Report of the Republic of the Congo concerning the implementation of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons and of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

The present report describes the efforts of the Republic of the Congo to implement the measures outlined in said Instrument and Programme of Action in order to combat the traffic and illicit trade in small arms and light weapons.

I. Implementation of the International Instrument

(a) Measures taken to ensure that all SALW in the possession of Government armed and security forces for their own use are duly marked

The Government of the Republic of the Congo has taken several steps, described below:

– Numerical and nominal inspection in order to identify and register all weapons used by public security forces.

Weapons used by the public security forces are entered into accounting documents throughout their life cycle both at the level of the central administration and at the level of operational units:

• End-user certificates
• Receipt-delivery reports
• Daily records
• General (national) records
• Assignment and return records
• Inventory records
• Weapons records of units
• Records of weapons assigned and returned by units
• Vouchers for weapons movements and transfers

Numerical and nominal inspections are done periodically (monthly and biannually). Afterwards, reports are produced, accompanied by numerical statements, broken down by weapon types.

Those reports help those in command to take decisions to improve management procedures and to organize spot checks to verify that inspections are properly carried out.
Since the Republic of the Congo does not have its own marking code for small arms and light weapons, traceability relies on the serial (factory) numbers on the weapons inventoried in the various records mentioned above.

They are carried out by:

- Unit commanders
- The logistics commander of the Armed Forces of the Congo
- The director of materiel of the national gendarmerie
- The director of weapons of police services
- The office of the director of weapons (technical inspection of all armed units)
- The office of the inspector general of the Armed Forces of the Congo (FAC) and of the national gendarmerie (inspection of weapons, conditions in which they are stored and security thereof)
- The office having oversight of FAC and of the national gendarmerie (verification that procedures and rules are followed)

Numerical and nominal inspections follow pre-established regulatory procedures for weapons management.

- Computerization of the management of weapons movements with the introduction of “Dream” software

Weapons movements management is done manually following regulatory procedures and documents, pending the results of studies and introduction of a computerized management system.

The “Dream” software, introduced as part of the United Nations Programme of Action, was intended more for the management of disarmament, demobilization and reintegration (DDR) programmes than the simple management of weapons, although it does make it possible to trace the weapons of former combatants.

Therefore, the army and security forces data centre is preparing software (WDARMES) that will make it possible to take inventories of weapons and facilitate the management of related data. That software has already been tested when drawing up the initial inventory of weapons held by the public security forces in military zone No. 9 (Brazzaville). The results obtained were used to compose the various reports on weapons held by units by group, branch and force.

Initial tests have been performed, with positive results.

Work is nearing completion and there will soon be a comprehensive software product for weapons management.

- Preparation of an inventory of weapons-related materials in all units of the public security forces with a view to the introduction of new weapons records

This began in 2007 and is being carried out by the office of the inspector general of FAC and the national gendarmerie, together with the office of the director of weapons (office of the director general of equipment). It has already been carried out in the military defence zones.
– Authentication, standardization of models and regulation of weapons management

In addition to ordinance 62-24 of 1962 on the regulations governing military materiel and firearms in the Congo, draft regulations are being reviewed and prepared at the level of the office of the director of weapons (office of the director general of equipment) in the Ministry of Defence.

These include:

• Draft weapons regulation

• Draft regulation concerning the bearing and possession of weapons by officers of the public security forces, members of the Government, security companies, business owners and civilians

Weapons management is currently carried out following the normal accounting procedures for materials since weapons fall under materials.

– Establishment of a national commission responsible for inspecting the weapons services of the public security forces (army, police and gendarmerie) and dealing with any individual or entity in possession (illegally) of a military weapon

Pursuant to article 17 of ordinance 62-24 of 1962, only members of the public security forces and certain units such as the customs, finance and water and forestry services are permitted to be in possession of military weapons in the Republic of the Congo.

Thus any civilian in possession of a military weapon has broken the law and is subject to prosecution.

As for members of the units mentioned above, they may bear and possess weapons only in the performance of their duties.

The situation that arose following the events of 1997 and 1998, whereby illegal possession became a common occurrence, is a special case and it is taken into account in the programmes to combat illicit traffic in small arms and light weapons. It will be necessary to look into the matter with a view to strengthening legislation and bringing it in line with current conditions.

Within the Ministry of Defence, the units in charge of the weapons of all public security forces come under the office of the inspector general of FAC and the national gendarmerie, which in turn involves the office of the director of weapons of the General Secretariat of the police services.

It should be noted that, in the Congo, the Minister of Defence is the sole end user and he is responsible for the weapons purchased by the Government for all armed units for the public security forces.

