

Chapter 9

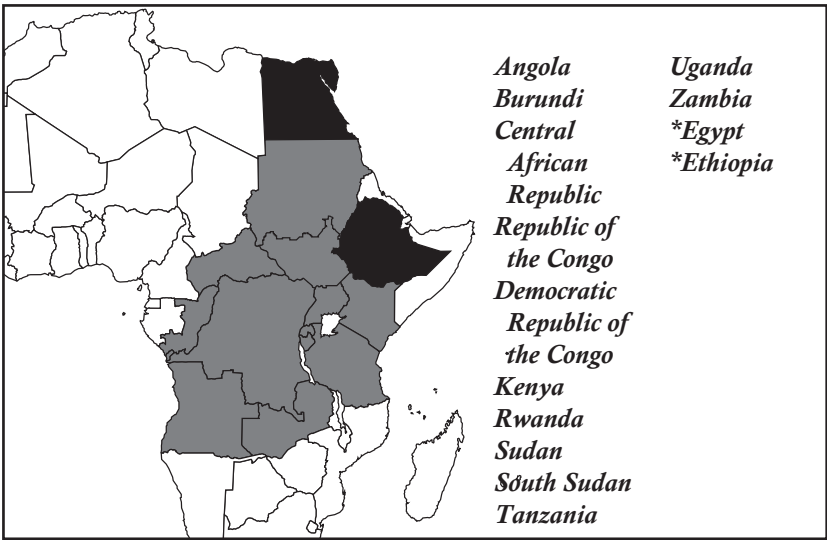
The International Conference on the Great Lakes Region

1 Introduction

The International Conference on the Great Lakes Region (ICGLR) is an intergovernmental organisation in the Great Lakes Region founded to enhance peace and security cooperation. The ICGLR was founded in 2004 pursuant to United Nations Security Council Resolutions 1291 (2000) and 1304 (2000) which first called for an international conference on peace and security in the Great Lakes Region. At the first Summit of Heads of State and Government held in Dar-es-Salaam between 19-20 November 2004, the ICGLR was formally established with the adoption of the Dar-es-Salaam Declaration on Peace, Security and Development in the Great Lakes Region. Since its founding, the ICGLR has adopted several instruments on regional peace and security including a non-aggression and mutual defence pact and a protocol on democracy and good governance.

The ICGLR is based on four founding priority policy options and guiding principles, namely cooperation in the fields of: peace and security; democracy and good governance; economic development and regional integration; and humanitarian and social issues. The ICGLR consists of four principal organs: the Summit, composed of the Heads of State and Government of the member states and is the supreme decision-making organ of the ICGLR; the Regional Inter-Ministerial Committee, the executive organ of the ICGLR; and the Executive Secretariat. The ICGLR consists of 11 states, with Ethiopia and Egypt as coopt members (indicated by an asterisk below).

Member States



2 Treaties

Dar-es-Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region (2004/2004)

Full title: Das-es-Salam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region
Date/place of adoption/conclusion: 20 November 2004, Dar es Salam, Tanzania
Entered into force (EIF): 20 November 2004
EIF provision: Paragraph 82
Authentic texts: Arabic, English, French, Portuguese
Available online at: https://bit.ly/2W0W1XW

*Excerpts***I. Preamble**

1. We, the Heads of State and Government of Member countries of the International Conference on the Great Lakes Region, meeting in Dar-es-Salaam, on 19 and 20 November 2004, under the auspices of the United Nations and the African Union;
2. **Deeply concerned** about the endemic conflicts and persistent insecurity caused or aggravated by, inter alia, economic stagnation and poverty aggravation, mistrust and suspicion between governments, massive violations of human rights and other policies of exclusion and marginalisation, gender inequality, use of violence for conquering and conserving power, impunity of crimes of genocide, crimes against humanity, war crimes, illicit trafficking of small arms and light weapons, proliferation of armed groups, organized crime and illegal exploitation of natural resources; **recognising** the efforts undertaken at national, regional and international level to resolve these endemic problems;
3. **Recalling** that the causes of conflict and insecurity in the region can also be found in our history, including, inter alia, pre-colonial, colonial and post-colonial eras;
4. **Aware** of the need to respect democracy and good governance, the fundamental principles enshrined in the UN Charter and the Constitutive Act of the AU such as territorial integrity, sovereignty, non-interference and non-aggression, prohibition of any Member State from allowing the use of its territory as a base for aggression and subversion against another Member State, as well as the need for effective and sustained political will to jointly seek peaceful solutions and especially to honour our commitments in a spirit of mutual trust;
5. **Conscious** that the crises and conflicts affecting one country can rapidly spread to another, and even to the entire region, owing to the close links existing between our peoples;
6. **Deeply concerned** about the humanitarian and social consequences of crises and armed conflicts especially violations of the human rights of women, children, the elderly, the disabled and youth, the recruitment and use of child soldiers in armed conflicts, the sexual violence and exploitation of girls and women and their use as sexual slaves, the forced displacement of populations, the vulnerability of communities living at the borders, the destruction of basic services, especially the health and education infrastructures, the food insecurity and subsequent malnutrition of populations, the degradation of the eco-system and human settlements, and the strain on the allocation of national resources between the security and social sectors;

7. **Concerned** about the impact of armed conflicts on the environment, particularly the effect of refugees and internally displaced persons on the degradation of the ecosystem of the Congo River Basin and the African Great Lakes region, and **fully aware** of the link between peace, environment and development;
8. **Deeply concerned** over the lack of full application of essential legal instruments contained in International Humanitarian Law and some basic principles, notably those concerning refugees and displaced persons, leading to serious breaches in the protection of, and delivery of humanitarian assistance to, affected populations;
9. **Concerned** over the HIV/AIDS scourge, the spread of Malaria, Tuberculosis and other infectious diseases, the high illiteracy rate, and their consequences on human development;
10. **Aware** of the lag in economic development and regional integration linked to, among other factors, unsound policy choices, mixed results of structural adjustment programmes, the mismanagement of public resources, the unsustainable debt burden and the destructive effects of war;
11. **Considering** that the discrimination against women, particularly at decision-making levels, in the areas of peace and security, democracy and political, economic and social governance calls for a deliberate, immediate and sustainable redress;
12. **Aware** of the fact that political leaders need to work individually and collectively towards reconstruction and development of the region and to promote a future of peace, stability and prosperity;
13. **Convinced** that the best way to build a viable future for all is through reestablishment of interstate and intrastate relations based on trust, revitalisation of cooperation and integration, within the framework of a regional and inclusive vision for the promotion of sustainable peace, security, democracy and development;

II. Vision

14. **Declare** our collective determination to transform the Great Lakes Region into a space of sustainable peace and security for States and peoples, political and social stability, shared growth and development, a space of cooperation based on the strategies and policies of convergence within the framework of a common destiny which we are determined to build, in line with the aspirations of our peoples, in conformity also with the AU Vision and Mission, with the full participation of all our peoples, and in partnership with the United Nations, the African Union, and the International Community as a whole;
15. **Reaffirm** our commitment to achieving this common destiny with strict compliance to the UN Charter, the Constitutive Act of

the African Union, the Universal Declaration on Human Rights, the African Charter on Human and Peoples' Rights, as well as all relevant international and regional legal instruments;

