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International Conference on the Great Lakes Region (IC/GLR): Inception, Process and Achievements

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Journal of African Conflicts and Peace Studies

**INTERNATIONAL CONFERENCE ON THE GREAT LAKES REGION (IC/GLR):
INCEPTION, PROCESS AND ACHIEVEMENTS**

Richard SEZIBERA

Abstract: *The Nairobi Pact of October 15th, 2006 on Security, Stability and Development in the Great Lakes Region is achieved through long effort and process in the framework of the International Conference on the Great Lakes Region. This paper attempts to highlight the conditions of its inception and formulation process. However, in order to go beyond the achievements in policy formulations, the International Conference on the Great Lakes Region requires a great commitment of leaders and peoples of the region as well as the international solidarity.*

Sommaire : *Le Pacte de Nairobi du 15 octobre 2006 sur la Sécurité, la Stabilité et le Développement en Afrique des Grands Lacs constitue un aboutissement d'efforts et d'un long processus réalisés dans le cadre de la Conférence Internationale sur la Région des Grands Lacs. Cet article tente d'élucider les péripéties ayant accompagné la conception et la formulation dudit pacte. Seulement, pour qu'elle puisse aller au-delà des résultats atteints au niveau de la formulation des politiques, la Conférence Internationale sur la Région des Grands Lacs requiert un ferme engagement des leaders et des peuples des Etats membres ainsi que de la solidarité internationale.*

1. Introduction

On the 15th of December 2006, in Nairobi Kenya, Heads of State and Governments of the core Countries of the International Conference on the Great Lakes Region¹ appended their signatures to the Pact on Security, Stability, and Development in the Great Lakes Region.² The signature of this document was a momentous event for the peace agenda. It was an important milestone in the search for peace and stability in the region. It marked the triumph of hope over pessimism, struck a delicate balance between pragmatism and idealism, and was a well crafted consensus that sought to move beyond the quagmire of the region's most recent conflict-ridden history and dared to imagine a future in which the enemies of yesterday worked together to rebuild the region, and lay the ground for sustainable peace and development.

¹ The core countries of the International Conference on the Great Lakes Region are the following: Angola, Burundi, Central African Republic, Republic of the Congo, Democratic Republic of the Congo, Kenya, Rwanda, Sudan, Tanzania, Uganda and Zambia. Some of the neighbors of these core countries are considered as Co-opted Countries. A number of other countries and organizations are observers

² The Dar es Salaam Declaration, the Protocols, the Programmes of Action, the Regional Follow up Mechanism and the Fund constitute integral parts of the Pact.

Journal of African Conflicts and Peace Studies

The agreements reached were novel in that their design involved the people of the Great Lakes region. Civil society groups, women, the youth, parliamentarians, religious leaders, the disabled, media practitioners, and others, all took part in the lengthy process that led to the signing of the Dar es Salaam Declaration in November 2004, and the Pact on Stability and Development in 2006. As a matter of fact, it is interesting to note that the Official Rwanda delegation to both the Dar es Salaam and Nairobi Summits contained more civil society³ delegates than government officials. This was a result of very close collaboration between the different sectors of Rwandan society during the preparatory process of the ICGLR. Rwanda had held the first nation- wide consultations for women, youth and civil society on the process in the region. Furthermore, Rwandan delegates insisted that these important stakeholders be brought to the negotiations table as full members of their nations' delegations, instead of being kept out of the room where important decisions were being made in the guise of parallel specialized conferences that sometimes produce more fury and thunder than decisions which can be implemented.

Once the decision was taken to fully include them, the Pact inevitably acquired invaluable buy in from important segments of the Great Lakes population. That this came to be was neither inevitable, nor fore ordained. It was a result of sustained political commitment and will from a broad array of actors. Success in implementation will require the continued collaborative actions of the broad coalitions that brought it into being.

³ I use the term civil society to include all those members who were not functionaries of the government of Rwanda. The debate about who is or who is not a member of civil society has not yet been concluded in Rwanda at the time of writing this article. For example, the delegation included religious leaders, who still insisted they were not members of civil society as defined under the law, and had proposed a separate legal status for them under Rwandan law. At the regional level, the process almost ground to a halt over the definition to give to these groups. The standard term "non state actors" carried unacceptable connotations in the Great Lakes Region. The LUSAKA Ceasefire Agreement of 1999 that was the basis for ending the armed conflict in the DRC equated non state actors to negative forces, meaning the murderous and sometimes genocidal armed groups operating within the region. Given the fact that some of these groups, especially the FDLR, wanted to position themselves as key actors in the process, it was necessary to send a very clear message to them from the outset that they would not be welcome to participate in, or derail the process. This was the basis for the acrimonious debate on the term "non state actors" by the National Coordinators.

