

Country/entity	Democratic Republic of Congo
Region	Africa (excl MENA)
Agreement name	Ordonnance N° 08/008 du 02 Fev 2008 portant organisation et fonctionnement du programme national de sécurisation, pacification, stabilisation et reconstruction des provinces du Nord-Kivu et du Sud-Kivu, dénommé « Programme Amani »
Date	2 Feb 2008
Agreement status	Unilateral document
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict

Congo Civil Wars (1996 -)

The overthrow of the long-term dictator Mobutu Sese Seko by a rebel Tutsi army backed by Uganda and Rwanda in 1997 acted as a catalyst for a war with regional dimensions, mainly fought in the eastern Kivu provinces. The conflict escalated in 1998, when President Laurent Kabila, then backed by Zimbabwean and Angolan troops, ordered Rwanda and Uganda to leave. After Kabila's assassination in 2001, his son Joseph took over the presidency and won in the 2006 democratic elections.

In the eastern provinces, Tutsi-led militias, mainly organised in the National Congress for the Defense of the People (CNDP), fought the remnants of the Rwandan Hutu force FDLR, with further involvement of Rwandan and Ugandan troops. Other regionally operating militia groups, like the Lord's Resistance Army from Northern Uganda, the so-called Mai Mai groups or short-lived guerrilla outfits like the March 23 Movement (M23) further contributed, and still contribute, to the complexity of the situation in eastern DRC.

Close

Congo Civil Wars (1996 -)

Stage	Implementation/renegotiation
Conflict nature	Government
Peace process	DRC: Eastern DRC processes
Parties	Joseph KABILA KABANGE, President of the Democratic Republic of the Congo Antoine GIZENGA, Le Premier Ministre (Prime Minister), Democratic Republic of the Congo
Third parties	-
Description	This agreement is a presidential decree ordering the creation of a six-month national programme for securitisation, pacification, stabilisation and reconstruction of the Kivu provinces entitled Programme Amani.

Agreement document	CD_080802_Ordonnance no 08008 du 02 fevrier 2008_tr.pdf (opens in new tab) Download PDF
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Agreement document (original language)	CD_080202_Ordonnance no 08-008 du 02 février 2008.pdf (opens in new tab)
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Groups

Children/youth	No specific mention.
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Disabled persons	No specific mention.
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Elderly/age	No specific mention.
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Migrant workers	No specific mention.
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Racial/ethnic/national group	No specific mention.
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Religious groups	Groups→Religious groups→Substantive Page 5, Article 19: The Provincial Management Committee shall be chaired by the Provincial Governor seconded by the Deputy Provincial Governor, with the assistance of a Permanent Secretary. It shall be made up of the following categories of members: ... - two (2) representatives from religious groups;
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Indigenous people	No specific mention.
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Other groups	No specific mention.
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Refugees/displaced persons	<p>Groups→Refugees/displaced persons→Substantive</p> <p>Page 4, Article 11: The Mixed Technical Peace and Security Commission shall include two (2) Sub-Commissions:</p> <p>...</p> <ul style="list-style-type: none"> - the Humanitarian and Social Sub-Commission. <p>Page 4, Article 12: ...</p> <p>The Humanitarian and Social Sub-Commission shall be responsible for:</p> <ul style="list-style-type: none"> - questions regarding internally displaced persons; - questions relating to refugees. <p>Page 6, Article 21: The Humanitarian and Social Technical Commission shall consist of the following cells:</p> <ul style="list-style-type: none"> - the Care of Displaced Persons Cell: made up of two (2) delegates per community (including one woman); - the Care of Refugees Cell: made up of two delegates per community (including one woman) and representatives of the Traditional Chiefs.
Social class	No specific mention.

Gender

Women, girls and gender	<p>Page 5, Article 19: The Provincial Management Committee shall be chaired by the Provincial Governor seconded by the Deputy Provincial Governor, with the assistance of a Permanent Secretary.</p> <p>It shall be made up of the following categories of members:</p> <ul style="list-style-type: none"> - two (2) representatives (including one woman) from the local community; - two (2) representatives from religious groups; - two (2) civilian representatives (including one woman); - two (2) private sector representatives (including one woman). <p>Page 6, Article 21: The Humanitarian and Social Technical Commission shall consist of the following cells:</p> <ul style="list-style-type: none"> - the Care of Displaced Persons Cell: made up of two (2) delegates per community (including one woman); - the Care of Refugees Cell: made up of two delegates per community (including one woman) and representatives of the Traditional Chiefs.
Men and boys	No specific mention.
LGBTI	No specific mention.
Family	No specific mention.

