

## INTER-CONGOLESE POLITICAL NEGOTIATIONS

### THE FINAL ACT

We, participants at the Inter-Congolese Dialogue, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy, the Movement for the Liberation of Congo, the main organisations and parties of the political opposition as well as representatives of the *forces vives* of the Country, the Congolese Rally for Democracy-Liberation Movement, the Congolese Rally for Democracy-National and the Mai-Mai, hereinafter referred to as “the Parties”, meeting at Sun City, Republic of South Africa, on 2 April 2003.

**CONSIDERING** our shared commitment to peace and national unity, as prerequisites for the development of our country and the well-being of our people;

**CONVINCED** of the imperative need to pursue the course of reconciliation as the surest path to a definitive end to the fratricidal conflicts that have for so long ravaged our country, and inflicted untold suffering on our people;

**RESOLVED** to work together towards the establishment of a new political dispensation that would protect the inalienable rights of the citizens and generally promote democratic governance;

**DETERMINED** to set up and run transitional institutions on the principles of consensual management, inclusiveness and transparency;

**CONVINCED** of the imperative need for this process to culminate in free, democratic and transparent elections;

**RECALLING** the LUSAKA Agreement for a ceasefire in the Democratic Republic of Congo, signed in Lusaka on 10 July, 30 July and 31 August 1999;

**RECALLING** the Declaration of Fundamental Principles signed in Lusaka on 4 May 2001, by the Parties to the aforementioned Agreement;

**RECALLING** the Act of Commitment signed in Gaborone on 24 August 2001 by the representatives of the components and entities to the Inter-Congolese Political Negotiations;

**CONSIDERING** the various relevant Resolutions adopted by the UN Security Council;

**IN THE PRESENCE** of representatives of the international community and Observers at the Inter-Congolese Dialogue;

**DO HEREBY RESOLVE AND COMMIT OURSELVES**, by signing the present Final Act, to be bound by the decisions of the Inter-Congolese Dialogue, as detailed in Article 1 below.

## **ARTICLE 1**

The Parties accept as binding the following instruments which faithfully reflect the outcome of the political negotiation process instituted in terms of the above-cited Lusaka Agreement:

1. The 36 Resolutions duly adopted by the Inter-Congolese Dialogue, as set down in the Schedule annexed to the present Final Act.
2. The Global and Inclusive Agreement signed in Pretoria on 17 December 2002, together with the Additional Memorandum on the Army and Security, signed in Pretoria on 6 March 2003.
3. The Constitution of the Transition adopted at Sun City on 1 April 2003.

## **ARTICLE 2**

The Parties commit themselves to refrain from any act or conduct contrary to the provisions of the Lusaka Agreement and of the instruments mentioned in Article 1 above, and to spare no effort in ensuring that the said provisions are respected and implemented in their letter and spirit.

In that regard, the Parties further commit themselves to the earliest possible installation of the Transitional Government and other institutions, as envisaged in the said Global and Inclusive Agreement.

## **ARTICLE 3**

The Parties express their deep appreciation for the persistent efforts of the international community in assisting in the return of peace and stability in the Democratic Republic of Congo.

They acknowledge the special contributions made by the UN, the AU and the SADC countries.

They salute Sir Ketumile Masire, the Neutral Facilitator of the Dialogue, for his wise guidance of the negotiations process, his devotion to the mission assigned to him and his tenacity of purpose.

They acknowledge, with gratitude and appreciation, the special contribution of His Excellency Mr Thabo Mbeki and the Government of the Republic of South Africa, as well as of the Secretary-General of the United Nations, His Excellency Mr Kofi Annan and his Special Envoy, His Excellency Mr Moustapha Niasse.

**ARTICLE 4**

This Final Act shall enter into force on the date of signature by the Parties.

Signed in Sun City on 2 April 2003.

## ANNEX 1

### ADOPTED RESOLUTIONS BY THE INTER-CONGOLESE DIALOGUE

1. Resolution No: DIC/CPJ/01  
Relating to the endorsement of the Global and Inclusive Agreement.
2. Resolution No: DIC/CPJ/02  
Relating to the adoption of the Transitional Constitution.
3. Resolution No: DIC/CPJ/03  
Relating to the enshrinement of democratic principles.
4. Resolution No: DIC/CPJ/04  
Relating to the effective and complete liberalisation of political life and association.
5. Resolution No: DIC/CPJ/05  
Relating to the free movement of people and goods throughout the national territory of the DRC as well as the restoration of transport links.
6. Resolution No: DIC/CPJ/06  
Relating to the abolition of special courts and the reform of military justice.
7. Resolution No: DIC/CPJ/07  
Relating to the reinstatement and rehabilitation of magistrates dismissed or forced into early retirement.
8. Resolution No: DIC/CPJ/08  
Relating to the rehabilitation of workers arbitrarily dismissed.
9. Resolution No: DIC/CPJ/09  
Relating to the Independent Electoral Commission.
10. Resolution No: DIC/CPJ/10  
Relating to the support of the international community.
11. Resolution No: DIC/CDS/01

Relating to mechanisms for the consolidation of peace.

12. Resolution No: DIC/CDS/02

Relating to the disarmament of armed groups and the withdrawal of foreign forces.

13. Resolution No: DIC/CDS/03

Relating to the identification of nationals who shall constitute the Army; demobilisation and reintegration of child soldiers and vulnerable persons; recruitment with a view to integrating military and paramilitary groups into the National Army and Police.

14. Resolution No: DIC/CDS/04

Relating to the formation of the new restructured and integrated army.

15. Resolution No: DIC/DSC/05

Relating to sanctions against parties acting in bad faith.

16. Resolution No: DIC/CEF/01

Relating to the costs of the two wars, 1996 and 1998.

17. Resolution No: DIC/CEF/02

Resolution on the restitution of property taken and/or confiscated from individuals and of plundered state property.

18. Resolution No: ICD/CEF/03

Relating to disputes over the reconstruction of the environment destroyed by war.

19. Resolution No: ICD/CEF/04

Resolution calling for scrutiny to determine the validity of economic and financial agreements signed during the war.

20. Resolution No: ICD/CEF/05

Relating to emergency economic and social programme.

21. Resolution No: ICD/CHSC/01

Relating to the Emergency Programme in different social sectors.

22. Resolution No: ICD/CHSC/02

Relating to the Emergency Humanitarian Programme for the DRC.

23. Resolution No: ICD/CHSC/03

Relating to the Emergency Programme for the environment in the DRC.

24. Resolution No: ICD/CHSC/04

Relating to the reconstruction of Kisangani and all the other towns destroyed by the war.

25. Resolution No: ICD/CHSC/05

Relating to the reconstruction of the town of Goma.

26. Resolution No: ICD/CHSC/06

Relating to culture and inter-ethnic coexistence in the DRC.

27. Resolution No: ICD/CHSC/07

Relating to the ethics and the fight against corruption.

28. Resolution No: ICD/CHSC/08

Relating to the National Monitoring Body for Human Rights.

29. Resolution No: ICD/CHSC/09

Relating to the media sector.

30. Resolution No: ICD/CPR/01

Relating to the restitution of property taken and/or confiscated from individuals and property stolen from the state.

31. Resolution No: ICD/CPR/02

Relating to the protection of minorities.

32. Resolution No: ICD/CPR/03

Relating to the problem of nationality with regard to national reconciliation.

33. Resolution No: ICD/CPR/04

Relating to the institution of a Truth and Reconciliation Commission.

34. Resolution No: ICD/CPR/05

Relating to the establishment of an International Criminal Court.

35. Resolution No: ICD/CPR/06

Relating to the peace and security in the DRC and in the Great Lakes region.

36. Resolution No: ICD/CPR/07

Relating to the organisation of an international conference on peace, security and development in the Great Lakes region and Central Africa.

**For the Government of the Democratic Republic of Congo**

Léonard She Okitundu

**For the Congolese Rally for Democracy**

Adolphe Onusumba Yemba

**For the Movement of Liberation of Congo**

Jean-Pierre Bemba Gombo

**For the Congolese Rally for Democracy/Movement of Liberation**

1. Koloso Sumaili
2. Tibasima Mbongemu Ateenyi
3. Wamba Dia Wamba

**For the Congolese Rally for Democracy/National**

Roger Lumbala

**For the Mai Mai**

Anselme Enerunga

**For the *Forces Vives* of the Nation**

1. Dr Rev Jean Luc Kuye Ndondo Wa Mutemera
2. Philippe Dinzolele Nzambi
3. Pierre Anatole Matusila
4. Bahati Lukwebo
5. Gertrude Biyaya Ndaya Kazadi

**For the Unarmed Political Opposition**

CODEP                      Raymond Tshibanda



COPACO	Christophe Tshimanga
COPOC	Bembe M Bathy
CPR/AL	Alphonse Lupumba
DFC	Venant Tshipasa Vangi Sivavi
EGO	Arthur Z'Ahidi Ngoma
FCI	Nicolas Georges Badingaka Mobiani
FONUS	Joseph Olengankoy
FPC	Aziz Kumbi
FRUONAR	Cyprien Rwakabuba Shinga
FSD	Eugéne Diomi Ndongala
G14	Kabamba Mbebe Kumbu Ki Lutete
GNPO	Denis Katalay
MNC/L	Francois Lumumba
MPI	Justin-Marie Bomboko Lokumba
MPR-Fait Privé	Catherine Nzuzi wa Mbombo
MSDD	Christophe Lutundula
PALU	Antoine Gizenga
PDSC	André Bo-Boliko
RMI	Franck Diongo
ROC	Ingele Ifoto
ROM	Patrice-Aimé Sesanga
UDPS	Etienne Tshisekedi
UNAFEC	Honorius Kisimba Ngoy
UODC	Binda Phumu

**For the External Political Opposition**

1. Gerard Kamanda wa Kamanda
2. Alafuele Kalala
3. Francois Tshipamba Mpuila
4. W'Otete Otete Omanga
5. O. Muyima

**Witness**

**The Facilitator  
Sir Ketumile Masire**

**For the African Union  
H.E. Mr Thabo Mbeki  
Chairman of the African Union**

**For the United Nations  
H.E. Moustapha Niasse  
Special Envoy of the Secretary-General on the Inter-Congolese Dialogue**

## RESOLUTIONS

1. **Resolution No DIC/CPJ/01****RELATING TO THE GLOBAL AND INCLUSIVE AGREEMENT ON THE TRANSITION IN THE DRC, SIGNED IN PRETORIA ON 17 DECEMBER 1992, AND THE MEMORANDUM ADDITIONAL THERETO SIGNED ON 6 MARCH 2003**

**WE**, the Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement for the Liberation of Congo (MLC), the main groups and organisations of Political Opposition and the *Force Vives* of the Nation, the Congolese Rally for Democracy – Liberation Movement (RCD/MLC), the Congolese Rally for Democracy/National (RCD/N) and the Mai Mai, meeting at Sun City, Republic of South Africa, from 1 to 2 April 2003;

**CONSIDERING** the Agreement for a Ceasefire in the DRC, signed on 10 July, 30 July and 31 August 1999;

**RECALLING** the Declaration of the Fundamental Principles of the Inter-Congolese Political Negotiations signed at Lusaka on 4 May 2001, by the parties signatory to the Agreement mentioned above;

**RECALLING** the Gaborone Act of Commitment signed by the representatives of the components at the Inter-Congolese Political Negotiations on 24 August 2001;

**CONSIDERING** the imperative need to found the Transitional Government for the DRC on the basis of consensus, with due regard for the principles of inclusivity and democratic governance, as prerequisites for lasting peace, the successful reunification of the country and national reconstruction;

**CONSIDERING** the successive rounds of negotiations held in Pretoria, Republic of South Africa, in the search for agreement on the structure of the transitional institutions as well as on a formula for sharing responsibilities in the management of the transition;

**ALIVE** to the legitimate aspirations of the Congolese people;

**COGNISANT** of the abiding concern shown by the international community, in particular the UN and the AU, for the early return to normality in the DRC;

**CONSIDERING** the relevant resolutions adopted by the UN Security Council;

**ENDORSE AND RATIFY** the Global and Inclusive Agreement on the Transition in the DRC, signed in Pretoria, Republic of South Africa, on 17 December 2002, and the Additional Memorandum on the Army and Security, signed in Pretoria on 6 March 2002.

**REQUEST** the transitional institutions to ensure the full and faithful implementation of the said Global and Inclusive Agreement on the Transition in the DRC, as well as the Additional Memorandum on the Army and Security.

**CALL ON** the international community to maintain its interest and support by accompanying the efforts of the Transitional Government authorities and the people of the DRC in order to ensure the consolidation of peace and stability in the DRC.

***Done at Sun City on the First day of April 2003***

***The Inter-Congolese Dialogue***

2. **Resolution No: DIC/CPJ/02**

**RELATING TO THE AOPTION OF THE TRANSITIONAL CONSTITUTION FOR THE DRC**

**WE**, the Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement for the Liberation of Congo (MLC), the main groups and organisations of Political Opposition and the *Forces Vives* of the Nation, the Congolese Rally for Democracy – Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), and the Mai Mai, meeting at Sun City, Republic of South Africa, from 1 and 2 April 2003;

**CONSIDERING** the Agreement for a Ceasefire in the DRC, signed on 10 July, 30 July and 31 August 1999;

**RECALLING** the Declaration of the Fundamental Principles of the Inter-Congolese Political Negotiations signed at Lusaka on 4 May 2001, by the parties signatory to the Agreement mentioned above;

**RECALLING** the Gaborone Act of Commitment signed by the representatives of the components at the Inter-Congolese Political Negotiations on 24 August 2001;

**CONSIDERING** the imperative need to found the Transitional Government for the DRC on the basis of the rule of law and the principles of democratic governance, as prerequisites for lasting peace and the successful reunification of the country;

**CONSIDERING** the successive rounds of negotiations held in Pretoria, South Africa, in the search for agreement on the constitutional framework to best reflect the above stated values;

**REASSURED** that the same fundamental principles, as laid down in the Lusaka Agreement of 1999 as well as in the Global and Inclusive Agreement on Transition signed in Pretoria on 17 December 2002, regarding inclusive transitional institutional arrangements for ensuring peace and reconciliation in the DRC, are duly reflected in the constitutional settlement agreed;

**ALIVE** to the legitimate aspirations of the Congolese people;

**COGNISANT** of the abiding concern shown by the international community, in particular the UN and the AU, for the early return of normality in the DRC;

**CONSIDERING** the relevant resolutions adopted by the UN Security Council;

**ADOPT** the draft Constitution of the Transition in the Democratic Republic of Congo.

**SOLEMNLY ENJOIN** all those to be called upon to assume responsibilities for the functioning of the transitional institutions in the DRC to ensure scrupulous respect for the letter and spirit of this Constitution, in order to safeguard peace and guarantee a

successful transition to serve as foundation for a new democratic dispensation in the country.

**CALL ON** the international community to maintain its interest and support by accompanying the efforts of the transitional government authorities and the people of the DRC for the consolidation of peace and stability in the DRC.