Journal of African Conflicts and Peace Studies

2. Inception of IC/ GLR

The International Conference on the Great Lakes Region had confused and unclear beginnings. Security Council Resolution 1078 (1996) on the situation on the Great Lakes Region, adopted by the Security Council at its 3710th meeting on November 1996,⁴ one of the many Security Council Resolutions that mentioned it, underlined the urgent need for an International Conference on Peace, Security and Development in the Great Lakes Region under the auspices of the United Nations and the OAU to address problems of the region in a comprehensive way. However, the problems scheduled for address by the said resolution were multiple and confusing. The Council was concerned at the effects of the continued fighting in eastern RDC on the inhabitants of the region, so, it sought to find a solution for the large scale movement of refugees and internally displaced persons, it wanted to facilitate the return of humanitarian agencies⁵ to the region, and enable them to provide humanitarian assistance promptly and safely, it aimed to create safe corridors and temporary sanctuaries by deploying a neutral force, and it insisted that the orderly and voluntary repatriation of refugees and return of internally displaced persons were crucial elements to the stability of the region.

The solution to all these problems was to call for an immediate cessation of hostilities between the rebellion and the Mobutu regime and push for dialogue between all the parties to the conflict. The Council also reaffirmed its commitment to the establishment of conditions conducive to the voluntary repatriation of refugees to their countries of origin and requested the Secretary General “to seek the cooperation of the Republic of Rwanda in, and to ensure the international support for, further measures, including the

⁴ I quote this resolution in some details because it brought to the fore competing interests of members of the Security Council. The idea of an International Conference, or a Regional Conference on the Great Lakes had been mooted on a number of international meetings on the region, especially by representatives of France, and had been mentioned in a number of prior resolutions. For example Security Council Resolution 997 (1995) adopted by the Security Council at its 3542nd meeting of June 1995 reaffirmed, inter alia, the need for a long term solution to the refugee and related problems in the Great Lakes Region and welcomed the intention of the Secretary General to appoint a special envoy to carry out consultations on the preparation and convening, at the earliest possible time, of the regional Conference on Security, Stability, and Development. In a number of meetings, the idea was fronted that Rwandan refugees would only return to Rwanda if there were negotiations between the government and members of the former government which had planned and executed the genocide. The post genocide government, established in the spirit of the Arusha Agreement was deemed not sufficiently representative because it did not contain members of the “Hutu power” wing of the Rwandan political spectrum.

⁵ A number of humanitarian agencies which were concerned that the refugee camps in Eastern RDC had become thinly veiled military camps for the government and forces that had committed genocide in Rwanda, and were rearming and reorganizing for more battle, chose to pull out of the camps altogether.

Journal of African Conflicts and Peace Studies

deployment of additional international monitors, as appropriate, to build confidence and ensure a safe return of refugees."

This might be considered the crux of the disagreement between the government of Rwanda and some of the permanent members of the Security Council. They had failed to correctly diagnose the genocide in 1994, and seemed not to have learnt the lesson in 1996. They insisted the refugee crisis in Eastern Zaire was a result of a "lack of confidence" by the refugees in the Rwandan government that required international monitors to build. Rwanda pointed out that the problem was not lack of confidence in the government, but the fact that millions⁶ were being held hostage by the forces of genocide. Unless the stranglehold these forces held on the refugees was broken, Rwanda argued, all other envisaged solutions would prove to be a chimera. In this context it was totally unclear what an International Conference on the Great Lakes Region would discuss, let alone solve.

Significant preparatory work was carried out between 1997 when Ambassador Berhanu DINKA was appointed as the Secretary General's Special Representative and Regional Humanitarian Adviser to carry out consultations on the preparation and convening of the Conference and June 2000 when Ambassador Ibrahima FALL convened the first meeting of National Coordinators in Nairobi Kenya. The United Nations and its Secretary General faced the difficult task of translating what was an unclear concept in the service of differing, and sometimes mutually exclusive objectives within the club of influential members of the Security Council into an operational process.

First of all, from a regional point of view, it was important to determine who would be in the lead of organizing such a Conference. This was not as easy a matter as it may sound. The genocide in Rwanda in 1994 and its subsequent spill over effects into neighboring countries, mainly the DRC fundamentally changed the regional geo-strategic tectonic plates. The post genocide government in Rwanda was assertive, knew

⁶ It is unclear how many Rwandan refugees were in Eastern Zaire, so I use "millions" guardedly. No census was carried out because the genocidal forces torpedoed all attempts to carry one out. At some point for example, it was estimated that Goma had 1.2 million refugees. Partly on the basis of aerial photographs taken by the French and American military forces, this figure was revised downward to 850,000 and later on to 740,000. Reports circulating in Geneva and Paris talked of 400,000 in Bukavu. Yet the HCR estimated 200,000. MSF-France who took the decision to send in a medical team to Bukavu instead of Goma based on the higher figure believe the figures had been padded up by the Bukavu HCR office in order to attract attention and resources to a region then competing with Goma for international media attention. This problem of inflating figures and cooking statistics for political ends continued to be a problem during the entire conference process.

