford: James Currey, 2001), pp. 212-213; Melvern, Linda: *A People Betrayed. The Role of the West in Rwanda's Genocide* (London: Zed Books, 2000), pp. 44-46; ida: *Conspiracy to Murder. The Rwandan Genocide* (London: Verso, 2004), pp. 24-27; Peterson: *op. cit.* (note 65), pp. 245-321; Barnett, Michael: *Eyewitness to a Genocide. The United Nations and Rwanda* (Ithaca, NY: Cornell University Press, 2002); Khan, Shaharyar M.: *The Shallow Graves of Rwanda* (London: I.B. Tauris, 2000); Dallaire, Roméo: *Shake Hands with the Devil. The Failure of Humanity in Rwanda* (Toronto: Random Hourse Canada, 2003); Stanton, Gregory H.: "Could the Rwandan Genocide Have Been Prevented?" *Journal of Genocide Research*, vol. 6, no. 2 (2004), pp. 211-228; Orth, Rick: "Rwanda Hutu Extremist Genocidal Insurgency: An Eyewitness Perspective," *Small Wars and Insurgencies*, vol. 12, no. 1 (2001), pp. 76-109;

[116] Prunier: *op. cit.* (note 115), p. 243.

[117] De Forge: *op. cit.* (note 115), section "The Militia" at …/Geno4-7-03.htm#P745_198290.

[118] De Forge: *op. cit.* (note 115), section on "Preparations for Slaughter," (at …/Geno1-3-02.htm#P29_10436) and on "The Militia and "Self-Defense" (…/Geno4-7-03.htm#P714_191614). On the different weapons used see Verwimp, Philip: "Machetes and Firearms: The Organization of Massacres in Rwanda," *Journal of Peace Research*, vol. 43, no. 1 (2006), P. 5-22. The distribution of weapons to the militias is also one of the charges brought against Bagosora by the ICTR in the case which was, by the time of writing, still in progress. It has the number ICTR 96-7 and the charges are found in paras 5.28 and 5.29 at http://65.18.216.88/ENGLISH/ cases/Bagosora/index.htm. He is further charged with having, few hours after the shooting down of the President's plane, "personally ordered a group of Interahamwe from Remera, the INYANGE to commence exerminating the civilian Tutsi population," (*ibid.*, para 6.32).

[119] De Forge: *op. cit.* (note 115), section on "French Support for Habyarimana" at …/Geno1-3-11.htm#P682_258574 (especially note 70); McNulty, Mel: "French Arms, War and Genocide in Rwanda," *Crime, Law and Social Change*, vol. 33, no. 1-2 (2000), pp. 105-129; Callamard, Agnès: "French Policy in Rwanda," in Adelman & Suhrke (eds.): *op. cit.* (note 115), pp. 157-183; Peterson: *op. cit.* (note 65), pp. 279-288. For an utterly unconvincing attempted rebuttal of the accusations see on "L'absence de liens avec les milices," in the official report to the French Assemblé Nationale, *Rapport d'information déposé en application de l'article 145 du règlement par la mission d'information de la Commission de la Défense Nationale et des Forces Armées et de La Commission des Affaires Étrangères sur les opérations militaires menées par la France, d'autres pays et l'ONU au Rwanda entre 1990 et 1994*, at www.assemblee-nationale.fr/dossiers/rwanda/telechar/r1271.pdf, pp. 368-371.

[120] De Forge: *op. cit.* (note 115), section on "Buying Machetes" at …/Geno1-3-11.htm#P682_258574.

[121] De Forge: *op. cit.* (note 115), section "Chronology," at …/Geno4-7-01.htm#P6_37. See also Barnett: *op. cit.* (note 115), pp. 77-89, Dallaire: *op. cit.* (note 115), pp. 142-151.

[122] De Forge: *op. cit.* (note 115), section "Launching the Campaign: The Initiators", at /Geno4-7-02.htm#P391_85899.

[123] De Forge: *op. cit.* (note 115), section "Mobilizing the Population" at …/Geno4-7-03.htm#P704_188237.

[124] Straus, Scott: "How Many Perpetrators Were There in the Rwandan Genocide? An Estimate," *Journal of Genocide Research*, vol. 6, no. 1 (2004), pp. 85-98.

[125] Quotes from interviews in Hatzfeld, Jean: *Machete Season. The Killers in Rwanda Speak* (New York: Farrar, Straus and Giroux, 2005), pp. 10 and 48-49.

[126] *Ibid.*, pp. 74-75.

[127] *Ibid.*, p. 129.

