

Country/entity	Democratic Republic of Congo
Region	Africa (excl MENA)
Agreement name	Acte d'Engagement Gaborone
Date	24 Aug 2001
Agreement status	Multiparty signed/agreed
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	Pre-negotiation/process
Conflict nature	Government
Peace process	DRC: Second Congo war process
Parties	Unsigned copy. The parties are defined in the agreement as: The Government of the Democratic Republic of Congo, the Congo Liberation Movement (Mouvement pour la Libération du Congo, MLC), the Congolese Rally for Democracy (Rassemblement pour la Démocratie, RCD), the political opposition organisations and groups, and the "life-blood" of the nation.

Third parties In the presence of Ketumile Masire (then President of Botswana) as the neutral facilitator of the inter-congolese political negotiations

Description This agreement between the DRC Government, the MLC, the RCD and political opposition parties covers a range of issues including liberalisation of political life, human rights and humanitarian issues, political prisoner release and suspension of military court proceedings for civilian cases, and a range of security issues.

Agreement document [CD_010824_Acted'EngagementGaberone-tr.pdf \(opens in new tab\)](#) | [Download PDF](#)

Agreement document (original language) [CD_010824_Acted'engagementGaberone.pdf \(opens in new tab\)](#)

Groups

Children/youth Groups→Children/youth→Substantive
Page 2,
We...
- solemnly and unconditionally engage to implement, on the entire national territory, the following provisions:
...
7. To ensure the protection of the civilian population against raids, arbitrary arrest, appropriations, dispossessions, forced labour, massacres, indiscriminate bombing, torture, rape of women, child mutilation and deportations, and ensure that collaboration with genocidal forces shall cease definitively;

Disabled persons No specific mention.

Elderly/age No specific mention.

Migrant workers No specific mention.

Racial/ethnic/national group No specific mention.

Religious groups No specific mention.

Indigenous people No specific mention.

Other groups No specific mention.

Refugees/displaced persons	<p>Groups→Refugees/displaced persons→Rhetorical</p> <p>Page 2,</p> <p>We... - solemnly and unconditionally engage to implement, on the entire national territory, the following provisions:</p> <p>...</p> <p>7. To ensure the protection of the civilian population against raids, arbitrary arrest, appropriations, dispossessions, forced labour, massacres, indiscriminate bombing, torture, rape of women, child mutilation and deportations, and ensure that collaboration with genocidal forces shall cease definitively;</p> <p>...</p> <p>12. To ensure the return of displaced and refugee population groups to their normal places of residence;</p> <p>13. To refrain from using refugees for political or military purposes, and to desist from any form of provocation during the Inter-Congolese political negotiations;</p>
Social class	No specific mention.

Gender

Women, girls and gender	<p>Nous...</p> <p>- prenons l'engagement solennel et inconditionnel d'appliquer, sur toute l'étendue du territoire national, les dispositions ci-après :</p> <p>...</p> <p>(p. 2)</p> <p>7. assurer la protection des populations civiles contre les rafles, les arrestations arbitraires, les réquisitions, les spoliations, les travaux forcés, les massacres, les bombardements aveugles, les tortures, les viols des femmes, les mutilations des enfants, les déportations et assurer l'arrêt définitif à la collaboration avec les forces génocidaires;</p> <p>-----</p> <p>Translation:</p> <p>Page 2,</p> <p>We... - solemnly and unconditionally engage to implement, on the entire national territory, the following provisions:</p> <p>...</p> <p>7. To ensure the protection of the civilian population against raids, arbitrary arrest, appropriations, dispossessions, forced labour, massacres, indiscriminate bombing, torture, rape of women, child mutilation and deportations, and ensure that collaboration with genocidal forces shall cease definitively;</p>
--------------------------------	--

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 Page 1, Untitled Preamble:
...
- reaffirming the sovereignty, independence, territorial integrity and untouchability of a single and undivided Democratic Republic of Congo;

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 Page 1, Untitled Preamble:
...
- reaffirming the sovereignty, independence, territorial integrity and untouchability of a single and undivided Democratic Republic of Congo;

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 Page 1-2:
 We... - solemnly and unconditionally engage to implement, on the entire national territory, the following provisions:
 ...
 1. To ensure the immediate, effective and complete liberalisation of political and community life, to refrain from any behaviour which may compromise this liberalisation, and to encourage tolerance in political and community activities;
 ...
 3. To release immediately and unconditionally, under the auspices of the CICR and Congolese human rights NGOs, all detained or imprisoned political prisoners, hostages and those who have been detained or imprisoned on the basis of their origin or their political and/or legal activities in the past;
 ...
 11. To guarantee access for humanitarian organisations to population victim groups;

**Traditional/
religious leaders** No specific mention.

**Public
administration** No specific mention.

Constitution No specific mention.

