

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

Boîte postale: 3243, Addis Abéba, Ethiopie, Tél.:(251-11) 551 38 22 Fax: (251-11) 551 93 21

Email: situationroom@africa-union.org, oau-ews@ethionet.et

PEACE AND SECURITY COUNCIL

72ND MEETING

13 MARCH 2007

ADDIS ABABA, ETHIOPIA

PSC/PR/2(LXXII)

Original: French

REPORT OF THE CHAIRPERSON OF THE COMMISSION ON
THE INTERNATIONAL CONFERENCE PROCESS ON THE
GREAT LAKES REGION

REPORT OF THE CHAIRPERSON OF THE COMMISSION
ON THE INTERNATIONAL CONFERENCE PROCESS
ON THE GREAT LAKES REGION

I. INTRODUCTION

1. The adoption of the “Declaration on Peace, Security, Democracy and Development in the Great Lakes Region” by the First Summit of the International Conference held in Dar-es-Salaam from 19 to 20 November 2004, ushered in the second phase of the preparatory process of the Conference. By the Dar-es-Salaam Declaration, the Heads of State and Government established the Regional Inter-Ministerial Committee (RIMC) to prepare the Draft Protocols and Programmes of Action for the four themes of the Conference. The first meeting of the RIMC, held in Kigali in February 2005, defined the terms of reference of the protocols and programmes of action. The second meeting, held in Lusaka in July 2005, considered the first documents elaborated by the Group of Experts nominated by the RIMC. The third meeting, held in Bangui in February 2006, finalized and adopted the draft priority protocols and programmes of action. The Bangui Meeting also adopted the first draft of the Pact on Security, Stability and Development in the Great Lakes Region, the Regional Follow-Up Mechanism and the Note on the Special Fund for Reconstruction and Development.

2. With the Dar-es-Salaam Declaration, the Heads of State and Government also decided to consolidate and translate their cooperation into reality in the form of a Pact which was to be adopted by the Second Summit of the Conference. Held in Nairobi, from 14 to 15 December 2006, the Second Summit considered the documents prepared and submitted by the RIMC and adopted the Pact on Security, Stability and Development in the Great Lakes Region.

II. ELEMENTS OF THE PACT

3. The Pact on Security, Stability and Development in the Great Lakes Region, which comprises the Dar-es-Salaam Declaration, as well as the Protocols, the Programmes of Action, the Regional Follow-Up Mechanism and the Fund for Reconstruction and Development, was prepared by the RIMC and adopted by the Nairobi Summit:

- The «Dar-es-Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region» was an act of faith by which the Heads of State and Government of the countries of the region undertook, *inter alia*, to work together to build a stable, secure and developed region in strict compliance with the principles enshrined in the United Nations Charter and the Constitutive Act of the African Union. The Declaration declares the Great Lakes Region a «Specific Reconstruction and Development Area».

4. The Protocols and Programmes of Action relating to the four themes of the Conference were adopted by the Nairobi Summit. They are:

- Protocol on Non-Aggression and Mutual Defence in the Great Lakes Region;
- Protocol on Democracy and Good Governance;
- Protocol on Judicial Cooperation;
- Protocol for the Prevention and the Punishment of the Crime of Genocide, War Crimes and Crimes against Humanity and all forms of Discrimination;
- Protocol Against the Illegal Exploitation of Natural Resources;
- Protocol on the Specific Reconstruction and Development Area;
- Protocol on the Prevention and Suppression of Sexual Violence Against Women and Children;
- Protocol on the Protection and Assistance to Internally Displaced Persons;
- Protocol on Property Rights of Returning Persons; and
- Protocol on the Management of Information and Communication.

5. According to the terms of the «Protocol on Non-Aggression and Mutual Defence», Member States undertook to maintain peace and security in the Region. In particular, they undertook to renounce the use of threats or of force as a policy or instrument of settling disagreements or disputes or of achieving national objectives in the Great Lakes Region; to abstain from sending or supporting armed opposition forces or armed groups or insurgents onto the territory of other Member States, or tolerating the presence on their territories of armed groups or insurgents engaged in armed conflicts or involved in acts of violence or subversion against the Government of another State; to cooperate at all levels with a view to disarming and dismantling existing rebel groups and to promote the joint and participatory management of state and human security on their common borders; to convene an extraordinary Summit to consider appropriate action if any Member State fails to comply with the relevant provisions of the Protocol.

