

DEMOCRATIC REPUBLIC OF CONGO

ACT OF ENGAGEMENT

We,

- FRF,
- GROUPE YAKUTUMBA,
- GROUPE ZABULONI,
- MAI-MAI KIRIKICHO,
- PARECO/S-K,
- RAIA MUTOMBOKI,
- MAI-MAI NY'KIRIBA,
- MAI-MAI KAPOPO,
- MAI-MAI MAHORO,
- MAI-MAI SHIKITO,
- MUDUNDU40,
- SIMBA MAI-MAI
- and MAI-MAI SHABUNDA

with the solemn commitment of representatives of the International Community, facilitators of the present engagement – the United Nations, the International Conference on the Great Lakes Region, the United States of America, the African Union, the European Union and the Government, with particular regard to Article 4-,

1. Seizing this historic opportunity;
2. Reiterating our support for the principles proclaimed and guaranteed by the Constitution and the laws of the Democratic Republic of Congo;
3. Emphasising the need to rapidly restore definitive and sustainable peace and security to facilitate the integrated development of North Kivu and South Kivu;
4. Determined to participate in restoring peace, security and the authority of the State throughout the Province of South Kivu;
5. Deeply deplored the insecurity which has prevailed in the Province of South Kivu for so long; causing large scale displacements of the population and terrible suffering amongst civilians and extensive violations of human rights;
6. Declaring our commitment to respect the relevant Resolution of the Conference on Peace, Security and Development of the Provinces of North and South Kivu, the relevant Resolution on peace and the end of the war, for the sustainable development of the province, as well as all other resolutions and recommendations adopted at Goma by the above- mentioned Conference;

7. Considering the urgent need to implement the above-mentioned Conference Resolutions.

Commit to the following:

ARTICLE I: ON THE CEASEFIRE

1. To the immediate and complete cessation of:

- Hostilities throughout the Province of South Kivu;
- All acts of violence;
- All military movements and reinforcements;
- And of any new recruitment.

Upon signature of the present act of engagement, a formal order to cease hostilities shall be given in writing to our respective troops in copy to the United Nations, the SADC and the CEEAC.

2. To abstain from any activities which may damage peace and security, including:

- Any attacks and acts of provocation and sabotage;
- Any proposals or declarations which may lead to renewed hostilities;
- Any attempt to occupy new positions on the ground or to move forces and equipment from one place to another;
- The supply of arms, ammunition and other military equipment;
- Any action which may hinder the peace and security process in South Kivu.

ARTICLE II: On the disengagement of FRF, Groupe Yakutumba, Groupe Zabuloni, Mai-Mai kirikicho, PARECO/S-K, Raia Mutomboki, Mai-Mai Ny'kiriba, Mai-Mai kapopo, Mai-Mai Mahoro, Mai-Mai Shikito, Mudundu 40, Simba Mai-Mai and Mai-Mai Rutambuka troops, and the creation of demilitarised zones for FARDC, on mixing, on integration, and on the PNDDR.

A mixed Technical Peace and Security Commission, jointly chaired by the Government and the International Facilitators for this engagement, shall be legally authorised by the Government to examine and finalise the following questions:

- The formal order to troops to cease hostilities across all military terrain;
- Geographic location of armed groups (exact map positions);
- Determination of disengagement and buffer zones;
- Request to deploy MONUC observers to monitor the ceasefire;
- Implementing the plan resulting from the Joint Nairobi Communiqué on the disarmament and repatriation of armed foreign groups;

