

**CONCEPT NOTE**  
**HIGH-LEVEL REGIONAL CONFERENCE ON**  
**JUSTICE AND GOOD GOVERNANCE**

*Combating impunity and upholding human rights as key contributions to peace and security*

**13-15 May 2019, Nairobi (Kenya)**

**I. Context and justification**

2018 marked the 10<sup>th</sup> anniversary of the enactment of the Pact on Security, Stability and Development in the Great Lakes Region and of the related Protocols<sup>1</sup> of the International Conference on the Great Lakes Region (ICGLR Pact and Protocols), as well as the 5<sup>th</sup> anniversary of the Peace, Security and Cooperation Framework for the Democratic Republic of Congo (DRC) and the region (PSC Framework).<sup>2</sup> Fighting impunity and promoting human rights and justice is at the core of the commitments which the regional leaders included in the ICGLR Pact and Protocols, and the PSC Framework, in order to advance peace, security and development in the Great Lakes region.<sup>3</sup>

All Member States of the ICGLR have signed the PSC Framework and the ICGLR Pact and Protocols, and are bound by the latter, and the Guarantors of the PSC Framework, *i.e.* the Office of the Special Envoy of the United Nations Secretary-General for the Great Lakes region (O/SESG-GL), the African Union (AU), the ICGLR, and the Southern African Development Community (SADC), have been cooperating closely with Governments of the region to advance the peace, security and development commitments. Important steps have been taken in support of justice in the region, including the establishment of the Great Lakes Judicial Cooperation Network, and the national committees on prevention and punishment of the crime of genocide, war crimes, crimes against humanity and all forms of discrimination. Moreover, the United Nations in the region has joined forces on this issue through the Great Lakes Regional Strategic Framework (GLRSF) Pillar Six on “Justice and Conflict Prevention” co-led by UNDP and OHCHR, which includes a regional project on impunity and justice.

Nevertheless, the implementation has been slow. Impunity for human rights violations remains one of the greatest impediments to delivering sustainable peace and stability in the region. This was also publicly stated by the 2018 Nobel Peace Prize Laureate Doctor Denis Mukwege from

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<sup>1</sup> The ICGLR Protocols concern a) democracy and good governance, b) judicial cooperation, c) prevention and the punishment of the crime of genocide, war crimes and crimes against humanity, d) illegal exploitation of natural resources, and e) prevention and suppression of sexual violence against women and children

<sup>2</sup> The PSC Framework was signed in Addis Ababa in February 2013.

<sup>3</sup> Sustainable Development Goals 16.3 and 16.A also call respectively to “Promote the rule of law at the national and international levels and ensure equal access to justice for all” and “Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime.”

the DRC who condemned impunity for mass rape and the use of sexual violence against women as a strategy and weapon of war.

Further concrete action, endorsed at the highest political level, is needed to advance the fight against impunity and the promotion of human rights and justice, as agreed also by the Heads of State and Government during the 8<sup>th</sup> Summit of the Regional Oversight Mechanism (ROM) of the PSC Framework, held in Brazzaville, Republic of Congo in October 2017. To this end, a high-level regional conference on justice and good governance will be held in Nairobi in May 2019.

## **II. Format, objectives and outcomes**

The conference consists of two sequenced segments, namely a two-day technical-level consultation followed by a high-level ministerial consultation of the ICGLR Ministers of Justice.

### 1) Technical-level Consultation

The objective of the technical-level consultation is to review progress, challenges and next steps concerning the fight against impunity and the administration of justice. The outcome will be a proposed declaration including recommendations, timelines and benchmarks. Participants will include representatives from Ministries of Justice, prosecutors, regional courts, human rights and civil society organizations. The below topics are the suggested focus of the consultation:

- *transitional justice; hybrid courts; Truth and Reconciliation Commissions; reparations and victim protection;*
- *international and regional courts; African Court on Human and Peoples' Rights; East African Community Court;*
- *challenges concerning cross-border crime, particularly crime related to the illicit trade of natural resources and the role of the GLJCN;*
- *Sexual and Gender Based Violence (SGBV); Special courts to tackle the case backlog related to SGBV; the implementation of Resolution 8 of the Kampala Declaration on SGBV.*

### 2) High-level Ministerial Consultation

The objective of the high-level ministerial consultation of Ministers of Justice will be to assess the recommendations from the technical-level consultation and to discuss measures to ensure their implementation. The outcome will be a declaration. The ministerial consultation will be chaired by the Minister of Justice of the Republic of Congo as Chair of the ICGLR and will last a half day. Participants will include Ministers of Justice from the ICGLR countries, the representatives of the PSC Framework Guarantors and relevant UN agencies. The Guest of Honor will be a senior representative from the government of Kenya

### **III. Participants**

The below is an initial estimate of participants. The final participants list will depend on the focus and agenda of the meeting.

#### Conference (60)

- Representative of the United Nations High Commissioner for Human Rights (1)
- Representatives from Ministries of Justice (12 *i.e.* one per country)
- African Court and Commission on Human and Peoples' Rights (2)
- Civil society organisations concerning justice and human rights (12 *i.e.* one per country)
- Civil society organisations concerning freedom of press (12 *i.e.* one per country)
- Special prosecutor of the CAR Special Criminal Court (1)
- Prosecutor of the Mechanism for International Criminal Tribunals (1)
- Chair of the ICGLR Executive Secretariat (2)
- Chair of the ICGLR Regional Committee on prevention and punishment of the crime of genocide, war crimes, crimes against humanity and all forms of discrimination; (1)
- Director of the ICGLR Regional Training Facility Centre on SGBV (1)
- Representative of ICGLR Regional Centre on Democracy, Good Governance and Human Rights; (1)
- O/SESG-GL (2)
- OHCHR (2)
- UNDP (1)
- UNODC (1)
- UN Justice and Corrections Section Standing Capacity (1)
- AU (1)
- Members of the diplomatic community (for the opening of the Ministerial meeting)

#### High-level ministerial consultation (33)

- Ministers of Justice and support (24)
- Special Envoy O/SESG-GL and support (2)
- ICGLR Executive Secretary and support (2)
- AU and support (2)
- Prosecutor of the Mechanism for International Criminal Tribunals (1)

#### **IV. Logistics**

Organizers: The conference will be co-organized by ICGLR, O/SESG-GL and OHCHR.

Financing: The organising partners will share the cost regarding the meeting. OHCHR will liaise with the Ministers of Justice and experts on the topic, and will finance the participation of selected civil society and human rights organisations. O/SESG-GL will sponsor up to 45 participants (up to three representatives per country, plus selected representatives of international organisations) and cover the conference costs. ICGLR – in coordination with O/SESG-GL – will engage the Guest of honor.

Date and venue: 13-15 May 2019 in Nairobi, Kenya