6. The «Protocol for the Prevention and Punishment of the Crime of Genocide, War Crimes and Crimes against Humanity and all forms of Discrimination», committed Member States to refrain from, prevent and punish such crimes; to condemn and eliminate all forms of discrimination and discriminatory practices; to ensure strict observance of this undertaking by all national, regional and local public authorities and institutions; to proscribe all propaganda and all organizations which are inspired by ideas or theories based on the superiority of a race or a group of people of a particular ethnic origin, or which try to justify or encourage any form of ethnic, religious or gender based hatred or discrimination.

7. The “Protocol Against the Illegal Exploitation of Natural Resources”, committed Member States, *inter alia*, to put in place regional rules and mechanisms to combat the illegal exploitation of natural resources which constitutes a violation of the State’s right of permanent sovereignty over its natural resources and which represents a serious source of insecurity, instability, tension and conflicts, and in particular, to ensure that any activity bearing on natural resources must respect scrupulously the permanent sovereignty of each State over its natural resources and comply with harmonized national legislation as well as the principles of transparency, responsibility, equity and respect for the environment and human settlements; to put

an end, through national and international legal means, to impunity in the illegal exploitation of natural resources by natural persons and legal entities; and to put in place a regional certification mechanism for the exploitation, monitoring and verification of natural resources within the Great Lakes Region.

8. The Programme of Action concerning the theme «Peace and Security» is composed of two sub-programmes and seven priority projects. The two sub-programmes are:

- Joint management of the security of common borders;
- Inter-State cooperation on peace and security issues.

9. The priority projects on the theme Peace and Security are: the joint security management of common borders; disarmament and repatriation of armed groups in the East of the DRC; disarmament and promotion of development in Zone III (countries bordering Lakes Kivu, Tanganyika, Victoria and Albert); the development of bordering areas and promotion of human security in the Great Lakes Region; de-mining and action against mines in the Great Lakes Region; combating the proliferation of and illicit trafficking in small arms and light weapons; combating transnational organized crime and terrorism.

10. The Programmes of Action relating to the other three themes are as follows:

- democracy and good governance with four sub-programmes (rule of law, combating crimes against humanity and human rights, consolidating democratic processes and rational management of natural resources) and four priority projects (establishment of Regional Centre for the Promotion of Democracy, Good Governance, Human Rights and Civic Education; establishment of a Regional Forum on the Administration of Justice and the Application of the Law under the rule of law; management of information and communication; Regional Initiative for the Fight Against the Illegal Exploitation of Natural Resources);
- economic development and regional integration with three sub-programmes (cooperation to reduce poverty; harmonization and strengthening of regional cooperation policies; development of infrastructure) and fifteen priority projects, most of which are already included in the NEPAD portfolio;
- humanitarian and social issues with two sub-programmes (establishment of a framework for disaster preparedness, protection and assistance to internally displaced persons, as well as their environment and the resumption of basic social services, primary healthcare, and psycho-social care to groups with special needs) and seven priority projects.

11. The Regional Follow-Up Mechanism consists of the Summit of Heads of State and Government, the RIMC, the Conference Secretariat, the National Coordination Mechanisms and the Ad Hoc Group of Experts:

12. The Summit of Heads of State and Government shall be the supreme organ of the Conference. It shall be chaired by a Head of State or Head of Government on a rotational basis. The Summit shall be held once every two years. An extraordinary session may be convened at the request of one Member State and upon the consent of the qualified majority of eight of the ratifying Member States present and voting. The Summit shall direct the implementation of the Pact, approve budgetary resources on the recommendation of the Inter-Ministerial Committee, allocate additional resources, and assess progress made in the implementation of the Pact. It shall approve the appointment of the Executive Secretary of the Conference Secretariat on the recommendation of the RIMC and decide on the location of the Conference Secretariat's headquarters.

