

RESTRICTED

**EXPANDED JOINT
VERIFICATION
MECHANISM**



**MECANISME CONJOINT
DE VERIFICATION
ELARGI**

**REPORT OF EJVM STRENGTHENING WORKSHOP HELD IN GISENYI/RWANDA
(From 07 – 09 May 2019)**

The workshop was attended by;

1. Representative of ICGLR E.S, Mr. Wilson KAJWENGYE (ICGLR Peace and Security Director).
2. Mr Patrick MUTOMBO, Deputy Coordinator of DRC National Follow-up Mechanism.
3. Brig Gen MAMBA Augustin, Director of External Intelligence of the DRC and Moderator of the Workshop;
4. Col Leon MAHOUNGOU, Commander EJVM / ICGLR and Speaker.
5. Ms DONATA GARRASI, Political Affairs' Officer, Office of the Special Envoy of UN Secretary-General to the Great Lakes.
6. Brig Gen Christian NDAYWELL, External Relations' Officer of DRC Ministry of Defence.
7. Brig Gen Edmond ILUNGA Commander of FARDC 34th Military Region North Kivu.
8. Brig Gen RASHIDI MAPATANO, Deputy Commander of 33rd FARDC Naval Group.
9. Rear-Admiral Placide NYEMBO, Commander of Congolese National Police in North Kivu.
10. Col Jean Pierre GINEGUME, Director of DRC Military Cooperation.
11. Mr DOHOTIE COULIBALY, DDR Officer, Office of the Special Envoy of UN Secretary General to the Great Lakes.
12. Mr AHMED MAKKI AHMED ALTAHIR, Coordinator of ICGLR Intelligence Fusion Centre.
13. Lt. Col James SAFARI, Representative of RDF.
14. Professor Moïse CHIFENDE, Legal Adviser to the ECGLC and Speaker.
15. Mr DAVID TUCK, ICRC Legal Adviser, Speaker.
16. Mr Bruno Donat, Chief MONUSCO DDR / RR-CVR, Speaker.
17. Ms. ELEANOR FRIEL, Representative of European Union, KIGALI Office.
18. Ms. STOETKIN MEERTENS, GIZ Peace and Security Advisor.
19. Mr Jean Paul MIHIGO, Legal Adviser CARITAS DRC.
20. Ms. SARA BOTTIN, UNDP Office Kigali.
21. All experts of EJVM.
22. Delegates from partner organisations and other guests.

RESTRICTED

SCOPE

1. For the success of the workshop, below themes were developed by different speakers;
 - a. Theme 1: ICGLR protocol on the pact of non-aggression and mutual defence.
 - b. Theme 2: The DDR process.
 - c. Theme 3: Border demarcation progress within the ICGLR.
 - d. Theme 4: Geneva conventions on the protection of victims.
 - e. Theme 5: Peace and Security framework.
 - f. Theme 6: Proposed ICGLR Early Warning Mechanism.
 - g. Theme 7: EJVM needs to strengthen its capacity.
 - h. Recommendations.

EJVM COMMANDER'S OPENING REMARKS

2. The Commander opened the workshop by welcoming all the dignitaries and the distinguished guests. He emphasised on what the EJVM is all about and the role it plays in the International Conference on the Great Lakes Region (ICGLR). He concluded his remark by thanking the Executive Secretary of the ICGLR who is at the centre of the valorisation of all the initiatives advocated by the sub-region and commitment without flaws from all EJVM partners; with particular regard to the office of the Special Envoy of the Secretary-General of the United Nations for the Great Lakes Region, the EU, who continue to work hard by providing multi-faceted support to EJVM in reaching the political and strategic **End-State** of our inter-governmental organisation, ICGLR. He further expressed his gratitude for the support to all guests present at the workshop.

THE REPRESENTATIVE OF ICGLR EXECUTIVE SECRETARY'S REMARKS

3. Mr. Wilson KAJWENGYE, Director of ICGLR Peace and Security Department, commended the authorities of Rwanda for allowing the Workshop to be held at GISENYI in Rwanda, and for providing the necessary security. He thanked the authorities of the DRC who host the EJVM HQ, the SADC Member States, MONUSCO, the SESG's Office for providing all the logistical means to make the workshop possible, to the EJVM and JIFC for their commendable work in the ICGLR. He concluded by stating that the challenges of the EJVM are known, and solutions can be found from this workshop, whose main purpose is to strengthen its capabilities.

THEME 1: ICGLR PROTOCOL ON THE PACT OF NON-AGGRESSION AND MUTUAL DEFENCE

4. Mr. KAJWENGYE, read the protocol, giving the definitions and concepts of Articles 1-8 of the Protocol defining objectives, mutual defence, renunciation of threats and the use of force, the prohibition of the use of force and threats, Subversion, aggression, the

responsibilities of Member States at borders to prevent the proliferation of small arms and measures against armed groups. He gave an overview of the 12 ICGLR border security zones. He noted that there identified projects to be undertaken in those zones. However, the projects have not yet started due to lack of funds.

