



International Conference on the Great Lakes Region

Pact on Security, Stability and Development in the Great Lakes Region

14 and 15 December 2006

Preamble

We, Heads of State and Government of the Member States of the International Conference on the Great Lakes Region;

Mindful of the need to respect democracy and good governance, the fundamental principles enshrined in the UN Charter and the African Union Constitutive Act, notably territorial integrity, national sovereignty, non-interference and non-aggression, prohibition of any Member State from allowing the use of its territory as a base for aggression or subversion against another Member State;

Mindful of the need for an effective and sustained political will to jointly seek peaceful solutions to disputes and more especially to honor our commitments in a spirit of mutual trust;

Reaffirming our individual and collective determination to base the relations between our States on international legal instruments and universal fundamental principles, the priority political options and the guiding principles referred to in the Dar-es-Salaam Declaration, as well as to transform the Great Lakes Region, in the framework of our common destiny, into a space of durable peace and security, of political and social stability, and of economic growth and shared development by multi-sector cooperation and integration for the sole benefit of our peoples;

Determined to ensure the strict observance of the standards and principles of international humanitarian law, notably those relating to the protection and assistance of women, children, refugees and displaced persons, the violations of which have seriously affected the populations concerned;

Reaffirming our decision taken at Dar-es-Salaam to declare the Great Lakes Region a specific zone of reconstruction and development and jointly determined to meet

the challenge of reconstruction and development with the full participation of all our peoples, particularly in partnership with the civil society organizations, young people, women, the private sector and religious organizations, as well as in close cooperation with the relevant regional organizations, the African Union, the United Nations, and the international community in general;

Determined to adopt and implement collectively the appropriate Programmes of Action, the Protocols and mechanisms to translate into reality the priority political options and the guiding principles of the Dar-es-Salaam Declaration;

Hereby Solemnly Agree:

Chapter I. General Provisions

Article 1

Definitions

1. For the purpose of this Pact, unless the context otherwise requires, the following mean:
 - a) **Conference:** The International Conference on the Great Lakes Region;
 - b) **Great Lakes Region:** The region composed of the whole of the territories of the eleven core Member States of the Conference;
 - c) **Dar-es-Salaam Declaration:** The Declaration on Peace, Security, Democracy and Development in the Great Lakes region, adopted and signed at the first Summit of the Conference in Dar-es-Salaam (United Republic of Tanzania) on 20 November 2004;
 - d) **Member States:** The eleven core Member States of the International Conference on the Great Lakes Region, namely: Republic of Angola, Republic of Burundi, Central African Republic, Republic of the Congo, Democratic Republic of the Congo, Republic of Kenya, Republic of Rwanda, Republic of the Sudan, United Republic of Tanzania, Republic of Uganda, and the Republic of Zambia;
 - e) **National Coordination Mechanisms:** National Mechanisms responsible for facilitating the implementation of the Pact in the Member States;
 - f) **Summit:** The organ composed of The Heads of State and Government of the Member States;

- g) **Regional Inter-Ministerial Committee:** The organ composed of the Ministers of the Member States in charge of the Conference;
- h) **Conference Secretariat:** The Secretariat of the International Conference on the Great Lakes Region;
- i) **Pact:** The Pact on Security, Stability and Development for the Great Lakes Region;
- j) **Protocols:** The Protocols adopted or subsequently adopted under this Pact;
- k) **Programmes of Action:** The Programmes of Action adopted under this Pact;
- l) **Projects:** The Projects adopted or subsequently adopted under this Pact;
- m) **Follow-up Mechanism:** The Regional Follow-up Mechanism adopted under this Pact;
- n) **Fund:** The Special Reconstruction and Development Fund established under this Pact.

Article 2

Objectives

The Objectives of this Pact are to:

- a) Provide a legal framework governing relations between the Member States to which this Pact applies as provided for in Article 4;
- b) Implement the Dar-es-Salaam Declaration, the Protocols, Programmes of Action, the

Regional Follow-up Mechanism, and the Special Reconstruction and Development Fund as adopted under Article 3;

- c) Create the conditions for security, stability, and sustainable development between the Member States.

Article 3

Content

1. The Dar-es-Salaam Declaration, the Protocols, the Programmes of Action, the Regional Follow-up Mechanism, and the Fund, shall constitute integral parts of this Pact;
2. All references to the Pact shall necessarily refer to all the integral parts of this Pact.