16. **Commit** ourselves to build a Great Lakes Region that is open to other regions of the Continent, by building our cooperation on priority areas: Peace and Security, Democracy and Good Governance, Economic Development and Regional Integration, Humanitarian and Social Issues and to achieve our vision through the priority policy options, guiding principles and mechanisms hereunder;

III. Priority Policy Options and Guiding Principles

Peace and Security

Commit ourselves to:

17. **Fully support** the national peace processes in the region and refrain from any acts, statements or attitudes likely to negatively impact them, including through the media;
18. **Strengthen** bilateral and regional cooperation, through the adoption and effective implementation of Non-Aggression and Common Defence Pacts;
19. **Establish** an effective regional security framework for the prevention, management and peaceful settlement of conflicts and, to this end, evaluate regularly relevant sub-regional initiatives and mechanisms and adapt them while encouraging appropriate traditional structures;
20. **Fight** genocide in the Great Lakes region and hereby **undertake** to neutralize, disarm, arrest and transfer to relevant international tribunals the perpetrators of genocide, including the forces that committed genocide in Rwanda in 1994, and any such other forces that may occur in future in accordance with the 1948 Genocide convention and relevant United Nations Security Council resolutions;
21. **Strengthen** cooperation in the area of defence and security and promote confidence building by establishing policies, measures and mechanisms aimed at enhancing good neighbourliness and multi-sectoral cooperation;
22. **Promote** common policies to put an end to the proliferation of illicit small arms and light weapons, as well as anti-personnel mines and, in that regard, **harmonize** and ensure the implementation of existing agreements and mechanisms;
23. **Ensure** security at common borders within the context of trans-border proximity management strategies, in consultation with the populations of these areas;
24. **Prevent** any direct or indirect support, delivery of arms or any other form of assistance to armed groups operating in the region, and **deny**

- use** of any territory by armed groups to carry out acts of aggression or subversion against other Member States;
25. **Adopt and implement**, in an effective and sustainable way, national disarmament, demobilisation and reintegration programmes (DDR) and, where applicable, **ensure** regional coordination for repatriation and resettlement components (DDRRR), taking into account the special needs of former child soldiers and female ex-combatants;
 26. **Intensify** the fight against trans-border crime and terrorism and, to this end, implement measures against impunity through regional mechanisms set up to monitor the enforcement of relevant international Conventions;
 27. **Protect** vulnerable groups, women, children, the elderly, the disabled and the sick, the refugees and displaced persons, involving them in our peace efforts, addressing issues of sexual violence, implementing a Regional Strategy against the HIV/AIDS pandemic as a peace and security issue, in conformity with the relevant regional and international political and legal mechanisms, including Resolutions 1308 and 1325 of the United Nations Security Council, creating conditions for protecting the youth from all sorts of manipulation, particularly during armed conflicts;

Democracy and Good Governance

Commit ourselves to:

28. **Promote**, in our States and in the region, policies and strategies based on respect of values, principles and norms of democracy and good governance, as well as observance of human rights;
29. **Combat** all discriminatory ideologies, policies and practices and any acts of genocide, massacres, terrorism, racism, ethnicism, exclusion, as well as any other forms of violence or crime;
30. **Develop** common policies and programmes in civic education, free movement of persons, freedom of expression and free exchange of ideas and information;
31. **Promote** policies of national unity based on multiculturalism, tolerance, the culture of peace and dialogue, to build a common destiny on shared African cultural values;
32. **Put in place** national and regional policies based on democracy and good governance aimed at consolidating the rule of law, building capacity in leadership, ensuring the transparency of electoral processes, strengthening the efficiency of legal and security services, promoting new Information and Communication Technologies (ICT);
33. **Promote** effective participation of the different socioeconomic actors, specifically the private sector, civil society, women and youth

- in the consolidation of democracy and good governance, particularly through the promotion of good governance at local level, and the emergence of independent and responsible media;
34. **Encourage** the Member States of the Conference to adhere to the NEPAD African Peer Review Mechanism and **establish** regional bodies on adherence to international conventions on human rights and on criminal practices such as illicit trafficking of small arms and light weapons and on the illegal exploitation of natural resources in the Great Lakes Region;
 35. **Adopt** deliberate policies and mechanisms for promoting gender equality at all levels and in all sectors, at the national and regional levels, in accordance with the Millennium Declaration, the UN Security Council Resolution 1325 (2000), the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), the African Charter on Human and Peoples' Rights, the Protocol on the Rights of Women in Africa, the Beijing Platform for Action and the African Union's Declaration on Gender Equality in Africa;
 36. **Encourage** political and legal cooperation between States of the region to address crimes, particularly genocide, crimes against humanity, war crimes and terrorism;

Economic Development and Regional Integration

Commit ourselves to:

37. **Promote** a shared vision of economic development and regional integration that supports comprehensive and sustainable development;
38. **Attain** regional integration through working towards the harmonisation of economic cooperation instruments, and **adopt** strategies for macro-economic convergence, and the implementation of regional policies for the free movement of people, goods and services;
39. **Cooperate** in enhancing economic growth through economic integration and addressing the major challenges faced by the countries, particularly by incorporating an integrated strategy to ensure regional reconstruction of productive sectors and infrastructure;
40. **Establish or strengthen** regional legal, administrative and institutional frameworks and develop capacity for regional integration;
41. **Build** a unified economic space for enhanced economic efficiency and for the eradication of poverty, and achieving sustainable economic development;
42. **Promote** growth and development through revitalisation and harmonization of existing regional integration organisations and the

- establishment of trans-border poles/zones;
43. **Adopt** regional policies for the promotion of a vibrant, socially responsible private sector within an environment that is conducive to investments through, inter alia, a mechanism for the integration of the informal sector into the mainstream economy;
 44. **Promote** regional policies and strategies for the diversification and enhancement of sources of income, competitiveness of productive sectors, rational management of land resources, sustained and sound management of vital regional natural and environmental resources such as aquatic ecosystems, mineral deposits and forests of the Congo Basin, as well as sustainable human settlements;
 45. **Promote** regional cooperation in trade, monetary policies, energy, transport, tourism, culture, environment, Information and Communication Technologies, as well as in telecommunications, with an emphasis on railways, oil pipelines, submarine cables and optic fibre network interconnections;
 46. **Elaborate** a regional strategy for the development of agriculture, fisheries, livestock breeding and agro-industry, as well as irrigation policies aimed at reducing dependence on rainfall patterns and climatic changes;
 47. **Promote** cooperation in scientific research and in the social sector, particularly in the fields of education and health, with a view to harmonizing programmes or policies, promoting exchange, fostering rational management of human resources, curbing brain drain and improving living conditions;
 48. **Formulate** national and regional policies that promote the employment of women and youth and **develop** appropriate regional financing mechanisms so as to give them more access to micro-finance institutions, investment opportunities in trade and control of factors of production such as land, property and capital;
 49. **Formulate** policies and strategies for increased added value through the processing of our raw material and **promote** knowledge-based activities, as well as service industries, such as tourism, banking and insurance;
 50. **Harmonise** regional policies and mechanisms for the management of the environment, especially of national parks and protected ecosystems, in respect of international conventions and norms on the matter;
 51. **Pursue** a collective regional strategy on enhanced access to international markets as well as accelerated integration of the regional market;
 52. **Adopt, promote and support** the formulation of balanced rural and urban development strategies and policies at national and regional levels;