Journal of African Conflicts and Peace Studies

its rights, and was determined that genocide would not recur on its watch. The United Nations however, still saw the region in the prism of its traditions and practices, and was neither able nor capable of dealing with the fast evolving situation on the ground. Yet, the aftermath of major international traumas require a re thinking of the pillars of international relations. From the ashes of the holocaust and the Second World War for example, a new international order was born. That order found itself unable to handle the challenges of genocide in the twentieth century. It was far from clear that it would be able to handle the Great Lakes Region in the post genocide era.

The Organization of African Unity, anchored on a sacrosanct state sovereignty was ill suited to deal with a criminal state bent on the mass murder of a section of its population. The region itself was not organized enough to handle the problem. The former colonial masters of the countries of the region were too closely involved in the recent history to be neutral arbiters. Those well-meaning individuals of international repute like former President Carter, who stepped into the void, found themselves faced with intractable and complex geo-strategic power plays. While Rwanda always preferred an African solution with meaningful international partnerships to our problems, this view point did not have consensus. At the United Nations, there was no natural lead country for the region, the way the United Kingdom led on Sierra Leone, or the USA led on Liberia. The natural candidate was France, and indeed that country always provided the first draft of all UN Resolutions on the region, but its credibility was in tatters in the aftermath of the genocide. After extensive consultations, it was decided that the African Union and the United Nations Organization co- lead the process.

Second, the question of what would be discussed during the International Conference was not clear from the beginning. The agenda was hazy. As we have already pointed out, the idea of the Conference was mooted within the context of the conflict and genocide in Rwanda. By the close of last century, however, the theatre of action had moved to the Democratic Republic of the Congo. Rwandan refugees had returned to their country of origin en masse once Rwandan forces broke the stranglehold exercised on them, but the DRC was a theatre for a multi national, multi pronged conflict whose causes are identified in the Lusaka Ceasefire Agreement of 1999.⁷ Burundi had also slid into civil war, and a concerted regional effort to find a solution to this problem was

⁷ The Ceasefire Agreement recognized that the conflict in that country had both internal and external causes. The solution was therefore anchored on four key pillars:

- An Inter Congolese Dialogue that would lead to a new political dispensation
- Cessation of hostilities
- Disarmament of armed groups (negative forces).
- Withdrawal of foreign troops

Journal of African Conflicts and Peace Studies

underway, led by Uganda as Chair and Tanzania as the Vice Chair of the initiative. Former Presidents Julius Kambarage Nyerere, Nelson Rohlhla Mandela, and former Vice President Jacob Zuma of South Africa facilitated the process at different times. Within this changed context therefore, it would have been ridiculous to hold a Conference simply aimed at Rwandan refugees as had been the thinking before. The UN struggled with this issue and consultations continued until there was agreement on the four thematic areas that are currently the ambit of the Conference, namely: Peace and Security, Democracy and Good Governance, Economic Affairs and Regional Integration, and Social and Humanitarian Affairs.

Third, a decision had to be made on the countries that would participate in the Conference. The Joint Evaluation of Emergency Aid in Rwanda piloted by the Danish Ministry of Foreign Affairs in 1994, considered Burundi, Rwanda, DRC, Uganda and Tanzania as the Great Lakes Region. This was because the ramifications of the Rwanda crisis had mainly affected these countries. Although this reasoning made sense, it would take many months and years of negotiation before the final list of countries was agreed on. Originally, Kenya and Zambia were added to the group, mainly because of the role they had played in the peace processes in the region. One would have thought that the addition settled the matter, but this was not to be.

Preparations for the Conference stalled for an entire year when the issue of participating countries was made public. There was talk among some of the organizers of the Conference that the ultimate outcome of the process would be a Mini-Marshall for the region. Some countries did not want to miss this perceived bonanza. For others, in informal settings, the problem was narrowed down to the fact that the seven countries originally selected were mainly Anglophone. They needed a "Francophone" counterweight. Indeed, the pressure mounted to the point at which one Security Council resolution called it an International Conference on Central Africa and the Great Lakes. Instead of focusing on crises in the Great Lakes Region, some commentators and prominent officials began to talk about the crisis in Central Africa and the Great Lakes.

