

DEMOCRATIC REPUBLIC OF CONGO



DECLARATION OF THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF CONGO AT THE END OF THE KAMPALA TALKS

THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF CONGO, HEREINAFTER REFERRED TO AS THE GOVERNMENT;

Considering the Declaration of the Heads of State and Government of the International Conference on the Great Lakes Region (ICGLR) signed at Kampala on 24 November 2012, requesting the Government of the Democratic Republic of Congo to give the M23 a hearing, to evaluate its grievances and to respond to those which proved legitimate;

Recalling the request of H.E. Joseph Kabila Kabange, President of the Republic of Congo and that of H.E. Ban Ki Moon, Secretary General of the United Nations to President Museveni, President of the Republic of Uganda and current Chair of the ICGLR, to assist in finding a political solution to the conflict between the DRC Government and the M23; and that H.E. President Museveni has appointed as Facilitator of the talks the Honourable Dr C.W.C.B. Kiyonga, Minister of Defence of the Republic of Uganda;

Taking into account the conclusions of the re-evaluation of the implementation of the Agreement of 23 March 2009 concluded between the Government of the Democratic Republic of Congo and the Congrès National pour la Défense du Peuple (CNDP);

Considering the Framework Agreement for Peace, Security and Cooperation for the Democratic Republic of Congo and the Region signed at Addis Ababa, Ethiopia, on 24 February 2013;

Considering United Nations Security Council Resolution 2098 on the Democratic Republic of Congo, adopted on 28 March 2013;

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Considering the declaration made on 5 November 2013 at Kampala by the M23 announcing the permanent end to its rebellion and the availability of its combatants for the process of disarmament, demobilization and social reintegration;

Considering its own declaration made at Kinshasa on 6 November 2013, taking note of the aforementioned declaration by the M23 and announcing that it planned to take the appropriate measures to facilitate and render irreversible the concretization of the end of the M23 rebellion;

Recalling the Communiqué published at the conclusion of the Summit between H.E. President Joseph Kabila Kabange and H.E. President Yoweri K. Museveni, at Entebbe, Uganda, on 2 December 2013 calling for the Kampala talks to be swiftly concluded in order to facilitate the peaceful return of the ex-combatants of the M23 and to successfully carry out the process of their demobilization;

Desirous of guaranteeing sustainable peace in eastern Democratic Republic of Congo, in the strict observance of the Sovereignty, territorial integrity and Constitution of the country;

At the conclusion of the talks held at Kampala with the M23;

DECLARES AS FOLLOWS:

1. Amnesty

1.1. The Government commits itself to grant amnesty to the members of the M23 for acts of war and insurrection, covering the period from 1 April 2012 to the present. In accordance with national and international law, the Amnesty does not cover war crimes, crimes of genocide and crimes against humanity, including sexual violence, recruitment of child soldiers and other massive violations of human rights.

1.1. In order to benefit from the Amnesty, each member of the M23 shall be obliged to make a personal commitment in writing to refrain permanently from the use of weapons or from participating in an insurgency movement to ensure the success of any demand. Any violation of this commitment shall automatically render the amnesty thereby granted null and void and would disqualify the author of the violation from any subsequent amnesty.



2. Transitional security arrangements

- 2.1. The Government commits itself to respect and implement the transitional security arrangements. The transitional security arrangements shall include the cantonment, disarmament, demobilization and social reintegration of the M23 ex-combatants, as laid down in Annex A, and whose implementation shall be adapted to the development of the situation on the ground, including the fact that some M23 ex-combatants have fled to Uganda where they have been received.
- 2.2. The process of cantonment and disarmament shall be conducted with the support of the United Nations Organization Stabilization Mission in the Democratic Republic of Congo (MONUSCO).
- 2.3. The Government, with the support of the United Nations Organization, shall be responsible for the provision of the necessary logistics throughout the whole implementation period of the transitional security arrangements.
- 2.4. The process of disarmament, demobilization, social reintegration and the granting of amnesty shall follow the order laid down in Annex B;

3. Release of prisoners

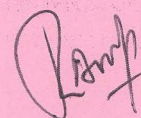
- 3.1. The Government commits itself to release members of the M23 imprisoned for acts of war and insurrection, the list of whom shall be submitted by the M23, and shall hand them over to the International Committee of the Red Cross (ICRC).
- 3.2. The ICRC shall be responsible for reuniting these prisoners with their families.

4. Transformation of the M23

The Government commits itself to give favourable consideration to any potential request from the members of the M23 to form a political party, in accordance with the Constitution and the laws of the Democratic Republic of Congo.

5. Demobilization and social reintegration

- 5.1. Subject to the amnesty granted in accordance with the provision above relating thereto, the demobilization and social reintegration of the ex-combatants of the M23 shall be conducted by the appropriate structures of the Government, with the support of MONUSCO and of the other bilateral and multilateral partners.