***Done at Sun City on the First day of April 2003***

***The Inter-Congolese Dialogue***

**3. Resolution No: DIC/CPJ/03**

**RELATING TO THE ENSHRINEMENT OF DEMOCRATIC PRINCIPLES**

**WE**, Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main groupings and organisations of the Opposition and the *Forces Vives* of the Nation, the Congolese Rally for Democracy/Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai Mai, meeting at Sun City, Republic of South Africa, from 25 February to 18 April 2002;

**CONSIDERING** the Lusaka Ceasefire Agreement signed on 10 July, 30 July and 31 August 1999; especially Article 3 (19) and Chapter V of its Annex A instituting a framework for political negotiations called the Inter-Congolese Dialogue (ICD);

**REAFFIRMING** our adherence to the Universal Declaration of Human Rights and to the provisions of the African Charter on Human and People's rights;

**RECALLING** our adherence to the Declaration of Commitment signed in Gaborone on 24 August 2001, with special reference to Articles 4 and 5 relating to the freedom of movement of persons and property throughout the national territory and to the re-establishment of communication channels;

**CONSIDERING** the need to build a real democracy in the Congo and system of rule of law, based on the principle of the separation of powers and the balance between institutions, as well as adherence to the Constitution and the law;

**CONSIDERING** that democracy implies mainly, within a sovereign nation, the participation of the people in the exercise of power in a system of political pluralism, transparency in the management of public affairs, good governance, control and, where applicable, appropriate sanctions by an independent body;

**RESOLVE AS FOLLOWS:**

1. The Democratic Republic of Congo is a truly democratic State, based on the sovereignty of the people, the respect for human rights and freedoms, equality of citizens, political pluralism and supremacy of the law.
2. Public affairs are conducted according to the principles of transparency and good governance, implying the need for control and, where applicable, sanctions exercised by an independent body.
3. No person may accede to or maintain power through force or the use of arms. All access to power must be organised through democratic means.

***Done at Sun City, April 2002***

## ***The Inter-Congolese Dialogue***



4. **Resolution No: DIC/CPJ/04**

**RELATING TO THE EFFECTIVE AND COMPLETE LIBERALISATION OF POLITICAL LIFE AND ASSOCIATION**

**WE**, Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main groupings and organisations of the Opposition and the *Forces Vives* of the Nation, the Congolese Rally for Democracy/Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai Mai, meeting at Sun City, Republic of South Africa, from 25 February to 18 April 2002;

**CONSIDERING** the Agreement for a ceasefire in the Democratic Republic of Congo, signed at Lusaka on 10 July, 30 July and 31 August 1999; especially Article 3 (19) and Chapter V of its Annex A instituting a framework for political negotiations called the Inter-Congolese Dialogue (ICD);

**CONSIDERING** that one of the objectives of the inter-Congolese political negotiations is the establishment of a new political dispensation in the DRC based on democracy, peace and freedom;

**GIVEN** our adherence to the Declaration of Commitment signed in Gaborone on 24 August 2001, with special reference to Articles 4 and 5 relating to the freedom of movement of persons and property throughout the national territory and to the re-establishment of communication channels;

**CONSIDERING** that democracy implies, among others, the effective participation of organisations and of political and social groupings in the development of civic awareness, the expression of the will of the people and the realisation of the common well-being;

**DEPLORING** the repression of political and social acts in the DRC;

1. **TASK**

- a. the Transitional Government resulting from the Inter-Congolese Dialogue with ensuring the effective and total liberalisation of political life, as well as the freedom of association throughout the national territory;
- b. the Transitional Parliament with developing new legislation to that effect;

2. **URGE** the Transitional Institutions

- a. to abstain from any behaviour likely to hamper the said liberalisation;

- b. to promote tolerance in the exercise of political activities.

***Done at Sun City, April 2002***

***The Inter-Congolese Dialogue***

5. **Resolution No: DIC/CPJ/05**

**RELATING TO THE FREE MOVEMENT OF PERSONS AND THEIR PROPERTY THROUGHOUT THE NATIONAL TERRITORY, AS WELL AS THE RESTORATION OF COMMUNICATION LINKS**

**WE**, Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main groupings and organisations of the Opposition and the *Forces Vives* of the Nation, the Congolese Rally for Democracy/Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai Mai, meeting at Sun City, Republic of South Africa, from 25 February to 11 April 2002;

**CONSIDERING** the Ceasefire Agreement signed at Lusaka on 10 July, 30 July and 31 August 1999, in particular Article 3 (19) and Chapter V of Annex 3, providing for a framework for political negotiations named Inter-Congolese Dialogue (ICD);

**REAFFIRMING** our adherence to the Declaration of Commitment signed at Gaborone on 24 August 2001, in particular Articles 4 and 5 thereof, relating to free circulation and their goods throughout the national territory, and the restoration of communication links;

**REAFFIRMING** our desire to consolidate the sovereignty, independence and territorial integrity of the Democratic Republic of Congo;

**REAFFIRMING** the need to guarantee the freedoms and fundamental rights of citizens specially regarding the freedom of movement and communication;

**DECIDE**

1. To guarantee the free movement of persons and property throughout the national territory of the Democratic Republic of Congo.
2. To re-establish air, rail, river, lake, road, telephonic and postal communication links throughout the Democratic Republic of Congo.

***Done at Sun City, April 2002***

***The Inter-Congolese Dialogue***

6. **Resolution No: DIC/CPJ/06**

**RELATING TO THE ABOLITION OF SPECIAL COURTS AND THE REFORM OF MILITARY JUSTICE**

**WE**, Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main groupings and organisations of the Opposition and the *Forces Vives* of the Nation, the Congolese Rally for Democracy/Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai Mai, meeting at Sun City, Republic of South Africa, from 25 February to 11 April 2002;

**CONSIDERING** the Ceasefire Agreement signed at Lusaka on 10 July, 30 July and 31 August 1999, in particular Article 3 (19) and Chapter V of Annex A, providing for a framework for political negotiations named Inter-Congolese Dialogue (ICD);

**CONSIDERING** the need to establish the rule of law in the DRC, with legal judicial institutions to guarantee and respect fundamental human rights, especially as concerns the right to defence and the principle of double degree of jurisdiction;

**REAFFIRMING** the Declaration of Commitment signed at Gaborone on 24 August 2001, in particular Articles 4 and 5 relating to free movement of individuals and their goods throughout the national territory, and the restoration of communication links;

**CONSIDERING** that in a democratic State, special courts must not be created;

**DEPLORING** the abuse perpetrated by the special courts during the war in DRC;

**DECIDE**

1. The abolition of special courts, especially military courts, throughout the national territory;
2. The reform of military courts, especially in that they must no longer have the authority to judge civilians and must guarantee the right to appeal and the right to defence of the individuals under their jurisdiction in accordance with the relevant provisions to international legal instruments ratified by the DRC;
3. The establishment of legal channels providing for the review, at the request of injured parties, of the rulings of these said special courts.

***Done at Sun City, April 2002***

***The Inter-Congolese Dialogue***

7. **Resolution No: DIC/CPJ/07**

**RELATING TO THE REINSTATEMENT OF REHABILITATION OF MAGISTRATES DISMISSED OR FORCED INTO EARLY RETIREMENT**

**WE**, Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main groupings and organisations of the Opposition and the *Forces Vives* of the Nation, the Congolese Rally for Democracy/Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai Mai, meeting at Sun City, Republic of South Africa, from 25 February to 11 April 2002;

**CONSIDERING** the Ceasefire Agreement signed at Lusaka on 10 July, 30 July and 31 August 1999, in particular Article 3 (19) and Chapter V of Annex A, providing for a framework for political negotiations named Inter-Congolese Dialogue (ICD);

**REAFFIRMING** our unflinching commitment to the Universal Declaration of Human Rights, the African Charter of Human People's Rights, the International Convention on Civil and Political Rights, duly ratified by the Democratic Republic of Congo;

**REAFFIRMING** moreover, the necessity to reflect the principle of separation of powers and the need to consolidate the independence of the judiciary;

**CONSIDERING** that following decree No 144 of 6 November 1999, 315 magistrates were dismissed, and following these measures, other groups of magistrates were forced into early retirement, in violation of the relevant clauses of the Ordinance relating to the status of magistrates, with particular reference to the attributions of the Higher Council of the Magistrature;

**CALL UPON THE TRANSITION GOVERNMENT**

1. To take all the necessary steps to rehabilitate and reinstate civil and military magistrates that have been collectively dismissed or forced into early retirement;
2. To examine the cases of the affected magistrates, individually and with due care, in order to be able to make appropriate rulings in accordance with the law.

***Done at Sun City, April 2002***

***The Inter-Congolese Dialogue***

8. **Resolution No: DIC/CPJ/08**

**RELATING TO THE REHABILITATION OF WORKERS ARBITRARILY DISMISSED**

**WE**, Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main groupings and organisations of the Opposition and the *Forces Vives* of the Nation, the Congolese Rally for Democracy/Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai Mai, meeting at Sun City, Republic of South Africa, from 25 February to 11 April 2002;

**CONSIDERING** the Ceasefire Agreement signed at Lusaka on 10 July, 30 July and 31 August 1999, in particular Article 3 (19) and Chapter V of Annex A, providing for a framework for political negotiations named Inter-Congolese Dialogue (ICD);

**CONSIDERING** the Universal Declaration of Human Rights, which gives every individual the right to gainful employment;

**CONSIDERING** that by virtue of Article 58 of the Congolese Labour Code, the opinion, race and sex of a worker cannot constitute valid grounds for dismissal;

**CONSIDERING** that the Congolese Labour Code, especially Article 228, prohibits harm to be caused to a worker as a result of his participation in union activities;

**CONSIDERING** the relevant recommendations of the National Conference of Human Rights;

**CONSIDERING** that the workers of certain public and private enterprises such as: the National Electricity Company (SNEL), REGIDESO, the civil service (education, army) the Congolese Control Office (OCC), the National Insurance Company (SONAS), Gécamines, Petro Congo, ONATRA, Commercial Bank of Congo, have been dismissed without regard for the relevant laws in force;

**DEMAND** the reinstatement of the rights of affected workers and management staff after individual assessment of each case by competent bodies.

***Done at Sun City, April 2002***

***The Inter-Congolese Dialogue***

9. **Resolution No: DIC/CPJ/09**

**RELATING TO THE INDEPENDENT ELECTORAL COMMISSION**

**WE**, Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main groupings and organisations of the Opposition and the *Forces Vives* of the Nation, the Congolese Rally for Democracy/Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai Mai, meeting at Sun City, Republic of South Africa, from 25 February to 11 April 2002;

**CONSIDERING** the Ceasefire Agreement signed at Lusaka on 10 July, 30 July and 31 August 1999, in particular Article 3 (19) and Chapter V of Annex A, providing for a framework for political negotiations named Inter-Congolese Dialogue (ICD);

**RECALLING** our adherence to the Declaration of Commitment signed in Gaborone on 24 August 2011, by the representatives of the components at the Inter-Congolese Political Negotiations;

**RECALLING** our adherence to the Universal Declaration of Human Rights and to the provisions of the African Charter of Human and People's rights;

**CONSIDERING** that elections are an essential stage in the democratisation process because, through a secret and egalitarian vote, they enable the free expression of the will of a people;

**CONSIDERING** that a sincere and legitimate electoral process constitutes the cornerstone of a true democracy;

**CONSIDERING** that the power of the State in our country has suffered, since its accession to independence, from successive legitimacy crises;

**CONSIDERING** that the establishment of new democratic institutions, in the spirit of the new political dispensation resulting from the Inter-Congolese Dialogue at Sun City, requires the organisation of free, transparent and legitimate elections as a means of participating in the running of the State;

**CONCERNED** by the need to endow the Democratic Republic of Congo with democratically elected leaders at the end of the transition period, with a view to ending the legitimacy crisis from which our country has been suffering since its accession to independence;

**CONSIDERING** the need to set up a national independent institution to be tasked with bringing the electoral process to a successful conclusion;

**DECIDE** on the creation of a National Independent Electoral Commission whose organisation, operation and status will be fixed by law.

**THIS COMMISSION WILL HAVE THE FOLLOWING MANDATE:**

1. To organise the constitutional referendum.
2. To prepare and organise, in collaboration with the appropriate State institutions, the general elections by proceeding, among others, with the following:
  - a. the identification and census of nationals;
  - b. the civic education campaign;
  - c. the formulation of rules of electoral ethics;
  - d. the drawing up of electoral lists;
  - e. the setting up of voters' rolls;
  - f. the monitoring of the voting proceedings;
  - g. the counting of ballots.
3. The members of the Commission must satisfy the following criteria:
  - a. experience and competence;
  - b. views of ethnicity;
  - c. objectivity;
  - d. sense of responsibility;
  - e. impartiality.
4. The Parties to the Inter-Congolese Political Negotiations will have equal representation on the National Independent Electoral Commission.
5. The announcement of the election results as well as electoral disputes are entrusted to the Supreme Court of Justice.

***Done at Sun City on the Eighteenth day of April 2002***

***The Inter-Congolese Dialogue***



10. **Resolution No: DIC/CPJ/10**

**RELATING TO THE SUPPORT OF THE INTERNATIONAL COMMUNITY**

**WE**, Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main groupings and organisations of the Opposition and the *Forces Vives* of the Nation, the Congolese Rally for Democracy/Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai Mai, meeting at Sun City, Republic of South Africa, from 25 February to 18 April 2002;

**CONSIDERING** the Ceasefire Agreement signed at Lusaka on 10 July, 30 July and 31 August 1999, in particular Article 3 (19) and Chapter V of Annex A, providing for a framework for political negotiations named Inter-Congolese Dialogue (ICD);

**CONSIDERING** the provisions of Article 3 in the UN Charter and those of the Charter of the OAU which, among others, guarantee all member States their right to sovereignty and to territorial integrity;

**REAFFIRMING** our adherence to Resolution AHG/16/1 adopted by the OAU Heads of State and Government Conference in Cairo, Egypt, 1964 on territorial integrity and the inviolability of national borders as inherited at the time of independence;

**STRESSING** the need to ensure respect for the principles of good neighbourliness and non-interference in the internal affairs of other States;

**CONCERNED** by the negative consequences of the conflicts in the Great Lakes region and their ramifications and effects on the countries of the sub-region;

**MINDFUL** of the fact that the resolution of the security problems of the Democratic Republic of Congo will have a positive influence on the neighbouring countries and that it will contribute to consolidating the peace process in all these countries;

**RECOGNISING** that the conflict in the Democratic Republic of Congo has both internal and external dimensions that will only be finally solved by taking into account the various security concerns of all the countries in Central, East and Southern Africa by which the Democratic Republic of Congo is geographically surrounded;

**CONSIDERING** that the crisis in the Democratic Republic of Congo constitutes a threat to international peace and security;

**CONSIDERING** that the resolution of this crisis requires the support of the international community;

**SALUTING** the efforts deployed by the external partners, in particular:

1. The United Nations.

2. The African Union;
3. The European Union;
4. SADC;
5. ECCAS;
6. Zambia;
7. The Republic of South Africa.

**CONSIDERING** the need to involve international witnesses in the effective implementation of resolutions to come out of the Sun City Inter-Congolese Dialogue, with a view to ensuring a successful outcome;

#### **REQUEST**

1. That the International Community, with the support of the UN and within the framework of MONUC, lend its active support to rendering secure the transitional institutions resulting from the ICD and to effectively applying the provisions of Chapter 8.2.2 of Annex A of the Lusaka Agreement, especially regarding the neutralisation and the repatriation of the negative armed forces operating within the territory of the DRC.
2. The continuation of actions and initiatives in favour of a return to peace and national reconciliation in the DRC.
3. The involvement of international witnesses, notably the UN, the AU, the EU, the SADC, the ECCAS, Zambia and the Republic of South Africa, especially in the implementation of resolutions coming out of the Inter-Congolese Dialogue at Sun City.

