

# **STATUS REPORT ON THE IMPLEMENTATION OF THE PEACE, SECURITY AND COOPERATION FRAMEWORK FOR THE DEMOCRATIC REPUBLIC OF THE CONGO AND THE REGION**

14 October 2016

## **EXECUTIVE SUMMARY**

1. The Peace, Security and Cooperation (PSC) Framework for the Democratic Republic of the Congo (DRC) and the region was signed on 24 February 2013 in Addis Ababa, Ethiopia to address the underlying causes of conflicts in Eastern DRC which often impacts on the region. It sets out commitments for the DRC, countries of the region, and the international community. Following consultations among members of the Technical Support Committee (TSC) of the PSC Framework, a Regional Plan of Action, with benchmarks, was developed to promote the implementation of the PSC Framework commitments, and 15 priority activities were identified. The Regional Plan of Action and its 15 priority activities were adopted by the Regional Oversight Mechanism (ROM) at the third meeting on 31 January 2014 in Addis Ababa. On 17 September 2014, the Steering Committee of the National Oversight Mechanism (NOM), chaired by President Joseph Kabila, adopted a matrix of 56 benchmarks and 347 indicators for the implementation of the six commitments of the Government of the DRC.

2. A first Progress Report on the Implementation of the PSC Framework was presented to the ROM at the fourth meeting held on 22 September 2014 in New York. The ROM took note of the progress achieved in the execution of the commitments and welcomed the sustained engagement by all stakeholders in implementing the PSC Framework at the national, regional, and international levels. The ROM also took note of the challenges outlined in the Progress Report and called upon all concerned stakeholders to implement the recommendations contained in the report, including: stepping up efforts to neutralize all negative forces, accelerating the implementation of the Nairobi Declarations of the Kampala Dialogue, fully restoring state authority in Eastern DRC, combating impunity, strengthening the Expanded Joint Verification Mechanism (EJVM) and increasing member states' collaboration within existing regional mechanisms.

3. This status report has been prepared by the Secretariat of the TSC on the basis of inputs received from member states, the United Nations (UN), the African Union (AU), the International Conference on the Great Lakes Region (ICGLR), and the Southern African Development Community (SADC). The draft report was subsequently reviewed by the TSC members at the 15<sup>th</sup> meeting held on 15 October 2016 in Nairobi, Kenya. It provides an update on the status of implementation of national, regional, and international commitments, since the first Progress Report issued in September 2014.

4. Overall, the report notes continued progress in the implementation of national, regional, and international commitments, despite some challenges. Enhanced bilateral engagements between countries of the region and recourse to existing regional mechanisms have contributed to the improvement of relations. Important steps have also been taken in the areas of economic cooperation and integration with, among other initiatives, the successful holding of the first Great Lakes Private Sector Investment Conference on 24-25 February

2016 in Kinshasa and related follow-up actions aimed at promoting the role of the private sector in support of peace and stability in the region. Furthermore, progress was achieved in strengthening judicial cooperation in the region.

5. In addition, efforts have been taken to address other key outstanding issues. These included: increased cooperation between the *Forces armées de la République démocratique du Congo* (FARDC) and United Nations Stabilization Mission in Congo (MONUSCO) to carry out joint operations against negative forces in Eastern DRC; ongoing efforts to establish and operationalize the Joint Follow-up Mechanism (DRC, Kenya, Tanzania and Uganda) to address the growing threat posed by the Allied Democratic Forces (ADF) in Eastern DRC and across the region in line with the decision of the 6<sup>th</sup> Ordinary ICGLR Summit held in Luanda, Angola on 14 June 2016; efforts by the AU and the East African Community (EAC) to facilitate dialogue processes in the DRC and Burundi, respectively; and the initiatives by the Guarantors of the PSC Framework to support regional engagement to address the issue of negative forces and accelerate the implementation of the Framework Agreement.

6. However, some significant challenges remain. These include: i) continued activities of negative forces in Eastern DRC and the region, notably the ADF, the *Forces démocratique de libération du Rwanda* (FDLR) and others; ii) the presence of Sudan People's Liberation Movement/Army-In Opposition (SPLM/A-IO) in Eastern DRC who fled from South Sudan; iii) slow pace of the repatriation of disarmed combatants present in Eastern DRC and neighboring countries; iv) slow progress in the implementation of the Nairobi Declarations and the repatriation of the ex-M23 combatants from Rwanda and Uganda; v) impasse in the dialogue processes in the DRC and Burundi; and vi) resurgence of tensions between some countries in the region.

## **NATIONAL COMMITMENTS**

7. The following provides information on the implementation of the DRC national commitments based on inputs received from the DRC National Oversight Mechanism (NOM) and MONUSCO; in its submission to the Secretariat, the DRC noted that it would provide additional details of its activities during the 15<sup>th</sup> meeting of the TSC.