- Specification of the itinerary for the redeployment of armed groups to the transit centres (first movement) and to the mixing and demobilisation centres (second movement), followed where necessary by training and instruction;
- Specification of the procedures for mixing taking into account the presence of foreign armed groups referred to in the Joint Nairobi Communiqué of November 9, 2007
- Request to deploy the MONUC in all terrain occupied by the FRF, Groupe Yakutumba, Groupe Zabuloni, Mai-Mai kirikicho, PARECO/S-K, Raia Mutomboki, Mai-Mai Ny'kiriba, Mai-Mai kapopo, Mai-Mai Mahoro, Mai-Mai Shikito, Mudundu 40, Simba Mai-Mai et Mai-Mai Rutambuka;
- Re-establishment of State Authority ;
- Integration in the regular Armed Forces (Police, Administration, Justice);
- Demobilisation and social reinsertion;
- Respect for DDR activities, leading either to mixing for purposes of integration in the FARDC, or to demobilisation and reinsertion to prepare for a definitive return to civilian life, an essential stage in the peace and security process in the province of South Kivu;
- The unconditional participation of the FRF, Groupe Yakutumba, Groupe Zabuloni, Mai-Mai kirikicho, PARECO/S-K, Raia Mutomboki, Mai-Mai Ny'kiriba, Mai-Mai kapopo, Mai-Mai Mahoro, Mai-Mai Shikito, Mudundu 40, Simba Mai-Mai and Mai-Mai Rutambuka in accordance with national legislation, in implementing the Armed Forces of the Democratic Republic of Congo (Forces Armées de la République Démocratique du Congo, FARDC) integration plan, and in the National Programme of Disarmament, Demobilisation and Reinsertion (Programme Nationale de Désarmement, Démobilisation et Réinsertion, PNDDR);
- Communication of lists of personnel and of arms, and of their locations, upon signature of the present Act, in accordance with the timetable established by the ad hoc Committee, with the assistance of the International Community.

In order to do this the following two Sub-Commissions of this Commission shall be created:

a) A Mixed Military Sub-Commission, responsible for:

- disengagement;
- mixing;
- demobilisation;
- social reinsertion;

b) A Humanitarian and Social Sub-Commission responsible for:

- questions regarding internally displaced persons;

- questions relating to refugees.

ARTICLE III: ON HUMANITARIAN PRINCIPLES AND RESPECT FOR HUMAN RIGHTS

Strict observation of the regulations of international humanitarian law and human rights, in particular:

- Cessation of acts of violence, abuse, discrimination and exclusion, of any kind, against the civilian population, particularly women and children, elderly and disabled persons;
- Release of persons detained or taken hostage on the grounds of views expressed or belonging to insurrectionary movements;
- Return of property to its owners, whether physical or moral persons;
- Return of refugees to their countries under the supervision of the tripartite HCR, the DRC Government and the country of asylum (Burundi, Uganda, Rwanda and Tanzania) according to the timetable adopted by the Humanitarian and Social Technical Commission;
- Establishment of a commission responsible for supervising internal displaced persons and reinstalling them in their places of origin in collaboration with the United Nations and other humanitarian organisations;
- Creating favourable conditions for the supply of humanitarian aid and emergency services to the civilian population;
- A ban on any recruitment, and specific promotion of the rights of children in conflict (or post-conflict) zones;
- Free movement of goods and persons and the lifting of illegal road barriers.

ARTICLE IV: POLITICAL AND JUDICIAL GUARANTEE MEASURES

The DRC Government, enacting this engagement and at the request of the FRF, Groupe Yakutumba, Groupe Zabuloni, Mai-Mai kirikicho, PARECO/S-K, Raia Mutomboki, Mai-Mai Ny'kiriba, Mai-Mai kapopo, Mai-Mai Mahoro, Mai-Mai Shikito, Mudundu 40, Simba Mai-Mai et Mai-Mai Rutambuka; undertakes, in accordance with the relevant recommendation of the Conference on Peace, Security and Development of the Provinces of North and South Kivu:

1. To present to Parliament an Amnesty Law project for acts of war and insurrection, covering the period from June 2003 to the date of promulgation of the Law, and not including crimes of war, crimes against humanity and genocide;
2. To create a Technical Commission by Order of the President of the Republic, in particular to finalise the disengagement plan, and questions of rank, integration and management of demobilised personnel;

3. To announce and respect the ceasefire, as stipulated in article I;
4. To create a demilitarised zone to enable, in particular, the deployment of MONUC observers and the safety and return of displaced persons;
5. To refrain from any military or logistical support to national and foreign armed groups or to enlist any kind of support from the regular army;
6. The signatories of the present act of engagement confirm that the international facilitators are both observers and guarantors of their good faith, particularly by means of the Technical Commission foreseen in Article 2.