***Done at Sun City, April 2002***

***The Inter-Congolese Dialogue***

#### **11. Resolution No: DIC/CDS/01**

#### **RELATING TO MECHANISMS FOR THE CONSOLIDATION OF PEACE**

**WE**, Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main

groupings and organisations of the Opposition and the *Forces Vives* of the Nation, the Congolese Rally for Democracy/Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai Mai, meeting at Sun City, Republic of South Africa, from 25 February to 11 April 2002;

**RECALLING** the Lusaka Agreement for a Ceasefire in the Democratic Republic of Congo;

**RECALLING** the Declaration of Fundamental Principles of the Inter-Congolese political negotiations signed in Lusaka on 4 May 2001;

**REAFFIRMING** the principle of inviolability of the frontiers inherited from colonisation, as recognised by the Charter of the OAU;

**RECALLING** relevant resolutions of the UN Security Council;

**CONVINCED** that peace and security in the Great Lakes region constitute determining factors for sustainable peace and development in the Democratic Republic of Congo;

**CONSIDERING** that, for each State within the region, security and stability are a prerequisite for the enjoyment of peaceful existence within national borders;

**RECALLING** the resolution of the Inter-Congolese Dialogue on peace and security in the Democratic Republic of Congo and in the Great Lakes region;

#### **RECOMMEND**

1. That the transitional political authorities, to emerge from the Inter-Congolese Dialogue, should take all appropriate measures that should lead to the signature, as soon as possible, of a peace agreement involving the belligerent countries, to be guaranteed by the UN, the AU, the EU and the SADC.
2. That the transitional political authorities to emerge from the Inter-Congolese Dialogue should take the initiative to reformulate the request for the organisation of an International Conference on peace, security, stability and development of the Great Lakes region and Central Africa, under the auspices of the UN, the AU, the SADC and the EU.

***Done at Sun City on the Seventeenth day of April 2002***

***The Inter-Congolese Dialogue***

**12. Resolution No: DIC/CDS/02**

**RELATING TO THE DISARMAMENT OF ARMED GROUPS AND WITHDRAWAL OF FOREIGN FORCES**

**WE**, Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main groupings and organisations of the Opposition and the *Forces Vives* of the Nation, the Congolese Rally for Democracy/Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai Mai, meeting at Sun City, Republic of South Africa, from 25 February to 11 April 2002;

**CONSIDERING** the Lusaka Ceasefire Agreement and stressing that the Ceasefire has, in a broad sense, been respected since January 2001;

**NOTING** the delay in the disarmament of the armed groups and withdrawal of foreign forces in relation to the timetable prescribed in the Lusaka Ceasefire Agreement;

**CONSIDERING** also that the Inter-Congolese Dialogue is an essential element of the peace process for the Democratic Republic of Congo;

**REFERRING** to the relevant resolutions of the UN Security Council, the AU Charter and to the Act of Commitment signed by all the parties in Gaborone on 24 August 2001, in so far as they affirm the integrity and sovereignty of the Democratic Republic of Congo;

**ALIVE** to the security concerns of the countries neighbouring the DRC;

**URGE AND DEMAND**

1. The pursuit and intensification of the voluntary disarmament of armed groups in accordance with the Lusaka Agreement.
2. The immediate departure of all armed groups from the territory of the Democratic Republic of Congo.
3. Resort to coercive measures, where due note is taken of the failure of voluntary disarmament, to compel the armed groups to leave the territory of the Congo, through:
  - a. the use by the DRC, of resources to be provided by the Transitional Government to emerge from the Dialogue, and
  - b. calling of the UN to apply Chapter VII of its Charter.
4. Immediate pursuit of the orderly withdrawal of all foreign forces from the territory to the DRC, in accordance with the Lusaka Ceasefire Agreement and

the resolutions of the Security Council, using an accelerated timetable to be drawn on the basis of the withdrawal plans approved by the 10<sup>th</sup> Political Committee meeting in Lusaka in May 2001.

***Done at Sun City, on the Twenty-fifth day of March 2002***

***The Inter-Congolese Dialogue***

13. **Resolution No: DIC/CDS/03**

**RELATING TO THE IDENTIFICATION OF NATIONALS WHO SHALL CONSTITUTE THE ARMY; DEMOBILISATION AND REINTEGRATION OF CHILD SOLDIERS AND VULNERABLE PERSONS; RECRUITMENT WITH A VIEW TO INTEGRATING MILITARY AND PARAMILITARY GROUPS INTO THE NATIONAL ARMY AND POLICE**

**WE**, the Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main groupings and organisations of the Opposition and the *Forces Vives* of the Nation, the Congolese Rally for Democracy/Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai Mai, meeting at Sun City, Republic of South Africa, from 25 February to 11 April 2002;

**RECALLING** the Lusaka Agreement for a Ceasefire in the Democratic Republic of Congo;

**RECALLING** relevant resolutions of the UN Security Council;

**RECALLING** the Convention on the Rights of the Child, adopted by the UN General Assembly, in its Resolution 44/25 dated 20 November 1989;

**COGNISANT** of the fact that conscription of children into the army and their involvement in war is a serious violation of the Rights of the Child;

**CONSIDERING** the need to protect vulnerable persons affected by demobilisation and reintegration measures;

**CONSIDERING** that the reintegration of child soldiers and vulnerable persons, in tandem with their demobilisation, constitutes a guarantee for national peace;

**CONVINCED** that the task of defending territorial integrity can only be achieved by an army protected from all forms of foreign influence and constituted by nationals who are conscious of their sacred duty towards the nation;

**CONSIDERING** that peace and security in the Democratic Republic of Congo also require the integration of military and paramilitary groups into the army and the territorial police;

**ANXIOUS** to ensure, in an irreversible manner, peace, security, national unity and reconciliation;

**AGREE ON THE FOLLOWING:**

1. The mechanism to be instituted at the close of the Inter-Congolese Dialogue for the formation of the new army shall be responsible for:

- a. identification of nationals who shall constitute the new army;
- b. demobilisation and reintegration of child soldiers and vulnerable persons in collaboration with the appropriate organisations;
- c. recruitment, with a view to integrating military and paramilitary groups into the army and national police.

***Done at Sun City on the Seventeenth day of April 2002***

***The Inter-Congolese Dialogue***

**14. Resolution No: DIC/CDS/04**

**RELATING TO THE FORMATION OF THE NEW CONGOLESE ARMY**

**WE**, the Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main groupings and organisations of the Opposition and the *Forces Vives* of the Nation, the Congolese Rally for Democracy/Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai Mai, meeting at Sun City, Republic of South Africa, from 25 February to 11 April 2002;

**RECALLING** the Lusaka Agreement for a Ceasefire in the Democratic Republic of Congo;

**RECALLING** relevant resolutions of the UN Security Council;

**ANXIOUS** to ensure peace, national unity and reconciliation on an irreversible basis in the DRC;

**COGNISANT** of the fact that the DRC needs a national army capable of defending the integrity of its territory, of ensuring the stability of democratically established institutions, and the security of individuals and property;

**CONSIDERING** that, by virtue of its national, republican and non-political character, the army is the very symbol of national unity and guarantor of republican values;

**AGREE ON THE FOLLOWING:**

1. At the close of the Inter-Congolese Dialogue, a mechanism will be put in place for the formation of a restructured and integrated National Army, to include the Armed Forces of the Government of the Democratic Republic of Congo, the Armed Forces of the Congolese Rally for Democracy and the Armed Forces of the Movement for the Liberation of Congo, in accordance with point 20 of article 3 of the principles of the Lusaka Agreement.
2. This mechanism for the formation of the New Congolese Army will include officers of the Armed Forces of the Government of the Democratic Republic of Congo, officers of the Armed Forces of the Congolese Rally for Democracy and officers of the Armed Forces of the Movement for the Liberation of Congo.
3. In the interest of peace, unity and national reconciliation, the above-mentioned mechanism should also include the RCD/ML, the RCD/N and the Mai Mai, in accordance with terms to be defined by the transitional political institutions emerging from the Inter-Congolese Dialogue.
4. The mechanism will be placed under the authority of the transitional political institutions to emerge from the Inter-Congolese Dialogue.



***Done at Sun City on the Eighteenth day of April 2002***

***The Inter-Congolese Dialogue***

15. **Resolution No: DIC/CDS/05**

**ON SANCTIONS AGAINST PARTIES ACTING IN BAD FAITH**

**WE**, the Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main groupings and organisations of the Opposition and the *Forces Vives* of the Nation, the Congolese Rally for Democracy/Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai Mai, meeting at Sun City, Republic of South Africa, from 25 February to 11 April 2002;

**RECALLING** the Lusaka Agreement for a Ceasefire in the Democratic Republic of Congo;

**RECALLING** pertinent resolutions of the UN Security Council;

**RECALLING** the Declaration of Fundamental Principles of the Inter-Congolese political negotiations, signed in Lusaka on 4 May 2001;

**CONSIDERING** the mandatory and binding character of resolutions to be adopted, by consensus, at the Inter-Congolese Dialogue;

**COGNISANT** of the need to ensure a successful conclusion of the Inter-Congolese Dialogue and implementation of its resolutions;

**COGNISANT**, further, of the need to provide sanctions against parties acting in bad faith;

**ANXIOUS** to ensure, in an irreversible manner, peace, security, national unity and reconciliation in the Democratic Republic of the Congo;

**AGREE ON THE FOLLOWING:**

1. The Parties at the Inter-Congolese political negotiations commit themselves to duly execute the resolutions of the Inter-Congolese Dialogue.
2. The constitutional charter, for the transition, should duly provide for a body to be entrusted with the follow-up of the resolutions of the Inter-Congolese Dialogue.
3. Pending the entry into force of transitional institutions, a follow-up committee for the implementation of the resolutions shall be set up at the close of the Inter-Congolese Dialogue.
4. Such a constitutional body shall be vested with powers to apply such sanctions as shall be provided for against parties acting in bad faith.

5. We invite the UN, OAU, SADC and the European Union to accord the necessary assistance to the transitional institutions in order to ensure the successful execution of the resolutions of the Inter-Congolese Dialogue.
6. We request the States involved in the Congolese crisis to facilitate the successful execution of the resolutions of the Inter-Congolese Dialogue. Failing which, the transitional political authorities may request the Security Council to apply the measures provided for in Chapter 7 of the UN Charter.

***Done at Sun City on the Seventeenth day of April 2002***

***The Inter-Congolese Dialogue***

**16. Resolution No: DIC/CEF/01**

**RELATING TO THE COSTS OF THE TWO WARS: 1996 – 1998**

**WE**, the Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main groupings and organisations of the Opposition and the *Forces Vives* of the Nation, the Congolese Rally for Democracy/Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai Mai, meeting at Sun City, Republic of South Africa, from 25 February to 11 April 2002;

**CONSIDERING** the Agreement for a Ceasefire in the Democratic Republic of Congo, signed at Lusaka on 10 July, 30 July and 31 August 1999, and relevant UN Security Council resolutions relative the Inter-Congolese Political Negotiations;

**RECALLING** the Declaration of Fundamental Principles of the Inter-Congolese Political Negotiations signed at Lusaka on 4 May 2001, by the signatory parties to the Agreement cited above, the Gaborone Declaration of Commitment signed by the representatives of the components at the Inter-Congolese Political Negotiations on 24 August 2001;

**CONSIDERING** the Rules of Procedure for the Inter-Congolese Political Negotiations signed on 8 March 2002 at Sun City, in particular article 10, relating to the organisation of the Commissions;

**CONSIDERING** that the war has entailed an economic and financial cost;

**CONSIDERING** also that as a result of the two wars, the Congolese state has suffered tremendous damage requiring reparation;

**NOTING** that the present forum of the Inter-Congolese Political Negotiations has neither the means nor the time to examine this issue to the extent that its importance would require;

**AWARE** that the assessment of the commitments and the damages as well as their reparation require appropriate and in-depth expertise;

**RECOMMEND** the examination of the point relating to the costs of the two wars, of 1996/97 and 1998, as set down at item 7(d) of the Agenda of the Inter-Congolese Political Negotiations, by the Special Commission of the transitional Parliament tasked with verifying the validity of signed contracts of economic and financial nature.

**IN** fulfilling its mandate, the Special Commission will adhere to the following terms of reference:

1. ensuring publicity to raise public awareness about the creation of the Commission;

2. ensuring that petitions by claimants are lodged with the ad hoc Commission of the transitional Parliament within the stipulated time;
3. establishing an extensive inventory of financial commitments entered into by parties during the wars;
4. assessing the material, financial, economic and human consequences of the war;
5. submitting compensation and reparation proposals in favour of legal entities, as well as proposals for relevant rules of procedure (modalities);
6. envisaging possible resources to the expertise of the UN organisation for objective assessment, apportioning of responsibility and defining the reparation modalities.

**REQUEST** that possible reparations, indemnities and payments either by or to the Public Treasury should the period extending beyond the transition.

**IN** any event, debts created thus be given priority treatment over other admitted debts, either in the form of ordinary internal debt commitments, or commitments falling within the context of Paris and London Club arrangements.

***Done at Sun City, April 2002***

***The Inter-Congolese Dialogue***

17. **Resolution No: DIC/CEF/02**

**ON THE RESTITUTION OF PROPERTY TAKEN AND/OR CONFISCATED FROM INDIVIDUALS AND OF PLUNDERED STATE PROPERTY**

**WE**, the Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main groupings and organisations of the Opposition and the *Forces Vives* of the Nation the Congolese Rally for Democracy/Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai Mai, meeting at Sun City, Republic of South Africa, from 25 February to 11 April 2002;

**CONSIDERING** the Ceasefire Agreement in the Democratic Republic of Congo, signed at Lusaka on 10 July, 30 July and 31 August 1999 as well as relevant UN Security Council resolutions relative to the Inter-Congolese Political Negotiations;

**RECALLING** the Declaration of Fundamental Principles signed at Lusaka on 4 May 2001, by the signatory parties to the Agreement cited above, the Gaborone Declaration of Commitment signed by representatives of the components to the Inter-Congolese Political Negotiations on 24 August 2001;

**CONSIDERING** the Rules of Procedure for the Intern-Congolese Political Negotiations signed on 8 March 2002 in Sun City, with special reference to Article 10, providing for the setting up of Commissions;

**RECALLING** the final communiqué of the preparatory meeting of the National Dialogue which, in Point 3.6, recommends the restitution of all property unlawfully seized and confiscated from individuals and plundered state property;

**CONSIDERING** the need to restore the rule of law in the Democratic Republic of Congo;

**CONSIDERING** the need to reinstate the state as well as individuals in their rights;

**RECOMMEND** that the Transitional Executive:

1. accelerate the restitution of property unlawfully seized and/or confiscated from individuals, in accordance with the Declaration of Commitment signed in Gaborone on 24 August 2001;
2. proceed with the recovery of state property despoiled by legal entities.

**REQUEST** the Courts and Tribunals to take cognisance of all cases which have become contentious and as a result been brought before them by parties.

**RESOLVE** to entrust the Transitional Parliament with the task of defining the principles to guide the settlement of disputes over property unlawfully seized and/or confiscated from individuals as well as despoiled state property.