State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/secession No specific mention.

Accession/unification No specific mention.

Border delimitation No specific mention.

Cross-border provision No specific mention.

Governance

Political institutions (new or reformed) No specific mention.

Elections No specific mention.

Electoral commission No specific mention.

Political parties reform No specific mention.

Civil society	<p>Page 5, Article 19: The Provincial Management Committee shall be chaired by the Provincial Governor seconded by the Deputy Provincial Governor, with the assistance of a Permanent Secretary.</p> <p>It shall be made up of the following categories of members:</p> <ul style="list-style-type: none"> - two (2) representatives (including one woman) from the local community; - two (2) representatives from religious groups; - two (2) civilian representatives (including one woman); - two (2) private sector representatives (including one woman). <p>Page 6, Article 20: The Provincial Commissions in charge of implementing the “Amani Programme” shall be:</p> <ul style="list-style-type: none"> - the Security and Stabilisation Commission; - the Development Commission; - the Pacification Commission; - the Humanitarian and Social Commission. <p>These Technical Commissions shall each have a Chairperson, assisted by a Permanent Secretary.</p> <p>Apart from the Humanitarian and Social Technical Commission, the members of the provincial commissions shall be selected as follows:</p> <ul style="list-style-type: none"> - two (2) delegates from each community; - two (2) delegates from each armed group.
Traditional/ religious leaders	<p>Page 6, Article 21: The Humanitarian and Social Technical Commission shall consist of the following cells:</p> <ul style="list-style-type: none"> - the Care of Displaced Persons Cell: made up of two (2) delegates per community (including one woman); - the Care of Refugees Cell: made up of two delegates per community (including one woman) and representatives of the Traditional Chiefs.
Public administration	<p>Page 4, Article 10: The Mixed Peace and Security Technical Commission shall be mainly responsible for examining and finalising the following points:</p> <p>...</p> <ul style="list-style-type: none"> - Re-establishment of State Authority (Police, Administration and Justice);
Constitution	<p>Governance→Constitution→Constitution affirmation/renewal Page 1, Untitled Preamble: In light of the Constitution, particularly articles 79 and 91;</p>
<hr/> Power sharing	
Political power sharing	No specific mention.
Territorial power sharing	No specific mention.

Economic power sharing

No specific mention.

Military power sharing

Power sharing→Military power sharing→Merger of forces

Page 3-4, Article 10:

The Mixed Peace and Security Technical Commission shall be mainly responsible for examining and finalising the following points:

...

- Specification of the itinerary for the redeployment of armed groups to the transit centres (first movement) and to the mixing and demobilisation centres (second movement), followed where necessary by training and instruction;

- Specification of the procedures for mixing taking into account the presence of foreign armed groups referred to in the Joint Nairobi Communiqué of 9 November 2007;

...

- Integration in the regular Armed Forces;

Power sharing→Military power sharing→Proportionality

Page 4, Article 11:

The Mixed Technical Peace and Security Commission shall include two (2) Sub-Commissions:

- the Mixed Military Sub-Commission;

Page 4, Article 12:

The Mixed Military Sub-Commission, shall be responsible for:

...

- mixing;

Human rights and equality

Human rights/RoL general	<p>Page 2, Article 6: The Steering Committee shall be the deliberating organ of the “Amani Programme”. Under the authority of the President of the Republic, the Steering Committee shall define the general direction of the Programme and ensure that it is regularly evaluated. It shall be composed of: ... 4. Minister of Justice and Human Rights;</p> <p>Page 4, Article 10: ... - Re-establishment of State Authority (Police, Administration and Justice);</p>
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Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication No specific mention.

Mobility/access No specific mention.

Protection measures No specific mention.

Other No specific mention.