Article 4

Field of Application and Fundamental Principles

1. This Pact governs legal relations between the Member States who will have ratified it, in the framework and within the limits of the priority areas selected in matters of peace and security, democracy and good governance, economic development and regional integration, as well as humanitarian, social and environmental issues.
2. The Member States undertake to base their relations on respect for the principles of national sovereignty, of territorial integrity, of non-interference in the internal affairs of other Member States, of non-aggression, of cooperation and of peaceful settlement of disputes.

Chapter II. The Protocols

Article 5

Protocol on Non-aggression and Mutual Defence in the Great Lakes Region

1. The Member States undertake to maintain peace and security in accordance with the Protocol on Non-aggression and Mutual Defence in the Great Lakes Region, and in particular:
 - a) To renounce the threat or the use of force as policies means or instrument aimed at settling disagreements or disputes or to achieve national objectives in the Great Lakes Region;
 - b) To abstain from sending or supporting armed opposition forces or armed groups or insurgents onto the territory of other Member States, or from 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;
 - c) To cooperate at all levels with a view to disarming and dismantling existing armed rebel groups and to promote the joint and participatory management of state and human security on their common borders.
 - d) If any Member State fails to comply with the provisions of this Article, an extraordinary Summit shall be convened to consider appropriate action.

Article 6

Protocol on Democracy and Good Governance

The Member States undertake to promote and observe democracy and good

governance in accordance with the Protocol on Democracy and Good Governance, and in particular:

- a) To promote and observe democratic principles and standards;
- b) To set up institutions to promote good governance, the rule of law and the respect for human rights through constitutional systems based on the separation of powers, political pluralism, the regular organisation of free, democratic and credible elections, the participatory, transparent and responsible management of business, institutions and public property.

Article 7

Protocol on Judicial Cooperation

The Member States undertake, in accordance with the Protocol on Judicial Cooperation, to cooperate in matters of extradition, judicial investigation and prosecution.

Article 8

Protocol for the Prevention and the Punishment of the Crime of Genocide, War Crimes and Crimes against Humanity and all forms of Discrimination

The Member States, in accordance with the Protocol on the Prevention and the Punishment of the Crime of Genocide, War Crimes and Crimes against Humanity and all forms of Discrimination, recognize that the crime of genocide, war crimes, and crimes against humanity are crimes under international law and against the rights of peoples, and undertake in particular:

- a) To refrain from, prevent and punish, such crimes;
- b) To condemn and eliminate all forms of discrimination and discriminatory practices;

- c) To ensure the strict observance of this undertaking by all national, regional and local public authorities and institutions;
- d) To proscribe all propaganda and all organisations 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, racial or gender based hatred or discrimination.

Article 9

Protocol Against the Illegal Exploitation of Natural Resources

The Member States agree, in accordance with the Protocol Against the Illegal Exploitation of Natural Resources, to put in place regional rules and mechanisms for combating the illegal exploitation of natural resources which constitute a violation of the States' right of permanent sovereignty over their natural resources and which represent a serious source of insecurity, instability, tension and conflicts, and in particular:

- a) To ensure that any activity bearing on natural resources must scrupulously respect the permanent sovereignty of each State over its natural resources and comply with harmonised national legislation as well as the principles of transparency, responsibility, equity, and respect for the environment and human settlements;
- b) To put to an end, through national and international legal means, to impunity in the illegal exploitation of natural resources by natural persons and legal entities;
- c) To put in place a regional certification mechanism for the exploitation, monitoring and verification of natural resources within the Great Lakes Region.

Article 10

Protocol on the Specific Reconstruction and Development Zone

The Member States agree, in accordance with the Protocol on the Specific Reconstruction and Development Zone, to implement, an economic development and local regional integration process, pursuant to the decision contained in the Dar-es-Salaam Declaration to declare the Great Lakes Region as a Specific Reconstruction and Development Zone, and for this purpose, to institute in particular:

- a) Transborder development basins to promote local regional integration of the border populations;
- b) A Special Reconstruction and Development Fund for the purpose of supporting 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, and humanitarian, social and environmental issues.

Article 11

Protocol on the Prevention and Suppression of Sexual Violence Against Women and Children

The Member States undertake, in accordance with the Protocol on the Prevention and Suppression of Violence Against Women and Children, to combat sexual violence against women and children through preventing, criminalizing and punishing acts of sexual violence, both in times of peace and in times of war, in accordance with national laws and international criminal law.