***Done at Sun City, April 2002***

***The Inter-Congolese Dialogue***

18. **Resolution No: DIC/CEF/03**

**RELATING TO DISPUTES OVER THE RECONSTRUCTION OF THE ENVIRONMENT DESTROYED BY WAR**

**WE**, the Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main groupings and organisations of the Opposition and the *Forces Vives* of the Nation, the Congolese Rally for Democracy/Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai Mai, meeting at Sun City, Republic of South Africa, from 25 February to 11 April 2002;

**CONSIDERING** the Agreement for a Ceasefire in the Democratic Republic of Congo, signed at Lusaka on 10 July, 30 July and 31 August 1999, and relevant UN Security Council resolutions relative to the Inter-Congolese Political Negotiations;

**RECALLING** the Declaration of Fundamental Principles of the Inter-Congolese Political Negotiations signed at Lusaka on 4 May 2001, by the signatory parties to the above-cited Agreement, and the Gaborone Declaration of Commitment signed by representatives of the components to the Inter-Congolese Political Negotiations on 24 August 2001;

**RECALLING** the Rules of Procedure for the Inter-Congolese Political Negotiations signed on 8 March 2002 at Sun City, in particular article 10, providing for the setting up of Commissions;

**CONSIDERING** the damage caused to the ecosystems and to the living environment in the Democratic Republic of Congo by the massive presence of Rwandan refugees in 1994, as well as the wars of 1996-97 and 1998, in particular:

1. the deforestation linked to overexploitation;
2. the excessive exploitation and exportation of medicinal plants;
3. the extermination and illegal exportation of rare species;
4. desertification, erosion and landslides resulting from the deforestation mentioned above;
5. the destruction, occupation and illegal exploitation of national parks, reserves and other protected sites;
6. the presence of anti-personnel mines in certain areas;
7. the destruction of habitat and infrastructures;

**CONSIDERING** the dispute over the economic, financial and social consequences of the destruction of the environment in the Democratic Republic of Congo;



**CONVINCED** of the need for fair and equitable reparation for the restoration of a healthy environment for the benefit of both the Congolese people and humanity;

#### **REQUEST AND RECOMMEND**

1. The establishment of a special ad hoc Commission of Inquiry within the transitional Parliament, if necessary with the participation of national and international experts, with a view to identifying destroyed sites, assessing the extent of the damage, apportioning responsibility, identifying perpetrators and victims and determining the nature and level of compensation and reparation.
2. The period of the Enquiry should not exceed six months.
3. The recognition by the international community of the state of destruction of the environment in the Democratic Republic of Congo as a disaster of world-wide proportions.

***Done at Sun City, April 2002***

***The Inter-Congolese Dialogue***

19. **Resolution No: DIC/CEF/04**

**CALLING FOR SCRUTINY TO DETERMINE THE VALIDITY OF ECONOMIC AND FINANCIAL AGREEMENTS SIGNED DURING THE WAR**

**WE**, the Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main groupings and organisations of the Opposition and the *Forces Vives* of the Nation, the Congolese Rally for Democracy/Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai Mai, meeting at Sun City, Republic of South Africa, from 25 February to 11 April 2002;

**CONSIDERING** the Ceasefire Agreement in the Democratic Republic of Congo signed in Lusaka on 10 July, 30 July and 31 August 1999, the various relevant resolutions of the UN Security Council concerning the Inter-Congolese Political Negotiations;

**RECALLING** the Declaration of Fundamental Principles signed in Lusaka on 4 May 2001 by the signatory parties to the above-cited Agreement, and the Gaborone Declaration of Commitment signed by the representatives of the components to the Inter-Congolese Political Negotiations on 24 August 2001;

**CONSIDERING** the Rules of Procedure of the Inter-Congolese Political Negotiations signed on 8 March 2002 at Sun City, with special reference to Article 10 providing for the setting up of Commissions;

**CONSIDERING** that peace and security are indisputable prerequisites for initiating a policy of development, and the revival of stable and prosperous economic activity in our country;

**OBSERVING** that since 1996, the Congolese parties to the Lusaka Agreement have had, for reasons imposed by the war, to sign agreements or exploitation contracts, to conclude joint ventures with States and/or with private legal entities based in such states;

**OBSERVING** furthermore, that, for the same reasons, management arrangements with economic and financial implications have been put in place;

**CONSIDERING** that these agreements, contracts and management arrangements gave rise to contractual obligations at leadership level of the Congolese contracting parties;

**AWARE** that it is imperative to submit these obligations to careful scrutiny in order to safeguard the higher interests of the Congolese people;

## REQUEST AND RECOMMEND

1. The setting up, by the Transitional Parliament, within the shortest possible time, of a special Commission tasked with assessing the validity of agreements of an economic and financial nature concluded during the wars of 1996 - 97 and 1998.
2. Taking into account the complexity and importance of the subject matter, the Commission will, under the authority of the Parliament, be essentially assigned the following as mission:
  - a. to draw up an inventory of all the agreements signed during the two wars;
  - b. to scrutinise the agreements;
  - c. to assess their financial impact;
  - d. to confirm or reject the agreements.
3. The Commission will operate according to rules of procedure to be laid down, for the purpose, by the Transitional Parliament.
4. In scrutinising the agreements, the Commission will be guided by the following principles:
  - a. respect for the sovereignty and the territorial integrity of the Democratic Republic of Congo;
  - b. respect for legal and regulatory texts governing the various sectors;
  - c. respect for the powers to be vested in the members of the Commission;
  - d. rejecting of the practice of illicit enrichment;
  - e. cognisance of reports of UN expert groups on the illegal exploitation of natural resources and other forms of wealth in the Democratic Republic of Congo;
  - f. cognisance of the impact on the population;
  - g. duty of transparency in the procedures for concluding the said agreements;
  - h. timely lodging by petitioners of agreements and other arrangements.
5. The special Commission will propose appropriate measures concerning the compensation for any loss suffered by the Congolese State or Congolese

nationals as a result of these agreements, contracts or management arrangements.

**NOTICE IS HEREBY TAKEN OF:**

1. the declaration by the Movement for the Liberation of Congo to the effect that it has signed no convention of economic or financial nature;
2. the declaration of the Congolese Rally for Democracy National (RCD/N) to the effect that it has signed no convention of economic or financial nature;
3. the declaration of the Congolese Rally for Democracy Movement for Liberation (RCD/ML) to the effect that it has signed a Letter of Intent , with stipulated conditions precedent, with the First International Bank of Grenada, Limited, entitled "Agreement for Humanitarian and Economic Development Aid for the Congo". The actual contract was not executed, and that furthermore arrangements of economic and financial nature found in place and deemed illicit have been annulled.

***Done at Sun City, April 2002***

***The Inter-Congolese Dialogue***

20. **Resolution No: DIC/CEF/05**

**RELATING TO EMERGENCY ECONOMIC AND SOCIAL PROGRAMME**

**WE**, the Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main groupings and organisations of the Opposition and the *Forces Vives* of the Nation, the Congolese Rally for Democracy/Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai Mai, meeting at Sun City, Republic of South Africa, from 25 February to 11 April 2002;

**CONSIDERING** the Agreement for a Ceasefire in the Democratic Republic of Congo, signed in Lusaka on 10 July, 30 July and 31 August 1999; relevant resolutions of the UN Security Council on the subject of Inter-Congolese political negotiations;

**RECALLING** the Declaration of the Fundamental Principles of the Inter-Congolese Political Negotiations signed at Lusaka on 4 May 2001, by the parties signatory to the Agreement mentioned above, the Gaborone Act of Commitment signed by representatives of the components at the Inter-Congolese Political Negotiations on 24 August 2001;

**CONSIDERING** the Rules of Procedure for the Inter-Congolese Political Negotiations signed on 8 March 2002 at Sun City, in particular article 10, providing for the setting up of Commissions;

**CONSIDERING** the appraisal undertaken by the Economic and Finance Commission in terms of:

1. the macroeconomic and sectoral framework;
2. the state of advanced destruction and collapse of basic infrastructures;
3. the disastrous social situation of the population;
4. the destruction of the environment;
5. plundering and mismanagement of natural resources;
6. bad governance;

**CONSIDERING** the various advantages as well as constraints observed in the way of implementing the programme;

**AWARE** of the expectations of the Congolese people;

**GIVEN** the demands of the African and international community;

**GIVEN** the vital role devolving onto the Democratic Republic of Congo in achieving the objectives of the New Partnership for the Development of Africa (NEPAD) in the sub-region as well as elsewhere in Africa;

**ADOPT** an Emergency Economic and Social Programme for the transitional period with the objectives of economic stabilisation and recovery, targeting in particular the following fundamental options:

1. launch of the process of rehabilitation and reconstruction of the Democratic Republic of Congo, through:
  - a. execution of large-scale rehabilitation works, as well as the reconstruction of key infrastructures;
  - b. strengthening of human and institutional capacity;
  - c. introduction of a growing financing system to benefit community initiatives;
  - d. creation of an enabling environment for private investment, both national and foreign;
2. fight against poverty, through:
  - a. stabilisation and consolidation of the macroeconomic framework;
  - b. promotion of sustained and balanced economic growth;
  - c. formulation of a State budget reflecting the social priorities set by the Programme.

**REQUEST** the transitional institutions to ensure the implementation and follow-up of this programme to rebuild a strong and prosperous economy in the interest of the Congolese population in its entirety.

**REQUEST** the support of the international community, in particular, the Bretton Woods Institutions, the EU and the African Development Bank, working together in a consultative group involving the Congolese executive authorities, for the success of this programme.

***Done at Sun City, April 2002  
The Inter-Congolese Dialogue***

21. **Resolution No: DIC/CHSC/01**

**RELATING TO THE EMERGENCY PROGRAMME IN DIFFERENT SOCIAL SECTORS**

**WE**, the Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main groupings and organisations of the Opposition and the *Forces Vives* of the Nation, the Congolese Rally for Democracy/Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai Mai, meeting at Sun City, Republic of South Africa, from 25 February to 11 April 2002;

**CONSIDERING** the Agreement for a Ceasefire in the Democratic Republic of Congo, signed at Lusaka on 10 July, 30 July and 31 August 1999;

**CONSIDERING** the UN Security Council resolutions relating to the Inter-Congolese Political Negotiations;

**GIVEN** the Declaration of the Fundamental Principles of the Inter-Congolese Political Negotiations signed at Lusaka on 4 May 2001, by the parties signatory to the Agreement mentioned above, the Gaborone Act of Commitment signed by representatives of the components at the Inter-Congolese Political Negotiations on 24 August 2001;

**CONSIDERING** the Rules of Procedure for the Inter-Congolese Political Negotiations signed on 8 March 2002 at Sun City, in particular article 10, relating to the organisation of the Commissions;

**CONSIDERING** that the Democratic Republic of Congo is among the poorest of countries, that its social indicators are among the lowest, and that the country is rated 142<sup>nd</sup> out of 164 countries in the world, according to the Human Development Index (2000);

**CONSIDERING** the degradation of the macroeconomic environment of the country resulting from several decades of bad governance and external exploitation of its resources and exacerbated by five years of internal conflict;

**TAKING** note of the economic potential of the country due to its wealth in various natural resources;

**CONSIDERING** the low proportion of the national budget which has been allocated to the social sector for decades;

**CONSIDERING** that the population's health has never been perceived either as a fundamental right for citizens, or as a basis for social-economic development in the country;

**STRESSING** the disastrous situation on the health level characterised by the insufficiency, dilapidation or destruction of infrastructures, the lack or insufficiency of medicines and equipment, the high and uncontrolled costs of care, the recurrence of endemic and epidemic diseases, the re-emergence of previously controlled diseases, the high prevalence of sexually transmitted diseases and of HIV/AIDS, the high rate of infant and maternal mortality and malnutrition and the uneven distribution of health professionals between rural and urban environments as well as their demotivation;

**OBSERVING** the alarming situation in the national education sector characterised by ever-decreasing school attendance rates, the non-attendance of between three to five million children, the recruitment of thousands of children of school-going age by belligerents and armed groups, the destruction of many school buildings and equipment and the plundering of teaching material, the increased wastage at all levels, the marked depreciation of teaching outcomes, the pronounced degradation of living and working conditions of teachers and learners as well as moral values which have also have resulted in the brain drain;

**CONCERNED** by the fact that all cardinal virtues in the social sector have been compromised by the armed conflict resulting in the destabilisation of homes, the separation or divorce of parents, the increase in the number of abandoned children, children born out of wedlock, young delinquents and illiterates; and resulting further in: prostitution, promiscuity, an increase in the number of women as heads of households and child-mothers, the negation of moral and ethical values (rape, incest, pedophilia, abuse of women, etc), children being involved in odd jobs for survival, the abandonment of the elderly and those living with a physical or mental handicap, the neglect of war invalids and prisoners etc;

**NOTING** that the armed conflict has increased discrimination against women thus violating the universal principle of equal rights and respect for human dignity, rendering women more vulnerable, hampering their equal participation in the political, social, economic and cultural life of their country and restraining women from serving their country and humankind to their fullest potential;

**REALISING** that the situation of women in rural areas has become increasingly precarious and dangerous, and that it is essential for them to be given more consideration at the policy design stage, particularly taking into account their specific needs and their significant economic role; and that the development of the country and the cause for peace require maximal participation of women on an equal footing with men in all fields;

**OBSERVING** the corruption of the youth and the uprooting of young Congolese people, whilst there is no real policy for their guidance and supervision, and young people are cast out and left to their own devices, reduced to vagrancy, exposed to drug addiction, criminality and disease (tuberculosis, AIDS, STDs, etc);

**DEPLORING** the general insecurity and destruction of sports and leisure infrastructures in different parts of the country in view of the continuing narrow, disjointed and deeply entrenched concept of what constitutes leisure activities, the



absence or shortage of sports supervisors and coordinators and qualified officers, the absence of patrons in this area, etc;

**OBSERVING** the growing numbers of the socially maladjusted, the increasing pauperisation of the population, especially women and households more and more frequently headed by women, the chronic non-payment of salaries, the excessive material burden borne by women and its impact on their morale, and all the situations accentuating the increased unemployment rate;

**CONSIDERING** that the political and social environment has not encouraged reforms capable of prioritising an employment and placement policy, the malfunctioning and inefficiency of the State administrative instrument, the overstuffed and under-motivated State labour force, the bad management of resources, the lack or absence of personnel training in the public services at all levels, the advanced dilapidation of the infrastructures where they do indeed exist, and the insufficiency or lack of equipment and other supplies, etc;

**CONSIDERING** the massive destruction of many infrastructures of all sorts, especially land transport networks, thereby aggravating difficulty of movement for persons and property;

**CONSIDERING** the destruction of important property infrastructures and the substantial damage caused to electricity and drinking water supply systems in the absence of a rational housing and accommodation policy as well as the shortage or absence of drinking water and electrical energy provision;

**OBSERVING** furthermore the disastrous damage caused to public buildings and to mass housing facilities while there is an absence of havens for orphans, abandoned children and street children and living conditions are sub-human in detention centres;

**OBSERVING** the absence of a clear and coherent policy for the promotion of rural development and its serious consequences such as the rural exodus;

**OBSERVING** the remarkable ability of Congolese populations to take responsibility for themselves during these long years of crisis and that this demonstrates their ability to contribute to the management of a social programme;

**NOTING** finally the commitment of all the parties to the Inter-Congolese Dialogue to strive towards the liberation of the Congolese people from the dire situation in which they find themselves;

**APPEAL** to the International Community in general and the bi- and multi-lateral partners of the Democratic Republic of Congo in particular, as well as to various concerned UN agencies, for emergency social aid to the Congolese people by supporting the governmental and non-governmental organisations in implementing the following measures:

1. **HEALTH**

a. **Urgent**

- i. Rehabilitate and re-equip at least 60% of the destroyed or damaged health infrastructures and create others where necessary;
  - ii. Provide material, equipment and medical supplies to all health centres and all the health zones;
  - iii. Create strategic centres for psychological assistance and treatment for traumatised persons as well as centres for psychological rehabilitation;
  - iv. Provide free or subsidised urgent medical care for war victims;
  - v. Pursue and support national programmes in the fight against disease;
  - vi. Design a national food security programme;
  - vii. Establish and reinforce administrative and management systems in order to supply quality medical care;
  - viii. Create centres for the supply and distribution of pharmaceutical products;
  - ix. Guarantee a 60% (minimum) health cover for the country through the rehabilitation and/or creation of health zones, health centres, intermediary coordination structures or specialised care (provincial hospitals, provincial laboratories, pharmaceutical depots, etc);
  - x. Allocate to the area of health at least 10% to 15% of the national budget with a special line for HIV/AIDS, malaria and tuberculosis;
  - xi. Allocate fair and equitable remuneration to motivate health professionals as well as a special incentive for the rural environment.
- b. **Short and medium term**
- i. Extend and reinforce the social security system by instituting medical insurance;
  - ii. Achieve the objective of health for all and by all through the application of a primary health care policy;
  - iii. Apply the framework law for health;

- iv. Promote preventive care by intensifying the vaccination campaign for children aged 0 to 5 years and reviving reproductive and nutritional health;
- v. Reinforce the rural health project: SANRU 3;
- vi. Carry out research aimed at the integration and utilisation of traditional medicine in health programmes;
- vii. Encourage private companies to provide medical services, including the supply of pharmaceutical products;
- viii. Extend and reinforce public mortuary and funeral services.