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

Justice sector reform

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Judiciary and courts Page 2, Article 6:
The Steering Committee shall be the deliberating organ of the “Amani Programme”.
Under the authority of the President of the Republic, the Steering Committee shall define the general direction of the Programme and ensure that it is regularly evaluated.
It shall be composed of:
...
4. Minister of Justice and Human Rights;

Page 4, Article 10:
The Mixed Peace and Security Technical Commission shall be mainly responsible for examining and finalising the following points:
...
- Re-establishment of State Authority (Police, Administration and Justice);

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction Socio-economic reconstruction→Development or socio-economic reconstruction→Infrastructure and reconstruction
[The agreement in its entirety provides for National Programme of Security, Pacification, Stabilisation and Reconstruction of the Provinces of North Kivu and South Kivu, named the “AMANI Programme.” It will put in place a Stabilisation and Reconstruction Technical Commission. The provincial commissions will include a development commission as well as a humanitarian and social commission].

National economic plan No specific mention.

Natural resources No specific mention.

International funds Page 5, Article 14:

The principle task of the Finance and Projects Technical Commission shall be to mobilise and rationally manage internal and external resources, in order to implement the general programme, and to carry out development projects in the Provinces of North Kivu and South Kivu.

Page 6, Article 25:

The resources of the “Amani Programme” shall consist of:

- subsidies from the Central Government and the Provincial Governments of North Kivu and South Kivu;
- contributions from external partners;
- donations and legacies from physical and moral persons.

Business

Page 5, Article 19:

The Provincial Management Committee shall be chaired by the Provincial Governor seconded by the Deputy Provincial Governor, with the assistance of a Permanent Secretary.

It shall be made up of the following categories of members:

...

- two (2) private sector representatives (including one woman).

Taxation

No specific mention.

Banks

No specific mention.

Land, property and environment

Land reform/rights No specific mention.

**Pastoralist/
nomadism rights** No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

**Water or riparian
rights or access** No specific mention.

Security sector

Security Guarantees

[The agreement in its entirety provides for a National Programme of Security, Pacification, Stabilisation and Reconstruction of the Provinces of North Kivu and South Kivu, named the "AMANI Programme." It will put in place a Mixed Peace and Security Technical Commission and a Pacification and Reconciliation Technical Commission.]

Ceasefire

Security sector→Ceasefire→General commitments

Page 3, Article 10:

The Mixed Peace and Security Technical Commission shall be mainly responsible for examining and finalising the following points:

- The formal order to troops to cease hostilities across all military terrain;
- Geographic location of armed groups (exact map positions);
- Determination of disengagement and buffer zones;
- Request to deploy MONUC observers to monitor the ceasefire;

Police

Page 4, Article 10:

The Mixed Peace and Security Technical Commission shall be mainly responsible for examining and finalising the following points:

...

- Re-establishment of State Authority (Police, Administration and Justice);

Armed forces

No specific mention.

DDR

Security sector→DDR→DDR programmes

Page 3-4, Article 10:

The Mixed Peace and Security Technical Commission shall be mainly responsible for examining and finalising the following points:

- The formal order to troops to cease hostilities across all military terrain;
- Geographic location of armed groups (exact map positions);
- Determination of disengagement and buffer zones;
- ...
- Request to reinforce the MONUC presence for the security of civilians and for the redeployment operation of armed groups to transit centres;
- ...
- Specification of the itinerary for the redeployment of armed groups to the transit centres (first movement) and to the mixing and demobilisation centres (second movement), followed where necessary by training and instruction;
- ...
- Demobilisation and social reinsertion;
- Respect for DDR activities, leading either to mixing for purposes of integration in FARDC, or to demobilisation and reinsertion to prepare for a definitive return to civilian life, an essential stage in the peace and security process in the provinces of North Kivu and South Kivu;
- The unconditional participation, in the Province of North Kivu, of the CNDP, the PARECO, the Mai-Mai Kasindien, the Mai-Mai Kifuafua, the Mai-Mai Vurondo, the Mai-Mai Mongol, the UJPS, the Mai-Mai Rwenzori, and the Simba; and in the Province of South Kivu, of the armed groups FRF, Yakutumba, Zabuloni, Mai-Mai Kirikicho, PARECO/S-K, Raia Mutomboki, Mai-Mai Ny'kiriba, Mai-Mai Kapopo, Mai-Mai Mahoro, Mai-Mai Shikito, Mudundu 40, Simba Mai-Mai and Mai-Mai Rutambuka, in accordance with national legislation, in implementing the Armed Forces of the Democratic Republic of Congo (Forces Armées de la République Démocratique du Congo, FARDC) integration plan, and in the National Programme of Disarmament, Demobilisation and Reinsertion (Programme Nationale de Désarmement, Démobilisation et Réinsertion, PNDDR);
- Communication of lists of personnel and of weapons, and of their locations, upon signature of the present Acts of Engagement, in accordance with the timetable established by the ad hoc Commission, with the assistance of the International Community.