53. **Engage** the International Community, especially the UN and all its agencies, the AU and relevant Regional Economic Communities, International Financial Institutions, the Group of Friends of the Great Lakes Region and other Development Partners, to support the countries of the region in declaring the Great Lakes Region a “Specific Reconstruction and Development Area” with a Special Fund for Reconstruction and, within this framework, **pledge** to mobilise resources available in the region;
54. **Strongly appeal** to partners for total debt cancellation given the special post-conflict problems of reconstruction and development in the region;
55. **Establish and strengthen** national and regional mechanisms to mainstream gender issues in all sectors of economic development;

Humanitarian and Social Issues

Commit ourselves to:

56. **Strictly comply** with obligations and principles of the Universal Declaration of Human Rights, and **ratify, implement** at the national level and **operationalise** all relevant and related international and regional human rights instruments;
57. **Comply** with the obligations and principles of the 1951 UN Convention Relating to the Status of Refugees and the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa;
58. **Respect and use** the Guiding Principles on Internally Displaced Persons as proposed by the UN Secretariat, **harmonise** all the relevant pieces of legislation and **define** a national and regional framework for the monitoring and follow-up of the standards contained therein and which relate to the access and protection of disaster victims, internally displaced persons, women and children who are victims of conflicts;
59. **Strictly adhere** to the norms and principles of International Humanitarian Law and related conventions, inter-alia, the Geneva Conventions of 1949 on the protection of civilians in times of conflict and the provision of humanitarian assistance, including full and free access to all persons requiring assistance;
60. **Guarantee** the safety of humanitarian personnel in accordance with the 1994 Convention on the Safety of United Nations and Associated Personnel, and Resolution 1502 of the United Nations Security Council, with the understanding that international humanitarian organisations respect the national laws of the countries where they intervene;
61. **Address** the root causes of and **find** lasting solutions to, the

- protracted problems of displaced and refugee populations, notably with regard to their peaceful co-existence with resident populations, their voluntary repatriation and return or local integration, with the full involvement of the local authorities and host populations, and within the framework of tripartite agreements where applicable; **encourage** countries of origin to create the conditions conducive to the return of refugees;
62. **Encourage** the International Community in assisting host communities and refugee affected areas, in the spirit of burden sharing, in mitigating the adverse effects of protracted refugee presence;
 63. **Establish** a regional mechanism and national systems enabling the identification, disarmament and separation of combatants from civilian refugees and displaced persons, and their confinement in distinct facilities to prevent them from manipulating refugees and displaced persons for political or military purposes;
 64. **Apply** the Ottawa Convention on anti-personnel landmines and **ensure** the clearing of mines, including in areas inhabited by refugees, returnees and displaced persons and locate camps at a reasonable distance from the borders, as stipulated in the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and relevant conclusions of the Executive Committee of the Programme of the UN High Commissioner for Refugees endorsed by the UN General Assembly;
 65. **Establish** a regional early warning and rapid response mechanism for natural and man-made disasters and build capacities for environmental restoration in areas degraded by the settlement of refugee and displaced populations;
 66. **Prohibit** the recruitment of children into armed forces or their participation in any manner in hostilities, including support roles, and to this end, accede to and implement, through domestic legislation in internal legal systems, the relevant provisions of the African Charter on the Right and Welfare of the Child, the optional Protocol to the Convention of the Rights of the Child and the relevant recommendations of the Special Representative of the UN Secretary-General on Children in Armed Conflict; **take** all necessary measures to ensure that former child soldiers are exempted from compulsory military service, reunited with their families, reintegrated into their communities, rehabilitated, counselled and resettled;
 67. **Set up** regional mechanisms, including relevant traditional support mechanisms, aimed at providing psychosocial support, medical and legal assistance to women and girls who are victims of rape as well as other acts of sexual violence and exploitation;
 68. **Adopt** a common regional approach for the ratification and

implementation of the UN Conventions on Statelessness, **harmonize** related national laws and standards, and **provide** refugees and displaced persons with identification documents enabling them to have access to basic services and exercise their rights;

69. **Ensure** that refugees and displaced persons, upon return to their areas of origin, recover their property with the assistance of the local traditional and administrative authorities;
70. **Allocate** funds from debt cancellation with priority given to programmes of rehabilitation and reconstruction of social and educational infrastructure, as well as rural development;
71. **Promote** preventive strategies to curb the spread and reduce the impact of endemic diseases such as HIV/AIDS, Malaria and Tuberculosis, and **reduce** the impact of the said diseases by strengthening regional initiatives, especially the Great Lakes Initiative on AIDS (GLIA), the Congo-Ubangui and Chari River Countries Initiative on HIV/AIDS, to facilitate access to medical intervention and to reinforce the collaboration, coordination and sharing of information among the region's States;
72. **Make** the Millennium Development Goals (MDGs) a reference for the development of integrated policies aimed at eradicating poverty phenomena;
73. **Develop and promote** comprehensive curricula on the culture of Peace in the educational systems;
74. **Promote** the use of Kiswahili as a working language in the Great Lakes region;

IV. Follow-Up Mechanism

We decide to:

75. **Give meaning** to our shared vision for the Great Lakes Region and, to this end, **hold** more regular political consultations to consolidate and materialize our cooperation in the form of a Pact on Security, Stability and Development to be adopted at the Second Summit of the International Conference on the Great Lakes Region scheduled for 2005 in Nairobi;
76. **Set up** a Regional Inter-Ministerial Committee, mandated to prepare selected, concrete, achievable and measurable draft Protocols and programmes of action together with specific short, medium and long-term objectives; the Committee is assisted by the Regional Preparatory Committee, enhanced with representatives of the Civil Society, women, youth and other reputable experts with at least one third of women representatives; the Draft Protocols and Programmes of Action will be submitted to the Second Summit and will form with this Declaration, the Pact on Security, Stability and Development in the Great Lakes Region;