Article 12

Protocol on the Protection and Assistance to Internally Displaced Persons

The Member States undertake, in accordance with the Protocol on the Protection and Assistance to Internally Displaced Persons, to provide special protection and assistance to internally displaced persons and in particular to adopt and implement the Guiding Principles on Internal Displacement as proposed by the United Nations Secretariat.

Article 13

Protocol on Property Rights of Returning Persons

The Member States undertake, in accordance with the Protocol on the Property Rights of Returning Persons, to provide legal protection for the property of internally displaced persons and refugees in their countries of origin, and in particular to:

- a) Adopt legal principles whereby the Member States shall ensure that refugees and internally displaced persons, upon returning to their areas of origin, recover their property with the assistance of the local traditional and administrative authorities;
- b) Create a legal framework for resolving disputes arising from the recovery of property previously occupied or owned by returning persons.

Article 14

Protocol on the Management of Information and Communication

The Member States agree, in accordance with the Protocol on the Management of Information and Communication, to establish a Regional Council for Information and Communication whose role, in particular, shall be:

- a) To promote the free exchange of ideas;
- b) To promote freedom of expression and the press;
- c) To provide training and civic education through the media.

Article 15

Subsequent Protocols

The Member States agree that any subsequent Protocols that they may adopt after the entry into force of this Pact shall be an integral part of the Pact. Any such Protocol shall enter into force in accordance with the provisions governing amendments and revision as set out in Article 34(5).

Chapter III. The Programmes Of Action

Article 16

Objectives of the Programmes of Action

The Member States undertake to promote the joint strategies and policies outlined in the Dar-es-Salaam Declaration within the framework of the objectives of the sector Programmes of Action.

Article 17

The Programme of Action for Peace and Security

The Member States undertake to ensure sustainable peace and security in the whole Region of the Great Lakes, in the framework of the Programme of Action for Peace and Security, which is aimed at:

- a) Promoting the joint management of the security of common borders;
- b) Promoting, maintaining and enhancing cooperation in the fields of peace, conflict prevention and the peaceful settlement of disputes;
- c) Promoting inter-State cooperation on general security issues including combating the illicit proliferation of small arms and light weapons, preventing and combating organized transnational criminal activities and terrorism.

Article 18

The Programme of Action for Democracy and Good Governance

- 1. The Member States undertake to entrench values, principles and norms on democracy, good governance, and respect for human rights, in the framework of the Programme of Action for Democracy and Good Governance, which aims, in particular, to:
 - a) Establish regional mechanisms which work together to strengthen the rule of law in the region, to promote human rights, and to combat impunity;
 - b) Consolidate the democratization process by enhancing institutional capacity, by promoting political participation of all segments of society, and by developing and implementing communication and information strategies;
 - c) Harmonize and coordinate policies on the protection and rational management of natural resources in the region.

Article 19

The Programme of Action for Economic Development and Regional Integration

1. The Member States undertake to jointly promote a prosperous, integrated economic space, to improve the standard of living of its populations, and to contribute to the development of the Region, by implementing the Programme of Action for Economic Development and Regional Integration with the aim of:
 - a) Promoting cooperation and economic integration by harmonizing and coordinating national and regional policies with relevant regional economic communities so as to improve stability and economic competitiveness, and to reduce poverty;
 - b) Developing common infrastructure in the areas of energy, transport and communications;
 - c) Promoting local regional integration by strengthening multi-sectoral cooperation and solidarity among the border populations of neighbouring States.

Article 20

Programme of Action on Humanitarian, Social and Environmental Issues

1. The Member States undertake to find lasting solutions to guarantee protection and assistance to populations affected by political conflicts in the Great Lakes Region, as well as by humanitarian, social, and environmental catastrophes, by implementing a Programme of Action on Humanitarian, Social and Environmental Issues, which is aimed at:
 - a) Promoting policies aimed at disaster prevention, protection, assistance, and the search for durable solutions for refugees and internally displaced persons, as well as their environment;

- b) Promoting relevant policies to guarantee access to basic social services by the populations affected by conflicts and effects of natural disasters.

Chapter IV. The Special Fund For Reconstruction and Development

Article 21

Legal framework

1. A Special Fund for the reconstruction and development of the Great Lakes Region shall be created in accordance with the Protocol on the Specific Reconstruction and Development Zone, but the legal status of such a Fund shall be defined in a separate document;
2. The modality of the operation of the Fund shall be determined by a specific legal framework to be agreed with the African Development Bank, which shall manage the said Fund;
3. The financing of the Fund shall be ensured by mandatory contributions from the Member States as well as by voluntary contributions from cooperating and development partners.