The problem with this approach of course was that logically, the Conference would then have brought in all the countries of the Economic Community of Central African States (ECCAS).⁸ This would have enlarged to Conference by eight new members, a situation that was evidently untenable. Despite this, pressure mounted to include a number of

⁸ The Economic Community of Central African States consists of eleven Countries namely Angola, Burundi, Cameroon, Central African Republic, Chad, Republic of the Congo, Democratic Republic of the Congo, Equatorial Guinea, Gabon, Rwanda, and Sao Tome and Principe.

Journal of African Conflicts and Peace Studies

countries, especially Angola and the Republic of the Congo. All attempts to have a logical basis for this enlargement failed. However, during the debate on enlargement, a consensus emerged that countries neighboring the seven core countries had a legitimate interest in participating in, and following up on the Conference process, because the dynamics of conflict in the region have affected, in one way or another, the neighboring countries.

A new category of participants, the co-opted countries, was therefore established, automatic membership was open to all neighbors of the core countries, thus obviating the need for application to join. Although the countries, through their National Coordinators had reached on consensus on this issue by early 2004, the problem did not go away. The United Nations representatives were dissatisfied with the consensus, all attempts at convening meetings to clarify the roles of core countries, co-opted members, and observers failed, and the Conference process was paralyzed for a long time.

Eventually, a compromise solution was crafted, proposed by Rwanda, that the Members of the Great Lakes Conference would be the original Seven, plus those countries directly affected by, or affecting the conflicts in those countries. This formulation laid a logical basis for the inclusion of Angola, Central African Republic, Republic of the Congo, and the Sudan as core countries. As a result however, it widened the field of potential co-opted countries and threatened to turn the ICGLR into a mini African Union Summit.

Although resolution of this problem allowed for the holding of the first Regional Preparatory Committee Meeting that was held in Bujumbura, Burundi in August 2004, the question of the criteria for membership lingered on and reared its head again during the first Heads of State Summit held in Dar es Salaam on November 24, 2004. The debate pitted those who thought the Great Lakes Region should be based on geography, and include countries that border lakes Albert, Edward, Kivu, Tanganyika and Victoria, and those who thought it should be based on the crises that needed solving. The latter carried the day. Even with this understanding however, as time went on, it became clear that there would be a need to divide the region into discrete geographical areas if the Conference was to design coherent strategies to build foundations for lasting peace and stability, we will return to this later.

The issues of the rights and obligations of Co-opted Countries was never fully resolved up to and beyond the second summit. Once the issues of the agenda and the core countries were finalized, preparations for the Conference could then begin in earnest.

Journal of African Conflicts and Peace Studies

At a policy level, there was a debate as to the exact timing of the Conference. Many in the region thought it important that the Conference should not disrupt the peace processes then underway in Burundi and the DRC. That it should be complementary too, and not a replacement of those regionally led processes. Some in the international community, and those dissatisfied with the peace processes wanted an early holding of the International Conference. Some saw the Conference as a venue in which they could renegotiate what they felt they had lost in the regional processes. The timing of the Conference was therefore extremely important if the peace processes were not to unravel. Once the Burundi Peace process had reached an irreversible stage, and the DRC process was well on its way, Rwanda then was comfortable to participate in the Conference.

3. Holding the Conference

Preparations for the International Conference were complicated at structural and policy levels. At structural level, there was tension between the region's desire for ownership of the process and the United Nations that had initiated it. The African Union walked a very delicate line between these two contending visions. The Group of Friends provided invaluable technical assistance. The National Coordinators played key coordination and guiding roles. In many ways, they led the process, but their meetings were never fully structured, with clear rules of procedure. However, decisions were taken always through consensus. The Joint UN /AU Secretariat were the key facilitator of the process. Unfortunately, on a number of occasions, the Secretariat's agendas clashed with core country's desires and this led to temporary paralysis of the preparatory work and frustrations all around. The main decisions were taken at the Regional Preparatory Meetings, both at a technical level, and at ministerial level.

These meetings were huge affairs, gathering well over two hundred delegates per meeting. They were constituted of core country national delegations, delegations from co opted countries, observer states and organizations, the UN family, and the African Union. Civil society organizations, women's groups, youth groups, parliamentarians and others played key roles.

The structure allowed for a fruitful broad exchange of views among key stakeholders in the region, and allowed for the emergence of personal bonds that eased the process as time went on. From fear, mistrust, hostility, and conflict, at the beginning, this wide interaction led to an almost miraculous transformation of the quality of relationships to one of cooperation, understanding, civility and empathy at the end of the process. The

Journal of African Conflicts and Peace Studies

fact that the regional meetings rotated among the capitals of the core countries also increased understanding among the participants.