Power sharing

**Political power
sharing** No specific mention.

**Territorial power
sharing** No specific mention.

**Economic power
sharing** No specific mention.

**Military power
sharing** No specific mention.

Human rights and equality

Human rights/RoL general Page 1, Untitled Preamble:

...

- recalling our adherence to the international conventions on human rights ratified by the Democratic Republic of Congo;
- wishing to agree a republican pact and as a token of good faith so that the Inter-Congolese political negotiations may proceed peacefully, and to demonstrate to the Congolese people and the international community our unquenchable desire to establish the Rule of Law in which fundamental liberties and human rights are respected;

Page 1:

We... - solemnly and unconditionally engage to implement, on the entire national territory, the following provisions:

...

2. To guarantee the human rights and fundamental liberties of all citizens, in particular the right to life and physical safety, the freedom of the press and freedom of expression and opinion, and access for all to the public media;
3. To release immediately and unconditionally, under the auspices of the CICR and Congolese human rights NGOs, all detained or imprisoned political prisoners, hostages and those who have been detained or imprisoned on the basis of their origin or their political and/or legal activities in the past;

Bill of rights/similar No specific mention.

Treaty incorporation Page 1, Untitled Preamble:

...

- recalling our adherence to the international conventions on human rights ratified by the Democratic Republic of Congo;

Civil and political rights

Human rights and equality→Civil and political rights→Life

Page 1:

We... - solemnly and unconditionally engage to implement, on the entire national territory, the following provisions:

...

2. To guarantee the human rights and fundamental liberties of all citizens, in particular the right to life and physical safety, the freedom of the press and freedom of expression and opinion, and access for all to the public media;

Human rights and equality→Civil and political rights→Freedom of movement

Page 1:

We... - solemnly and unconditionally engage to implement, on the entire national territory, the following provisions:

...

4. To guarantee the free movement of civilians and legitimate goods, and freedom to enter and leave the national territory, and provide migration documents to any citizen requesting these;

Human rights and equality→Civil and political rights→Freedom of association

Page 1, Article 1:

To ensure the immediate, effective and complete liberalisation of political and community life, to refrain from any behaviour which may compromise this liberalisation, and to encourage tolerance in political and community activities;

Human rights and equality→Civil and political rights→Thought, opinion, conscience and religion

Page 1:

We... - solemnly and unconditionally engage to implement, on the entire national territory, the following provisions:

...

2. To guarantee the human rights and fundamental liberties of all citizens, in particular the right to life and physical safety, the freedom of the press and freedom of expression and opinion, and access for all to the public media;

Socio-economic rights

No specific mention.

Rights related issues

Citizenship

Rights related issues→Citizenship→Citizens, specific rights

Page 1-2:

We... - solemnly and unconditionally engage to implement, on the entire national territory, the following provisions:

...

2. To guarantee the human rights and fundamental liberties of all citizens, in particular the right to life and physical safety, the freedom of the press and freedom of expression and opinion, and access for all to the public media;

...

4. To guarantee the free movement of civilians and legitimate goods, and freedom to enter and leave the national territory, and provide migration documents to any citizen requesting these;

Democracy

No specific mention.

Detention procedures

No specific mention.

Media and communication

Rights related issues→Media and communication→Media roles

Page 1:

We... - solemnly and unconditionally engage to implement, on the entire national territory, the following provisions:

...

2. To guarantee the human rights and fundamental liberties of all citizens, in particular the right to life and physical safety, the freedom of the press and freedom of expression and opinion, and access for all to the public media;

Rights related issues→Media and communication→Media logistics

Page 2, Article 5:

To Authorise or re-establish air, rail, river, lake, road, telephone and postal communication channels;

Mobility/access

Page 2:

We... - solemnly and unconditionally engage to implement, on the entire national territory, the following provisions:

...

5. To Authorise or re-establish air, rail, river, lake, road, telephone and postal communication channels;

....