13. The Chairperson of the Conference, in the exercise of his or her functions between the ordinary sessions of the Summit, shall ensure the respect of and the implementation of the Pact by Member States, and seek the support of the Region's development partners to achieve the Conference's objectives. He or she shall be assisted in his or her activities by the predecessor or successor, within the framework of a «Troïka». Decisions of the Summit shall be taken by consensus. In the event of failure to reach a consensus, decisions shall be taken by a qualified majority of eight of the eleven Member States present and voting, in cases of non-procedural matters, and by an absolute majority of the Member States present and voting, in cases of procedural matters.

14. The RIMC shall be the executive organ of the Conference. It shall meet in an ordinary session twice a year. It may meet in extraordinary session on the request of one Member State with the consent of the absolute majority of Member States. The meetings of the RIMC shall be chaired by a Minister of a Member State in rotation, following the sequence of the ordinary periodical sessions of the Summit. Each meeting of the RIMC shall be preceded by a meeting of senior officials of the Member States. The Committee shall determine strategies for implementing the Pact and shall carry out regular monitoring of its implementation. It shall submit to the Summit a periodic report on the implementation of the Pact. It shall recommend to the Summit, candidates for the position of the Executive Secretary of the Conference, and approve nominations of senior staff for the Conference Secretariat on the recommendations of the Executive Secretary. It shall examine and submit to the Summit the draft budget as well as the reports and work plans of the Conference Secretariat and affiliated institutions. It may, in the interval between the ordinary sessions of the Summit, make such budgetary, administrative and operational adjustments as the Summit may delegate. Decisions of the RIMC shall be taken by consensus. In the event of failure to reach a consensus, decisions shall be taken by a qualified majority of eight of the eleven Member States, in cases of non-procedural matters, and by an absolute majority of the Member States present and voting, in cases of procedural matters.

15. The Conference Secretariat shall be the technical arm and coordination body of the Conference. It shall be headed by an Executive Secretary whose mandate shall be for a period of four years not subject to renewal. The Executive Secretary shall be responsible for ensuring the implementation of the decisions of the Summit and the Inter-Ministerial Committee and reporting on it; ensuring the promotion of the

Pact and the execution of the Programmes of Action, Protocols and activities falling under his or her direct responsibility; organizing the meetings of the Summit, the Inter-Ministerial Committee and of the other Conference structures and forums; coordinate the implementation of the Conference activities falling under the responsibility of the relevant Regional Economic Communities (RECs), as well as the decentralized and affiliated institutions; drawing up programmes of activities and the budget of the Conference Secretariat, and ensuring their implementation after approval by the Inter-Ministerial Committee.

16. The Executive Secretary may seek technical assistance from the African Union, the United Nations and cooperation partners and organizations. The operating budget of the Conference Secretariat shall be proposed every two years by the Executive Secretary and approved by the Summit on the recommendation of the Inter-Ministerial Committee. It shall be funded by mandatory annual contributions of the Member States and by resources mobilized from cooperation and development partners of the Great Lakes Regions and any other resources identified by the Conference. The method of calculation of the contributions of Member States and the currency in which they are paid shall be determined by the Inter-Ministerial Committee. The recruitment of senior officials of the Secretariat shall respect the principles of balanced representation, and will be done on a rotating basis among citizens of the Member States.

17. The National Coordination Mechanisms shall be established by Member States to facilitate the implementation of the Pact and ensure the coordination of activities as well as collaboration with the different Member States, the RECs and the relevant regional institutions. The Regional Follow-UP Mechanism shall also comprise an *Ad hoc* Group of six independent Experts, including three women, nominated by the RIMC, mainly to prepare and submit to the Summit a special report on the specific problems encountered by Member States in implementing the Pact.

18. The Special Fund for Reconstruction and Development that Member States agreed to implement a new strategy for economic development and regional integration, in application of the decision contained in the Dar-es-Salaam Declaration aimed at making the Great Lakes Region a Specific Reconstruction and Development Area. To this effect, the Heads of State established a Special Reconstruction and Development Fund to finance the implementation of the Protocols and Programmes of Action selected in the priority areas of peace and security, democracy and good governance, economic development and regional integration, addressing humanitarian and social issues, as well as environmental issues.

19. The Fund shall be financed by statutory contributions from the eleven Member States and voluntary contributions from cooperation and development partners. The African Development Bank (ADB) shall host and manage the Fund according to the modalities defined within a specific legal framework concluded with the ADB.