Done at Goma, in as many copies as there are parties, on XXX

Signatures

POUR

1. Les Forces Républicaines et Fédéralistes, Mr GASORE ZEBEDE
2. Le Groupe Yakutumba, Mr ASSANDA MWENEBA
3. Le Groupe Zabuianj/MRC-MMR, Ir. LWIJI MUDAGE
4. Les Mai-Mai Kirikicho, Mr LONGANGI KANYERE
5. Les PARECO/S-K, Mr RUTAMBUKA SALATIEL
6. Le Raia Mutomboki, Mr SALUMU KASEKE; Mr SADIKI KANGALABA DEVOS
7. Les Mai-Mai Ny'kiriba, Mr Faustin MULONDA KABOVU
8. Les Mai-Mai kapopo, Mr ISANGYE BYAOMRE B.
9. Les Mai-Mai Mahoro, Mr Raphaël MUSIMBI M.
10. Les Mai-Mai Shikito, Mr Richard MUKULUMANYA
11. Les Mudundu 40, Mr. ZAGABE Pascal
12. Le Simba Mai-Mai/MRS Mr Jules ZIRINGABO NDAHAMBARA
13. Les Mai-Mai SHABUNDA, Mr Georges KATINDI KAMWANA

Pour le Gouvernement:

Ministre d'Etat chargé de l'Interieur, Décentralisation et Sécurité: S.E. Denis Kalume Numbi

Pour La Conference

1. Le Président de la Conférence: Mr l'Abbé Apollinaire Malumalu
2. Le Président du Comité des Sages: Honorable Vital Kamerhe
3. Le Coordinateur Adjoint du Panel des Modérateurs: Mr Azarias Ruberwa Manyua
4. Délégation du Nord-Kivu: Le Gouverneur, Mr Julien Paluku Kahongya; Le Vice-Président de L'Assemblée Provinciale, Honorable Mukinti Baumbilia
5. Délégation du Sud-Kivu: Le Gouverneur a.i, Mr Watunakanza, B. Bernard; Le Président de L'Assemblée Provinciale, Honorable Baleke Kadudu, Emille.

LES FACILITATEURS INTERNATIONAUX:

Pour les NATIONS-UNIES, Mr Alan Doss

Pour l'UNION EUROPEENNE, Mr Roeland van de Geer

Pour les ETATS-UNIS D'AMERIQUE, Mr Tim Shortley

Pour l'UNION AFRICAINE, Mr Pierre Yere

Pour la CONFERENCE INTERNATIONALE SUR LA REGION DES GRANDS LACS, Mme Liberata Mulamula

LES TEMOINS NATIONAUX

POUR LES CHEFS COUTUMIERS

SUD-KIVU, MWAMI KABARE RUGEMANINZI II NABUSHI

NORD-KIVU, MWAMI ALEXANDRE MUHINDO MUKOSASENGE

POUR LA SOCIETE CIVILE

DÉLÉGATION NATIONALE: MR KIBISWA KWABENE NAUPESS

SUD-KIVU: MR BIRHINGINGWA MUGABO CYPRIEN

NORD-KIVU: MR JASON LUNENO MAENE

POUR LE SECTEUR PRIVE

FEC SUD-KIVU: MR MUDEKEREZA NAMEGABE

FEC NORD-KIVU:MR DESIRE SEGAHUNGU

POUR LES CONFESIONS RELIGIEUSES

EGLISE CATHOLIQUE: +THEOPHILE KABOY

EGLISE DU CHRIST AU CONGO: EV. SONGOU NATHALIS

EGLISE ORTHODOXE: PR. FUMUNZANZA GIMUANGA

EGLISE KIMBANGUISTE: REV. SAKUAMESO RAPHAEL

EGLISE DU REVEIL: EV. NTAMBWE MUMPEMPE

COMMUNAUTE ISLAMIQUE: IMAM RACHIDI MOUSSA

EGLISE INDEPENDANTE DU CONGO: S.E SIMON NZINGA M

ARMEE DU SALUT: MAJOR GRACIA MATONDO