Page 4, Article 11:

The Mixed Technical Peace and Security Commission shall include two (2) Sub-Commissions:

- the Mixed Military Sub-Commission;

Page 4, Article 12:

The Mixed Military Sub-Commission, shall be responsible for:

- disengagement;
- mixing;
- demobilisation;
- social reinsertion.

Page 2, Article 6:

The Steering Committee shall be the deliberating organ of the "Amani Programme".

Under the authority of the President of the Republic, the Steering Committee shall define the general direction of the Programme and ensure that it is regularly evaluated.

It shall be composed of:

...

**Intelligence
services**

No specific mention.

**Parastatal/rebel
and opposition
group forces**

Page 2, Article 6:

The Steering Committee shall be the deliberating organ of the “Amani Programme”.

Under the authority of the President of the Republic, the Steering Committee shall define the general direction of the Programme and ensure that it is regularly evaluated.

It shall be composed of:

...

3. Minister of National Defence and Former Combatants;

Page 3, Article 9:

The Mixed Peace and Security Technical Commission shall be co-chaired by a

Government delegate and a delegate of the international facilitators.

It shall be composed of:

- Government representatives;
- two CNDP delegates, one per sub-commission;
- two FRF delegates, one per sub-commission;
- one delegate each from the other armed groups signatory to the Acts of Engagement;

Page 3-4, Article 10:

The Mixed Peace and Security Technical Commission shall be mainly responsible for examining and finalising the following points:

- The formal order to troops to cease hostilities across all military terrain;
- Geographic location of armed groups (exact map positions);
- Determination of disengagement and buffer zones;

...

- Request to reinforce the MONUC presence for the security of civilians and for the redeployment operation of armed groups to transit centres;

...

- Specification of the itinerary for the redeployment of armed groups to the transit centres (first movement) and to the mixing and demobilisation centres (second movement), followed where necessary by training and instruction;
- Specification of the procedures for mixing taking into account the presence of foreign armed groups referred to in the Joint Nairobi Communique of 9 November 2007;
- Request to deploy MONUC in all terrain occupied by :

a) In the Province of North Kivu:

the CNDP, the PARECO, the Mai-Mai Kasindien, the Mai-Mai Kifuafula, the Mai-Mai Vurondo, the Mai-Mai Mongol, UJPS, the Mai-Mai Rwenzori, and the Simba.

b) In the Province of South Kivu:

the FRF, Yakutumba Group, Zabuloni Group, Mai-Mai Kirikicho, PARECO/S-K, Raia Mutomboki, Mai-Mai Ny'kiriba, Mai-Mai Kapopo, Mai-Mai Mahoro, Mai-Mai Shikito, Mudundu 40, Simba Mai-Mai and Mai-Mai Rutambuka.

...

- Integration in the regular Armed Forces;
- Demobilisation and social reinsertion;
- Respect for DDR activities, leading either to mixing for purposes of integration in FARDC, or to demobilisation and reinsertion to prepare for a definitive return to civilian life, an essential stage in the peace and security process in the provinces of North Kivu and South Kivu;
- The unconditional participation, in the Province of North Kivu, of the CNDP, the PARECO, the Mai-Mai Kasindien, the Mai-Mai Kifuafula, the Mai-Mai Vurondo, the Mai-Mai Mongol, the UJPS, the Mai-Mai Rwenzori, and the Simba; and in the Province of South Kivu, of the armed groups FRF, Yakutumba, Zabuloni, Mai-Mai Kirikicho, PARECO/S-K, Raia Mutomboki, Mai-Mai Ny'kiriba, Mai-Mai Kapopo, Mai-Mai Mahoro, Mai-Mai Shikito, Mudundu 40, Simba Mai-Mai and Mai-Mai Rutambuka, in accordance with national legislation, in implementing the Armed Forces of the Democratic Republic of Congo (Forces Armées de la République Démocratique du Congo - FARDC) integration plan, and