5. As part of the implementation of the said protocol, he commended the DRC government for fighting armed groups that are active in eastern DRC. He also thanked and acknowledged the Burundian government for the recent repatriation of seven Rwandan rebels captured on its territory. Mr. KAJWENGYE emphasised that, failure by a member state to abide by its obligations constitutes a fundamental breach of this protocol and a threat to regional peace and security, for which such a member, shall be held responsible and accountable before the Summit of the ICGLR Heads of State. He concluded by stating that the continued existence of armed groups and insecurity in the region, is not because of lack of instruments, but owing to lack of strict adherence to the prescribed protocols. Mr. KAJWENGYE lastly indicated that the ICGLR has been acknowledged by the AU as a regional mechanism not an economic community.

THEME 2: THE DDR PROCESS

6. UN Security Council Resolution 2389 (2017) stipulates that the Government of DRC, with the support of the countries of the region in line with their commitment under the PSC Framework¹ in strict compliance with international law, including international humanitarian law and international human rights law, as applicable. It also encourages the Government of the DRC to initiate a strategic shift on DDR away from static demobilisation structures to a more flexible approach, in order to effectively attract combatants willing to demobilise into tailored DDR initiatives and transition into civilian life.

7. Mr Bruno, Director of the MONUSCO DDR/RR-CVR Department, stated that the DDR is a Government program. However, within the framework of MONUSCO the DDR is defined as a technical support organ to the program of the Government of the DRC by providing the required technical assistance, such as advice and other DDR approaches that can be adapted to the country program. He further explained the DDR process in DRC and how it is supported by MONUSCO. According to the concepts of MONUSCO, surrender and repatriation are voluntary, a little flexibility can be incorporated without excluding the pressure on armed groups by the government forces to force them to surrender.

8. Without indicating a time period, Mr. Bruno estimated that at least 33,000 ex-combatants and their dependents have been repatriated to their country of origin; 85 per cent

¹ This include conducting joint operations in accordance with its mandate, to vigorously pursue the neutralisation of all armed groups still active in the eastern DRC, and stresses the need to protect the civilian population, including through professional, accountable and sustainable security forces, and to carry out operations



of them to Rwanda. He noted that if the person has committed a crime, it is up to the concerned member state to keep record or arrest the suspect to bring him/her to justice once repatriated. He further indicated that MONUSCO DDR does not budget for the "R" (Reintegration), as the other agencies deal with this aspect, which is a major challenge for the rest of the program.

9. Arising from the questions and answers session, it was indicated that a technically perfect process could only be achieved after disarmament and demobilization. However, if there are no other accompanying measures (security, stabilization, extension of state authority, finance, logistics and governance), the DDR process will not succeed. Regarding EJVM support to the MONUSCO DDR program, a nodal point can be designated while scheduled periodic meetings can be arranged to share information and experience.

THEME 3: BORDER DEMARCATION PROGRESS WITHIN THE ICGLR

10. Prof. Moise CHIFENDE began his presentation by emphasising the importance of this topic as being very interesting in the context of Africa and the ICGLR member States in particular since there are unclear borders. According to the evaluation of the African Union one third of Africa's borders are delineated, of which 40 per cent are not demarcated, constituting points of contention that lead to conflicts of which several incidents have already been recorded. Although these boundaries are a valuable legacy of colonization and are covered by the principle of intangibility, they are not delineated and demarcated.

11. In order to facilitate the comprehension and assist the ICGLR organs mandated to promote peace and stability in the Region, he gave the following definitions: He gave the following definitions to clarify the difference:

- a. **Delineation:** A political, diplomatic and legal process aimed at reaching a consensus on the common border between two States whose conclusion of a border treaty is the culmination (political and legal consensus on an agreed border).
- b. **Demarcation:** A technical operation to limit the entire agreed boundary (the field of technicians, in particular geodesists, topographers and cartographers). Its purpose is to mark the position of the border on the ground so that it is visible to all.

12. In conclusion he indicated that most borders are delineated but, not demarcated. Borders must be marked in strict compliance with the legal framework, respect for the integrity of a State and the principle of non-aggression. In case of any conflict, it must be settled peacefully in the respect of good relations, sociological and legal solidarity. If the concerned population is in another country, they are allowed to choose which country they want to belong to or a second nationality can be granted as these borders inherited from

colonization should not be iron curtains but places of exchange. In the demarcation of borders, liquid borders are much more complex and States must behave in good faith. With regard to progress on the demarcation of the DRC-Rwanda border, there is some progress, but there are still challenges that remain. Regarding the fight against mining fraud in the borders, each State must strengthen its security and assume its responsibilities. After questions session, this theme was concluded by stating that the demarcation of borders is a very complex issue that requires collaboration, consultation of the population taking into account their rights. Imposing force to conquer a border/territory of another MS is prohibited, any change or transfer must be done through a referendum vote.