However, the structure could, at sometimes become unwieldy and hamper decision-making. At key moments during the process core countries held closed sessions to decide on important issues and negotiate and craft delicate understandings that were not open for renegotiation by the broader Regional Preparatory Committees. The structure allowed for the mobilization of support from a broad range of International Partners. On the other hand, care had to be taken not to have it derailed by disagreements on items propagated by single-issue groups; a constant danger of UN led processes. At policy level, it became very clear early on during the process, that there were contending visions that needed decision before the process could move forward.

The original concept paper prepared by the UN was not satisfactory as a basic document. Yet, because for so long, the process had been bogged down on procedural matters, an agreed on concept paper was not developed before the first meeting in Bujumbura. Rwanda had developed her own forward looking, detailed position paper, but it was unlikely that this would be accepted as the common template for the Conference. Many of the ideas contained in the paper were however broadly shared by most of the core countries, were refined, and became the basis both for the Dar es Salaam Declaration, and eventually the Pact itself.

There was a clear division between those who wanted the Conference to engage in debates about the past, apportion blame for it, demand pardon and reparations before moving forward, and those who thought the region, based on its recent past, should make the determination to move forward and design programs that would transform the Great Lakes Region from a region of strife and conflict into a space for shared prosperity and development. Although the latter carried the day, the former carried out rear guard actions, and impromptu ambushes all through the process. There was tension between those who thought the Conference should be country centric and those who thought it should be problem centric. The former saw the DRC as the key to stability of the Great Lakes, and wanted, almost exclusively, to address the challenges that country faces at this moment in history. The latter, while not disputing the importance of the DRC, wanted to address the pathology of governance that led to the genocide in Rwanda, continued conflict and instability in the region, and weakened state structures so deeply that an ideological vacuum was being filled by negative forces with destructive ideologies.

Journal of African Conflicts and Peace Studies

This tension continued through the process and the Dar es Salaam Declaration and the Pact on Stability and Development, with its protocols, and plans of action, are carefully crafted consensus documents that however managed to break new ground in a number of areas. The regional countries wanted to own the process but lacked the means of fulfilling their ambition. In practice, as the process continued, drafts were made by consultants hired by the Joint UN/AU Secretariat. Core countries' experts refined the drafts of the protocols and programs of action, before the Regional Preparatory Committee considered them, especially during the second phase of the Conference process.

On the most controversial issues however, core countries ended up taking the lead on the documents. This included documents dealing with disarmament of armed groups operating in eastern DRC, the illegal exploitation of natural resources in the Great Lakes Region and the Regional Follow Up Mechanism. The contending visions and priorities of the core countries, single issues groups and international partners continued to challenge the credibility and functionality of the Conference process. Perhaps the most glaring example of the contending visions of the Conference was the application of the FDLR to join the process as an observer. This application almost completely derailed the process. The Joint UN/AU Secretariat brought the application to the Conference for a decision, but some in the Secretariat had been working together with this group to agree on an application that they thought would be acceptable for debate. This application raised uproar and indignation from Rwanda and other member countries as expected. It brought to a halt accreditation to observer status, and introduced deep rancor into the proceedings.

It is difficult to imagine that the Secretariat were unaware of the danger of tabling this issue. The core countries had agreed that the Conference process would have to deal with illegal armed groups, and especially genocidal forces – and yet here was the UN tabling an application for observer status by the most notorious of genocidal groups. It was as incredible as imagining that the NAZI regime had been invited to Potsdam⁹ at the end of the Second World War. The operation could only have had the support of powerful interests in the international community for the Secretariat to take this risk and incur general opprobrium. As a matter of fact, for many months, there had been what looks like a deliberate effort in retrospect, to refuse a discussion on clear processes and

⁹ The Potsdam Conference was held between the Soviet Union, the United States and the United Kingdom on July 18 1945. In many ways, it charted the future of Europe. It also clearly was a victors' conference that did not serve as a template for the ICGLR. The point here is that it would have been deeply offensive for anyone to suggest that NAZI Germany be part and parcel of Europe's future.

Journal of African Conflicts and Peace Studies

procedures for accreditation of observers despite repeated demands by the National Coordinators that this be done. Because of this rejection of the FDLR by the core countries in October, on the eve of the Dar es Salaam Summit in November, FDLR launched rocket attacks on Rwanda. The group seemed to be warning the Heads of State that unless they were associated, they would continue to disrupt peace and security in the region.¹⁰

4. Achievements of the Conference

That the Conference process finally produced ground breaking documents, namely the Dar es Salaam Declaration, Protocols and Programs of Action as contained in the Pact, is testimony to the resilience and statesmanship of the members of the Regional Preparatory Committees. They were able to look beyond narrow partisan interests to the common goods of the region.

