

THE KP AND THE CHALLENGE OF WEAK STATES: FOCUS ON CAR

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“People of Central African Republic need education, education, education. In all the Central African Republic, no schools exist. In a few years, I think there will recur yet another coup. We are so used to this, in Central African Republic. I remember the years ‘80, ‘85, ‘90, ‘96... the coups, they are like seasons”.¹

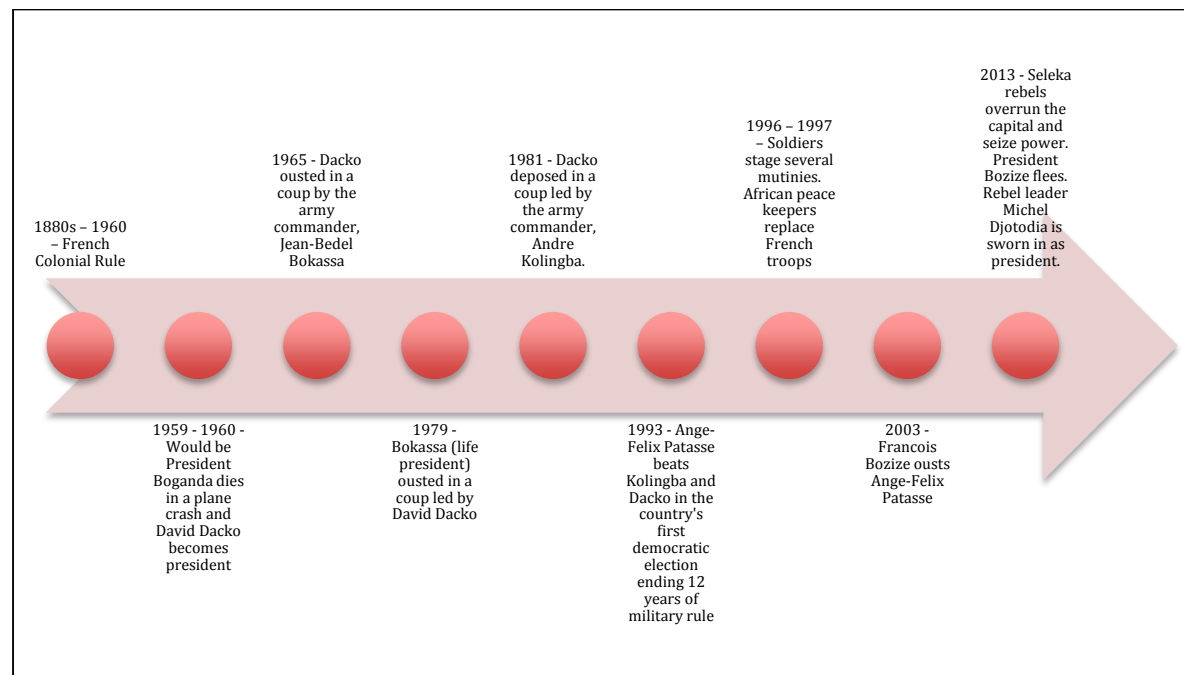
INTRODUCTION

On the 24th of March 2013 the mineral rich Central African Republic (CAR) witness yet another coup, the fifth since the country's independence from France in 1960. A coalition of rebel groups, known as the Seleka (alliance) seized power from general Bozize, who himself had seized power in a similar fashion in 2003². The two coups coincide with the founding and the tenth year anniversary of the Kimberley Process (KP), an African championed initiative to prevent and end conflicts linked to diamonds. CAR is founding member of the KP. In 2003, the KP responded by suspending the CAR but only to lift the suspension after internal controls were found to be “working”. Since the March 2013 coup CAR is still suspended or has “technically self suspended”.

¹ Father Aurelio Gazzera, a Carmelite missionary and Caritas director based in Bouar West CAR in a letter to a friend Father Anastasio Roggero. This was in a Radio interview with Father Roggero on the Vatican Radio, 21 September 2013.

² Ironically, Bozizze took over from Patasse who had ruled the country for ten year and exactly ten years on he was to face a similar fate.