THEME 4: GENEVA CONVENTIONS ON THE PROTECTION OF VICTIMS

13. Mr. DAVID TUCK of the ICRC, gave a brief history by saying that the Geneva Convention was conceived before 1849 and implemented in 1859 following the wars that caused many deaths. It is in this context that protection mechanisms have been put in place to help victims of conflict (wounded and refugees). The instruments put in place are called the GENEVA CONVENTIONS, the Red Cross and the Red Crescent, which work in the context of armed conflicts. The Geneva Conventions applies during armed conflicts as International Humanitarian Law (IHL) in areas of armed conflict and many countries have ratified the Convention. IHL is contained in four conventions (Geneva Conventions) of 1949 and three additional protocols of 1977 and 2005.

14. It protects people who are no longer in hostilities or not active at war. The Geneva Convention defines conflict as the use of force by one State against another State or an armed group against a State and the Convention applies to all national and international armed conflicts. He alluded that if a member of one state fired on a soldier from another state, it meant that the two countries were at war according to the convention. A conflict is national when a local armed group is against another, or a local, organized and structured armed group is against a state, even though there may be involvement of other states through logistical, financial and advisory support without direct engagement of men in the theatre of combat.

15. A conflict is international when one state is against another and the two compete against each other. The convention protects civilians, war-wounded, unarmed military medical personnel, but must wear the emblems of the ICRC. Military personnel engaged in fighting, their families, civilians involved in conflict, persons prosecuted for crimes and armed groups cannot benefit from the protection of the ICRC.

16. For the legal framework, the ICGLR as one of the guarantors of the peace convention to make laws in peacetime to incorporate them into the laws of member countries that governments must respect, for example the prohibition of improper use the emblems of the ICRC, the identity of the men engaged, avoid the disappearance of persons, popularize laws

within the Armed Forces, respect for the proportionality of forces, etc. After a very interesting exchange given the importance of the theme, it was noted that the Geneva Convention was designed to protect victims of conflict when it arises, the convention is interested in international humanitarian law to guide the behaviour of men, what they should do and what they should not do. For example, distinguish military objectives from civilians and take precautions to avoid collateral damage.

THEME 5: PEACE AND SECURITY FRAMEWORK

17. This theme was developed jointly by Mr. COULIBALY of the Office of the Special Envoy of the UNSG for GLR, and the DRC Deputy Coordinator of the National Follow-up Mechanism for peace, security and cooperation for the DRC and the region as explained below:

A. PEACE FRAMEWORK

c. **Historical Background:** As a result of regional tensions, the Framework Agreement (which reflects a shared vision of the leaders of the region and the international community and their determination to address the root causes of violence and recurrence of conflict), was signed in December dated February 24, 2013.

d. **States Parties:** There are 11 States Parties to the Agreement namely DRC, Angola, Burundi, Republic of Congo, Rwanda, South Sudan, Tanzania and Republic of Zambia.

e. **Guarantors:** ICGLR, SADC, United Nations; AU.

f. **The commitments subscribed:**

i. For the Government of the DRC, a renewed commitment to:

(a) Continue and deepen security sector reform, particularly with regard to the army and the police;

(b) Consolidate the authority of the state, particularly in the eastern Democratic Republic of the Congo, including by preventing armed groups from destabilizing neighbouring countries;

(c) Make progress on decentralization; Promote economic development, including expansion of infrastructure and provision of basic social services;

RESTRICTED

- (d) Promote structural reform of state institutions, including financial reform;
- (e) Promote structural reform of state institutions, including financial reform;
- (f) Promote the objectives of national reconciliation, tolerance, and democratization.

ii. **Commitments of regional actors:** A renewed commitment to:

- (a) Do not interfere in the internal affairs of neighbouring states;
- (b) Not to tolerate or provide assistance or support to armed groups;
- (c) Respect Sovereignty and the territorial integrity of neighbouring states;
- (d) Strengthen regional cooperation, including through the deepening of economic integration with special attention to the issue of natural resource exploitation;
- (e) Respect the legitimate concerns and interests of neighbouring States, particularly with regard to security issues;
- (f) Not to harbour or provide protection of any kind to persons accused of war crimes, crimes against humanity, acts of genocide or crimes of aggression, or persons under the regime of United Nations sanctions;
- (g) Facilitate the administration of justice through judicial cooperation in the region.