## 2. EDUCATION

### a. **Urgent**

- i. Rehabilitate and re-equip at least 60% of the destroyed or damaged school or university infrastructures;
- ii. Build new schools, according to a balanced plan which takes account of zoning;
- iii. Allocate at least 10% to 15% of the national budget to education;
- iv. Adopt policies and measures to achieve the so-called “millennium” objective according to which every girl and boy from now until the year 2015 will have equal access to primary education as well as to all the other levels of teaching;
- v. Significantly increase the salaries of teachers at all levels of the system, offer them decent working conditions and rigorously manage the teaching career in order to improve the profile of the profession;
- vi. Supply school and university establishments with books, resources and audio-visual equipment etc;
- vii. Introduce training in new technologies (eg information technology) into the teaching programme;
- viii. Re-launch the policy relating to special teaching as well as to the reintegration of children and young people including child mothers who fail and drop out of the education system;
- ix. Reactivate and implement resolutions taken by the *Etats-Généraux* of Education held in Kinshasa from 20 to 29 January 1996 and revise the National Education framework law.

b. **Short and medium term**

- i. Rationally manage the financial resources of the education sector in order to ensure free primary education as an objective to be achieved urgently, by progressively raising the percentage of children in full-time schooling, particularly in the case of vulnerable populations, girls and underprivileged groups;
- ii. Create an Educational Promotion Fund;
- iii. Put in place regulations and provisions for the effective management of education structures and facilities at all levels and in all the provinces;
- iv. Step up professionalism at the secondary school level;
- v. Redefine the role and raise the status of the teacher at the Primary, Secondary, Higher and University levels; and of Scientific Research;
- vi. Draw up a policy to speed up the training of University teachers and researchers, and create a special fund to support doctoral studies and research within the country;
- vii. Reinforce programmes and courses focused on civics and human values;
- viii. Apply the texts regulating the transposition of ranks at the primary and secondary levels;
- ix. Define and establish collaboration based on the principle of partnership in national education.

**3. FAMILIES, WOMEN, CHILDREN AND VULNERABLE PERSONS**

a. **Urgent**

- i. Set up psychological rehabilitation centres for women, girls, children and all other traumatised persons;
- ii. Implement a systematic re-adaptation and social reintegration plan for children affected by the war and the rehabilitation of street children, young delinquents, and support all initiatives in this field;

- iii. Define a coherent policy for the elderly, people living with a handicap or a chronic illness and for war invalids (civil or military);
- iv. Restore the dignity of women so that they may fully assume their noble role of wives, mothers, educators, custodians of social values and development agents;
- v. Set up appropriate and specific structures which can enable women to gain access to credit, micro-finance and the business world;
- vi. Draw up a policy for penitentiary administration and the supervision and guidance of prisoners.

b. **Short and medium term**

- i. Draw up a realistic social policy to protect the family; re-launch and reinforce management of the Fund for the Promotion of Social Services;
- ii. Popularise different legal texts relating to recognised women's rights and the protection of those rights;
- iii. Promote, increase awareness of and implement legal texts dealing with children's rights;
- iv. Reinforce the identity of women concentrating on equality and complementarity with regard to their effective integration in all vital areas of national life: this concerns the thorough application of the quota or percentage allocated to women in the effective participation in all decision-making sectors of national life (The quota is equivalent to at least 30%, according to the Declaration of the SADC countries, ratified by the DRC);
- v. Ensure appropriate and efficient support and guidance for women to enable them to catch up with men in all spheres;
- vi. Ensure the full development and progress of women so as to guarantee them the full enjoyment of human rights and basic liberties on an equal footing with men;
- vii. Modify or repeal any law, regulatory provision, custom or practice which constitutes discrimination against women or which contradicts the relevant legal instruments, especially regarding the legal incapacity of married women;
- viii. Increase the marriageable age of girls to 18 years.

#### 4. YOUTH

a. **Urgent**

- i. Draw up a true policy for the supervision and guidance of young people.

b. **Short and Medium Term**

- i. Develop a framework law regarding the organisation of youth associations, movements and organisations;
- ii. Establish a voluntary civic service for 18-year-olds.

#### 5. SPORTS AND LEISURE

a. **Urgent**

- i. Rehabilitate or build infrastructures in the field of sports and leisure;
- ii. Train and improve the status of qualified sports personnel in the supervision of sports activities and the coordination of leisure activities;
- iii. Improve the status of, promote and diversify sporting and leisure activities;
- iv. Promote school, university, military and women's sports and those for people living with a handicap, and even for prisoners.

b. **Short and Medium Term**

- i. Promote sports and leisure activities for all as a major objective;
- ii. Demonstrate professionalism in sports activities;
- iii. Urge businesses and/or other organisations to sponsor sports and leisure activities.

#### 6. EMPLOYMENT AND PUBLIC ADMINISTRATION

a. **Urgent**

- i. Set up a spot-conflict employment programme, a National Centre for Productivity, a framework for social dialogue and a mechanism for adherence to basic principles of labour law, notably with regard to decent salaries;

- ii. Speed up the implementation of legislation forbidding child labour;
- iii. Encourage investment projects able to generate employment, but also projects for the rehabilitation or building of basic social infrastructures (schools, roads, health centres, etc) which provide employment opportunities;
- iv. Create a National Monitoring Unit for Employment, Training and Placement;
- v. Rehabilitate public administration, State employees and agents, by adopting a single status both at the career level and at that of remuneration structures and other social benefits such as annuities, leave gratuities and performance bonuses;
- vi. Discharge salary arrears in all the provinces and in diplomatic missions.

b. **Short and Long Term**

- i. Draw up a salaries policy which takes into account the needs of the population;
- ii. Reinstate in their posts and ranks all State employees and agents illegally dismissed: dismissal, suspension, retirement (case of magistrates relieved of their functions and retired);
- iii. Draw up a national employment and placement policy;
- iv. Speed up the implementation of the revised labour law and adapt the labour regulations, among others, to ensure equity, equality and balance between men and women in all the provinces, with measures to guarantee their implementation through the Labour Inspectorate;
- v. Decentralise the running of the public service and the State Enterprises in favour of the provinces;
- vi. Restructure and re-organise the public administration according to performance and merit criteria;
- vii. Reinforce the National School of Administration to enhance the capacity and performance of the public sector.

## 7. INFRASTRUCTURE OF A SOCIAL NATURE

### a. **Urgent**

- i. Equip the State services with new infrastructures, rehabilitate the existing ones;
- ii. Restore the transport networks, especially those which serve the agricultural areas, so as to facilitate distribution and marketing of the farmers' agricultural products and access to their fields and thus increase their revenue; this would also make it possible to reach populations on the move in the areas of displacement;
- iii. Re-launch all the projects dealing with the supply of drinking water;
- iv. Reinforce the water quality policy by setting standards for the protection, catchment and treatment of water and the systematic control of water distribution;
- v. Connect urban and rural areas to drinking water and electrical energy sources, by extending the network for the benefit of new subscribers;
- vi. Rehabilitate the National Rural Water Service, the REGIDESO and the SNEL production units, and furnish them with chemical inputs, material and equipment and other consumables.

### b. **Short and Medium Term**

- i. Exploit local energy resources by building micro-power stations, windmills, watermills, solar energy plants, etc;
- ii. Promote a home loan policy by rehabilitating the banking sector and by developing initiative centres and cooperatives;
- iii. Promote a national housing policy and pave the way for the definition of a strategy for setting up structures and mechanisms for the financing and promotion of low-cost and community housing;
- iv. Recreate the National Housing Office (ONL).



## 8. RURAL DEVELOPMENT

### a. **Urgent**

- i. Repair basic social infrastructures (schools, dispensaries, hospitals, rural settlements) and create others;
- ii. Restore the land transport networks by linking the production centres to the consumer.

### b. **Short and Medium Term**

- i. Create a promotion fund in order to grant micro-loans for households, agriculture, crafts and fishing;
- ii. Reinforce supervision and guidance of small-scale farming, initiate and encourage the economic activities of the informal sector;
- iii. Make it easier for farmers and small and medium enterprises to benefit from the services of savings and credit institutions through group associations (cooperatives, initiative centres, etc);
- iv. Enhance the profile of local micro-technologies and encourage a large population participation in community projects;
- v. Draw up a policy on rural development.

***Done at Sun City on the Ninth day of April 2002***

***The Inter-Congolese Dialogue***

22. **Resolution No: DIC/CHSC/02**

**RELATING TO THE EMERGENCY HUMANITARIAN PROGRAMME FOR THE DRC**

**WE**, the Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main groupings and organisations of the Opposition and the *Forces Vives* of the Nation, the Congolese Rally for Democracy/Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai Mai, meeting at Sun City, Republic of South Africa, from 25 February to 11 April 2002;

**CONSIDERING** the Lusaka Ceasefire Agreement for the Democratic Republic of Congo, signed at Lusaka on 10 July, 30 July and 31 August 1999;

**CONSIDERING** the various Resolutions of the UN Security Council relating to the Inter-Congolese Political Negotiations;

**RECALLING** the Declaration of Fundamental Principles signed at Lusaka on 4 May 2001 by the parties signatory to the above Agreement, the Gaborone Act of Commitment signed by the representatives of the components at the Inter-Congolese Political Negotiations on 24 August 2001;

**RECALLING** the Rules of Procedure of the Inter-Congolese Political Negotiations adopted on 8 March 2002 at Sun City, with special reference to Article 10 relating to the organisation of Commissions;

**CONCERNED** by the humanitarian crisis in the DRC, which has reached catastrophic proportions, directly or indirectly affecting more than 20 000 000 people as a result of destruction of infrastructures, lack of access to medical care, schooling and drinking water, malnutrition, spread of HIV/AIDS and STDs, malaria, TB and an increase in an already high unemployment rate (50% of the population);

**ACKNOWLEDGING** that the precarious situation in which the population was already living for several years has worsened as a result of the two wars which, besides the overall weakening of the socio-economic environment, have brought about mass slaughter, serious human rights violations, insecurity of individuals and property and grave miscarriage of justice;

**NOTING** the additional crisis caused by the eruption of Nyiragongo which destroyed the town of Goma and its environs, and left more than 500 000 people homeless;

**NOTING** the breakdown of economic and physical infrastructures of the martyred town of Kinshasa and its environs;

**STATING** that the above conditions have directly or indirectly affected the entire Congolese population to different degrees, giving rise to the following vulnerable groups:

1. more than 3 million internally displaced people, who have fled their war-ravaged, insecure towns or villages, losing everything: houses, jobs, source of income, and become completely destitute and reduced to vagrancy. A large number of these people are women, children and the elderly, most of whom are malnourished and in need of health care;
2. over 500 000 Congolese refugees most of whom are in neighbouring countries, mainly Tanzania, Zambia, Republic of Congo, Central African Republic, Rwanda, Burundi and Angola. A considerable number of Congolese political refugees and exiles are scattered in other African countries, Europe and America;
3. women, children, the elderly or the handicapped exposed to the horrors of war, psychological trauma and sexually transmitted diseases, eg HIV/AIDS;
4. Congolese combatants who, for various reasons, will not be integrated into the national army, and for whom a viable socio-economic alternative must be found for their rehabilitation and social reinstatement;
5. Demobilised child soldiers who have been seriously traumatised in body and spirit, those disabled by the war, widows who have become heads of families, orphans and minors without parental supervision, women and young girls who have been raped and contracted serious illnesses and unwanted pregnancies. All these very vulnerable people need appropriate programmes for reintegration and rehabilitation;

**CONSIDERING** that one of the essential missions of a State is the protection of its citizens by guaranteeing their security, the exercise of their fundamental rights and their socio-economic welfare in conformity with the Universal Declaration of Human Rights on 1948, the African Charter of Human and People's Rights of 1981, the clauses relating to women's and children's rights and all international legal instruments relating to the rights of refugees. These rights include the right to life, freedom and security of the individual, the right not be tortured or suffer inhumane, cruel or degrading treatment, freedom of expression, the right not to be unlawfully arrested or detained, freedom of movement and choice of abode;

**AWARE** that no emergency programme can be effectively carried out without a minutely detailed plan of action formulated in close collaboration with all international institutions and donors. This requires a partnership that respects international standards governing different areas of participation in an association in which humanitarian aspects are supported by development;

**TAKING INTO ACCOUNT** the difficulty in reaching homeless populations and the problems entailed in involving the entire nation in implementing this humanitarian programme;

**GIVEN** the extreme urgency and the necessity for national unity in implementing this vital act of national solidarity;

**AGREE ON THE FOLLOWING:**

1. A law must be passed as a matter of urgency by the relevant authorities guaranteeing legal security for displaced Congolese nationals, refugees and exiles. Those not eligible for amnesty must be clearly identified on the basis of international law.
2. The humanitarian catastrophe affecting 20 000 000 Congolese, victims of the war, to which can be added 500 000 refugees to be repatriated, requires an emergency, multi-sectoral programme where the humanitarian aspects must be reinforced and prioritised by an extraordinary post-conflict development and reconstruction component.
3. Tripartite agreements between the Democratic Republic of Congo, countries with Congolese refugees and exiles, the HCR and the IRCC must be made and implemented to serve as a legal and operational framework for coordinating the various activities involved in the voluntary repatriation and reintegration of Congolese refugees.

**TO THIS END, THE FOLLOWING MEASURES ARE STRONGLY RECOMMENDED:**

1. Immediately after the Inter-Congolese Dialogue, the Congolese authorities must ask the Secretary-General of the UN to invite a multidisciplinary and inter-agency technical panel to formulate a multi-sectoral, long-term emergency programme to deal with humanitarian issues and socio-economic rehabilitation of affected Congolese, ie refugees, displaced persons, demobilised soldiers, vulnerable groups, etc.
2. A document comprising a minutely detailed plan of action with an appropriate budget and implementation strategies must be presented by the Congolese authorities to a round table of donors and international partners. These must approve the funding and terms of implementation of the plan.
3. Given the connection between repatriation and reintegration of refugees and displaced persons on the one hand, and the reconstruction and development of the areas devastated by the war, to which they will return, on the other, it is essential that the humanitarian and development institutions as well as the international community make a concerted effort to finance this long-term programme, thus laying the basis for reconstruction and renewed development in war-torn areas within the framework of the global and national plan of reconstruction and development of Congo.
4. Effective implementation of a multi-sectoral programme of such scope and partnership activities involving international institutions, making the necessary funds available, and above all the capacity to mobilise the diverse State sectors on central and provincial levels, argue in favour of creating a National

Humanitarian Authority. Such an authority will be informed of any programme formulated by international agencies and will help to realise them where possible, and so ensure that the humanitarian programme extends to all affected provinces in the DRC.