77. **Direct** the Regional Inter-Ministerial Committee to take into account the recommendations emanating from the meetings of the Regional Preparatory Committee, other special regional meetings as well as meetings related to the preparation of the Conference, including the First Ladies Forum;
78. **Further direct** the Regional Inter-Ministerial Committee to include in the Draft Protocols and programmes of action, practical modalities for the implementation, regular monitoring and periodic evaluation of the different components of the Pact, at national and regional levels;
79. **Recommend** that the Regional Inter-Ministerial Committee work in close collaboration with the UN, the AU, relevant Regional Economic Communities, development partners and the Group of Friends of the Great Lakes Region;

V. Final Provisions

80. **Invite** the Group of Friends of the Great Lakes Region to continue their commendable diplomatic, political, technical and financial support in order to help create conditions conducive to the implementation of this Declaration and for the requisite preparation of decisions of the Second Summit;
 81. **Further invite** the UN and the AU in consultation with the host country of our First Summit and with the support of the Group of Friends of the Great Lakes Region, to assist Member States of the Conference to implement the Declaration until the Second Summit of the Conference;
 82. **Declare** that the present Declaration takes effect immediately and undertake to respect and implement its provisions.
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Pact on Security, Stability and Development in the Great Lakes Region (2006/2008)

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

Date/place of adoption/conclusion: 15 December 2006, Nairobi, Kenya

Entered into force (EIF): 21 June 2008

EIF provision: Article 33

Authentic texts: Arabic, English, French, Portuguese, Kiswahili

Available online at: <https://bit.ly/3iJeIcg>

Excerpts

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 twelve 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 twelve 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 South Sudan, 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.

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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 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 twelve 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 twelve Member States present and voting in cases of nonprocedural 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.

...

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 twelve 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.

...

Protocol on Non-Aggression and Mutual Defence in the Great Lakes Region (2006/2008)

Full title: Protocol on Non-Aggression and Mutual Defence in the Great Lakes Region

Date/place of adoption/conclusion: 30 November 2006

Entered into force (EIF): 21 June 2008 (for those member states who ratified the Pact)

EIF provision: Article 10

Authentic texts: English

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Excerpts

Preamble

We, Heads of State and Government of the member States of the International Conference on the Great Lakes Region:

Deeply concerned by the recurrent conflicts and persistent insecurity within and between the States of the Great Lakes Region, while recognising the efforts and initiatives undertaken at the national, regional and international level to resolve these conflicts and promote security;

Reaffirming our commitment, subscribed to in the Declaration on Peace, Security, Democracy and Development in the Great Lakes Region, adopted in Dar-es-Salaam (United Republic of Tanzania) on 20 November 2004 to make this region "... a space of sustainable peace and security for States and peoples, political and social stability, shared growth and development";

...

Reaffirming that the obligation of non-interference in the internal affairs of any State and that of refraining in international relations from any military, political, economic or other form of coercion aimed against the sovereignty, political independence or territorial integrity of any State in accordance with international law, are essential conditions for ensuring peace, security, stability and development in the Great Lakes Region;

Mindful of the responsibility of States to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, and gross violations of human rights in the Great Lakes Region;

Reaffirming the strict obligation of each State not to permit the use of its territory as a base for subversion or aggression against other States;

Reaffirming further the duty of all States to settle their international

disputes by peaceful means in accordance with international law;

Agree as follows:

Article 1: Definitions

In this Protocol, unless the context otherwise requires, the following mean:

1. **Acts of Subversion:** any act that incites, aggravates or creates dissension within or among Member States with the intention or purpose of destabilizing or overthrowing the existing regime or political order by, among other means, fomenting racial, religious, linguistic, ethnic or other differences, in a manner inconsistent with the Constitutive Act of the African Union, the African Union Non-Aggression and Common Defence Pact, or the Charter of the United Nations.
2. **Aggression:** the use, intentionally and knowingly, of armed force or any hostile act, as referred to in Article 1(3)(g to k), perpetrated by a State, a group of States, an organization of States or an armed group or by any foreign or external entity, against the sovereignty, political independence, territorial integrity and human security of the population of a Member State, contrary to the Constitutive Act of the African Union, the African Union Non-Aggression and Common Defence Pact or the Charter of the United Nations.
3. The following shall constitute acts of aggression, regardless of a declaration of war by a State, group of States, organization of States, or armed groups, or by any foreign entity whatsoever:
 - (a) a. The use of armed forces against the sovereignty, territorial integrity and political independence of a State, or any other act inconsistent with the provisions of the Constitutive Act of the African Union, the African Union Non-Aggression and Common Defence Pact, or the Charter of the United Nations;
 - (b) b. The invasion or attack by armed forces against the territory of a Member State, or military occupation, however temporary, resulting from such an invasion or attack, or any annexation by the use of force of the territory of a Member State or part thereof;
 - (c) c. The bombardment of the territory of a Member State or the use of any weapon against the territory of a Member State;
 - (d) d. The blockade of the ports, coasts or airspace of a Member State;
 - (e) e. The attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of a Member State;
 - (f) f. The use of the armed forces of a Member State which are within the territory of another Member State with the agreement of the latter, in contravention of the conditions provided for in the African Union Non-Aggression and Common Defence Pact;
 - (g) g. The action of a Member State in authorising its territory, to be

- used by another Member State for committing an act of aggression against a third State;
- (h) h. The sending by, or on behalf of a Member State, or the provision of any support to armed groups, mercenaries, and other organized transnational criminal groups which might carry out hostile acts against a Member State, of a gravity comparable to the acts listed above, or its substantial involvement therein;
 - (i) i. Acts of espionage which could be used, contrary to Article 7(4), for military aggression against a Member State;
 - (j) j. Technological assistance of any kind, intelligence and training given to another State for use, contrary to Article 7(4), with the aim of committing acts of aggression against another Member State; and
 - (k) k. The encouragement, support, harbouring or provision of any assistance for the commission of terrorist acts and other violent trans-national organized crimes against a Member State.
4. **Armed groups:** any armed groups that do not belong to, or are not officially incorporated into, the defence and security forces of Member States.
5. **Designated border security zones:** the following common border zones:
- (a) a. **Zone 1**, comprising the East of the Democratic Republic of Congo, the West of Uganda and the West of Rwanda;
 - (b) b. **Zone 2**, comprising the North of the United Republic of Tanzania, the South of Uganda, and the South-West of Kenya;
 - (c) c. **Zone 3**, comprising the North-East of Uganda, the North-West of Kenya, and the South-East of Sudan;
 - (d) d. **Zone 4**, comprising the North-West of Uganda, the North-East of the Democratic Republic of Congo, and the South-West of Sudan in the West Nile border triangle;
 - (e) e. **Zone 5**, comprising the North of the Democratic Republic of Congo, the South-West of Sudan, and the South-East of the Central African Republic;
 - (f) f. **Zone 6**, comprising the North-West of the Democratic Republic of Congo, the North-East of the Republic of Congo, and the South-West of the Central African Republic;
 - (g) g. **Zone 7**, comprising the North-West of Angola, the West of the Democratic Republic of the Congo and the South of the Republic of Congo;
 - (h) h. **Zone 8**, comprising the North-West of Zambia, the South of the Democratic Republic of Congo, and the East of Angola;
 - (i) i. **Zone 9**, comprising the West of the United Republic of Tanzania, the South of Burundi, the North of Zambia and the South-East of the Democratic Republic of Congo;
 - (j) j. **Zone 10**, comprising the East of the Democratic Republic of Congo, the West of Burundi, and the West of Rwanda;
 - (k) k. **Zone 11**, comprising the North-West of the United Republic of Tanzania, the South-West of Uganda, and the East of Rwanda;

and

- (l) 1. **Zone 12**, comprising North-West of the United Republic of Tanzania, the South-East of Rwanda, and the North-East of Burundi.