### **Commitment 1: To continue and deepen security sector reform, particularly in relation to army and police**

8. The draft Programmatic Law on the Armed Forces pending since 2013 has been reviewed by the Government. It is an integral part of security sector reform of the DRC. In July 2016, the FARDC conducted national selection tests for National Commission Officers who will be trained with the support of the international community. The five-year Programmatic Law on Police Reform for the period 2014-2017 was adopted by the Senate on 5 November 2015 and is awaiting the approval of the National Assembly. This law provides the legal framework for implementing reform activities and the annual budgeting for the police.

9. Efforts are also underway to build and rehabilitate judicial infrastructure and to improve the operational capability of the Constitutional Court. In March 2016, 78 magistrates were appointed to the Court of Appeal, 206 to the Intermediate Courts, and 393 to the Courts of Peace. The National Commission for Human Rights is now operational. Plans are also envisaged to strengthen the capacity of prison security personnel.

### **Commitment 2: To consolidate the authority of the state, particularly in Eastern DRC, including through preventing armed groups from destabilizing neighbouring countries**

10. Following the defeat of the ex-M23 with the support of MONUSCO's Force Intervention Brigade (FIB) in 2013, areas formerly occupied by armed groups are being gradually recovered. State authority has been restored in several areas despite the continued attempts by armed groups to perpetuate violence, particularly in North Kivu. On 23 May 2016, FARDC and MONUSCO resumed joint operations against the FDLR in North Kivu as part of Operation Sukola II. FARDC in cooperation with MONUSCO maintained military pressure on the Allied Democratic Forces (ADF) in the "triangle area" between Bilimani, Madina and Sesele. On 14 May 2016, FARDC and MONUSCO launched a coordinated operation against the ADF.

11. Relations between the DRC and neighboring countries have also improved. Specifically, on 4 and 12 August 2016, President Joseph Kabila met with President Yoweri Museveni of Uganda and President Paul Kagame of Rwanda, respectively, to explore measures to enhance cooperation in the fight against the ADF and the FDLR, as well as the repatriation process of ex-M23 combatants. The *Direction Générale de la Migration (DGM)* has also made efforts to increase control and security on cross border movements.

**Commitment 3: To make progress with regard to decentralization**

12. The national workshop convened by the DRC Government from 5 to 7 November 2013 paved the way for the implementation of a road map for decentralization covering the period 2013-2017, which includes, among others, the finalization of the legal framework, transfer of financial resources, and the deployment of administrative personnel from the central Government to the provincial and territorial administrations. On 19 July 2015, the Government completed the administrative establishment of 21 new provinces, which brings to a total of 26 provinces in the country. On 29 October 2015, President Joseph Kabila appointed by decree 21 special commissioners and their deputies to govern the 21 new provinces resulting from the *découpage* process until local elections are held. The Government of the DRC took steps to implement the 9 December 2015 Decree, defining the responsibilities of these special commissioners. On 7 January 2016, the Government issued the implementing directives accompanying this decree.

**Commitment 4: To promote economic development, including with respect to the expansion of infrastructure and provision of basic social services**

13. The holding of the Great Lakes Private Sector Investment Conference (PSIC) was a key milestone in efforts to promote economic development and investment in support of peace and stability in the region. The validation in May 2016 of a National Strategic Plan for Development of the Mining Sector, and the promulgation of Social Security Act on 25 July 2016 was another key initiative to promote economic development. With regard to the provision of basic social services, the DRC Government continues to build road infrastructure, health and education structures, and pursue its efforts to deliver water and electricity in the country.

**Commitment 5: To promote structural reform of state institutions, including public finance reform**

14. Regarding the Public Service Sector reform, efforts have resulted in the establishment of frameworks for the central administration of ministries, the development of manuals of procedures in administration, the creation of technical units and the creation of a Social Security Fund for Public Officers. On public finance, the National Assembly has adopted key legislation over the past two years including: the revision of Tax Law applicable to Small and Medium Businesses, the Public Procurement Act, the Act on the Value Added Tax, the organic Law on the Organization and Operation of the Court of Auditors, General Social Security Law and draft Customs Code. On 25 July 2016, the Social Security Act was promulgated. Also of significance is the computerization of the expenditure chain and the introduction of a Results Based Management (RBM) system. Frameworks have also been developed to strengthen the link between national budget and public policies, strategies and medium-term sector expenditure.