5. To avoid having too many participants and wasting allocated funds, this will be the only body authorised by the Congolese State to dispense the funds necessary for managing the programme under the direction of a Commissioner General with the rank of Minister or Deputy Minister. He will be responsible for liaising with the Government to sort out administrative problems:
  - a. Given that the formation and functioning of this body for implementing the programme is of primary importance, the Congolese Government authorities are requested to make very effort to put it in place. In the meantime, a temporary National Humanitarian Coordination Committee must be set up to ensure the initiation of all preliminary actions for formulating the different components of the Emergency Humanitarian Programme as described in this resolution.
  - b. For the implementation of this programme, MONUC and the Joint Military Commission must do all in their power to help the Congolese authorities and their bilateral and multilateral partners to secure the entire National Territory by demobilisation, withdrawal of foreign troops, de-mining, and effective implementation of the third MONUC phase in order that civilian populations, displaced people and Congolese refugees may return to their homes and live in peace and security. Similarly, humanitarian and development workers (attached to the UN and national and international NGOs) cannot be deployed throughout the country to implement much-needed programmes unless all the necessary security measures have been taken by the Congolese authorities, and all obstacles to transporting aid to the affected areas have been removed.
  - c. A parliamentary Commission of Enquiry must be set up to establish the number of deaths directly or indirectly related to the war throughout the National Territory.
  - d. A plan for the reconstruction of the town of Goma and its environs destroyed by the volcanic eruption of Nyiragongo must be formulated and implemented without delay.
  - e. Finally, an emergency plan for the reconstruction of towns and localities destroyed by the war must be formulated and implemented, with Kisangani as a priority.

***Done at Sun City on the Ninth day of April 2002***

***The Inter-Congolese Dialogue***

**23. Resolution No: DIC/CHSC/03**

**RELATING TO THE EMERGENCY PROGRAMME FOR THE ENVIRONMENT IN THE DEMOCRATIC REPUBLIC OF CONGO**

**WE**, the Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main groupings and organisations of the Opposition and the *Forces Vives* of the Nation, the Congolese Rally for Democracy/Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai Mai, meeting at Sun City, Republic of South Africa, from 25 February to 11 April 2002;

**CONSIDERING** the Lusaka Ceasefire Agreement for the Democratic Republic of Congo, signed at Lusaka on 10 July, 30 July and 31 August 1999; the various Resolutions of the UN Security Council relating to the Inter-Congolese Political Negotiations;

**RECALLING** the Declaration of Fundamental Principles signed at Lusaka on 4 May 2001 by the parties signatory to the above Agreement, the Gaborone Act of Commitment signed by the representatives of the components at the Inter-Congolese Political Negotiations on 24 August 2001;

**RECALLING** the Rules of Procedure of the Inter-Congolese Political Negotiations adopted on 8 March 2002 at Sun City, with special reference to Article 10 relating to organisation of Commissions;

**AWARE** that the health and well-being of people, in fact, their very development, depend largely on the quality of the physical environment in which they live;

**NOTING** the considerable damage to the environment caused by the war, in particular by:

1. destruction of flora and fauna;
2. destruction of national parks, reserves, and sites classified as World Heritage Sites;
3. occupation and illegal exploitation of national parks, reserves and other protected sites;
4. uncontrolled fragmentation of national parks, reserves, and other sites classified as World Heritage Sites;
5. serious lack of public hygiene and environmental pollution, especially polluted sources of drinking water, pollution of towns by waste of all kinds, air pollution;
6. continuous degradation of the ecosystem by constant population migration, erosion and landslides;

7. presence of anti-personnel mines in certain populated areas;
8. uncontrolled identification and exploitation of mineral resources;

**NOTING** furthermore, the negative impact on the environment by the massive presence of refugees, in particular the considerable influx of Rwandan refugees;

**CONCERNED** by the exploitation and illegal exportation of medicinal plants and wood for crafting on one hand, and the extermination of animal species, in particular okapi, white rhinoceros, mountain gorilla and elephant on the other;

### **AGREE TO**

1. Request the Congolese authorities to establish an emergency programme for the environment, so as to:
  - a. rehabilitate flora and fauna especially in national parks, reserves, and all other protected sites;
  - b. secure national parks, reserves, and all other protected sites;
  - c. clean up the urban and rural environment;
  - d. fight against erosion and landslides;
  - e. restore ecology and ecosystems by more efficient management of population migration;
  - f. return illegally exported species and protect endangered species.
  - g. preserve medicinal flora with which the Democratic Republic of Congo is exceptionally richly endowed;
  - h. de-mine affected rural areas.
2. Request the Congolese authorities, but also the UN, the EU and the AU Union to do their utmost to compel all national and foreign private companies that have contributed to the exploitation of the country's resources, and whose activities have been instrumental in the tragic degradation of the environment, to grant all the funding necessary to make good the damage and restore the environment.
3. Invite the Congolese authorities, for the implementation of this programme, to set up a panel of environmental experts including representatives of special UN agencies, the EU, as well as national experts, to assess the impact of the war on the environment, to propose remedial action, projects and programmes on national and provincial scale.

4. Request the World Environment Fund to allocate the necessary funds to the Congolese authorities to enable the panel of experts mandated to assess the impact of the war on the environment, to carry out their task and to propose an appropriate course of action.
5. Request the Congolese authorities to acknowledge the stability of the native populations settled in areas adjoining national parks and other protected sites by establishing mechanisms and development projects to enable them to live in harmony with nature and to guarantee their right to ancestral territory (land rights).
6. Appeal to the international community to assist the Congolese authorities to restore the economic and physical infrastructures of Kisangani and its environs which have been destroyed by the armed conflict. This programme should be extended to other towns and cities affected by the war.
7. Request the international community to put pressure on Rwanda and Uganda to compensate the DRC in order to rehabilitate Kisangani.
8. Appeal to international partners to provide technical and human resources to restore the physical and material infrastructures of Goma and its environs damaged by the eruption of Nyiragongo.
9. Appeal to the international community to assist the Congolese authorities to restore activity at the Lwiro volcano observatory and its extensions, on the one hand, and to create a structure for the prevention and management of natural disasters, especially volcanic eruptions, floods, etc, on the other.
10. Appeal to the international community to support the emergency programme for the environment in every possible way and to continue its involvement by supporting all future coordinating mechanisms.
11. Recommend that the Congolese authorities establish a national agency for the environment that will interface with the international community for the rational and coordinating implementation of the emergency programme for the environment and subsequent programmes, namely Agenda 21 of the Rio de Janeiro Summit (1992).
12. Request the Congolese authorities to involve all national partners, in particular women's groups, young people, planters, scientists and professionals in implementing the emergency programme.
13. Request the Congolese population to participate actively in protection and reconstruction projects for the environment, on the one hand, and to create bodies committed to promoting awareness and protecting the natural environment, on the other.
14. Request the Congolese authorities to take appropriate steps to accelerate resolution of the contentious issue of the environment destroyed by the massive presence of Rwandan refugees.



15. Suggest the creation of a regional coordination body for protection of endangered species in the framework of management of national parks in the Great Lakes region.
16. Request the Congolese authorities to prepare and submit the evaluation panel's report on the impact of the war on the environment and its plan of action at the next summit for sustainable development to be held in October 2002 in the Republic of South Africa.

***Done at Sun City on the Ninth day of April 2002***

***The Inter-Congolese Dialogue***

**24. Resolution No: DIC/CHSC/04**

**RELATING TO THE RECONSTRUCTION OF KISANGANI AND ALL THE OTHER TOWNS DESTROYED BY THE WAR**

**WE**, the Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main groupings and organisations of the Opposition and the *Forces Vives* of the Nation, the Congolese Rally for Democracy/Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai Mai, meeting at Sun City, Republic of South Africa, from 25 February to 11 April 2002;

**CONSIDERING** the Lusaka Ceasefire Agreement for the Democratic Republic of Congo, signed at Lusaka on 10 July, 30 July and 31 August 1999;

**CONSIDERING** the various Resolutions of the UN Security Council relating to the Inter-Congolese Political Negotiations;

**RECALLING** the Declaration of Fundamental Principles signed at Lusaka on 4 May 2001 by the parties signatory to the above Agreement, the Gaborone Act of Commitment signed by the representatives of the components at the Inter-Congolese Political Negotiations on 24 August 2001;

**RECALLING** the Rules of Procedure of the Inter-Congolese Political Negotiations adopted on 8 March 2002 at Sun City, with special reference to Article 10 relating to the organisation of Commissions;

**NOTING** the destruction of the economic and physical infrastructures of Kisangani and its environs;

**MINDFUL** of preserving the scientific potential of Kisangani and restoring its role as a cosmopolitan centre;

**RECALLING** the resolutions of the UN Security Council relating to the reconstruction of Kisangani and its environs;

**MINDFUL** of the necessity for reconstructing all towns destroyed by the war;

**CONSIDERING** Kisangani as a martyred city;

**GIVEN THE URGENCY;**

**AGREE TO:**

1. Request the Transitional Government to accelerate the formulation and implementation of the emergency humanitarian project for the economic and physical reconstruction of Kisangani and its environs, as well as all the other towns destroyed by the war.

2. Create the most favourable conditions for implementing the emergency plan, without delay, as soon as it has been finalised by the Congolese Authorities and their international partners.
3. Launch an appeal to the national and international communities to mobilise the necessary financial resources.

***Done at Sun City on the Ninth day of April 2002***

***The Inter-Congolese Dialogue***

**25. Resolution No: DIC/CHSC/05**

**RELATING TO THE RECONSTRUCTION OF THE TOWN OF GOMA**

**WE**, the Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main groupings and organisations of the Opposition and the *Forces Vives* of the Nation, the Congolese Rally for Democracy/Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai Mai, meeting at Sun City, Republic of South Africa, from 25 February to 11 April 2002;

**CONSIDERING** the Lusaka Ceasefire Agreement for the Democratic Republic of Congo, signed at Lusaka on 10 July, 30 July and 31 August 1999;

**CONSIDERING** the various Resolutions of the UN Security Council relating to the Inter-Congolese Political Negotiations;

**RECALLING** the Declaration of Fundamental Principles signed at Lusaka on 4 May 2001 by the parties signatory to the above Agreement, the Gaborone Act of Commitment signed by the representatives of the components at the Inter-Congolese Political Negotiations on 24 August 2001;

**RECALLING** the Rules of Procedure of the Inter-Congolese Political Negotiations adopted on 8 March 2002 at Sun City, with special reference to Article 10 relating to the organisation of Commissions;

**RECALLING** the catastrophic situation in Goma and its environs caused by the eruption of Nyiragongo Volcano which currently affects more than 500 000 homeless people;

**TAKING** note of the relevant clauses of International Conventions concerning natural disasters;

**ACKNOWLEDGING** the promptness with which the International Community responded with aid for those left homeless after the eruption of Nyiragongo;

**HAILING** the solidarity expressed by the Congolese both in the 11 provinces of the DRC and outside the country with regard to mobilising human, material and financial resources;

**GIVEN THE URGENCY;**

**AGREE TO:**

1. Request the formulation of an emergency plan for reconstructing the town of Goma and its environs destroyed by the eruption of Nyiragongo.

2. Launch and appeal to the International Community for the necessary funds to implement this plan with all possible speed.
3. Launch an urgent appeal to the entire national community, especially the relevant authorities on the national provincial, territorial and local levels, to participate in implementing this plan of reconstruction and lending assistance to compatriots affected by this natural disaster.
4. Make an urgent appeal for the funds generated within and without the country to be channelled towards the homeless in Goma and its environs.
5. Request the necessary support from MONUC and other UN agencies to implement this humanitarian aid programme for the homeless of Goma.

***Done at Sun City on the Ninth day of April 2002***

***The Inter-Congolese Dialogue***

**26. Resolution No: DIC/CHSC/06**

**RELATING TO CULTURE AND INTER-ETHNIC CO-EXISTENCE IN THE DEMOCRATIC REPUBLIC OF CONGO**

**WE**, the Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main groupings and organisations of the Opposition and the *Forces Vives* of the Nation, the Congolese Rally for Democracy/Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai Mai, meeting at Sun City, Republic of South Africa, from 25 February to 11 April 2002;

**CONSIDERING** the Lusaka Ceasefire Agreement for the Democratic Republic of Congo, signed at Lusaka on 10 July, 30 July and 31 August 1999;

**CONSIDERING** the various Resolutions of the UN Security Council relating to the Inter-Congolese Political Negotiations;

**RECALLING** the Declaration of Fundamental Principles signed at Lusaka on 4 May 2001 by the parties signatory to the above Agreement, the Gaborone Act of Commitment signed by the representatives of the components at the Inter-Congolese Political Negotiations on 24 August 2001;

**RECALLING** the Rules of Procedure of the Inter-Congolese Political Negotiations adopted on 8 March 2002 at Sun City, with special reference to Article 10 relating to the organisation of Commissions;

**AWARE** that arts and culture are a very positive attribute of the Congolese nation and should therefore be promoted;

**AWARE** that the Congolese youth must be protected and supervised through education, sport and recreation;

**AWARE** that the plethora of different ethnic groups in our country constitutes enormous cultural wealth rather than a mosaic of different languages;

**AWARE** of the necessity for the different ethnic groups to work together in peace to reconstruct the country;

**AWARE** of the necessity for all Congolese to preserve national unity and cohesion;

**INVITE** the authorities of the Democratic Republic of Congo to put in place a policy for promoting arts and culture, sport, protection of the youth, preserving peace and harmony between the different national communities with particular emphasis on:

1. Protecting and promoting culture, the arts, constructive leisure activities and sport.

2. Protecting and supervising the youth.
3. Banishing tribal-ethnic discrimination, xenophobia and intolerance.
4. Encouraging friendly inter-ethnic relations and promoting intercultural exchange and integration.
5. Including customary authority in preventing and resolving conflict.
6. Setting up a permanent parliamentary commission to deal with problems relating to ethnic conflict.
7. Enacting laws on fairness and the right of all to the privileges and advantages of belonging to a nation and suppressing tribalism.
8. Enacting laws relating to land to guarantee the rights of all.

**LAUNCH** an appeal to national communities to promote a culture of peace and democracy and the cessation of all types of inter-ethnic hostility, as well as the peaceful resolution of conflict by involving customary authorities, guardians of ancestral values, as well as religious communities, guardians of the values and virtues of love, justice and social equality.

**LAUNCH** an urgent appeal to the Congolese authorities to set up a National Office of Mediation (*Office de la Grande Médiation*). It will be run by the Chief National Mediator (*le Grand Médiateur National*), assisted by provincial mediators, who in turn will be supported by territorial mediators in the execution of their duties.

**LAUNCH** an appeal to neighbouring countries and allies of the Democratic Republic of Congo to help maintain peace by appropriate actions, not only to cross-border communities, but also in areas and towns where these communities coexist.