Article 2: Objectives

The objectives of this Protocol are to:

1. Resolve and prevent internal and inter-state armed conflicts, subversive activities and serve as a legal framework for eradicating persistent insecurity of any kind within and between Member States;
2. Eliminate threats to peace, security, stability and sustainable development in the Great Lakes Region through collective security;
3. Ensure respect for the sovereignty and security of States, the inviolability of borders and the territorial integrity of States;
4. Safeguard human and people's rights, gender equity, the rule of law, democracy, and sustainable development in the Great Lakes Region;
5. Ensure that disputes between Member States and, between Member States and armed groups are resolved by peaceful means;
6. Ensure that any Member State is prevented from permitting the use of its territory as a base for aggression or subversion perpetrated against another Member State;

Article 3: Renunciation of the Threat or Use of Force by Member States

1. Member States agree to renounce any resort to the threat or use of force as policies, means, or instrument of settling any differences, disputes, or the pursuit of national objectives.
2. This renunciation is without prejudice to the primary responsibility of Member States to preserve the integrity of their sovereignty and to protect the lives and human rights of all persons and all peoples, including women and children, residing within their territories.
3. Member States shall assume primary responsibility for not permitting the use of their territories as a base for any form of aggression or subversion against another Member State.
4. Member States undertake to criminalize any act of aggression or subversion against other States by individuals or groups operating in their respective States.

Article 4: Prohibition on the Threat or Use of Force by Member States

1. Member States undertake to refrain, in their international relations, from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Charter of the United Nations, the Constitutive Act of the African Union, the relevant resolutions of the Security

Council of the United Nations and the African Union Peace and Security Council.

2. Member States agree strictly to abide by the duty of non-interference in matters which are within the domestic jurisdiction of any State, in accordance with international law, the Charter of the United Nations, and the Constitutive Act of the African Union.
3. Any act, by a Member State, of sending its armed forces or armed or insurgent groups across the frontier of another State, without the agreement of that State, shall constitute a breach of the prohibition on the threat or use of force and the duty not to intervene in matters which are within the domestic jurisdiction of any State.
4. Any act by a Member State, of harbouring within its territory armed or insurgent groups engaged in armed conflict, violence, or subversion against the government of another State shall constitute a breach of the prohibition on the threat or use of force and the duty not to intervene in matters which are within the domestic jurisdiction of the said State.
5. Any act, by a Member State, of providing direct or indirect support whatsoever to armed groups engaged in armed conflict, violence, and/or, the unconstitutional overthrow of a Government of another State shall constitute a breach of the prohibition on the threat or use of force and the duty not to intervene in matters which are within the domestic jurisdiction of any State.
6. Member States undertake to refrain from acts of reprisal involving the threat or use of force against other States.
7. Member States agree that a breach of the obligations contained in the provisions of this article shall entail State responsibility for such a breach.
8. Member States agree that the provisions of this Article and Article 5 of this Protocol shall not impair the exercise of their responsibility to protect populations from genocide, war crimes, ethnic cleansing, crimes against humanity, and gross violations of human rights committed by, or within, a State. The decision of the Member States to exercise their responsibility to protect populations in this provision shall be taken collectively, with due procedural notice to the Peace and Security Council of the African Union and the Security Council of the United Nations.

Article 5: Non-Aggression

1. Member States have a duty to refrain from acts and threats of aggression as defined in Article 1 (2) and (3) of this Protocol, as well as any propaganda related to such acts and threats.
2. Any use or threat of the use of force against the sovereignty, territorial integrity and political independence of a State, contrary

to Article 4, or in any manner not authorised by the Charter of the United Nations and the Constitutive Act of the African Union, shall amount to an act of aggression.

3. An act of aggression shall be punishable individually as an international crime against peace as set out in the regional and international legal instruments defining such a crime.
4. Member States shall counter acts of aggression committed against any one of them by armed groups, taking into account the provisions of Articles 6 and 8 of this Protocol.

Article 6: Mutual Defence

1. Member States retain the inherent right to individual or collective self-defence in the event of an armed attack, according to Article 51 of the Charter of the United Nations.
2. A Member State which resorts to self-defence shall determine that its territory has been subject to an armed attack, and shall notify the other Member States, the Peace and Security Council of the African Union, and the Security Council of the United Nations of such an attack.
3. Member States agree that any armed attack against one or more of them shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence will assist the State or States so attacked by taking forthwith, individually or in concert with the other Member States, such action as it deems necessary, including the use of armed force, to restore and maintain the peace, security, stability, and development of the Great Lakes Region.
4. Member States agree to build their joint capacity for mutual assistance and defence aimed at enabling collective and effective responses to armed attacks against one or more of them by utilising the command structures of the African Intervention Force.
5. Member States shall promote and enhance mutual defence by creating a climate of confidence, trust, and good faith between themselves and their peoples by formulating policies, measures and mechanisms aimed at enhancing good neighbourliness and multi-sectoral cooperation.

Article 7: Regional Responsibility for Managing Common Border Security

1. Member States undertake to assume regional responsibility for the management of the security of their common borders within the context of trans-border proximity management strategies, with the active participation of the populations or communities straddling

border areas, according to Article 23 of the Dar-es-Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region.

2. Member States agree that the existing bilateral arrangements or instruments on border security are integrated into the framework of this Protocol.
3. Member States agree that the management of border security shall be undertaken on the basis of joint regional responsibility and the pooling of resources in each of the designated border security zones.
4. Member States undertake in particular to pool intelligence, resources, capacities and competences, in order to secure their common borders effectively and efficiently in all the designated border security zones, in a spirit of good faith, cooperation, mutual respect, trust, confidence and good neighbourliness.
5. Member States agree to establish border security patrols along their common border zones.
6. Member States agree that the following principles are applicable to maintain border security in all zones:
 - (a) a. The intangible character of the boundaries existing at the time of independence;
 - (b) b. The duty of neighbouring States to delimit and to demarcate existing boundaries strictly in keeping with the territorial frontiers in existence at the time of independence;
 - (c) c. The role of borders in setting the outer limits to the sovereignty, authority, competence, and jurisdictions of neighbouring States;
 - (d) d. The duty to respect and to maintain the inviolability of borders by ensuring that armed forces and armed groups do not cross the borders of a Member State without the notification and consent of the neighbouring State concerned;
 - (e) e. The duty to refrain, subject to the right of individual or collective self-defence, from the threat or use of force in violation of the existing international borders of another State to resolve any disputes, particularly territorial disputes and frontier incidents.
7. Member States agree to establish mechanisms for the joint control, surveillance and management of common borders, such as the Joint Border Commissions.