Withdrawal of foreign forces	Page 3, Article 10: - Implementing the plan resulting from the Joint Nairobi Communique on the disarmament and repatriation of armed foreign groups;
Corruption	No specific mention.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon No specific mention.

Courts No specific mention.

Mechanism No specific mention.

Prisoner release No specific mention.

Vetting No specific mention.

Victims No specific mention.

Missing persons No specific mention.

Reparations No specific mention.

Reconciliation Page 2-3, Article 8:
The Coordination Unit shall be the Executive Organ of the Programme.
As such, it shall be responsible for the ongoing management of the Programme.
It shall be chaired by a National Coordinator assisted by 4 Deputy National Coordinators, in charge respectively of a Mixed Technical Commission and the following Technical Commissions:
...
- a Pacification and Reconciliation Technical Commission;
...
Each Commission shall be assisted by a Permanent Secretary.

Page 5, Article 13:
The principle task of the Pacification and Reconciliation Technical Commission shall be to create favourable conditions for Peace and Reconciliation, to prevent, and where necessary to ensure the peaceful resolution of, conflicts between the North Kivu and South Kivu communities.

Implementation

UN signatory No specific mention.

Other international signatory No specific mention.

Referendum for agreement	No specific mention.
International mission/force/ similar	<p>Page 3, Article 9: The Mixed Peace and Security Technical Commission shall be co-chaired by a Government delegate and a delegate of the international facilitators. It shall be composed of:</p> <p>...</p> <ul style="list-style-type: none"> - one representative from each organisation of the international community signatory to the Acts of Engagement; - one SADC representative; - one CEEAC representative. <p>Page 3-4, Article 10: The Mixed Peace and Security Technical Commission shall be mainly responsible for examining and finalising the following points:</p> <p>...</p> <ul style="list-style-type: none"> - Request to deploy MONUC observers to monitor the ceasefire; <p>...</p> <ul style="list-style-type: none"> - Request to reinforce the MONUC presence for the security of civilians and for the redeployment operation of armed groups to transit centres; - Implementing the plan resulting from the Joint Nairobi Communique on the disarmament and repatriation of armed foreign groups; <p>...</p> <ul style="list-style-type: none"> - Specification of the procedures for mixing taking into account the presence of foreign armed groups referred to in the Joint Nairobi Communique of 9 November 2007; - Request to deploy MONUC in all terrain occupied by : <ul style="list-style-type: none"> a) In the Province of North Kivu: the CNDP, the PARECO, the Mai-Mai Kasindien, the Mai-Mai Kifuafua, the Mai-Mai Vurondo, the Mai-Mai Mongol, UJPS, the Mai-Mai Rwenzori, and the Simba. b) In the Province of South Kivu: the FRF, Yakutumba Group, Zabuloni Group, Mai-Mai Kirikicho, PARECO/S-K, Raia Mutomboki, Mai-Mai Ny'kiriba, Mai-Mai Kapopo, Mai-Mai Mahoro, Mai-Mai Shikito, Mudundu 40, Simba Mai-Mai and Mai-Mai Rutambuka. <p>...</p> <ul style="list-style-type: none"> - Communication of lists of personnel and of weapons, and of their locations, upon signature of the present Acts of Engagement, in accordance with the timetable established by the ad hoc Commission, with the assistance of the International Community.
Enforcement mechanism	<p>Page 7, Article 26: Any questions on the organisation and functioning of the "Amani Programme" not regulated by the present Ordinance, shall be the object of the provisions of the Internal Regulations of the Programme, approved by the Steering Committee.</p>
Related cases	No specific mention.
Source	Droit Congolais: http://www.droitcongolais.info