***Done at Sun City on the Ninth day of April 2002***

***The Inter-Congolese Dialogue***

27. **Resolution No: DIC/CHSC/07**

**RELATING TO ETHICS AND THE FIGHT AGAINST CORRUPTION**

**WE**, the Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main groupings and organisations of the Opposition and the *Forces Vives* of the Nation, the Congolese Rally for Democracy/Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai Mai, meeting at Sun City, Republic of South Africa, from 25 February to 11 April 2002;

**CONSIDERING** the Lusaka Ceasefire Agreement for the Democratic Republic of Congo, signed at Lusaka on 10 July, 30 July and 31 August 1999;

**CONSIDERING** the various Resolutions of the UN Security Council relating to the Inter-Congolese Political Negotiations;

**RECALLING** the Declaration of Fundamental Principles signed at Lusaka on 4 May 2001 by the parties signatory to the above Agreement, the Gaborone Act of Commitment signed by the representatives of the components at the Inter-Congolese Political Negotiations on 24 August 2001;

**RECALLING** the Rules of Procedure of the Inter-Congolese Political Negotiations adopted on 8 March 2002 at Sun City, with special reference to Article 10 relating to the organisation of Commissions;

**CONSIDERING** that secession, rebellion and three decades of dictatorship have shaped the history of our country since its accession to independence;

**CONSIDERING** that these tragic events have marked the political, economic and social life of the country profoundly and given rise to inequality and social injustice;

**GIVEN** that these unfortunate social realities have led the Congolese people into a complex moral crisis;

**GIVEN** that at the heart of this crisis corruption in many forms appears as the manifestation of the anti-values and non-transparent practices on the part of men and women seeking to advance their careers in executive spheres, eg the army, the police, information services, public administration, health, education, the economy, religious denominations, the legal system, family and civil society, and shows itself in despicable behaviour such as lying, malevolence, defamation, fraud, malpractice, misappropriation, influence peddling, nepotism, favouritism, tribalism, regionalism, clientelism, sexual harassment, bribery, the abuse of power, forgery and deceitfulness, etc;

**AWARE** of the necessity to promote a culture of good governance, ie integrity, honesty, sense of responsibility and transparency in governing the State, and to fight corruption in all its forms and in all circumstances;



**DECIDE**

1. The creation of a Higher Council for Promoting Ethical Conduct and Combating Corruption (*Conseil Supérieur d'Éthique et de Lutte contre la Corruption*, or CSELC) with a legal personality, enjoying administrative and financial autonomy and placed under the administrative supervision of parliament and empowered to collaborate with the prosecution.
2. This organ will be mandated to carry out the following missions:
  - a. to increase public awareness and encourage moral conduct in the political, public, professional, social and private sectors;
  - b. gather and distribute facts and information and alert the authorities and public opinion as to the moral standards in politics, public administration, civil society and the world of finance;
  - c. reinforce the managerial capacity of public institutions and the business world, with special reference to their respective ethics;
  - d. Cooperate with institutions, specialised organisations and national and foreign experts on the question of ethics and the fight against corruption;
  - e. Receive a disclosure of assets from anyone in a high position entering or leaving the public or parastatal service.
3. The CSELC will be run on national, provincial, district, territorial and community levels by individuals known for their neutrality, intellectual competence and their moral probity, drawn from different sectors of society: public, parastatal, private and civil society.
4. The CSELC will be based on constitutional principles and its structure will be determined by an organic level.

***Done at Sun City in April 2002  
The Inter-Congolese Dialogue***

**28. Resolution No: DIC/CHSC/08**

**RELATING TO THE NATIONAL MONITORING BODY FOR HUMAN RIGHTS**

**WE**, the Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main groupings and organisations of the Opposition and the *Forces Vives* of the Nation, the Congolese Rally for Democracy/Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai Mai, meeting at Sun City, Republic of South Africa, from 25 February to 11 April 2002;

**CONSIDERING** the Lusaka Ceasefire Agreement for the Democratic Republic of Congo, signed at Lusaka on 10 July, 30 July and 31 August 1999;

**CONSIDERING** the various Resolutions of the UN Security Council relating to the Inter-Congolese Political Negotiations;

**RECALLING** the Declaration of Fundamental Principles signed at Lusaka on 4 May 2001 by the parties signatory to the above Agreement, the Gaborone Act of Commitment signed by the representatives of the components at the Inter-Congolese Political Negotiations on 24 August 2001;

**RECALLING** the Rules of Procedure of the Inter-Congolese Political Negotiations adopted on 8 March 2002 at Sun City, with special reference to Article 10 relating to the organisation of Commissions;

**CONSIDERING** that dignity is inherent in all members of the human family and that their equal and inalienable rights constitute the foundation of freedom, and considering the principle of the necessity for justice in the world; that all these are indispensable elements for the promotion of democracy and lasting peace;

**CONSIDERING** that the ignorance of these rights leads to acts of oppression and barbarism such as have been recorded throughout the world in general and in the DRC in particular;

**RECALLING** that this state of affairs led to the adoption of the Universal Declaration of Human Rights on 10 December 1948 to promote and ensure the protection of human rights and that, since then, other conventions have been added to this instrument, namely:

1. the International Pact of Civil and Political Rights;
2. the International Pact on Economical, Social and Cultural Rights;
3. the United Nations Declaration and Convention against Torture, Suffering or Cruel, Inhumane or Degrading Treatment;
4. the Convention on Children's Rights;

5. the Convention on the Elimination of all Forms of Discrimination against Women;
6. the International Convention on the Elimination of all Forms of Racial Discrimination;
7. the African Charter of Human and People's Rights;

**RECALLING** furthermore that the DRC has ratified all these instruments but that their implementation is far from being fully observed;

**DEPLORING** the ignorance of these rights by the beneficiaries thereof and the non-adherence to these rights by the appropriate authorities;

**RECOGNISING** the collective realisation over the last few years of the necessity to respect human rights as a non-negotiable condition for a rule of law;

**RECOMMEND:**

1. The creation of a National Human Rights Monitoring Unit, an independent and executive organ enjoying autonomy of management and action.
2. The mandate of this organ will be to:
  - a. monitor the implementation of national, regional and international legal standards relating to human rights;
  - b. recommend and facilitate the Democratic Republic of Congo's ratification of or adherence to new treaties relating to human rights;
  - c. follow up and submit progress reports on the implementation of international legal instruments relating to the promotion and protection of human rights;
  - d. inform citizens of their rights;
  - e. assess internal legislation relating to human rights and make recommendations;
  - f. guarantee that citizens enjoy all their rights, both individual and collective;
  - g. promote the establishment of a true rule of law;
  - h. promote associations defending human rights;
  - i. train human rights activists, ensure their protection and guarantee their status;

- j. create a commission for the protection of women and children with the mandate to:
  - i. denounce all forms of violence specifically perpetrated against women and children, the elderly and persons living with a handicap;
  - ii. direct plaintiffs to the appropriate legal authorities;
  - iii. promote developmental and civic education for improved civil awareness;
  - iv. ensure strict adherence to human rights and combat violations thereof.

***Done at Sun City in April 2002***

***The Inter-Congolese Dialogue***

**29. Resolution No: DIC/CHSC/09**

**RELATING TO THE MEDIA SECTOR**

**WE**, the Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main groupings and organisations of the Opposition and the *Forces Vives* of the Nation, the Congolese Rally for Democracy/Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai Mai, meeting at Sun City, Republic of South Africa, from 25 February to 11 April 2002;

**CONSIDERING** the Lusaka Ceasefire Agreement for the Democratic Republic of Congo, signed at Lusaka on 10 July, 30 July and 31 August 1999;

**CONSIDERING** the various Resolutions of the UN Security Council relating to the Inter-Congolese Political Negotiations;

**RECALLING** the Declaration of Fundamental Principles signed at Lusaka on 4 May 2001 by the parties signatory to the above Agreement, the Gaborone Act of Commitment signed by the representatives of the components at the Inter-Congolese Political Negotiations on 24 August 2001;

**RECALLING** the Rules of Procedure of the Inter-Congolese Political Negotiations adopted on 8 March 2002 at Sun City, with special reference to Article 10 relating to the organisation of Commissions;

**CONSIDERING** that in a rule of law and in a democracy, the media play an indispensable role in stimulating people's minds with a view to socio-economic development;

**CONSIDERING** that the media can ideally enable the expression, development, affirmation and flourishing of cultural identities;

**AWARE** that independent, free, responsible and efficient media are a guarantee for public freedoms, the smooth running of democracy and social cohesion;

**CONSIDERING** that the media, both public and private, must reflect the diversity of faiths and the plurality of opinions;

**CONSIDERING** that the media, through their action, help the public to gain insight into the profiles of public figures and politicians as well as into their programmes, and that this enables the public to express itself credibly during electoral and consultative events;

**GIVEN** the necessity to consolidate and reinforce the Congolese subjects' feeling of belonging to a common culture;

**CONSIDERING** that the media are an instrument supporting democracy and organs of governance and that they are a measure of the quality of a democracy;

**RECOGNISING** that the State has an obligation to organise the public media sector and encourage the private media sector to follow suit:

**CONSIDERING** that in order to be optimally operational, the sector needs a legal and democratic framework and professional instruments as well as legal organisations and adequate material infrastructures from top to bottom;

**CONSIDERING** that in the DRC, the legal framework exists, and that a code of ethics and practice was developed and adopted by the press itself at its *Etats Généraux de la Communication*;

### **REQUEST OR RECOMMEND**

1. The creation of a High Media Authority. The State guarantees the independence and financial autonomy of the High Media Authority whose mandate is to:
  - a. guarantee press freedom in the DRC;
  - b. guarantee the citizen's right to realise and objective information;
  - c. guarantee the neutrality of the public media vis-à-vis the political and social forces especially during political and electoral consultations;
  - d. regulate the public and private media sector;
  - e. ensure that religious radio and television programmes comply with ethical standards and the laws of the Republic;
  - f. ensure the technical development of the Congolese media and their access to new information technology;
  - g. advise the State through technical notices through *a priori* and *a posteriori* instructions on all matters concerning the audio-visual media especially as regards the allotment of frequencies and ensure adherence to contract specifications by the operators in this sector;
  - h. ensure the dissemination of a culture of peace, democracy and good moral standards;
  - i. strive towards the production of broadcasts, programmes and educational documentaries which respect human values, especially the dignity of women and young people.
2. That the Transitional Government:

- a. rehabilitate the media in their social role of informing, training, educating and entertaining the population;
  - b. take the implementation measures of law 96-002 of 26 June 1996 which fixes the modalities for press freedom in the Democratic Republic of Congo;
  - c. rehabilitate and/or rebuild, professionalise and modernise the public media sector;
  - d. guarantee access for journalists to information sources;
  - e. ensure that the media reach the whole nation in order to recreate the feeling of belonging to a common culture;
  - f. assist the corporation of the press to set up infrastructure and professional bodies especially up-to-date printing works for the press, one or several press distribution services and an international press centre.
3. That the corporation of the press:
- a. observe its own codes of ethics and professional practice;
  - b. improve its performance by setting up corporate organisations and infrastructure which will enable the Congolese to attain the objective of a restored society in tune with itself;
  - c. make fully-informed people of the Congolese in every aspect of life and restore to them their lost political and civil citizenship;
  - d. do everything possible to create quality national productions, analytical and thought-provoking broadcasts and educational programmes and documentaries;
  - e. ensure its professionalism through the training and retraining of its members.

***Done at Sun City in April 2002***

***The Inter-Congolese Dialogue***

30. **Resolution No: DIC/CPR/01**

**RELATING TO THE RESTITUTION OF PROPERTY SEIZED AND/OR CONFISCATED FROM INDIVIDUALS AND PROPERTY STOLEN FROM THE STATE**

**WE**, the Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main groupings and organisations of the Opposition and the *Forces Vives* of the Nation the Congolese Rally for Democracy/Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai Mai, meeting at Sun City, Republic of South Africa, from 25 February to 11 April 2002;

**CONSIDERING** that it has been established that considerable property has been stolen from the Congolese State;

**GIVEN** that several measures have been taken by the Government of the DRC, the Congolese Rally for Democracy (RCD), the Movement for the Liberation of Congo (MLC), the RCD/ML, and the RCD/N, illegally seizing or confiscating property of individuals, and/or infringing property rights of these latter;

**GIVEN** the Ceasefire Agreement signed at Lusaka on 10 July, 30 July and 31 August 1999, in particular Chapter 5 of its Annex "A", providing for the organisation of an inclusive national dialogue leading to national reconciliation and the implementation of a new political dispensation in the DRC;

**CONVINCED** that the peace and reconciliation process must of necessity be brought about by the re-establishment of the rule of law, as well as individual rights;

**RECALLING** point 6 of the Declaration of Commitment signed at Gaborone on 24 August 2001, according to which representatives of the components to the inter-Congolese political negotiations had determined to restore, with immediate effect and unconditionally, all property illegally seized and/or confiscated for political reasons or considerations, as well as property occupied without title or legal right;

**NOTING** that the above clause has not been implemented by all the parties, as it should have been;

**DECIDE AS FOLLOWS:**

1. The Transitional Government is tasked with restoring, with immediate effect and unconditionally, all property seized and/or illegally confiscated from individuals, and with returning State property stolen by the individuals.
2. The Transitional Government must restore the legal rights of those whose fixed property has been occupied without title or legal right.



3. The Transitional Government will, at the same time, appoint a Parliamentary Commission with the necessary legal and logistic means to ensure that this mission entrusted to the Transitional Government is strictly carried out. This Commission will be empowered to receive and assess of victims, and see to it that their rights are restored.
4. It will, in any case, be enabled to refer matters to the Courts, especially in contested cases.

***Done at Sun City in April 2002***

***The Inter-Congolese Dialogue***

31. **Resolution No: DIC/CPR/02**

**ON THE PROTECTION OF MINORITIES**

**WE**, the Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main groupings and organisations of the Opposition and the *Forces Vives* of the Nation, the Congolese Rally for Democracy/Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai Mai, meeting at Sun City, Republic of South Africa, from 25 February to 11 April 2002;

**REAFFIRMING** the principles of sovereignty, independence and territorial integrity of the Republic as well as those of the inviolability of our borders as inherited from colonisation, as recognised in Article 3 of the Charter of the OAU, Resolution AHG/16.1, adopted by the Heads of State and Government meeting in Cairo (Egypt), in 1964, the third paragraph of the Preamble of the Agreement for ceasefire in the DRC, signed on 10 July 1999, Point 2 of the Declaration of Fundamental Principles signed in Lusaka on 4 May 2001 in relation to Inter-Congolese political negotiations, as well as the Declaration of Commitment adopted at Gaborone (Botswana) on 24 August 2001;

**RECALLING** the Agreement for ceasefire in the DRC, signed on 10 July, 30 July and 31 August 1999, in all its provisions;

**GIVEN** that a new political dispensation and national reconciliation require our country to honour its commitments on the international level, particularly with regard to the protection and promotion of human rights;

**CONSIDERING** that the DRC is inhabited, exclusively, by ethnic, religious and linguistic minorities;

**CONSIDERING** that our country has ratified several international conventions relating to the protection of the individual, including the International Convention on Civil and Political Rights, especially its Article 27, the Convention for the Elimination of All Forms of Discrimination against Women and the Convention on Children's Rights, with special reference to Article 30;

**GIVEN** that a new political dispensation and national reconciliation in our country require that the rights of all Congolese communities within the general framework of the relevant law be respected and effectively promoted;

**AGREE TO THE FOLLOWING:**

1. Proclaim that no person or group of persons may be discriminated against in the enjoyment of their rights on the basis of ethnicity, religion or language.
2. Affirm that all Congolese communities have equal rights. That, however, the State may, where necessary, take temporary affirmative measures, and other

incentives, in order to accelerate and promote the equality among communities, especially for the benefit of the least privileged.

3. Call upon members of all Congolese communities to make every effort to bring about harmonious cohabitation and national reconciliation.
4. Proclaim that all Congolese minorities', whether ethnic, religious or linguistic, points of view, be protected within a general framework of human rights, in accordance with the laws in force and with international instruments ratified by the DRC.