[128] On rape see Human Rights Watch: *Shattered Lives: Sexual Violence during the Rwandan Genocide and its Aftermath* (1996), at www.hrw.org/reports/1996/Rwanda.htm. See also Banes, Erin: "Body Politics and the Rwandan Crisis," *Third World Quarterly*, vol. 24, no. 3 (2003), pp. 479-493; Jones, Adam: "Gender and Genocide in Rwanda," *Journal of Genocide Research*, vol. 4, no. 1 (2002), pp. 65-94; Sharlach, Lisa: "Rape as Genocide: Bangladesh, the Former Yugoslavia, and Rwanda," *New Political Science*, vol. 22, no. 1 (2000), pp. 89-102.

[129] De Forge: *op. cit.* (note 115), section "'The Population Is Trying to Defend Itself'," at …/Geno4-7-04.htm#P1029_ 287582.

[130] Human Rights Watch: *Rearming with Impunity: International Support for the Perpetrators of the Rwandan Genocide* (1995), at www.hrw.org/reports/1995/Rwanda1.htm.

[131] Gnamo, Abbas: "The Rwandan Genocide and the Collapse of Mobutu's Kleptocracy," in Adelman & Suhrke (eds.): *op. cit.* (note 115), pp. 321-349, especially pp. 327-330; idem: "The Role of the Interahamwe in the Regional Conflict: The Origins of Unrest in Kivu, Zaire", in Howard Adelman & Govind C. Rao, eds. *War and Peace in Zaire/Congo. Analyzing and evaluating the intervention: 1996-1997* (Trenton, NJ: Africa World Press, 2004), pp. 85-107. For a mors sceptical analysis of the links between ALIR and the ex-FAR and Interahamwe see Human Rights Watch: "Rwanda: Observing the Rules of War?" *Human Rights Watch Reports*, vol. 13, no. 8A (2001), at www.hrw.org/reports/2001/rwanda2/, pp. 5-6.

[132] On the Mai Mai see Vlassenroot, Koen: "Violence et constitution de milices dans l'est du Congo: Le cas des mayi-mayi," in Filip Reyntjens & S. Marysse (eds.): *L'Afrique des Grands Lacs, Annuaire 2002-2003* (Paris: L'Harmattan, 2003), pp. 115-186; idem & F. Van Acker: "War as Exit from Exclusion? The Formation of Mayi-Mayi Militias in Eastern Congo," *Afrika Fokus*, vol. 17, no. 1-2 (2001), pp. 51-78; Van Acker, Frank & Koen Vlassenroot: "Youth and Conflict in Kivu: 'Komona Clair'," *The Journal of Humanitarian Assistance* (2000), at www.jha.ac/greatlakes/ b004.htm; idem & idem: "Les 'mai-mai' et les fonctions de la violence milicienne dans l'est du Congo," *Politique Africaine*, no. 84 (2001), pp. 103-116; Bwenge, Arsène Mwaka: "Les Milices Mayi-mayi à l'Est de La Republique du Congo," *Revue Africaine de Sociologie*, vol. 7, no. 2 (2003), pp. 73-94. The Mai Mai also have a website at www.congo-mai-mai.net/.

[133] International Crisis Group: "The Congo: Solving the FDLR Problem Once and for All," *Africa Briefing*, no. 25 (Brussels: ICG, 2005). The FDLR has a website, the address of which is http://fdlr.r-online.info/ indexframe.htm. They describe themselves, rather unconvincingly as "a response to contempt, arrogance, ruthless and bloodthirsty repression, and fascism of the Rwandan Patriotic Front (RPF)" and as a means to "plead for the voiceless people," even including "Tutsi survivors of 1994, victims of merciless massacres and persecution" (without mentioning their own central role in these massacres). The FDLR also denies comprising elements from ALIR or Interahamwe, e.g. in their press statement, 2 November 2004 entitled "Reaction des FDLR sur le rapport des Nations Unies sur les massacres de Gatumba" at http://fdlr.r-online.info/comm/ COMMUNIQUE_DE_PRESSE_N02PPNOV2004.htm.

[134] See "Déclaration des Forces Démocratique de Liberation du Rwanda (FDLR)" (31 March 2005), and "Ministry

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of Foreign Affairs and Cooperation: Communique," at www.obsac.com/iblog/B1626338290/ C679697426/E22131368/ index.html.

[135] The case against Sherushango has no. ICTR 98-39 (http://65.18.216.88/ENGLISH/cases/Serushago/ index.htm) and that against Rutaganda no. ICTR 96-3 (http://65.18.216.88/ENGLISH/cases/ Rutaganda/index.htm).

[136] On the website devoted to the film (www.filmsite.org/goodf.html), the opening quote is rendered as "As far back as I can remember, I always wanted to be a gangster", with the character's explanation, "Even before I first wandered into the cabstand for an after-school job, I knew I wanted to be a part of them. (…)To me, it meant being somebody in a neighborhood that was full of nobodies. They weren't like anybody else. I mean, they did whatever they wanted."