Figure 1: CAR Coups a historical timeline



The country is now on the verge of anarchy - internecine violence between and among various armed groups, the ex-Seleka rebels and supporters of former president Bozize. Interim Prime Minister, Nicolas Tiangaye “humanitarian situation as a catastrophe” - 1,6 million people displaced, 60 000 children risked dying from malnutrition, 650 000 could no longer go to school, half a million were suffering from food insecurity and 3500 children had been recruited as child soldiers – significant for a country of 4.6 million people.

This paper highlights the challenges that the KP faces in dealing with countries such as the CAR. States as participants are the main actors within the KP – they make the decisions. Industry and CSOs, though important are only observers, thus the burden of KP compliance and implementation, by and large rests in the nation's state. There is thus an assumption that states have the will and capacity to implement the KP. This assumption, and its concomitant doctrine of sovereignty and non interference, though central to the workings of the KP, presents serious limitations when it comes to weak states, who may be KP members.

It is argued here that countries with weak state institution present unique challenges for the implementation of the KP Certification Scheme (KPCS). Unless state institutions are strengthened, to expect compliance and effective controls would be to ask for too much. Peacebuilding projects cannot focus on democratisation to the exclusion of statebuilding, strengthening institutional and developmental capacity. In sum, CAR, even where the will exists, cannot implement or comply with the KP. Currently, the state that ought to do that

does not exist. I start by reflecting on the resource curse thesis which has been used generally to explain conflicts and underdevelopment in Africa.

RESOURCE CURSE?

Why are other countries prone to conflict and instability? Resource curse thesis proposes that countries rich in mineral wealth are more susceptible to political and economic distortions – often resulting in instability. This thesis is sometimes used to explain the continuous instability in CAR. The country is rich in uranium, crude oil, gold and diamonds, also lumber and hydropower. High quality alluvial diamonds the country's biggest exporter earner – artisanal – prone to smuggling. In spite of this, the country has one of the worst human development indicators - among the top ten poorest in Africa and ranks number 179 out of 187 on the HDI. 50% of the adult population is illiterate.

It is notable that access to and control of diamonds fields and trade is key to CAR's political economy conflict. For example, before advancing to Bangui in 2006, the Union of Democratic Forces for Unity (UDFR) took control of strategic diamond producing towns northeast of CAR. Similarly, the Convention of Patriots for Justice and Peace (CPJP) created to protect ethnic Runga from UDFR attacks of non-Gula tribes sought the control of diamond mines in the northeast and by 2010 it controlled mining territory around Bria in Haute-Kotto province. Even after the Libreville Comprehensive Peace Agreement in June 2008, UDRF maintained influence over the diamond trade in the Haute-Kotto province.

The general trend in Africa after the end of the cold war is that control and trade of mineral resources became central for rebellion movements since they were no longer receiving external funding. This explains the rise diamond funded conflicts in the late 1990s leading to the formation of the KP as an international response thereof. Following this reasoning, natural resource (in this case minerals) can be both a motivator and sustainer of conflict. However, is this adequate an explanation?

The resource curse thesis does not explain the different outcomes among resource rich countries. South Africa is said to have produced 40% of all gold ever produced on this planet yet is far from a resource curse in the sense that is applied to most of Africa. South Africa's industrial path has sprung from its extractive sector. There are of course limitations to the SA kind of trajectory, not least the high levels of inequality, but to be fair, it is far from the gloomy picture that the resource curse thesis proposes. A lot other countries are important producers but remain stable? What then is different about CAR and other conflict countries?

It is not possible to be exhaustive but the resource thesis overlooks some complex structural and dynamics aspects of conflict and underdevelopment. This makes it difficult if not impossible for a country to optimize on its mineral wealth. Here are a few:

- Weight of history – the country inherited weak state institutions at independence. The legacy of the cold war did not help the situation.

- Contemporary geo-politics – regional and international. Regional states are intricately and directly involved often taking and sponsoring different sides. Also cross border movement and trade networks – progress in one country can have negative effects on another.³
- Uncontrollable hinterlands - the porous borders facilitate illegal diamond trade.
- Poor governance – When one reads academic literature on CAR politics, words that come up include ...cleptocracy, self enrich - “(a) president. takes power in a coup and then: concentrates government power in his own hands and members of his own ethnic group, while paying no heed whatsoever to notions like separation of power (sic)⁴
- Militarised politics
- Ethnic tensions (historically rooted) – between thinly populated north east and people south of the river Bangui
- Access to grazing land and water in the North – conflict between farmers – pastoral nomadic tribes from Chad and Sudan

The picture is thus complex. Even where these factors are common among states, it is possible to have different outcomes.