**Commitment 6: Promote the objectives of national reconciliation, tolerance and democratisation**

15. The Government has continued to promote dialogue and reconciliation as demonstrated by the *concertations nationales* held from 7 September to 5 October 2013 and the national dialogue called for by President Joseph Kabila on 28 November 2015 on the

forthcoming elections in the country. The national dialogue, which is facilitated by former Prime Minister of Togo Edem Kodjo on behalf of the AU, commenced on 1 September 2016, but was suspended temporarily following violent incidents which erupted in the country on 19-20 September. The dialogue proceedings have since resumed, although the National Catholic Bishop Conference (CENCO) suspended its participation in the dialogue following the 19-20 September events. Consultations continue between the ruling *Majorité présidentielle* and the opposition parties participating in the dialogue regarding a draft political agreement that was prepared by the Facilitator on 23 September. Opposition leader Etienne Tshisekedi and his political platform, the *Rassemblement des forces politiques et sociales acquises au changement*, continue to remain outside of the dialogue demanding that a number of preconditions be met, including the release of political prisoners and the appointment of a new facilitator.

## REGIONAL COMMITMENTS

16. The following provides information on the implementation of the list of 15 priority activities extracted from the Regional Action Plan endorsed by the Third High-Level ROM meeting, held in Addis Ababa, Ethiopia on 31 January 2014.

### *Commitment 1: Not to interfere in the internal affairs of neighboring countries*

Strengthen the capacity of EJVM and JIFC in order to effectively carry out their respective mandates

17. The two specialized organs (the EJVM and the Joint Intelligence Fusion Centre (JIFC)) of the ICGLR have continued to execute their mandates for verification, intelligence analyses, and reporting to the Committee of Ministers of Defence. In February 2016, in a bid to strengthen the EJVM, the Committee of Ministers of Defence called for a redefining of the Terms of Reference of the EJVM. Recommendations from this exercise shall be implemented. In March 2016, the JIFC also underwent a review, and the recommendations are being implemented. Although financial challenges remain a significant obstacle, the ICGLR remains committed to having both organs empowered to effectively execute their mandates.

Establish follow-up mechanisms to track progress of the implementation process of the concluded Kampala Dialogue and in accordance with the joint ICGLR-SADC Final communiqué issued in Nairobi on 12 December 2013

18. Since the publication of the first Progress report, efforts have been made to promote and track the implementation of the Nairobi Declarations, and the repatriation of the ex-M23 combatants. On 18 November 2015, the Ministers of Defence of ICGLR member states met in Kinshasa to discuss this matter, in compliance with the decision of the ninth ICGLR Extraordinary Summit of Heads of State and Government held in Luanda on 18 May 2015. The Ministers reviewed the calendar for the repatriation of the remaining ex-M23 combatants in Uganda and noted that repatriation should commence on 1 December 2015 and be concluded by 15 December 2015. Following this decision, a task force, comprising representatives of the ICGLR secretariat, the Government of the DRC, the Uganda People's Defence Force, the Ministry of Defence of Angola (as Chair of ICGLR) and the UN visited Bihanga camp in Uganda from 3 to 15 December 2015. Following the field mission, 13 ex-M23 combatants were repatriated to the Kamina military base in the DRC, with the support of MONUSCO. The task force visited Rwanda on 23-24 September 2015, but did not succeed to persuade the ex-M23 present in Rwanda to be repatriated.

19. In an attempt to consolidate these gains, and further to the decision of the Ministers of Foreign Affairs of PSC Framework signatory countries held on 31 January 2016 in Addis Ababa, representatives of the Framework Guarantors, i.e. the UN, AU, ICGLR and SADC, carried out a consultative visit to Uganda, Rwanda and the DRC from 24-29 April 2016. The purpose of the trip was to engage national and regional stakeholders on options to achieve progress in the implementation of the Declarations. The Guarantors' initiative led to the holding of joint evaluation meetings in Kinshasa on 27-28 May and 27-28 June between representatives of the Government of the DRC and the delegation of the ex-M23 to review the status of implementation of the Declarations and discuss ways to overcome pending

challenges, including the repatriation of ex-M23 combatants still present in Rwanda and Uganda.

Establish the Women's Platform to support, advocate for, and monitor progress in the implementation of the PSC Framework

20. The Women's Platform for the PSC Framework was launched on 28 January 2014 in Addis Ababa in the margins of the 22nd Session of the AU Summit. The Women's Platform continues to be a key initiative under the PSC Framework and has become a useful tool to ensure that women's voices are heard and that they actively participate in decision-making as well as in the socio-economic development of the region. To date more than US 1.2 million has been disbursed as peace dividend grants to women in the region, and the Platform that brings women from different ethnic, and social groups, and nationalities together to participate in activities that support the implementation of the Framework, allow for cross-border dialogue and a more active role in peacebuilding in the Great Lakes.

21. Numerous activities have been carried out by the Women's Platform since the first Progress Report, including a meeting held in Goma, DRC in May 2015 bringing together grantees to share experiences and plan ways for further collaboration. In July 2016, grantees from the Women's Platform and women leaders from the region met with the UN Special Envoy for the Great Lakes Region and the Executive Secretary of the ICGLR, as well as the AU Special Envoy on Women, Peace and Security. They presented a Declaration that noted their continuing concerns regarding persistent insecurity and impunity for human rights violations, particularly in Burundi, CAR, the DRC and South Sudan. They called for stronger efforts to support initiatives for the restoration of peace and security and the protection of civilians, and highlighted that women remain incredibly under-represented in political dialogue and negotiations. Meanwhile, the ICGLR Regional Women's Forum is planning a strategic meeting in Khartoum at the end of October 2016, which should result in a plan that will support more effective participation of women in the region.