The Conference adopted a Pact on Security, Stability, and Development in Great Lakes Region. The aim of the Pact is to provide a legal framework governing relations between Member States to which it applies, implement the Dar es Salaam Declaration, the Protocols, Programmes of Action, the Regional Follow Up Mechanism, and the Special Reconstruction Fund, and create conditions for security, stability, and sustainable development between the Member States.¹¹

This paper does not propose to discuss the Pact in detail, but to examine briefly, the moral, legal, and political issues that underlay its most important protocols. I, understandably examine the protocols that were the priority of priorities for Rwanda. I know it was difficult to agree on priorities during the process, and this was inevitable given the disparate nature of the interests represented. The ten protocols eventually adopted received widest agreement. The Protocol on Non Aggression and Mutual Defense in the Great Lakes agreed on the need to renounce the threat or use of force

¹⁰ We have already pointed out that for the genocidal forces and members of the former Rwandan Government in exile, the end point, in lieu of completing the genocide, had always been participation in post genocide political dispensation in Rwanda. The RDR and successor or allied organizations like the FDLR have relentlessly pursued this line. Power sharing with these groups is what their international supporters meant when they asked the government of Rwanda to "build confidence and ensure the safe return of refugees in dignity." The International Conference on the Great Lakes was seen as a venue for dialogue with these groups, and an important step in the restoration of their tattered political virginity.

¹¹ Article 2 of the Pact on Security, Stability and Development in the Great Lakes Region. The Dar es Salaam Declaration, the Protocols, the Programmes of Action, the Regional Follow Up Mechanism and the Fund constitute integral parts of the Pact and all references to it necessarily to all its Integral parts.

Journal of African Conflicts and Peace Studies

as a means of policy or instrument aimed at settling disagreements or disputes or to achieve national objectives in the Great Lakes Region. This is in line with the United Nations Charter and the Constitutive Act of the African Union.

The problem, given the history of the region, was how to deal with the question of armed groups without automatic recourse to the self defense provisions of the United Nations Charter.¹² The problem was dealt with by , on the one hand, clearly defining aggression to include acts against a member state in contravention of the relevant provisions of the Pact by a state, a group of states, an entity of the state, an armed group or any other external or internal entity, and on the other by detailing the acts of aggression to include, inter alia, the sending of, or support to armed opposition forces or armed groups or insurgents onto the territory of other member states, or tolerating the presence on their territories of armed groups or insurgents engaged in armed conflicts or involved in acts of violence or subversion against the government of another state.

The States also agreed 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. If any Member State fails to comply with the above provisions, an extraordinary summit shall be convened to consider appropriate action. Debate on the major provisions of this Protocol pitted those states and individuals who one can consider as supporting the status quo, that is those who are committed to a rigid defense of state sovereignty and territorial integrity, and those who advocated for a re appraisal of these principles especially in light of the genocide and the subsequent responsibility to protect populations this entailed.

The Member States finally agreed that the interdiction of recourse to threats or the use of force by Member States, and the commitment to non aggression, did not deter them from their responsibility to protect populations under threat of genocide, war crimes, ethnic cleansing, crimes against humanity and grave violations of human rights committed by a State or on the territory of a State signatory to the Pact. The exercise of this responsibility to protect was subjected to a collective decision, and notification to the African Union and the United Nations.¹³

¹² It is not by mere accident that the first substantive preamble provision of the Pact is that the States are mindful of the need to respect democracy and good governance, the fundamental principles enshrined in the UN Charter and 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**(emphasis mine).

¹³ Protocol on Non Aggression and Mutual Defense in the Great Lakes Region, Article 4 (8).

Journal of African Conflicts and Peace Studies

The Protocol on the Prevention and Punishment of the Crime of Genocide, War Crimes and Crimes against Humanity and all forms of discrimination raise important questions about the exercise of power in the region, and their understanding of the fundamental origins of the crisis in the region. Some states and members contended that the pathology of governance in the region characterized, *inter alia*, by the presence and propagation of discriminatory ideologies in the region, including the ideology of genocide, was the fundamental cause of the crisis in the Great Lakes Region. Those who disputed this considered the lack of absolute respect for territorial integrity, interference in internal affairs and illegal exploitation of natural resources as the key issues to address.