Article 8: Measures against Armed Groups

1. Member States hereby denounce all armed groups in the Great Lakes Region and repudiate any association with such groups, and agree to strictly combat all activities undertaken by such groups.
2. Member States guarantee to prohibit armed groups from using their territories as a base for carrying out armed attacks, committing acts of aggression or subversion, against the sovereignty, security, territorial integrity and political independence of any Member State.

3. Member States undertake not to give any help, directly or indirectly, actively or passively, to armed groups operating against any Member State.
4. Member States undertake to apprehend and disarm, far from their common borders, members of armed groups who use, or attempt to use, their territories to prepare, or mount armed attacks, and/or, conduct subversive activities against other States.
5. Member States undertake to intercept and disarm members of armed groups fleeing across their common borders, without prejudice to the obligations concerning the protection of refugees and the free movement of persons within the Great Lakes Region.
6. A Member State whose armed forces are engaged in the hot pursuit of armed groups shall inform and notify Member States towards whose territory the armed groups are fleeing, and shall request any such Member States to intercept, apprehend and disarm them.
7. A Member State unable or unwilling to intercept armed groups in flight or operating on its territory shall be encouraged to enter into bilateral agreements which specify the conditions under which the armed forces of another Member State may undertake the hot pursuit of the said armed groups, provided that such agreements shall be consistent with the objectives of this Protocol.
8. Member States shall ensure that all the members of an armed group which resorts to the threat or use of force as a policy to attain its objectives, or as a means of settling its disputes with a Member State, shall incur individual and collective criminal responsibility for the acts or omissions of the said armed group.
9. Member States agree to accord each other mutual assistance in prosecuting armed groups throughout the Great Lakes Region.
10. Nothing in the provisions of this Article shall affect the right of individual or collective self-defence in the event of an armed attack, or the failure, after notification or request, to intercept and disarm members of an armed group pursued by the defence and security forces of a Member State.
11. Member States agree that the failure by a Member State to abide by its obligations under paragraphs 1-6 of this Article shall constitute a fundamental breach of this Protocol and a threat to regional peace and security, for which such a Member State shall be held responsible by the other Member States or has to account for itself before the Summit of the Conference.

Article 9: Small arms and Light Weapons

1. Member States agree that the illicit proliferation of small arms and light weapons, including anti-personnel mines constitutes a threat to peace, security, and stability in the Great Lakes Region, and undertake

to promote common policies and strategies aimed at putting an end to this proliferation in accordance with the international agreements in force.

Article 10: Final provisions

1. This Protocol shall be an integral part of the Pact and shall not be subject to separate signature and ratification by the Member States.
2. For any Member State which has ratified the Pact in terms set out in Article 30 of the Pact, this Protocol shall automatically enter into force at the same time as the Pact in accordance with Article 33 of the Pact.
3. Nothing contained in this Protocol shall be construed to be contrary to the provisions of the Pact, the Constitutive Act of the African Union, and the Charter of the United Nations.

Protocol on Democracy and Good Governance (2006/2008)

Full title: Protocol on Democracy and Good Governance

Date/place of adoption/conclusion: 1 December 2006

Entered into force (EIF): 21 June 2008 (as per entry into force of the Pact)

EIF provision: Article 51

Available online at: <https://bit.ly/38GFJbV>

Excerpts

Preamble

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

Referring to the Dar-es-Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region adopted and signed in Dar-es-Salaam (United Republic of Tanzania) on 20 November 2004;

Mindful that the Dar-Es-Salaam Declaration lays the foundations for lasting peace and stability;

Affirming that, in accordance with the Constitutive Act of the African Union the scourge of conflicts in Africa is a major obstacle to the socio-economic development of the continent and that it is necessary to promote peace, security and stability, the preconditions to implementing

development and integration programmes;

Conscious of the fact that the accumulated deficits in the matter of democratization are at the origin of the conflicts in the Great Lakes Region;

Considering that the respect for human rights guarantees the consolidation of peace and security in the Great Lakes Region;

Mindful that the Universal Declaration on Human rights, on one hand the African Charter on Human and Peoples' Rights, on the other hand, have stipulated that everyone can enjoy all the rights and freedoms stated therein, without any distinction, in particular of race, colour, sex, language, religion, political opinion or any other opinion, national or social origin, wealth, birth or any other situation;

Considering the solemn commitment contained in the Dar-Es-Salaam Declaration to build a Great Lakes Region that is open to other regions of the continent by building cooperation on priority areas: peace and security, democracy and good governance, economic development and regional integration and humanitarian and social issues;

Reaffirming the commitment expressed in the Dar-Es-Salaam Declaration to respect the principles of democracy and good governance, as well as the basic principles of the United Nations Charter and the Constitutive Act of the African Union including territorial integrity, sovereignty, non interference and non aggression, prohibition of any Member State from permitting the use of its territory by armed groups as a base for aggression and subversion against another Member State, as well as the need for effective and sustainable political will to jointly seek peaceful solutions and in particular, to honour the commitments made by States Party in the spirit of mutual trust, in accordance with the Dar es Salaam Declaration;

...

Recalling the Declaration of the African Union governing democratic elections in Africa and the relevant resolutions of the United Nations General Assembly;

Determined to consolidate democratic institutions and culture, to promote good governance and the rule of law and to promote and protect human and people's rights;

Agree as follows:

...

Chapter II The Principles of Constitutional Convergence

Article 2

The Member States undertake to abide by the following constitutional principles:

- (a) The separation of powers;

- (b) The accession to power through regular, free, fair and transparent elections;
 - (c) The prohibition of unconstitutional change and any other undemocratic means of acceding to or maintaining power;
 - (d) The public participation in decision-making process in accordance with democratic principles and decentralization;
 - (e) The decentralisation of power at all levels of governments;
 - (f) The non-partisan character of the defence and security forces;
 - (g) The secular nature of the state and its institutions;
 - (h) The promotion of national unity of the state and its institutions;
 - (i) The prohibition of any ethnic, religious, racial, gender or regional discrimination;
 - (j) The equality of men and women, including through affirmative action policies;
 - (k) The political pluralism;
 - (l) The freedom of association, assembly and peaceful demonstration;
 - (m) The freedom of expression;
 - (n) The freedom of movement and prohibition of forced exile.
- ...

Article 11: Resolution of Electoral Disputes

A credible electoral dispute resolution mechanism pertaining to the financing, organizing and conducting of elections and declaring of the results shall be put in place.

...

Article 13: Participation of the Conference

At the request of any Member State, the International Conference may provide help and assistance in organising and running any election in the requesting Member State;

Similarly, the Conference may send an election monitoring or observation mission to the country concerned.