**Commitment 2: To neither tolerate nor provide assistance or support of any kind to armed groups**

Implement the DRC National DDR/DDRRR Plan, with particular attention to vulnerable youth, women and children associated with armed forces and groups, and promote cooperation among countries in the region to repatriate ex-combatants

22. The DRC national reinsertion and reintegration program, PNDDR III, was launched on 17 May 2015. The programme has since registered progress. According to MONUSCO, 4,800 ex-combatants have completed training and preparation and around 1,361 have already been returned to their communities of choice. According to the submission by the Government of the DRC, 4,558 ex-combatants have been demobilized, of which 1,821 in Kitona and 2,327 in Kamina; 395 ex-combatants are pending clarification on their eligibility. The Community Based Reintegration phase is almost ready to commence. It will provide support to the ex-combatants to reintegrate into their communities of choice. For each ex-combatant returning to his or her community, one community member will also benefit from the program.

23. Cooperation between regional actors for the repatriation of ex-combatants has remained strong, especially between the DRC and Rwanda, which accounts for more than 90% of ex-combatants currently being repatriated by MONUSCO. There has recently been a slight increase in FDLR surrenders which is believed to be based on the general decline of the FDLR, attributable to increased military pressure, a weakening of command and control with splits in the leadership, as well as more difficult conditions in the bush. Some ex-combatants have noted that they had heard about the improvements in quality of life in Rwanda as well. However, there still remain 1,351 FDLR and dependents in three camps in the DRC who were part of a failed voluntary disarmament effort and who refuse to be repatriated. So far no solution for these FDLR and their dependents has been found.

		FDLR	Dependents	TOTAL
<b>FDLR voluntary disarmament Camps</b>	Kanyabayonga (N Kivu)	68	285	<b>353</b>
	Walungu (S Kivu)	46	156	<b>202</b>
	Kisangani	187	609	<b>796</b>
	<b>Total</b>	<b>301</b>	<b>1050</b>	<b>1351</b>

24. Cooperation with Uganda, Burundi, South Sudan and Kenya is done on an ad hoc basis as the number of ex-combatants being repatriated to these countries from the DRC are far lower. Regional cooperation between governments, MONUSCO and other peacekeeping Mission such as UNMISS and MINUSCA, has also been good on the issue of obtaining disarmament agreements.

25. Despite good regional cooperation in some areas, there has been no progress on the repatriation of the ex-M23 remaining in Rwanda and Uganda. There is also an emerging issue regarding the spill over of the conflict in South Sudan into the DRC with MONUSCO, at the request of the GoDRC, already extracting 755 SPLA/M-IO elements from the Garamba National Park in Haut Uele province on humanitarian grounds. There are currently 636 elements in the care of MONUSCO. An urgent third country solution or negotiated return to South Sudan needs to be found so they can either be transferred out of the DRC or repatriated. MONUSCO also continues to receive reports of the influx of South Sudanese refugees, as well as additional presumed combatants seeking refuge in the DRC, which highlights the need for regional cooperation on this issue to prevent further spill over of the conflict and to manage associated security risks for the DRC.

Encourage MONUSCO and its Force Intervention Brigade (FIB) to support FARDC in continuing military operations against armed groups operating in DRC, particularly FDLR, ADF-NALU and other armed groups and in line with its mandate

26. The FARDC and MONUSCO resumed cooperation in January 2016 through the signing of a technical arrangement that outlined the parameters for coordinated operations. Currently, the FARDC and MONUSCO are engaged in coordinated operations across Eastern DRC where more than 70 armed groups are currently active. The main armed groups targeted



by the coordinated operations are, in order of priority – ADF, FDLR, FRPI and LRA. Smaller scale targeted operations are also being undertaken against local Mai-Mai armed groups when the opportunity presents itself.

27. On the ADF, in order to be more effective, the FARDC has recently split the operational sector into two smaller sectors each with its own commander (Operational Sector Great North and South North Kivu). This reorganization has so far increased the capability of the FARDC to conduct simultaneous operations against the ADF in different locations and increased their command and control effectiveness. MONUSCO Force, including the FIB, are actively engaged in supporting the FARDC against the ADF with support that includes attack helicopters, ground forces, artillery fire, logistics and medivacs. MONUSCO has recently moved troops around in order to improve communication and effectiveness and is implementing new tactics, including the use of more regular foot patrols and embedding military operations in a wider tailored strategy. MONUSCO has also worked on strengthening early warning mechanisms and community alert networks to strengthen protection of civilians, especially as the ADF respond to military pressure by attacking civilian populations.