5.2. As far as possible, and subject to the requirements of equity and democratic governance, the Government shall provide the necessary resources for the social reintegration of the demobilized ex-combatants.

6. Return and resettlement of the refugees and internally displaced persons

6.1. The Government commits itself to work towards the rapid implementation of the tripartite Agreements on the repatriation of refugees signed with the neighbouring States and the Office of the United Nations High Commissioner for Refugees, and for the resettlement of internally displaced persons.

6.2. To this end, the Government will continue to work with MONUSCO to improve security in the conflict areas, to ensure the protection of the civilian population and to resolve the problem of the negative forces.

6.3. For each of the refugee return areas, the Government commits itself to:

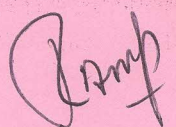
- (i) Render these areas secure, make them viable and attractive;
- (ii) Accelerate the deployment of the community police force;
- (iii) Accelerate the establishment of grassroots development projects and social reintegration;
- (iv) Revitalize and expand the local conciliation committees;
- (v) Present a detailed action programme for the return of the refugees and internally displaced persons in the framework of the tripartite Agreements.

6.4. In order to encourage refugees to return, the Government undertakes to include representatives of the ex-M23 in the national body responsible for refugee issues.

7. Despoiled, extorted, stolen, looted and destroyed property

7.1. The Government commits itself to set up a Commission tasked with identifying despoiled, extorted, stolen, looted and destroyed property, to examine every case and to refer them to the competent courts, for the purpose of restoring their rights to the legitimate owners.

7.2. This Commission shall be constituted in a representative and inclusive manner, taking due account of the principal parties involved, including the representatives of the ex-M23.




8. National Reconciliation and Justice

- 8.1. The Government commits itself to establish a National Reconciliation Commission whose task shall be:
- (i) to promote national reconciliation and peaceful conflict resolution;
 - (ii) to fight, including by recommending appropriate legislation, against ethnic discrimination and incitement to hatred;
 - (iii) to settle or resolve interethnic conflicts, including land conflicts;
 - (iv) to provide civic education to promote peaceful coexistence, to achieve a better understanding of the rights and responsibilities of citizenship and to strengthen patriotism; and
 - (v) to deal with all related issues.
- 8.2. The National Reconciliation Commission shall be formed from upright and representative individuals, selected in accordance with the principles of equity, inclusion and equality. Representatives of the M23 will be included.
- 8.3. The National Reconciliation Commission shall be placed under the supreme authority of the President of the Republic and under the direct supervision of the Prime Minister.
- 8.4. Given the atrocities and other massive violations of human rights perpetrated in the eastern Democratic Republic of the Congo, and with a view to putting an end to impunity, the Government shall ensure that prosecutions for war crimes, genocide, crimes against humanity, sexual violence and recruitment of child soldiers are initiated against any presumed author thereof.

9. Governance and socio-economic reforms

In accordance with the Framework Agreement of 24 February 2013, the Government reaffirms its determination to pursue the implementation of structural and institutional reforms, including reforms of the security sector, public administration, public finance, the justice system, natural resources management and the implementation of decentralization, and to put into effect the conditions for local governance as laid down in the Constitution and by the laws in force, notably the provision allocating 40% of national revenue to the provinces.



10. Implementation of the conclusions of the Review of the Peace Agreement of 23 March 2009

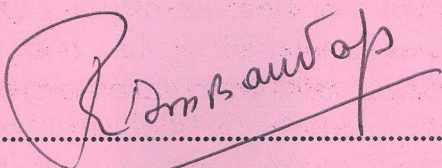
The Government reaffirms its determination to finalize the implementation of the commitments which had been made in the context of the Agreement of 23 March 2009 signed with the CNDP and which, as stipulated in the conclusions of the re-evaluation of the said Agreement (see Annex C) have not been honoured or have been only partially fulfilled, which are still current and which are not specifically addressed in the present Declaration, notably the commitment concerning the rehabilitation and development of the war-affected areas. Desirous of ensuring effectiveness, the Government commits itself to entrust this task to an appropriate structure.

11. Implementation, follow-up and evaluation mechanism

- 11.1. The follow-up and evaluation of the implementation of the present Declaration shall be conducted by the National Follow-up Mechanism of national commitments made by the Democratic Republic of Congo under the Framework Agreement of 24 February 2013. To this end, the National Follow-up Mechanism shall develop the follow-up criteria required to guarantee the effective monitoring of the said implementation.
- 11.2. The Government shall appoint a Coordinator responsible for following up the implementation of the present Declaration with the National Follow-up Mechanism.
- 11.3. The Executive Secretariat of the ICGLR shall support the National Follow-up Mechanism in this task for a period of six months, renewable once.

Done at Nairobi on 12 December 2013

For the Government of the Democratic Republic of Congo



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Raymond Tshibanda Ntungamulongo
Minister of Foreign Affairs, International Cooperation and Francophonie