Article 14: Observer Mission

1. The Conference shall appoint the head and the members of the observer mission who shall be independent and of a nationality other than that of the State in which the elections are to be held.
2. The observer missions shall respect the principle of gender parity in their composition.

Article 15: Duration of the Mission

1. The observer mission shall arrive in the Member State concerned at least seventy- two hours prior to the date of the elections.
 2. The observer mission shall cover the entire duration of the elections up to the declaration of the results.
- ...

Chapter IV: The Role of the Defence and the Security Forces in a Democratic System

Article 20: The Role of Defence and Security Forces

1. Defence and security forces shall maintain their republican status and shall be at the service of the Member States to which they belong.
2. Their role is to defend the Member State's sovereignty, territorial integrity and their democratic institutions and may be deployed for tasks of national development.
3. The role of the security forces is to enforce law and order and protect people and property.

Article 21: The Non-partisan and Professional Nature of the Defence and Security Forces

1. Defence and security forces shall be non-partisan and shall be answerable to legitimate civil authorities
2. Civil authorities shall respect the neutrality of the defence forces. Members of defence and security forces shall not take active part in political activity or propaganda.

Article 22: Individual Member Rights

Subject to the rules and regulations governing their establishment, members of the defence and security forces shall enjoy all the rights of citizens as guaranteed by the constitution.

Article 23: Use of Force

1. The use of any type of weapon to disperse non-violent meetings or demonstrations is prohibited.
2. In the case of a violent demonstrations, the minimal use of force may be authorised to the extent necessary to maintain order and security.

Article 24: Prohibition of Torture and Arbitrary Practices

1. Defence and security forces shall not resort to torture and other cruel, inhuman and degrading treatment.
2. Defence and security forces shall not harass or arbitrarily arrest parents, members of the family or relatives of the suspect during investigations.

Article 25: Civic Education

1. Defence and security forces training curriculum shall include education in constitutional values, international humanitarian law and international human rights as well as principles of the rule of law and democracy.
2. Each Member State shall endeavor to establish joint training and education programmes between members of defence and security forces and other sectors of society.
3. Similarly, joint regional training with armies of Member States and with the police forces and civil society shall be organised.

Chapter V: Eradication of Extreme Poverty and Promotion of Dialogue

Article 26: Recognition

Member States hereby recognise that the eradication of extreme poverty and the promotion of dialogue are essential factors for peace and stability in the region.

...

Chapter VI: Education, Culture and Religion

Article 30: Role of Education, Culture and Religion

1. Member States recognise that education, culture as well as religion are essential factors of peace, stability and development in each Member State.

...

Article 34: Religious Tolerance

1. Member States undertake to take measures to promote religious tolerance as well as inter religious dialogue with a view to preventing religious conflicts.
2. To this end, Member States shall endeavour to encourage and support the establishment of permanent religious consultative forums at national and regional levels.

Chapter VII: Good Governance, the Rule of Law and Human Rights

Article 35: Undertaking

Member States undertake to promote good governance, the rule of law and human rights as the foundations of democracy.

Article 36: Good Governance

1. Member States recognize that good governance is essential for ensuring social justice, prevention of conflict, safeguarding political stability and peace as well as strengthening democracy.
2. Member States undertake to promote the protection of the environment through institutional capacity building in environmental management and good governance, and to coordinate environmental activities related to human settlement by raising awareness both with governmental and society level.

Article 37: Rule of Law

Member States recognize that the rule of law not only implies equality before the law and equal protection by the law, but also an independent judicial system, and an efficient and transparent public administration.

Article 38: Human Rights

Member States recognize that respect for human rights is the best guarantee against threats to peace, political stability and development.

...

Article 40: Mediation

1. Member States undertake to put in place regional mediation mechanisms in order to facilitate access to justice, conflict resolution and reconciliation.
2. Member States further undertake to provide the necessary support to ensure that mediation mechanisms discharge their duties effectively.

...

Article 43: Fight against Corruption

1. Member States recognize that corruption is an offence and a major obstacle to development, peace and stability in the region.
2. To this end, Member States undertake to fight corruption and ensure transparency in the management and equitable distribution of resources.
3. In this context, Member States undertake to strengthen and/or establish independent anticorruption bodies with adequate resources and to adopt effective policies and laws to address the problem of corruption at the national and regional levels.
4. Member States undertake to cooperate in order to guarantee the return of stolen goods and misappropriated funds at the expense of a state or member state.
5. To this end, Member States shall secure the cooperation of the African Union and other relevant organizations.

Chapter VIII: Women, Children and Youth

Article 44: Protection of Women's Rights

1. Member States recognize that empowerment of women and protection of their rights guarantee development and peace in society.
- ...

Article 45: Children's Rights

- ...
2. To this end, Member States shall guarantee access to education for all children and put in place a mechanism to prevent trafficking in children.
- ...

Chapter X: Urgent Measures and Sanctions in case of Threats or Breakdown of Democracy

Article 48: Urgent Measures

In the event of threats to democracy and a beginning of its breakdown by whatever process and in the event of massive violations of human and peoples' rights in a Member State, the Summit shall convene an extraordinary session in order to adopt urgent and appropriate measures to put an end to the situation, including the measures and sanctions described in Article 49 .

Article 49: Sanctions

1. The Conference shall take one or more of the following measures against the Member State concerned:
 - (a) Referring the matter to the African Union and the United Nations for action in accordance with established procedures;
 - (b) Refusal to support the candidatures to elective positions in international organisations presented by the Member State concerned;
 - (c) Refusal to hold any meeting of the International Conference in the Member State concerned;
 - (d) Suspension of the Member State concerned in all bodies of the Conference; during the suspension, the Member State concerned will continue to be bound to pay its contributions for the period of the suspension.
2. The Inter-Ministerial Committee will continue to monitor, encourage and support any effort made by the suspended Member State with a view to returning to normal institutional life and the respect of human rights.

Article 50: Practical Modalities of Application

1. Member States undertake to establish national and regional programs on practical modalities of application to ensure the effectiveness of the rule of law, human rights and good governance.
2. Member States undertake to ensure responsibility, professionalism, competence and transparency in public and private sectors.
- ...

Protocol for the Prevention and the Punishment of the Crime of Genocide, War Crimes and Crimes Against Humanity and all forms of Discrimination (2006/2008)

Full title: Protocol for the Prevention and Punishment of the Crime of Genocide, War Crimes and Crimes Against Humanity and all forms of Discrimination

Date/place of adoption/conclusion: 29 November 2006

Entered into force (EIF): 21 June 2008 (as per entry into force of the Pact)

EIF provision: Article 43

Available online at: <https://bit.ly/2BU64qH>

Protocol on the Protection and Assistance to Internally Displaced Persons (2006/2008)

Full title: Protocol on the Protection and Assistance to Internally Displaced Persons

Date/place of adoption/conclusion: 30 November 2006

Entered into force (EIF): 21 June 2008 (as per entry into force of the Pact)

EIF Provision: Article 7

Available online at: <https://bit.ly/2W3im77>

*See specifically the 'Annex to the Protocol: Guiding Principles on Internal Displacement'.