20. The Nairobi Summit also adopted the following decisions:

- Burundi shall host the headquarters of the Conference Secretariat. In this regard, the Government of Burundi shall provide premises for the

offices of the Secretariat and the Group of Friends of the Region will equip them as it promised. The operating budget of the Secretariat shall be financed by mandatory contributions from Member States;

- Tanzania was designated to provide the first Executive Secretary. The President of the United Republic of Tanzania immediately appointed Mrs. Liberata Mulamula, his country's National Coordinator during the preparatory period of the Conference, as Executive Secretary;
- Zambia will host the Regional Centre for the Promotion of Democracy, Good Governance, Human Rights and Civic Education;
- The DRC will host the Third Summit of the Conference Process. Therefore, Tanzania (outgoing Chair), Kenya (current Chair) and the DRC will constitute the Troika of the International Conference process on the Great Lakes Region for the next two years. The Troika will have an important role to play during the interval between two Summits.

20. The Summit further adopted a «Declaration on the implementation of the Pact Prior to its Entry into Force». By this Declaration, the Heads of State and Government affirmed, *inter alia*, their commitment to implement the Pact and establish the Conference Secretariat within three months of the signing of the Pact. The Conference Secretariat shall: work towards the speedy ratification of the Pact by Member States; put in place legal, financial and administrative procedures for the implementation of the Pact in the Conference Secretariat and in Member States; collaborate with the ADB for the operationalization of the Fund; establish cooperation channels with the cooperation mechanisms of the Conference, Member States and the relevant RECs; identify priority areas of activity relating to the implementation of the Pact, as approved by the Regional Inter-Ministerial Committee, on the recommendation of national coordination mechanisms; organize the meetings of the organs of the Conference, particularly those of the Summit, the Regional Inter-Ministerial Committee and other structures of the Conference; receive announcements of contributions or contributions from Member States and other cooperation partners.

21. The Pact shall enter into force thirty days after the receipt by the Conference Secretariat of eight instruments of ratification.

22. The African Union Commission took an active part in the preparation and organization of the Summit. In addition to its participation, within the framework of the Joint African Union/United Nations Secretariat, in all preparatory activities, the Commission provided the necessary logistical support for the holding of the Summit. The Commissioner for Peace and Security attended the meeting of the RIMC. I also participated in the Summit, accompanied by the Commissioner for Peace and Security and the Commissioner for Political Affairs.

III. ROLE OF THE INTERNATIONAL COMMUNITY IN THE IMPLEMENTATION OF THE PACT

23. In the Declaration on the Implementation of the Pact Prior to its Entry into Force, the Heads of State and Government expressed their profound gratitude to the Group of International Partners, co-chaired by Canada and the Netherlands for its important contribution and political, technical and financial support to the International Conference since its inception in December 2003, and commended its action. They called on the international partners to uphold their commitment and support to the implementation process.

24. They also commended the Joint United Nations/Africa Union Secretariat, and called on the United Nations and the African Union to maintain their commitment and continue to provide support to the new Secretariat for at least one year.

25. In this context, the Joint Secretariat is in the process of finalizing the Manual, which should help the Conference Secretariat to be operational as soon as possible. The document includes the Financial Rules and Regulations, Staff Rules and Administrative and Accounting Rules. The Joint Secretariat should also elaborate a strategy for the mobilization of resources and prepare the report for the transfer of relevant documents to the Executive Secretariat.

26. The United Nations Security Council met on 20 December 2006, to consider the situation in the Great Lakes Region in the light of developments in the new phase of the Conference process. In the statement made at the end of the meeting, the President of the Council stated, *inter alia*, that «the Council supported the request of the Regional Inter-Ministerial Committee to extend the mandate of the Office of the Secretary General's Special Representative for a final period of three months, until 31 March 2007, with a view to ensuring regional ownership of the Follow-Up Mechanism and successfully completing the transition to the Conference Secretariat... The Security Council appealed to the countries of the region, Group of Friends, United Nations agencies, funds and programmes, and the international community to consider providing assistance to the Conference Secretariat and the Special Fund for Reconstruction and Development in the Great Lakes Region to support the parties of the Pact on Security, Stability and Development in the Great Lakes Region...».