28. Currently, coordinated operations between MONUSCO and the FARDC have resulted in the following positive outcomes:

- i. Destruction of operational and logistical bases of both the ADF, especially in their stronghold near Eringeti known as the “Triangle”, and FDLR, which has included the capture of large quantities of internal documents belonging to these groups that have been analysed and led to further targeted attacks.
- ii. Limiting the freedom of movement and ability of armed groups to carry out illegal activities and the exploitation of natural resources thus reducing the financial support going to these groups.
- iii. Destabilization of command and control and power dynamics within the armed groups, especially in the FDLR where there was a recent split in the FDLR leadership which has seen a number of higher ranking FDLR commanders surrender, this includes Major Castro Rafiki who was subsequently detained by MONUSCO and handed over to Government authorities for investigation into his involvement in a 2012 massacre in South Kivu.

**Commitment 3: To respect the sovereignty and territorial integrity of neighbouring countries**

**Develop and implement a plan for joint management of borders to include joint patrolling and exchange of information within the framework of the ICGLR Committee of Defense**

29. Patrolling of common borders among the ICGLR member states continues to be effectively carried out by the EJVM. Patrolling is done following reported illegal crossings and counter crossings; information is being shared regularly with the ICGLR Committee of Ministers of Defence. The wider project of joint management of common borders awaits availability of funds to be implemented.

**Commitment 4: To strengthen regional cooperation, including deepening economic integration, with special consideration for the exploitation of natural resources**

Organise an investment conference for private sector mobilization on priority projects to foster regional investment.

30. Further to the decision of the third high-level meeting of the ROM on 31 January 2014, the first Private Sector Investment Conference (PSIC) for the Great Lakes region was successfully held in Kinshasa, DRC, on 24-25 February 2016. Organized by the Government of the DRC, the Office of the UN Special Envoy for the Great Lakes region and the ICGLR, among other partners, the PSIC highlighted and promoted the role of private sector in support of peace and stability in the region.

31. The conference was attended by over 500 officials from public and private sector, as well as high-level representatives of the international community, including President Joseph Kabila of the DRC, UN Secretary-General Ban Ki-moon, Vice-President Manuel Domingos Vicente representing Angola's President Dos Santos in his capacity as Chair of the ICGLR, and AU Commissioner for Infrastructure and Energy, Dr. Elham Ahmed Mahmoud Ibrahim, representing the AU Commission Chairperson Dr. Nkosazana Dlamini-Zuma. Discussions focused on national and regional efforts to promote business and investment in the region and adopted recommendations which aim at creating an enabling environment for the mobilization of investment into the region, including into regional projects that enhance peace, security, shared prosperity and development in the region. Efforts are ongoing to follow-up on the outcome of the conference with a view to further strengthening the role of private sector in efforts to ensure peace and security in the region. Since the holding of the conference, the DRC has already registered an increase in the number of potential investors visiting the country.

Mobilize resources and prepare projects for rehabilitation of Ruzizi (Rusizi) I HPP, Ruzizi (Rusizi) II and transmission line to Goma for provision of clean and sustainable energy

32. Efforts continued to mobilize resources in support of the Ruzizi energy projects. A set of projects related to 1) the rehabilitation of Ruzizi I and II; 2) the construction of Ruzizi III; and 3) the transmission line to Goma for provision of clean sustainable energy has been under consideration by a number of development partners, including the World Bank. The latter has committed USD 150 million out of a total requirement of USD 600 million for Ruzizi III.

Hold a Summit to revitalize CEPGL and further bolster regional integration

33. On 12 August 2016, President Joseph Kabila, Chair of the *Communauté économique des Pays des Grands Lacs* (CEPGL), met with President Paul Kagame in Gisenyi. According to the CEPGL Secretariat, in addition to bilateral matters discussed, the two Heads of State also called the CEPGL Council of Ministers to meet in the near future to prepare the next CEPGL Summit. No specific date was provided.

Support the operationalization of the ICGLR Audit Committee to monitor the level of implementation and compliance to its certification Mechanism.

34. In pursuance of the implementation of the ICGLR Regional Certification Mechanism (RCM) which foresees compulsory annual third party audits of each mineral exporter, the ICGLR Secretariat and member states established an Audit Committee on 30 October 2012 with tripartite representation of member states and in-region and international industry, and civil society. The Committee fulfills two key functions, namely: (1) coordinating and monitoring the ICGLR third party audit system to be implemented in ICGLR member states; and (2) monitoring the existing RCM standards and procedures and, as systems evolve, proposing adjustments. The Committee is also responsible for formalizing the methodology of the audit process and reviewing audit results.