WEAK STATES AND THE CHALLENGE FOR THE KP

Yet when one looks closely at these factors, outcomes among states are still varied. Also some countries have been able to break out of the cycles of instability.

The conundrum – weak states – instability nexus

The differentiated outcomes have a lot to do with lack of effective state institutions. Weak states are prone to resource conflict? Instability prevents state building. To be fair, one can note that the different regimes in CAR like else in conflict torn Africa, start off with lofty state building aspiration – but the continued instability or threat thereof make this very difficult. Thus the state continues to be weak and limited in its capacity to deliver positive socio-economic transformation, this in turn creates dissatisfaction (civil war not a stupid thing), when challenged the ruling elite resort to predatory tactics and diverts developmental resources toward quelling dissent thus creating further unhappiness – the net effect of this is that the state is perennially undermined. One of the many answers that practitioners in peace building must answer is how to break this cycle?

The weak state perhaps explains the difference between stable and successful diamond producing countries on one hand and those prone to conflict on the other. As Stiglitz argues, “... unless you get the institutions right keep resources in the ground”. It is hardly observed that at the heart of the KP

³ e.g Change of government in Chad in 1982 contributed to the proliferation of small arms. Mutiny in 1996, and subsequent looting of the country's largest arms cache at Kassai barracks. 1997 after overthrow of Mubuto thousands of arms flooded CAR. A similar situation happened after Pierre Bemba defeated Kabila in 1999. 2003 - 2004 more weapons entered CAR via Chad to support Bozizze. Since then it has been difficult for the state to regulate weapons among civilians.

⁴ Berg 2008: 18

logic as a conflict intervention mechanism is the protection of states (legitimate governments) from rebels. Thus the KP can be viewed as a state building and state preservation initiative but this connection is hardly made. If one proceeds from the premise that we need effective states, this observation is crucial. A state must be able to enforce law and order in its territories. Development requires effective and unhindered (by constant threats of mutiny) states. It is no wonder "The Seleka emerged in late 2012 into an environment marked by the absence of state institutions, the presence of arms and former members of armed groups, and porous national borders in an unstable region" (32).

Weak states are unable to effectively implement the KP.

"The fundamental building block of the Kimberley Process is the nation-state's ability and willingness to monitor its internal trade and borders" (ASR, 57). This is very difficult for most African states, and especially those in proximity to war zones. The inability to monitor domestic diamond trade and to ensure that official exports do not comprise of diamonds that have been smuggled from regional neighbours, remains a fundamental challenge. The problem of regional operating platforms serving to connect conflict diamond dealers and rebel groups remains a critical challenge (Africa Security Review, 57).

CAR has very little restriction of cross-border movement of goods, as Governments in the GL and Central African region lack the capacity to control their borders and there is very little restriction of cross border movement of goods. This has fostered the proliferation of small arms and the emergence of a pool of combatants with fluid (cross country) loyalties. CAR for example has a 1,200-kilometre frontier with Sudan, but the government only maintains two border posts (ICG 2007b). Instability creates fertile conditions for illegal diamond trade.

KP and after the coup – setting dangerous precedent

That the KP was created to protect governments has its own dilemmas. The CAR's recurrent coups exemplify this problematic. What happens once a rebel movement captures state power, creates a new constitutional order and restores some level of serenity in the internal control system? In 2003, after a coup the KP suspended CAR but these sanctions were lifted after internal controls had been ascertained. The precedent here is that once a rebel movement effectively takes over power, it becomes the government and the KP cannot pursue the sanctions any further.

Complementarity with UN and AU

Ideally the KP takes or is supposed to take a cue from the UN sanctions. This creates problems where UN has not acted even in the wake of suspected issues. While there is a clear relationship between the UN Security Council (UNSC), this is not the case with AU. The KP chair is required to report to the UNSC annually. The AU hardly makes mention of or reference to the KP.