27. The United Nations opted to accompany the next phase of the Conference process (implementation of the Pact) after 31 March 2007, through UNDP and other specialized agencies of the UN System, each in its area of competence. To this end, UNDP elaborated a new three-dimensional strategy structured around institutional support, support to programmes and the implementation of strategic projects identified, and lastly, financial support for catalytic actions for the establishment of the Financial Mechanism which constitutes the Special Fund. UNDP shall also support the Secretariat in the mobilization of the international community and resources for the implementation of the Pact. It shall also provide financial support for the implementation of some projects, including the transborder basins for security and development, the Regional Centre for Democracy and Good Governance, Human Rights and Civic Education, as well as the revival of the Economic Community of the Great Lakes Countries (CEPGL).

28. For their part, during the Summit, the partners in the Conference process welcomed the signing of the Pact. They said that they perceived the International Conference on the Great Lakes Region as a forum for rebuilding peace, with the potential to promote peace, security and development in the Region.

29. The representatives of the Group of Friends reiterated their support to the Group for the establishment of the Regional Follow-Up Mechanism which they planned to finance until June 2007. After that period, the Group of Friends shall continue to support the process for the implementation of technical, political and diplomatic plans. Germany shall continue to provide assistance through its GTZ Development Agency. Within this framework, GTZ shall place one million US dollars at the disposal of the Conference Secretariat. Canada expressed particular interest in supporting the DDR process, peace building efforts at regional level, projects relating to refugees, combating the proliferation of and illicit trafficking in small arms and light weapons, as well as de-mining and curbing the illegal exploitation of natural resources. The Netherlands, Co-Chair of the Group of Friends, reiterated its commitment to continue to support the process, and announced a contribution of 5 million Euros to the Fund for Reconstruction and Development.

IV. ROLE OF THE AFRICAN UNION IN THE CONTINUATION OF THE INTERNATIONAL CONFERENCE ON THE GREAT LAKES REGION

30. The OAU/AU played an important role in the preparatory process of the International Conference on the Great Lakes Region from the inception of the idea in 1995, to the signing of the Pact on Security, Stability and Development in December 2006. The adoption of the Pact marked the culmination of the preparatory process and ushered in the long phase of implementation of programmes agreed upon. This third phase of the process is therefore that of the consolidation of trust between the parties, strengthening cooperation between the countries of the region, as well as economic development and regional integration.

31. The AU should be actively involved in the implementation of the Pact. In this regard, there are plans to close the Liaison Office for the Great Lakes Region in Nairobi and to boost its Bujumbura Bureau in personnel and equipment, so as to enable it to cover the activities of the Executive Secretariat and the implementation of the Pact.

32. Furthermore, it should be recalled that the AU and the United Nations supported the first two phases of the Conference process within the framework of the Joint Secretariat. Considering that the decision of the United Nations Security Council did not extend the mandate of the Special Representative of the UN Secretary General beyond 31 March 2007, a new form of cooperation/partnership (adapted to the present phase of the process) between the AU and the United Nations should be found to provide support to the Conference Secretariat. This new form of cooperation could be envisaged through the AU Policy Framework for Post-Conflict Reconstruction and Development and the United Nations Peace Building Commission, an Office of which was recently opened in Bujumbura.

33. The AU should seize every opportunity to support the member countries of the Conference process with a view to speeding up the ratification of the Pact with a

view to its entry into force as soon as possible. It should also use all fora, African as well as international, to support the Conference Secretariat in the sensitization and mobilization of AU's partners in favour of the Fund for Reconstruction and Development on which, to a large extent, the successful implementation of the Pact depends.

34. The Bujumbura Office, in addition to its activities on the situation in Burundi, will be charged with supporting the Conference process, at least in the initial phase. Moreover, as in the case of the United Nations, the AU will continue, to support the implementation of the Pact from its headquarters in Addis Ababa and within the framework of relevant African and international organisations.

2007

Report of the Chairperson of the Commission on the International Conference Process on the Great Lakes Region

African Union Commission

Peace and Security

<http://archives.au.int/handle/123456789/2160>

Downloaded from African Union Common Repository