35. The ICGLR Secretariat and its technical and financial partners have carried out capacity building with the Committee in support of its mandate. On 6 November 2013, the Committee finalized and approved the Audit Methodology which serves as a foundation of accreditation of the first pool of third party auditors completed on 6th August 2014 and the launch of the pilot audit phase. The Third Party Audits pilot phase was completed successfully with a focus on eight 3TG exporting companies in the DRC and Rwanda. Executive summaries can be accessed on the ICGLR website (<http://www.icglr.org/index.php/en/homepage/135-laast-news/727-icglr-audit-committee-reports>). The completion of the pilot phase announces the extension of Third Party Audits to all exporters of the designated minerals (Tin, Tantalum and Tungsten) in the Great Lakes Region.

36. Despite commendable achievements by the ICGLR Secretariat and the Committee, the full operationalization has faced the following challenges:

- i. Insufficient human capacity of the Committee in terms of technical staff: some key positions required to fully operationalize the Audit Committee are yet to be filled.
- ii. The need to harmonize the myriad responsible mineral tracking schemes in the region with the ICGLR audit standards: The Audit Committee and the ICGLR Secretariat have initiated a process of harmonizing and aligning regional standards with other schemes such as auditing systems operating in the region.
- iii. Lack of funding to organize a high-level regional conference to sensitize in-region actors in the mining sector on responsible mineral supply, particularly on the ICGLR audit requirements prior to mineral export. This would contribute to cutting the link between illegal mining and trade and the funding of armed groups and help contribute to sustainable peace in the region.

**Commitment 5: Respect the legitimate concerns and interests of the neighbouring countries, in particular regarding security matters**

Establish mechanisms and launch processes to facilitate the voluntary, safe and dignified return and reintegration of refugees as per Tripartite Agreements, and according to existing International Refugee Law, International Humanitarian and Human Rights Law

37. There are over 6 million internally displaced persons and 3.5 million refugees in the Great Lakes region, with many having been displaced for over 10 years. Since April, 2015, over 300,000 people have fled Burundi to the DRC, Rwanda, Tanzania and Uganda, and the

number of refugees who have fled South Sudan has now reached over 1 million people.<sup>[1]</sup> Host countries in the Great Lakes region are consistently recognized by the international community and international organizations as living up to their commitments under international law as hosts to those seeking asylum.

### *Tripartite agreements*

38. As reported in the first Progress Report, several tripartite agreements have been signed to facilitate repatriation of refugees in the Great Lakes region, including between Burundi, DRC and UNHCR (11 December 2009); and Burundi, Uganda and UNHCR (13 November 2013). Returns are ongoing in some situations. For example, 32,282 Congolese refugees have returned to the DRC from countries in the region between 2014 and September 2016.<sup>[2]</sup> Rwanda signed a tripartite agreement with UNHCR and other partners regarding 75,000 Burundian refugees currently being hosted in the country. Rwanda expects to spend about \$94 million on refugee support in 2016.<sup>[3]</sup>

39. A tripartite meeting between Uganda, DRC and UNHCR was held on 28-29 April 2014, where they decided, among other matters, to fast track the implementation of organized voluntary repatriation by September 2014. According to the submission by the Government of the DRC, this operation could not take place due to the fact that the necessary conditions had not been met, including in particular the transmission of lists of Congolese refugees in Uganda. The DRC Government stated that it had received from the Government of Uganda lists of 656 Congolese refugees to be verified for return, compared to a total of 171,126 Congolese refugees registered in Uganda.<sup>[4]</sup>

40. Rwanda, DRC and UNHCR signed a tripartite agreement on 17 February 2010. The last Tripartite Commission Meeting was held in Kigali on 20-21 June 2013, which, among other issues, called for a biometric registration of Rwandan refugees. The registration process is underway led by the Government of the DRC, with support from UNHCR and others. The process has experienced delays due to security concerns in Eastern DRC. According to the submission by the Government of the DRC, there are 47,000 Congolese refugees in Rwanda compared to approximately 254,820 Rwandan refugees in the DRC. The DRC Government noted it required the profiles of Congolese refugees wishing to return to enable further returns.

41. On 2 October 2015, UNHCR convened a high-level meeting on the Comprehensive Solutions Strategy for Rwandan refugees.<sup>[5]</sup> The Strategy calls for an end to the refugee status for Rwandans who fled Rwanda before 31 December 1998. The meeting, which brought together Ministerial delegations from the main countries hosting Rwandan refugees (Angola, Burundi, Cameroon, the DRC, Kenya, Malawi, Mozambique, Republic of Congo, South Africa, Uganda, Zambia and Zimbabwe), as well as Rwanda, reaffirmed its commitment to bring the Strategy to its conclusion by end 2017.

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<sup>[1]</sup> Figures from UNHCR Data Portal, <http://data.unhcr.org/burundi/regional.php> as at 10 October 2016.

<sup>[2]</sup> <http://data.unhcr.org/drc/country>.