Chapter V. The Regional Follow-up Mechanism

Article 22

Establishment

1. The Member States agree to create a Regional Follow-up Mechanism which shall consist of the Summit of Heads of State and Government, the Regional Inter-Ministerial Committee, the Conference Secretariat, the National Coordination Mechanisms and the Collaborative Mechanisms and other specific structures or forums if necessary, in order to ensure the implementation of this Pact;

2. The Regional Follow-up Mechanism shall be based upon the principles of best practice, complementarity, linkages, and collegial ownership by the Member States, in cooperation with the African Union and the United Nations and other partners.

Article 23

The Summit

1. The Summit shall be the Supreme organ of the Conference and it shall be chaired by a Head of State or Government of a Member State in rotation;
2. The Summit shall be held once every two years. An extraordinary session of the Summit may be convened at the request of one Member State and upon the consent of the qualified majority of eight of the majority of the ratifying Member States present and voting;
3. The Summit shall direct the implementation of this 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;
4. The Summit shall approve the appointment of the Executive Secretary of the Conference Secretariat on the recommendation of the Inter-Ministerial Committee, and decide on the location of the Conference Secretariat's headquarters;
5. The Conference Chairperson, in the exercise of his or her functions between the ordinary sessions of the Summit, shall ensure the respect for and the implementation of the Pact by the 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 activities by his predecessor and his future successor in the framework of a « Troika »;

6. A Member State that is unable or unwilling to honour its obligations under this Pact shall account for its failure before the Summit which will determine the consequences for such failure;
7. 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.

Article 24

The Regional Inter-Ministerial Committee

1. The Inter-Ministerial Committee shall be the Executive organ of the Conference. It shall meet in 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;
2. The meetings of the Inter-Ministerial Committee 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 Inter-Ministerial Committee shall be preceded by a meeting of senior officials of the Member States;
3. The Committee shall determine strategies for implementing this Pact and shall carry out regular monitoring of its implementation;
4. It shall submit to the Summit a periodic report on the implementation of the Pact;
5. 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;

6. It shall examine and submit to the Summit the draft budget as well as the reports and the work plans of the Conference Secretariat and affiliated institutions;
7. It may, in the interval between the ordinary sessions of the Summit, make such budgetary, administrative and operational adjustments as the Summit may delegate;
8. Decisions of the Inter-Ministerial Committee 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.

Article 25

Ad-hoc Group of Experts

The Inter-Ministerial Committee may nominate an ad-hoc group of a maximum number of six independent experts composed of men and women in equal numbers and of high moral integrity, whose mission shall be to:

- a) Prepare and submit to the Summit a special report on the specific problems encountered by the Member States in implementing the Pact;
- b) Fulfill any other functions as determined by the Summit.

Article 26

Conference Secretariat

1. The Conference Secretariat shall be the technical arm and coordinating 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;

2. The Executive Secretary shall be responsible for:
 - a) Ensuring the implementation of the decisions of the Summit and the Inter-Ministerial Committee, and reporting on it;
 - b) Ensuring the promotion of the Pact and the execution of the Programmes of Action, Protocols and activities falling under his direct responsibility;
 - c) Organising the meetings of the Summit, the Inter-Ministerial Committee and of the other Conference structures and forums;
 - d) Harmonizing the implementation of the Conference activities falling under the responsibility of the relevant regional economic communities, as well as the decentralised and affiliated institutions;
 - e) Drawing up programmes of activities and the budget of the Conference Secretariat, and ensuring their implementation after approval by the Inter-Ministerial Committee.
3. The Executive Secretary may seek technical assistance from the African Union, the United Nations, and cooperating partners and organisations;
4. 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 Region and by any other resources identified by the Conference;
5. The method of calculating the contributions of Member States and the currency in which they are paid shall be determined by the Inter-Ministerial Committee;

6. The recruitment of senior officials of the Secretariat shall respect the principle of the balanced representation, and will be done on a rotating basis among citizens of the Member States.

Article 27

National Coordination Mechanisms and Collaborative Mechanisms

1. Each Member State shall establish a National Coordination Mechanism to facilitate the implementation of this Pact in that Member State;
2. Collaborative Mechanisms shall be established by the Inter-Ministerial Committee to coordinate the implementation of the Pact in cooperation with the Member States, the regional economic communities and the relevant regional institutions.