iii. **Commitments of the international community.** The Security Council will continue to consider the importance of supporting the long-term stability of the DRC and the Great Lakes region through:

- (a) A renewed commitment by bilateral partners to remain mobilized in their support to the Democratic Republic of Congo and the region with the appropriate means to ensure the sustainability of these actions in the long term; and support the implementation of the Pact's Protocols and Priority Projects on Security, Stability and Development in the Great Lakes Region;
- (b) A renewed commitment to work towards the revitalization of the Economic Community of Great Lakes

RESTRICTED

Countries (CEPGL) and to support the implementation of its objective of economic development and regional integration;

(c) The appointment of a United Nations Special Envoy to support efforts to find durable solutions with a multi-pronged plan that will allow the convergence of all ongoing initiatives.

B. MONITORING MECHANISMS. The DRC, neighbouring countries, regional partners and the international community will work in a synchronized manner to promote these principles.

a. **A regional monitoring mechanism** involving the leaders of the countries of the region will be established and meet regularly to review progress in implementing the above regional commitments, while respecting the sovereignty of the states concerned.

b. **A Technical Support Committee** to the Regional Monitoring Mechanism;

c. **A National Monitoring Mechanism** to monitor the implementation of commitments by the DRC (MNS). As part of the implementation of the agreement by the MNS, more than 70 ex-M23 elements were repatriated to the DRC from Uganda, as well as 1,800 former FDLR were repatriated to Rwanda in the MUTOBO camp.

THEME 6: PROPOSED ICGLR EARLY WARNING MECHANISM

18. The EJVM Commander started his presentation by referring to a Situation Room which is an integral part of the ICGLR and will have its main tasks which include:

g. Collection of information, processing, analysis and proposal of measures to facilitate timely decision-making;

h. Serve as a point of contact and communication room for the ICGLR;

i. The Situation Room operates 24 hours a day, 7 days a week, under the authority of a designated Coordinator.

OPPORTUNITIES

19. The following are the opportunities arising from the implementation of the EWM:
- j. Alert decision makers in time to emerging threats or conflicts;
 - k. The Watch Room is a link between the EWM Coordinator, Stakeholders and other EWM units;
 - l. Proposes necessary measures for decision makers;
 - d. Ongoing monitoring of the activities of armed groups, based on the specific information analysed;
 - e. Prevent the deterioration of relations between Member States;
 - f. Strengthen the collaboration, coordination and participation of all security and defence services in the ICGLR;
 - g. Real time dissemination of analysed information to relevant decision makers.

CHALLENGES FOR AN EWM

20. The EWM once established, could likely face the following key challenges:
- a. Budget constraints (non-respect of financial commitments by Member States).
 - b. Infrastructure - construction of facilities (limited space and compliance with health and safety standards at work).
 - c. Adaptation of the charter (legal framework) to the mandate of the EWM.
 - d. Current relations between some Member States could hinder the process of establishing an EWM.

THEME 7: EJVM NEEDS TO STRENGTHEN ITS CAPACITY

21. Following the explicit presentation of the MCVE Commander on the history of EJVM, its composition, partners, activities and challenges, the Commander expressed the major needs to strengthen its capacities can be noted as follow:
- a. Vehicles.

RESTRICTED

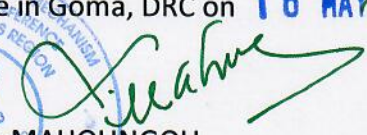
- b. Office and technological equipment.
- c. Training.

GENERAL RECOMMENDATIONS BY THE WORKSHOP

22. The following recommendations were adopted:

- a. Strengthen collaboration between MONUSCO DDR/RR-CVR and the EJVM;
- b. Promote the economic dimension in relation to the implementation of the framework agreement;
- c. Advocacy with decision-makers and partners to build the capacity of the EJVM;
- d. Strengthen communication between actors of the peace process in the region (Framework Agreement) to improve relations between Member States;
- e. Continue the reflection on the EWM and transmit the conclusions of the work to the Committee of Chiefs of Staff;
- f. Encourage the guarantors of the framework agreement in accordance with the recommendations of the 9th meeting of the Regional Framework for Monitoring the Framework Agreement held in Kampala on 08 October 2018, to further mobilize the political will/commitment of the Member States in support of the EJVM to ensure the effective implementation of its mandate;
- g. Accelerate the demarcation process of common land and water borders between member states;
- h. Encourage member states to strengthen security cooperation;
- i. Urge the Executive Secretariat to advocate with our partners for the reinforcement of EJVM's training capacity for the proper execution of its mission.

Done in Goma, DRC on **16 MAY 2019**



Leon MAHOUNGOU
Colonel
Commander EJVM