Debate on these matters was long and sometimes acrimonious. The Pact is a consensus document that attempts to reconcile these view points, which still predominate in the management of the conflicts in the Great Lakes Region. The Member States committed themselves to refrain from, prevent and punish crimes of genocide, war crimes and crimes against humanity, to condemn and eliminate all forms of discrimination and discriminatory practices, to ensure the strict observance of this undertaking by all national, regional and local public authorities and institutions and to proscribe all propaganda and all organizations which are inspired by ideas or theories based on the superiority of a race or a group of people of a particular ethnic origin or which try to justify or encourage any form of ethnic, religious, racial or gender based hatred or discrimination.

The Protocol on the Fight Against Illegal Exploitation of Natural Resources and its attendant project brought to the fore tensions that it will be wise to keep in mind during the implementation phase. The first draft prepared by the UN expert was rejected in toto. It was tendentious, seemed to consider leaders in the region as criminals bent on simply illegally exploiting resources, and was inspired, in part, on the discredited reports of the UN Committee of Experts on the DRC.¹⁴ The choices were between those who considered illegal exploitation of resources mainly an external phenomenon in which rapacious neighbors plundered resource rich countries and those who argued that exploitation was a result of weak states, incapable of fully benefiting from resources

¹⁴ The UN Panel of Experts on the Exploitation of Natural Resources and Other forms of Wealth of the Democratic Republic of the Congo was established pursuant to a Presidential Statement of the Security Council on June 2000. Its final report, published in October 2003, was considered so lacking in evidence and basic justice that the Security Council, in a rare diplomatic slap, extended the Panel's mandate by four months and directed it to "verify, reinforce, update its earlier findings and revise the annexes attached to its previous reports with a view to adjusting the lists attached to these reports."

Journal of African Conflicts and Peace Studies

whose exploitation was capital intensive. This therefore opened the door to lopsided agreements with multinationals with access to technology and capital, agreements that were lucrative to the multi nationals and their local associates to the detriment of the local population.

On the one hand, the problem of illegal exploitation was a regional issue, on the other, it was international. Some wanted an agreement that by design and/or inference criminalized trade between the regional countries, and the others wanted a regime in which increased trade, including trade in natural resources, was encouraged, in a transparent and legitimate manner. Some wanted a system of monitoring resource exploitation that was externally based, others wanted one that was regionally based and managed. The Republic of South Africa was eventually requested to provide an expert on this matter who led the national experts in designing an appropriate system for the Great Lakes Region, based on South Africa's experience with the Kimberly Process for diamonds.

The States Parties reaffirmed the permanent sovereignty of each state over its natural resources, agreed on the need for harmonized national legislation, transparency, responsibility, equity, and respect for the environment and human settlement in resource exploitation, and decided to put in place a regional certification mechanism for the exploitation, monitoring and verification of natural resources within the Great Lakes Region. The Protocol on Property Rights of Returning Populations brought to the fore the tensions between a regional approach to this thorny issue versus a national approach. An absolutist approach to the issue was rejected in favor of a reaffirmation of the inviolable right to property for returnees, balanced with the imperative of national stability especially in the aftermath of deep national traumas and conflicts. Some member states considered the original draft so inimical to their National Peace and Reconciliation Processes that they threatened to veto it. Rwanda, made extensive written amendments that fundamentally changed the thrust and character of the Protocol.

It was agreed that Member States would adopt principles to ensure that refugees and internally displaced persons, upon returning to their areas of origin, recover their property with the assistance of local traditional and administrative authorities, and that they would create a legal framework for resolving disputes arising from the recovery of property previously occupied or owned by returning persons. The Protocol on the Protection and Assistance to Internally Displaced Persons broke new ground. Whereas refugees have ample protection under international agreements, there was consensus that internally displaced persons do not. The member states of the Conference

Journal of African Conflicts and Peace Studies

committed to adopt and implement the Guidance Principles on Internal Displacement as proposed by the United Nations Secretariat. It is hoped that ratification will spur other countries and regional groupings to domesticate and implement the Principles.

Equally innovative was the Protocol on the Specific Reconstruction and Development Zone. The Member States agreed to implement an economic development and local integration process pursuant to the decision in the Dar es Salaam Declaration to declare the Great Lakes Region as a Specific Reconstruction and Development Zone. In particular they agreed to institute trans border development basins to promote local, regional integration of the border populations, and also established a Special Reconstruction and Development Fund for the purpose of supporting the implementation of the Protocols and Programmes of Action.

The concept of the trans border development zones and growth triangles, when combined with the trans border security zones¹⁵, is an innovation worth developing and investing in. It addresses the gamut of challenges from conflict prevention, conflict resolution, post conflict development, and shared economic growth at local levels. Finally, the Pact contains a number of Final Provisions that deal with issues of signature and ratification, non selectivity and reservations, Deposit and Registration, Entry into Force, Amendments and Revision and Withdrawal.