Chapter VI. Peaceful Settlement Of Disputes

Article 28

The duty to Settle Disputes Peacefully

1. The Member States undertake to settle their disputes peacefully;
2. For this purpose, the Member States undertake to settle disputes through negotiation, good offices, investigation, mediation, conciliation or any other political means within the framework of the Conference's Regional Follow-up Mechanism;
3. The Member States undertake to have recourse to the means of settling disputes described in paragraph 2 above before having recourse to any other political, diplomatic or judicial mechanisms;
4. The Member States may resort to the means of peaceful settlement provided for in the United Nations Charter and in the Constitutive Act of the African Union after recourse to the peaceful settlement of disputes in paragraphs 2 and 3 above.

Article 29

Disputes Concerning the Interpretation and Application of the Pact

The Member States agree to submit any dispute which may arise between them in relation to the interpretation or application of all or part of the Pact to the African Court of Justice if recourse to the means referred to in Article 28 (2),(3)(4) turn out to be unsuccessful.

Chapter VII. Final Provisions

Article 30

Signature and Ratification

1. This Pact shall be open for signature and ratification by all the Member States of the Conference;
2. Instruments of ratification shall be deposited with the Conference Secretariat.

Article 31

Non-selectivity and Reservations

1. The Member States agree to apply all the provisions of this Pact according to the principle of non-selectivity;
2. No reservations may be entered to this Pact.

Article 32

Deposit and Registration

1. The United Nations Secretary General shall be the depositary of this Pact;
2. The Conference Secretariat shall make arrangements for depositing this Pact,

upon its entry into force, with the Secretary General of the United Nations and with the Chairperson of the Commission of the African Union.

Article 33

Entry into force

1. This Pact shall enter into force thirty days after the receipt by the Conference Secretariat of the eighth instrument of ratification;
2. For any State which has ratified the Pact after the date on which the eighth instrument of ratification has been received by the depositary, this Pact shall enter into force on the thirtieth day after the date of receipt by the Conference Secretariat of its instrument of ratification.

Article 34

Amendments and Revision

1. Any Member State that has ratified this Pact may propose amendments to, or revision, of this Pact;
2. A proposal for amendment or revision shall be submitted in writing to the Conference Secretariat that shall forthwith inform the other Member States of such a proposal;
3. The proposal for amendment or revision of the Pact shall be submitted to the Member States at least six months before the next session of the Summit at which it is proposed for adoption;
4. The decision to amend or revise the Pact shall be agreed by a qualified majority of eight of the eleven Member States present and voting;

5. An Amendment or revision adopted in accordance with paragraph 4 of this Article shall be circulated by the Conference Secretary to all the Member States for their acceptance. Instruments of acceptance of amendments or revision shall be deposited with Conference Secretariat;
6. The revision or amendment shall enter into force in respect of all the Member States 30 days after the receipt by the Conference Secretariat of the eighth instrument of acceptance;
7. Never the less, projects and budgets agreed within the framework of the Programmes of Action, Protocols, and the Regional Follow-up Mechanism may be amended without recourse to the amendment or revision procedure provided for above.

Article 35

Withdrawal

1. A Member State that has ratified this Pact may withdraw from it at any time after ten years from the date on which this Pact entered into force in relation to such a Member State, by giving written notification of the decision to withdraw to the depositary;
2. Any such withdrawal shall take effect after one year from the date of receipt by the depositary of the notification of withdrawal.

In witness whereof, we, the Heads of State and Government of the International Conference on the Great Lakes Region, have solemnly signed this Pact in five original versions, in Arabic, English, French, Portuguese and Kiswahili, all versions being equally authentic.

Done at Nairobi, Kenya, on/...../.....

- | | |
|---|---|
| 1. H.E. JOSE EDUARDO DOS SANTOS
President of the Republic of Angola | 2. H.E. PIERRE NKURUNZIZA
President of the Republic of Burundi |
| 3. H.E. FRANCOIS BOZIZE
President of the Central African Republic | 4. H.E. DENIS SASSOU-NGUESSO
President of the Republic of Congo |
| 5. H.E. JOSEPH KABILA
President of the Democratic Republic of Congo | 6. H.E. MWAI KIBAKI
President of the Republic of Kenya |
| 7. H.E. PAUL KAGAME
President of the Republic of Rwanda | 8. H.E. OMER HASSAN AHMED EL-BASHIR
President of the Republic of the Sudan |
| 9. H.E. JAKAYA MRISHO KIKWETE
President of the United Republic of Tanzania | 10. H.E. YOWERI KAGUTA MUSEVENI
President of the Republic of Uganda |
| 11. H.E. LEVY MWANAWASA
President of the Republic of Zambia | |