<sup>[3]</sup> <http://ktpress.rw/2016/02/rwanda-spending-94-million-on-burundian-refugees/>

<sup>[4]</sup> DRC notes that the total number of Congolese refugees in Uganda is at 171,126, while UNHCR records a total of 217,000 as at September 2016.

<sup>[5]</sup> <http://www.unhcr.org/rw/682-unhcr-african-host-countries-agree-on-final-steps-to-resolve-rwandan-refugee-situation.html>

### ***Local integration***

42. Various countries, with support from UNHCR, World Bank and other international and regional partners, have developed innovative initiatives that promote local integration. For example:

- i. *Tanzania* – Since 2013, Tanzania has naturalized 200,000 former Burundian refugees and their children.
- ii. *Zambia* – Since 2012, the Government of Zambia has been working with UNHCR and the World Bank to facilitate local integration for nearly all Angolan refugees (13,160 Angolans still live in two settlements) and 4,000 Rwandan refugees.
- iii. *Uganda* – Uganda has been practicing a version of local integration that focuses on supporting refugees to be able to more effectively participate in the social and economic life of their hosting communities, have access to social services, education and land, as well as freedom of movement, without the right to vote or participate in national politics as candidates. This can be beneficial to both refugees and the host communities as it provides the opportunity for fuller inclusion and socio-economic integration.

43. On 6-7 June 2016 in Nairobi, the Office of the UN Special Envoy for the Great Lakes Region, along with ICGLR, AU and the World Bank, convened a high-level meeting with officials from Burundi, the DRC, Rwanda, Tanzania, Uganda and Zambia to share experiences and explore ways to foster effective and sustainable local integration. The meeting revealed a number of common challenges that could be addressed at regional and sub-regional levels, including, among others, harmonizing or eliminating the currently high and varying cost for identification and registration documentation for refugees and family members in the Great Lakes region.

### ***Resettlement***

44. UNHCR and partners continue to resettle certain groups of refugees abroad. Of relevance is a program to be carried out between 2012 and 2017, which envisages the resettlement of 50,000 Congolese refugees who fled the country between 1994 and 2005 to Uganda, Rwanda, Burundi and Tanzania.

### ***Commitment 6 – To neither harbour nor provide protection of any kind to persons accused of war crimes, crimes against humanity, acts of genocide or crimes of aggression, or persons falling under the UN sanctions regime***

Convene at least two (2) regional workshops for stakeholders to share information and lessons learned on national investigations and prosecutions of international crimes, including sexual and gender-based violence, and formulate options for further action in the fight against impunity

45. Ending impunity and holding perpetrators accountable for atrocities committed continues to be a priority in the region. Notably, criminal prosecutions of conflict-related

crimes, serious violations of human rights, sexual and gender-based violence and terrorism are underway in the DRC, Rwanda and Uganda. Furthermore, over the past two years, there has been some success in bringing to justice higher-level accused at the regional and international level, including the following cases:

- i. In January 2015, Dominic Ongwen, one of the senior commanders of the Lord's Resistance Army, was transferred to the International Criminal Court (ICC) as a result of close cooperation and consultation between the governments of the CAR and Uganda, the AU Regional Task Force and the ICC. His trial is expected to begin in December 2016.
- ii. In July 2015, ADF leader Jamil Mukulu was arrested in Tanzania, and after receiving requests from the DRC and Uganda, Mukulu was transferred to Uganda to face criminal prosecution for crimes committed in Uganda.
- iii. In September 2015, the trial of Bosco Ntaganda, charged with war crimes and crimes against humanity allegedly committed in Ituri province in 2002 and 2003, commenced at the ICC.
- iv. In September 2015 a German court convicted Ignace Murwanashyaka and Straton Musoni, high ranking officers from the FDLR, to respectively 13 and 8 years in prison for violence and crimes committed by the FDLR in Eastern DRC and for leading a terrorist organization.
- v. In December 2015, Germain Katanga and Thomas Lubanga were returned to the DRC to serve the remainder of their sentences for convictions of war crimes and crimes against humanity. On 30 December 2015, new charges of war crimes and crimes against humanity were filed against Katanga in the High Military Court in Kinshasa.
- vi. General Léopold Mujiyambere, second in command of the FDLR and listed under the UN Sanctions Regime, was arrested in Goma, DRC on 7 May 2016.
- vii. On 8 December 2015, Ladislav Ntaganzwa, one of nine alleged génocidaires and also listed under the UN Sanctions Regime, was arrested in the DRC. He was transferred from the DRC to Rwanda in April 2016, in accordance with an Order of the Mechanism for International Criminal Tribunals.

46. However, key individuals remain listed under the UN sanctions regime for alleged crimes committed in the CAR, the DRC and South Sudan and subject to international and national arrest warrants. These include several extradition requests from July 2013 from the Government of the DRC concerning four members of the ex-M23 who are in Rwanda, as well as Laurent Nkunda, a former FARDC commander and leader of the *Congrès national pour la défense du peuple* (CNDP), who has been under house arrest in Rwanda since his arrest on 22 January 2009.