11. To guarantee access for humanitarian organisations to population victim groups;

Protection measures	<p>Rights related issues→Protection measures→Protection of civilians Page 2, We... - solemnly and unconditionally engage to implement, on the entire national territory, the following provisions: ... 7. To ensure the protection of the civilian population against raids, arbitrary arrest, appropriations, dispossessions, forced labour, massacres, indiscriminate bombing, torture, rape of women, child mutilation and deportations, and ensure that collaboration with genocidal forces shall cease definitively;</p> <p>Rights related issues→Protection measures→Protection of groups Page 2, We... - solemnly and unconditionally engage to implement, on the entire national territory, the following provisions: ... 7. To ensure the protection of the civilian population against raids, arbitrary arrest, appropriations, dispossessions, forced labour, massacres, indiscriminate bombing, torture, rape of women, child mutilation and deportations, and ensure that collaboration with genocidal forces shall cease definitively;</p>
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	No specific mention.
Prisons and detention	No specific mention.
Traditional Laws	No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources Page 2:
We... - solemnly and unconditionally engage to implement, on the entire national territory, the following provisions:
...
8. To protect the nation's heritage and resources and prevent any plundering of these resources;

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights	Land, property and environment→Land reform/rights→Property return and restitution Page 2: We... - solemnly and unconditionally engage to implement, on the entire national territory, the following provisions: ... 6. To immediately and unconditionally return any goods seized and/or confiscated illegally for political reasons, including buildings occupied with neither rights nor title;
Pastoralist/ nomadism rights	No specific mention.
Cultural heritage	Land, property and environment→Cultural heritage→Tangible Page 2: We... - solemnly and unconditionally engage to implement, on the entire national territory, the following provisions: ... 8. To protect the nation's heritage and resources and prevent any plundering of these resources;
Environment	No specific mention.
Water or riparian rights or access	Page 2: We... - solemnly and unconditionally engage to implement, on the entire national territory, the following provisions: ... 5. To Authorise or re-establish air, rail, river, lake, road, telephone and postal communication channels;

Security sector

Security Guarantees	Page 2: We... - solemnly and unconditionally engage to implement, on the entire national territory, the following provisions: ... 7. To ensure the protection of the population against raids, arbitrary arrest, appropriations, dispossessions, forced labour, massacres, indiscriminate bombing, torture, rape of women, child mutilation and deportations, and ensure that collaboration with genocidal forces shall cease definitively; ... 13. To refrain from using refugees for political or military purposes, and to desist from any form of provocation during the Inter-Congolese political negotiations;
Ceasefire	No specific mention.
Police	No specific mention.

Armed forces	Page 2: We... - solemnly and unconditionally engage to implement, on the entire national territory, the following provisions: ... 14. To suspend the use of Military Jurisdictions for matters relating to the civilian population.
DDR	No specific mention.
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	No specific mention.
Withdrawal of foreign forces	No specific mention.
Corruption	Page 2: We... - solemnly and unconditionally engage to implement, on the entire national territory, the following provisions: ... 6. To immediately and unconditionally return any goods seized and/or confiscated illegally for political reasons, including buildings occupied with neither rights nor title; ... 8. To protect the nation's heritage and resources and prevent any plundering of these resources;
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 Page 1:
We... - solemnly and unconditionally engage to implement, on the entire national territory, the following provisions:
...
3. To release immediately and unconditionally, under the auspices of the ICRC and Congolese human rights NGOs, all detained or imprisoned political prisoners, hostages and those who have been detained or imprisoned on the basis of their origin or their political and/or legal activities in the past;

Vetting No specific mention.

Victims Page 2:
We... - solemnly and unconditionally engage to implement, on the entire national territory, the following provisions:
...
11. To guarantee access for humanitarian organisations to population victim groups;

Missing persons No specific mention.

Reparations Transitional justice→Reparations→Material reparations
Page 2:
We... - solemnly and unconditionally engage to implement, on the entire national territory, the following provisions:
...
6. To immediately and unconditionally return any goods seized and/or confiscated illegally for political reasons, including buildings occupied with neither rights nor title;

Reconciliation Page 1, Untitled Preamble:
- aware that national reconciliation is above all the responsibility of the Congolese people and their leaders;

Page 2:
We... - solemnly and unconditionally engage to implement, on the entire national territory, the following provisions:
...
10. To abstain from any activity which may interfere with the process of national reconciliation;

Implementation

UN signatory No specific mention.

Other international signatory In the presence of Ketmile Masire (former president of Botswana acc. to search) as facilitator

Referendum for agreement No specific mention.

International mission/force/similar

No specific mention.

Enforcement mechanism

Page 2:

To this end, in order to ensure the implementation and successful outcome of the present act of engagement, we agree to establish a Monitoring Committee in which the components are equally represented, under the authority of the Facilitator in the Inter-Congolese political negotiations.

Related cases

No specific mention.

Source

<http://peacemaker.un.org/>