Results obtained following implementation of those measures

The measures taken thus far at various levels and on various fronts has made it possible to move slowly towards the creation of national records, a weapons management system and the tracing of weapons. Regarding this last point, the Congo recently received an electronic marking machine from the Regional Centre
on Small Arms and Light Weapons in the Great Lakes Region, the Horn of Africa and Bordering States (RECSA).

An introductory seminar/workshop on RECSA structures and international instruments to combat the proliferation of small arms and light weapons was held in Brazzaville on 9 and 10 March 2010. It was followed (21 to 23 April 2010) by a training session on the use of the electronic marking machine for small arms and light weapons for members of the public security forces and paramilitary units.

Efforts are under way to strengthen legislation to combat the proliferation of small arms and light weapons in the Congo. The establishment of a national commission (national focal point) should contribute significantly towards the implementation of the various measures.

Obstacles

In light of the foregoing, it would seem as though the measures outlined in the national instrument to combat small arms and light weapons should be implemented through a national commission. Without such a commission it will be very difficult to coordinate and implement the steps necessary to put the various measures into effect.

Some processes had to be suspended or even terminated due to insufficient material and financial resources.

Given that the Republic of the Congo has acceded to the Nairobi Protocol and that a delegation from RECSA recently visited the Congo with a view to helping the Government set up a national commission (national focal point), it would seem that now is the time to move ahead with these steps.

(b) Measures developed by manufacturers of small arms and light weapons within their jurisdiction against the removal or alteration of markings

As has been repeatedly stated in reports on the implementation of the Programme of Action, the Congo has no factories manufacturing light weapons or producing military ammunition.

(c) Measures taken to ensure that accurate and comprehensive records are established for all marked small arms and light weapons within their territory, and maintained in accordance with relevant provisions of the Instrument

In May 2003, the Congo adopted the Programme of Priority Activities of Central Africa for the implementation of the United Nations Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

It also signed, in December 2000, the United Nations Convention against Transnational Organized Crime. Steps have been taken to accede to the United Nations Protocol supplementing said Convention.

The Republic of the Congo now has an electronic machine for the marking of small arms and light weapons; this will enable the authorized services to better handle the management and control of weapons in its territory.
(d) Regulations and administrative procedures that ensure the effective implementation of the Instrument

– Ordinance No. 62/24 of 16 October 1962 sets out the legal regime governing military material, arms and ammunition, including provisions on the manufacture, import, export, sale and transfer of arms. It needs to be updated to take into account all aspects related to the traffic in and proliferation of small arms and light weapons, including marking, tracing, transfer and surplus destruction.

– The Criminal Code establishes the procedural mechanisms for the punishment of illegal acts related to the trafficking in and possession of military weapons.

II. Implementation of the Programme of Action

(a) Progress made

1. Implementation of a legal framework

– The Republic of the Congo has a national committee that follows up on the work of the United Nations Standing Advisory Committee on Security Questions in Central Africa. It was established through Decree No. 2000-3007, of 3 November 2007, and serves as a national commission to combat the illicit proliferation of small arms.

– Under article 4 of the Decree, the commission is chaired by the Minister for Foreign Affairs and Francophonie.

– The Office of the High Commissioner for the Reintegration of Former Combatants was created by Decree No. 2001-427 of 10 August 2001.

   It is responsible for implementing Government policy in the areas of disarmament, demobilization and the economic and social reintegration of former combatants.

2. Results obtained

   As part of its efforts to implement disarmament programmes, through its Office of the High Commissioner for the Reintegration of Former Combatants, the Government started another operation in line with the second stage of the weapons collection for development project (PCAD-2), from June 2008 to June 2009. The operation resulted in the collection of 618 weapons and 123,086 rounds of ammunition or explosive devices.

   Two collection operations were also carried out in the Department of Pool in February and March 2009 and in July 2009. The goal of the operation was the collection of 5,000 weapons, as a result of the reintegration of 5,000 combatants who supported the Reverend Pastor Frédéric Ntoumi-Bintsamou, who currently serves as the Office of the President’s Delegate-General for reparations of the legacy of war and the promotion of peace. The operation led to the collection of 3,854 firearms, 696 edged weapons and 176,092 rounds of ammunition, of different calibres, and explosive devices.
Table No. 1
Results of disarmament operations, 2008-2009

<table>
<thead>
<tr>
<th>No.</th>
<th>Programmes</th>
<th>From</th>
<th>To</th>
<th>Implementing agencies</th>
<th>Cost</th>
<th>Sources of financing</th>
<th>Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>PCAD-2</td>
<td>June 2008</td>
<td>June 2009</td>
<td>UNDP</td>
<td>2 093 524 US dollars</td>
<td>Japan</td>
<td>618 weapons collected and destroyed</td>
</tr>
</tbody>
</table>
– 696 edged weapons collected and destroyed;  
– 176 092 rounds of ammunition, of different calibres, and explosive devices |

1 dollar = approximately 500 CFA francs.