**Commitment 7 – Facilitate the Administration of Justice through Judicial Cooperation in the Region**

Convene a high-level consultation on regional judicial cooperation with a focus on the ICGLR Protocol on Judicial Cooperation and the establishment of Joint Investigations Commissions

47. Formal and informal cross-border cooperation in criminal matters is crucial to combat impunity for conflict-related crime, including sexual and gender-based violence, transnational organized crime, illicit trafficking and terrorism, and ending the cycles of violence in the Great Lakes region. Various initiatives are underway in the region to foster a strong culture of judicial cooperation, which in turn will contribute to greater respect for judicial institutions in the countries of the region and greater respect for the rule of law.

48. On 25-26 August 2015, Ministers of Justice of ICGLR member states met in Livingstone, Zambia to adopt the Domestication Road Map 2015-2018 developed by ICGLR National Coordinators and Legal Focal Points, designed to complete the domestication of all ICGLR Protocols. In their final declaration, the Ministers also committed to taking measures to strengthen judicial cooperation and mutual legal assistance in order to combat transnational crimes and facilitate extraditions.

49. Following up on that declaration, ICGLR and O/SESG-GL convened a high-level meeting of Directors of Public Prosecutions Services on the issue of judicial cooperation. For the first time, prosecutors from all ICGLR member states came together to discuss challenges and opportunities for judicial cooperation among themselves. The delegates recommended the creation of a Great Lakes Judicial Cooperation Network to be comprised of Directors of Public Prosecution Services. A meeting to agree on Terms of Reference and the way forward for the Network is planned for 10–11 November 2016, to be hosted by Kenya. The establishment of such a Network will facilitate formal and informal cooperation among judicial actors in the Great Lakes region.

#### Launch the Sexual and Gender Based Violence (SGBV) Regional Training Facility (RTF) in Kampala, Uganda

50. The ICGLR Regional Training Facility on Sexual and Gender-Based Violence was opened in Kampala, Uganda in February 2014. It operates as a forum for bringing together professionals involved in sexual violence cases, including police, prosecutors, magistrates, social workers, psychologists and doctors for training on the most effective and least harmful manner to handle sexual violence cases. To date, the Regional Training Facility, with partners such as O/SESG-GL, the UN Special Representative on Sexual Violence in Conflict, the AU and the Government of Uganda, has conducted trainings for police, workshops on managing sexual violence cases in conflict situations and within military justice, and a very successful Access to Justice Symposium held in July 2016.

## INTERNATIONAL COMMITMENTS

51. The PSC Framework sets out 5 commitments for the international community, namely: (i) that the Security Council would remain seized of the importance of supporting the long-term stability of the DRC and the region; (ii) bilateral partners would remain engaged in supporting the DRC and the region, including supporting the implementation of the ICGLR Pact and Protocols; (iii) renew their commitment to support the CEPGL; (iv) conduct a strategic review of MONUSCO; and (v) appoint a UN Special Envoy. These commitments have been, and continue to be, implemented.

52. Initiatives taken by the Guarantors of the PSC Framework (the UN, the AU, the ICGLR, and SADC), as well as other international partners and stakeholders, continue to support the implementation of the PSC Framework and long-term peace and stability. These include follow-up activities to implement the decisions of the relevant policy organs of these organizations, including the strengthening of the governing mechanisms of the PSC Framework. The Guarantors of the PSC Framework also continue to work closely with other international and regional envoys to support efforts and initiatives aimed at peace and stability, including promoting the role of youth, women, civil society and the private sector.

53. The UN Secretary-General launched the Great Lakes Regional Strategic Framework during an open debate of the Security Council on prevention and resolution of conflicts in the Great Lakes Region chaired by the Republic of Angola on 21 March 2016 in New York. The Strategic Framework is aimed at harmonizing and streamlining UN activities across the Great Lakes, including in support of the implementation of the PSC Framework, in close cooperation with the countries of the region. Furthermore, the Secretary-General has proposed to dedicate a separate annual session of the UN Security Council to the Great Lakes Region, in addition to the regular consultations of the Council on MONUSCO. Preparations have also been initiated for the convening of the 3<sup>rd</sup> meeting of the Great Lakes Development Partners' Forum to support countries in the region in implementing their commitments.

54. Finally, the World Bank (WB) is also making efforts to deliver its commitments to the region following the regional tour by WB President Kim and UN Secretary-General Ban Ki-Moon in May 2013. Out of the USD 1 billion initially pledged, the WB Board has to date approved USD 717 million to support energy development, address sexual and gender based violence, women's health, capacity building for the ICGLR, trade facilitation and agriculture, and improve Information and Communications Technology (ICT) connectivity in the region.