Conclusion

The International Conference on the Great Lakes Region, despite its contested beginnings, or perhaps because of it, provides an important building block for the emerging architecture of peace in the region. The impressive array of protocols and

¹⁵ The Trans border security zones identified are the following: Zone 1 comprises the East of the Democratic Republic of the Congo, Western Uganda and North West of Rwanda. Zone 2 comprises the North of the United Republic of Tanzania, Southern Uganda and South West Kenya. Zone 3 comprises of the North East of Uganda, North Western Kenya, and the South East of the Sudan. Zone 4 comprises North West Uganda, North East of the Democratic Republic of the Congo and South Western Sudan. Zone 5 comprises the North of the Democratic Republic of the Congo, South Western Sudan and South Eastern Central African Republic. Zone 6 consists of the North Western DRC, North Eastern Republic of the Congo, and South Western part of the Central African Republic. Zone 7 covers North Western Angola, Western DRC, and Southern part of the Republic of the Congo. Zone 8 consists of North Western Zambia, Southern DRC and East of Angola. Zone 9 has the Western part of the United Republic of Tanzania, the South of Burundi, the North of Zambia and Southern DRC. Zone 10 consists of the East of the Democratic Republic of the Congo, Western Burundi and the West of Rwanda. Zone 11 has the North West of the United Republic of Tanzania, South Western Uganda and Eastern Rwanda. Finally Zone 12 consists of North Western Tanzania, South Eastern Rwanda, and North Eastern Burundi.

Journal of African Conflicts and Peace Studies

projects, in the four thematic areas of the Conference, if implemented, would certainly turn the area from a region of persistent conflict to an area of shared prosperity and development.

It establishes and enshrines the twin principles of ownership and international partnership crucial for post conflict reconstruction and development. A significant number of its projects will be implemented by, or through close cooperation with, existing regional economic communities. Its cross cutting nature therefore introduces an element of synergy with existing groupings without necessarily deepening the tensions within and between them.

As far as Rwanda is concerned, it fills some of the gaps in attempts to address the peace, security, and development challenges in a holistic manner. As is well known, the Economic Community of the Great Lakes(CEPGL), although it registered important achievements in the past, including in areas of energy, agricultural research, financing for some integration projects, and circulation of goods, services and labor, was gravely affected by the deep crisis within its member states. Furthermore, the crisis spread to involve other non member states including Uganda, Central African Republic, and the Sudan to mention but a few. Therefore, although post conflict recovery must involve the revival of this organization, it must of necessity go beyond it.

The Economic Community of Central African States (ECCAS) has been feeble and inactive for a number of years. Overshadowed by CEMAC and weakened by conflicts within some of its most important member states, the organization has been unable to effectively address the security and development challenges its members face. The Organization for the Management and Development of the Kagera River Basin (OBK) became moribund and was dissolved. The Common Market for Eastern and Southern Africa (COMESA) is still active. Effective in its Economic integration agenda, it has struggled to find its role in the peace and security arena.¹⁶ The Southern Development Community (SADC) led by South Africa, has been active in finding solutions to the many crises that affect the Great Lakes Region.¹⁷ In the past however, differing interpretations of its basic documents caused an internal crisis in the aftermath of the contested

¹⁶ COMESA has decided to establish an Early Warning Mechanism that would eventually be part of the Continental Early Warning Mechanism. However, the Organization, while recognizing that Peace and Security is a sine qua non for economic development, has struggled to find her place in this important arena despite Institutionalization of the Standing Committee on Peace and Security.

¹⁷ South Africa is the most active African member of the "Group of Friends of the Great Lakes Region". This Group, co- Chaired by Canada and the Kingdom of the Netherlands was key in raising political, diplomatic, and financial support for the Preparatory phase of the Conference process.

Journal of African Conflicts and Peace Studies

intervention of some of its members, in the name of the Organization, in the conflict in the DRC.

The interplay between weak or weakened states, timid and sometimes uncoordinated regional interventions, differing interests and agendas by international powers and marginalized populations produces the crisis of security, governance and development the Great Lakes Region currently faces. The process of the International Conference on the Great Lakes Region brought all these important actors together to chart a blue print for the future of the region. The fruit of their labor is wide, optimistic, and in some cases breaks new ground. Whether this will remain on paper, another mirage of the kind the region has known so often in the past, or whether it will truly serve as a new direction to a future of hope and prosperity for all will, to a large extent, depend on the strength of the partnerships forged during its preparatory phase. It will also require visionary regional and international leadership, as well as a determination by civil society broadly defined, to make sure it succeeds.