(b) Problems and obstacles

The DDR process has encountered important obstacles, including in the areas of cooperation, assistance and capacity-building, the main one being insufficient funding for the various programmes.

In addition, the successive armed conflicts in the Congo have shown that the Government, despite being the exclusive official importer of all types of weapons, is limited in its ability totally to control their entry, purchase and possession.

Therefore, illicit trafficking in weapons is a recurrent problem in the Congo, made worse by the plundering of the public security forces’ stores in the recent civil wars.

However, efforts undertaken in the organization of the public security forces reveal glimmers of hope in weapons management, the guarding of weapons stores and the punishment by the Government of those in illegal possession of weapons.

(c) Financing of projects and programmes

The Republic of the Congo receives funding from various partners (States and international organizations) (see table No. 2).

It should be noted that the reintegration of former combatants includes two aspects: training and the design of microprojects. Microprojects to reintegrate former combatants are designed to create revenue-generating activities, based on microloans, and to train former combatants in marketing.
Table No. 2
Projects financed by the Government and its partners

<table>
<thead>
<tr>
<th>Programmes</th>
<th>Period</th>
<th>Microprojects carried out</th>
<th>Beneficiaries</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency DDR (International Organization for Migration)</td>
<td>1999-2002</td>
<td>8 150</td>
<td>8 150</td>
<td></td>
</tr>
<tr>
<td>Disarmament and Reintegration Programme (World Bank)</td>
<td>2002-2005</td>
<td>3 222</td>
<td>9 000</td>
<td></td>
</tr>
<tr>
<td>DDR/POOL (Government)</td>
<td>2005</td>
<td>450</td>
<td>450</td>
<td></td>
</tr>
<tr>
<td>National DDR Programme (Multi-Country Demobilization and Reintegration Programme — World Bank)</td>
<td>2005-2009</td>
<td>11 222</td>
<td>19 000</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>23 044</strong></td>
<td><strong>36 600</strong></td>
<td></td>
</tr>
</tbody>
</table>

Forecast for 2010: 5,000 combatant supporters of Frédéric Ntoumi-Bitsamou to be reintegrated.

(d) Priority areas and concerns for the Congo related to the implementation of the Programme of Action to be included on the agenda of the next biennial meeting of States

The Republic of the Congo would like greater attention to be paid to the following issues at the next biennial meeting:

1. International cooperation and assistance in the mobilization of the financial resources needed to carry out DDR programmes.
2. Capacity-building in stockpile management and weapons destruction.
3. Training in the marking and tracing of small arms.

(e) Measures to prevent, combat and eliminate the illicit brokering in small arms and light weapons

- The Government enforces current legislation, namely article 7 of ordinance 62/24 of 16 October 1962 which controls military materiel and contains provisions regarding the manufacture, import and export of light weapons.
- The Government works with civil society and non-governmental organizations to raise awareness of the dangers of the illegal possession of military weapons by organizing seminars, radio and television campaigns and other activities to promote the culture of peace.

(f) Measures to step up international cooperation to prevent, combat and eliminate the illicit brokering in small arms and light weapons

- The Government of the Congo would like to see a harmonization of legal and regulatory instruments related to small arms in the subregion.
- The Government has acceded to the Sao Tome Initiative — launched by the United Nations Standing Advisory Committee on Security Questions in Central Africa in 2006 — which is designed to implement a harmonized system to control the trafficking in small arms and light weapons. Its main
goal is a convention that will bind all the States in the subregion. In that framework, it is a principal contributor to the finalization of the instrument for the control of small arms and light weapons in Central Africa.

– The Government is implementing the tripartite agreement that it concluded with the Democratic Republic of the Congo and the Republic of Angola to stem transborder crime.

Table No. 3
Summary of disarmament and reintegration operations, 2002-2009

<table>
<thead>
<tr>
<th>Period</th>
<th>Weapons collected and destroyed</th>
<th>Ammunition and explosive devices</th>
<th>Former combatants</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Firearms</td>
<td>Edged</td>
<td>identified</td>
</tr>
<tr>
<td>From 2002 to 2009</td>
<td>8 244</td>
<td>696</td>
<td>304 818</td>
</tr>
</tbody>
</table>

Conclusion

The Government of the Republic of the Congo is committed to effectively combating the proliferation of and trafficking in small arms and light weapons. To that end, its bilateral and multilateral partners must provide greater support for the various programmes that have been established for that purpose. As a result of such collective efforts, many populations will be saved from the growing threat of small arms and light weapons.

Done at Brazzaville