3 Declarations, frameworks and policies

Declaration of the Summit of Heads of State and Government of the International Conference on the Great Lakes Region (ICGLR) on the Promotion of Peace, Security, Stability and Development in the Great Lakes Region (2014)

Full title: Declaration of the Summit of Heads of State and Government of the International Conference on the Great Lakes Region (ICGLR) on the Promotion of Peace, Security, Stability and Development in the Great Lakes Region

Date/place of adoption/conclusion: 15 January 2014, Luanda, Angola

Available online at: <https://bit.ly/2CfEtAe>

* Adopted at the Fifth Ordinary Summit of the Heads of State and Government of the ICGLR, 14 January 2014, Luanda, Angola.

Excerpts

Preamble

Taking note of the progress made in the implementation of the Pact over the last 2 years since our last Summit,

Deeply concerned with the recent outbreak of violence and worsening security and humanitarian situation in the Republic of South Sudan and in the Central African Republic that has resulted in the death, displacement and disruption of livelihoods of thousands of populations;

Having received reports from the meetings of the Regional Inter Ministerial Committee (RIMC) and the Meeting of the Committee of Ministers of Defence on the progress in the implementation of the Pact and the prevailing security situation in the region respectively;

Welcoming and strongly supporting the ongoing mediation of the South Sudan conflict spearheaded by the Intergovernmental Authority on Development (IGAD) in Addis Ababa, Ethiopia and the ongoing African Union led efforts to stabilize the Central African Republic;

...

Hereby decide as follows:

I. On the Security Situation in the Great Lakes Region:

I.1. Security situation in the Democratic Republic of the Congo (DRC)

1. Express appreciation for the support provided to the FARDC by MONUSCO in defeating the M23, and in view of the increasing threats posed by other negative forces after the defeat of M23, urge MONUSCO to urgently intensify its operations to eradicate FDLR, ADF and all the other negative forces operating in Eastern DRC considering that their activities not only threaten the security of the DRC but also that of the Great Lakes Region;
2. Commended His Excellency Yoweri Museveni, outgoing ICGLR President in his capacity as Mediator, for his peace efforts and the outcome of the Kampala Dialogue, including the signing in Nairobi on 12 December 2013 of the Declarations by the DRC Government and the ex-M23 regarding their respective commitments, as well as the final Joint Communiqué by the ICGLR Chairman and Her Excellency President Joyce Banda, in her capacity as SADC Chairperson;
- ...
7. Direct the Joint Intelligence Fusion Centre (JIFC) to provide information on the link between the negative force ADF and the Al Shabaab Terrorist group during their next report and to analyse the threats related to terrorism in the Great Lakes region in consultation with other Member States and propose means and ways to effectively address them;

I.2. Security situation in the Central African Republic and in South Sudan

8. Urge the African Union and its partners to strengthen the International Mission for the Stabilisation of Central African Republic (MISCA) by availing resources and logistical support to enable it to fulfil its mandate, and congratulate the Member States that have contributed troops for the MISCA.
9. Express support to the ongoing initiatives by the African Union and its partners to address the worsening humanitarian situation in South Sudan and CA&
10. Commit to continue offering political and other forms of support to the ongoing mediation efforts on the Republic of South Sudan led by the Inter-Governmental Authority on Development (IGAD);
11. Denounce the perpetrators of atrocities, war crimes, crimes against humanity, sexual violence and recruitment of child soldiers in South Sudan for which they should be held accountable.

II. On Humanitarian Issues: Refugees and Internal Displaced persons

12. Congratulate the Republic of Burundi for its contribution to the ICGLR Humanitarian Trust Fund and invite other Member States to fulfil their commitments.

III. On the Implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region

13. Commend H.E. Mrs. Mary Robinson the Special Envoy of the UN Secretary General to the Great Lakes Region as well as the entire team of special and envoys and representatives for the progress made in the implementation of the Peace, Security and Cooperation Framework for the DRC and the Region, and welcome her joint initiative with the ICGLR to organize a Private Sector Investment Forum on the Great Lakes Region;
14. Welcome the Plan of Action for the implementation of Regional Commitments, including its priority activities, prepared by the Technical Support Committee of the Regional Oversight Mechanism and call upon countries in the region for its implementation;
15. Commit to continue the implementation of the Peace, Security and Cooperation Framework for the DRC and the Region;
16. Urge Member States to respect the spirit and the letter of the Protocol on Non-Aggression and Mutual Defence that forbids Member States from supporting negative forces operating in neighbouring States.

...

VIII. Implementation of the Protocol on Prevention and Punishment of Genocide, War Crimes, Crimes against Humanity and other Forms of Discrimination

37. Direct the Committee on the Prevention and Punishment of Genocide, War Crimes, Crimes against Humanity and other Forms of Discrimination to undertake audits in South Sudan and CAR and to report as soon as possible.

...

See also:

- Framework for Durable Solutions to the Humanitarian, Social and Environmental Issues in the Great Lakes Region (Regional Programme of Action on Humanitarian and Social Issues) (August

- 2006) available online at: <https://bit.ly/2AJbNiL>
- Protocol on the Prevention and Suppression of Sexual Violence against Women and Children (30 November 2006) available online at: <https://bit.ly/2VZ9TBK>
 - Annex to the Protocol | Model Legislation on the Prevention and Suppression of Sexual Violence against Women and Children (5-7 September 2006, Nairobi, Kenya) available online at: <https://bit.ly/2Om16pD>

ICGLR Regional Programme of Action for Peace and Security Sub Programme of Action for Joint Security Management of Common Borders

- Project No 1.1.1. Disarmament and Repatriation of All Armed Groups in Eastern DRC (21 September 2006) available online at: <https://bit.ly/38HkOp0>
- Project No 1.1.2. Disarmament of Armed Nomadic Pastoralists and the Promotion of Sustainable Development in Zone 3 (21 September 2006) available online at: <https://bit.ly/3214KgE>
- Project No 1.1.3. Development of Border Zones and Promotion of Human Security (21 September 2006) available online at: <https://bit.ly/3ff0vBR>
- Project No 1.1.4. Demining and Mine Action in the Great Lakes Region (20 September 2006) available online at: <https://bit.ly/2ZcFrWY>

Sub Programme of Action for Promotion of Inter-State Cooperation on Peace and Security

- Project No 1.2.1. Coordination of Activities and Reinforcement of Capacities in the Sub-Region to Fight Illicit Proliferation of Small Arms and Light Weapons (19 September 2006) available online at: <https://bit.ly/3ffRcS1>
- Project No 1.2.2. Fighting Transnational Crime and Terrorism (19 September 2006) available online at: <https://bit.ly/31ZzUVx>