***Done at Sun City in April 2002***

***The Inter-Congolese Dialogue***

**32. Resolution No: DIC/CPR/03**

**CONCERNING THE COMPLEX PROBLEM OF NATIONALITY FROM THE STAND POINT OF NATIONAL RECONCILIATION**

**WE**, the Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main groupings and organisations of the Opposition and the *Forces Vives* of the Nation, the Congolese Rally for Democracy/Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai Mai, meeting at Sun City, Republic of South Africa, from 25 February to 11 April 2002;

**RECALLING** the Lusaka Ceasefire Agreement and more specifically Article 3, paragraph 16;

**CONSIDERING** the deep desire of the Congolese people for an immediate and lasting peace through the elimination of all the causes that predisposed and led to the two wars that raged in the country from 1996 to this day;

**REAFFIRMING** the principles of sovereignty, independence, territorial integrity of the DRC, as well as those of the inviolability of the borders inherited from colonial times, as stated in Article 3 of the Charter of the OAU, Resolution AGH/16.1 adopted by the Conference of Heads of State and Government in Cairo (Egypt) in 1964, and recalling the Lusaka Agreement, in particular its Article 3, Paragraph 15;

**CONSIDERING** that a new political dispensation and national reconciliation, as prescribed by the Lusaka Agreement, require that our country respects its commitments at an international level, especially those given within the framework of international agreements and treaties relating to human rights which it has duly signed and ratified;

**CONSIDERING** the will on the part of all the participants in the inter-Congolese political negotiations, as expressed in their General Policy Statements, to create optimal conditions for peace and reconciliation to result from the present forum;

**CONSIDERING** the current Congolese legislation with regard to nationality, which is a source of uncertainty and political and legal confusion, particularly law No. 071-002 of 28 March 1971, law No. 72-002 of 05 January 1972 in its Article 15 and law No. 81-002 of 29 June 1981 as modified by the decree No. 197 of 29 January 1999;

**CONSIDERING** that the excessive politicisation of issues relating to the nationality of Rwandophone and Burundophone members of the national population is one of the major causes of the present crisis in the DRC, and that it has resulted in feelings of deprivation, hatred and profound rifts within the population;

**CONCERNED** by the absolute necessity to establish peaceful coexistence of all the ethnic groups throughout the entire territory of the DRC, without outside interference;

**CONSIDERING** the Declaration of Commitment signed by the parties to the Inter-Congolese Dialogue in Gaborone on 24 August 2001;

**CONSIDERING** that in the present context, only a real political will can guarantee the definite resolution of the crisis borne of the issue of nationality;

**ADOPT THE FOLLOWING:**

1. Affirm the principle of the Lusaka Agreement by which “all the ethnic groups and nationalities whose individual members as well as territory constituted what became the Congo (currently the Democratic Republic of Congo) at the time of independence, must enjoy equal rights and protection in terms of the law, as citizens.
2. Request a systematic census of the population at national level, by the Government with possible support from international organisations, with a view to identifying nationals, immigrants, refugees and infiltrators needing to be treated according to legal principles (national and international), whilst preserving peace and security in the DRC.
3. Reaffirm that Congolese nationality is unique and exclusive, and that its regulation falls solely within the domain of the law.
4. Recommend that in future, law-makers be enabled to examine the principle of dual nationality.
5. Ask for the restoration of an efficient public and judicial administration, in order to guarantee the harmonious unfolding of the process of pacification and reconciliation, at the same time guaranteeing, in a definite manner, the sovereignty and territorial integrity of the DRC.
6. Ask for the establishment of appropriate programmes for raising the awareness and psychological conditioning of the population with a view to promoting peaceful inter-ethnic coexistence.

***Done at Sun City in April 2002  
The Inter-Congolese Dialogue***

**33. Resolution No: DIC/COR/04**

**ON THE INSTITUTION OF A “TRUTH AND RECONCILIATION” COMMISSION**

**WE**, the Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main groupings and organisations of the Opposition and the *Forces Vives* of the Nation, the Congolese Rally for Democracy/Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai Mai, meeting at Sun City, Republic of South Africa, from 25 February to 11 April 2002;

**RECALLING** the Agreement for a Ceasefire in the Democratic Republic of Congo, signed at Lusaka on 10 July, 30 July and 31 August 1999, in particular the last paragraph of the Preamble that makes provision for the organisation of an “all-inclusive national dialogue, aimed at realising national reconciliation and a new political dispensation in the DRC”, as well the clauses in Chapter 5 of its Annex “A”;

**RECALLING** the Declaration of Fundamental Principles, signed in Lusaka on 4 May 2001, relative to the inter-Congolese political negotiations, especially its principles 3 and 4 providing for “national reconciliation and a new political order, as basis for rebuilding a Democratic Republic of Congo where the people are united, reconciled and free from tribalism, regionalism, ethnicism and all forms of hatred” as well as “the promotion of an environment for lasting peace, security and stability in the Democratic Republic of Congo and the sub region”;

**RECALLING** the Declaration of Commitment, signed in Gaborone on 24 August 2001, by which the representatives of the components to the inter-Congolese political negotiations acknowledge consciousness of the fact that “national reconciliation is above all the responsibility of the Congolese people and their leaders” and solemnly and unconditionally committed themselves to “abstaining from undertaking all actions that could hinder the national reconciliation process”;

**RECALLING** relevant resolutions of the UN Security Council regarding inter-Congolese political negotiations;

**GIVEN** the need for the DRC to turn over the sombre page in its history, so far marred by all manner of conflict;

**CONCERNED** by the political and armed conflicts in the DRC since independence in 1960 with their harmful consequences;

**AFFIRMING** that the Congolese people, for so long deprived of justice, call for the institution of an international penal court to judge war crimes, crimes against humanity, crimes of genocide and other large-scale violations of human rights;

**CONSIDERING** that national reconciliation is a determining factor of peace and national harmony;

**MINDFUL** of the fact that national reconciliation cannot succeed without knowledge and acknowledgement of the facts, in sincere plea for forgiveness and a firm resolve never again to repeat;

**CONSIDERING** that lasting national peace and reconciliation could never be built on lies or impunity;

**ACKNOWLEDGING** the need to both preserve and come to terms with the memory of our past, and to transmit it to future generations in order to help sharpen their awareness of the profound threat that is posed to the well-being of a nation whenever selfish interests, arbitrary rule and the absence of a positive sense of the State, accompanied by generalised laxity are allowed to reign supreme, so as to avoid a repetition of the errors of the past;

**AKNOWLEDGING** the need to compensate the victims and restore their dignity and their rights without resorting to hatred or vengeance;

**ACKNOWLEDGING** the need to re-embrace democratic and republican, within the framework of the rule of law;

**AGREE TO THE FOLLOWING:**

1. Resolve to set up, at the close of the ICD, an independent commission to be called the “National Truth and Reconciliation Commission” to be tasked with the responsibility of re-establishing the truth, and promoting peace, justice, forgiveness and national reconciliation.
2. Adopt the decision that such a Commission should be set up at national, provincial and local levels.
3. Task the Commission to, in particular, identify the nature, causes and extent of the political crimes and large-scale violations of human rights committed in the DRC, since the country’s accession to independence.
4. Declare that the political crimes and large-scale violations of human rights committed outside the national territory but related to the political conflicts within the DRC will also fall under the jurisdiction of the Commission.
5. Affirm that the Commission will be responsible for deciding the fate of the victims of the said crimes, for hearing them, and taking all the necessary measures to compensate them and completely restore their dignity.
6. Assign to the Commission the following objectives:
  - a. re-establishment of the truth as to political and socio-economic events which occurred in the RDC;
  - b. reconciliation, on the one hand, of the political role-players among themselves, and on the other hand, with the people, as well as the reconciliation of the Congolese people with itself;

- c. emergence and consolidation of the rule of law within the DRC;
  - d. rebirth of a new national and patriotic consciousness;
  - e. rapprochement between the governors and the governed;
  - f. re-establishment of a climate of mutual confidence between the different communities and encouragement of inter-ethnic cohabitation;
  - g. acknowledgement of crimes committed against the Republic;
  - h. acknowledgement of individual and collective responsibility for wrongs and crimes;
  - i. formulation of the necessary recommendations to ensure that such crimes and large-scale violations of human rights do not recur in the future;
  - j. re-establishment of national unity and cohesion.
7. Resolve that the National Truth and Reconciliation Commission is empowered to hear any person involved in the crimes and large-scale violation of human rights, including the rape of women and girls in times of war. It may also hear any person in a position to enlighten it in its mission.
  8. Resolve that the Commission is empowered to grant amnesty to any person who accepts to confess and completely denounce, on pain of perjury, all the facts that he/she knows and which have a bearing on the crimes and large-scale violations of human rights in which he/she was involved, and whose primary motivation is of a political nature. Such amnesty will have to conform to the relevant international norms, and the Commission will not be empowered to grant amnesty for crimes of genocide or crimes against humanity.
  9. Declare that the members of the Commission shall be Congolese of great moral and intellectual probity and possessing the necessary skills to carry out the mandate of the Commission.
  10. Resolve that the members will be appointed by consensus from the ranks of the components according to the criteria established by the ICD: moral probity, credibility, knowledge of the social realities on the ground, proven competence in relation to processes for promoting truth and reconciliation, patriotism and evidence of a conciliatory and unifying spirit.
  11. Resolve that the Commission's hearings will be public.
  12. Resolve that the resources of this Commission will come from:
    - a. the Congolese State;



- b. the Congolese State Treasury;
  - c. donations and bequests;
  - d. bi- and multilateral external contributions (UN, OAU, EU and other countries).
13. Resolve that the Commission may call upon human resources from the Officer of the Facilitator who guided the Peace and Reconciliation Commission, from NGOs, the media and religious denominations.
14. Resolve that a law to be adopted by a Transitional Legislative Assembly will determine thew organisation, the operation and the jurisdiction of the Commission, as well as the means of appointing its members. The law will also set the procedural rules and sanctions applicable.

***Done at Sun City in April 2002***

***The Inter-Congolese Dialogue***

**34. Resolution No: DIC/CPR/05**

**ON THE ESTABLISHMENT OF AN INTERNATIONAL CRIMINAL COURT**

**WE**, the Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main groupings and organisations of the Opposition and the *Forces Vives* of the Nation, the Congolese Rally for Democracy/Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai Mai, meeting at Sun City, Republic of South Africa, from 25 February to 11 April 2002;

**CONSIDERING** relevant resolutions of the UN Security Council;

**CONSIDERING** the Ceasefire Agreement signed in Lusaka on 10 July, 30 July and 31 August 1999, especially the last paragraph of its Preamble, as well as Chapter 5 of its Annex "A", providing for the organisation of an all-inclusive national dialogue, which should lead to national reconciliation and a new political dispensation in the DRC;

**CONSIDERING** that Chapter 8 of Annex "A" to the Lusaka Agreement mandates the UN peacekeeping force to bring perpetrators of genocide, crimes against humanity and other war crimes before an "International Criminal Court";

**CONCERNED** by the political crisis and the armed conflict in the DRC and its harmful consequences, namely: crimes of genocide, crimes against humanity, war crimes and mass violations of human rights committed since 30 June 1960 and those committed during the two wars of 1996 and 1998;

**CONSIDERING** however that lasting peace and national reconciliation cannot be built on the basis of the consecration of lies, impunity and the denial of justice;

**RESOLVE** that a request be made to the UN Security Council by the Transitional Government with a view to establishing an International Criminal Court for the Democratic Republic of Congo, endowed with the necessary competence to take cognisance of crimes of genocide, crimes against humanity, war crimes and mass violations of human rights committed or presumed committed since 30 June 1960 as well as those committed or presumed committed during the two wars of 1996 and 1998.

***Done at Sun City in March 2002***

***The Inter-Congolese Dialogue***

**35. Resolution No: DIC/CPR/06**

**ON PEACE AND SECURITY IN THE DRC AND IN THE GREAT LAKES REGION**

**WE**, the Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main groupings and organisations of the Opposition and the *Forces Vives* of the Nation, the Congolese Rally for Democracy/Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai Mai, meeting at Sun City, Republic of South Africa, from 25 February to 11 April 2002;

**RECALLING** the Agreement for a ceasefire in the Democratic Republic of Congo, signed at Lusaka on 10 July, 30 July and 31 August 19991, in particular the last paragraph of the Preamble providing for the organisation of an “all-inclusive national dialogue, aimed at realising national reconciliation and a new political dispensation in the DRC”, as well the clauses in Chapter 5 of its Annex “A”;

**RECALLING** the Declaration of Fundamental Principles, in relation to the Inter-Congolese political negotiations, signed at Lusaka on 4 May 2001, in particular its principles 2, 3 and 4;

**GIVEN** relevant Resolutions of the UN Security Council on issues of peace and security in the DRC and within the Great Lakes region;

**CONSIDERING** that the crisis, which has beset the Congo since 1960, has both internal and external causes;

**AWARE** that peace and security in the Democratic Republic of Congo can only be envisaged, realistically, within the framework of a process of national reconciliation to be founded on the emergence of a state of rule of law, fully respecting the universal principles of good governance, human rights and democracy;

**CONVINCED** that peace and security in Central Africa, and in the Great Lakes region in particular, can only be envisaged through adherence to principles of non-interference in the internal affairs of States, respect for the territorial integrity of States, including the inviolability of their borders, and respect for their sovereignty, as well as through a policy of good neighbourliness;

**CONSIDERING** the need for all the States of the region to combat the fundamental structural deficiencies that face them and the urgent need to develop effective mechanisms for collaboration in the resolution of all issues contributing to the insecurity within the Region, and holding back its development and progress, in comparison to the rest of Africa;

**CALL FOR:**

1. Within the DRC:

- a. the restoration, within the framework of the new political dispensation to result from the ICD, of the authority of the State over the entire national territory, and the establishment of the rule of law together with the adoption of a new Charter of the fundamental rights of citizens, to be underpinned by a new transitional legal framework founded on the basis of the following democratic and republican principles and values:
    - i. separation of the three traditional powers of the State;
    - ii. promotion of social justice as well as general and equitable justice;
    - iii. observance of the rules of good governance;
  - b. economic recovery through, in particular, a policy of macroeconomic stabilisation and major public works;
  - c. reorganisation of the immigration and identification services, with a view to the effective control of the borders;
  - d. promotion, through the national educational system, of values of good citizenship, as well as a culture of dialogue and peaceful resolution of conflicts;
  - e. free movement of persons and goods throughout the national territory;
  - f. affirmation of the principle of the effective independence of the judiciary;
  - g. reorganisation of the DRC's diplomatic missions with a view to streamlined embassies and a more effective diplomacy;
  - h. orderly withdrawal of foreign armed forces;
  - i. disarmament of armed groups.
2. Within the region:
- a. organisation of an international conference on peace, security, stability and development in Central Africa and in the Great Lakes region;
  - b. signing of a peace and stability agreement and a non-aggression pact between the countries of the region;
  - c. putting in place a process of economic integration for the region;
  - d. revival of the Economic Community of Central African States;
  - e. re-launch and expansion of the Economic Community of the Great Lakes Countries (CEPGL);

- f. ensuring the security of populations living in the border areas;
- g. ban on arming, training, harbouring or giving aid of any kind to subversive elements, or such opposition movements within the national territory and bent on destabilising other countries.

***Done at Sun City in April 2002***

***The Inter-Congolese Dialogue***

36. **Resolution No: DIC/CPR/07**

**ON THE ORGANISATION OF AN INTERNATIONAL CONFERENCE ON PEACE, SECURITY AND DEVELOPMENT IN THE GREAT LAKES REGION AND CENTRAL AFRICA**

**WE**, the Participants at the Inter-Congolese Political Negotiations, ie delegates of the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main groupings and organisations of the Opposition and the *Forces Vives* of the Nation, the Congolese Rally for Democracy/Liberation Movement (RCD/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai Mai, meeting at Sun City, Republic of South Africa, from 25 February to 11 April 2002;

**RECALLING** the Agreement for a ceasefire in the Democratic Republic of Congo, signed in Lusaka on 10 July, 30 July and 31 August 1999, in particular Article 2 thereof, calling on all the parties to immediately search for solutions to the security concerns of the Democratic Republic of Congo as well as those of it's neighbours;

**MINDFUL** of the Declaration of Fundamental Principles, signed in Lusaka on 4 May 2001 in relation to the Inter-Congolese political negotiations, in particular Principles 2 and 4 thereof relating to the respect for the sovereignty and territorial integrity of the Democratic Republic of Congo (DRC) and to the promotion of lasting peace, security and stability in the DRC and the sub-region;

**REAFFIRMING** the principle of inviolability of borders inherited from colonisation, as recognised by the Charter of the OAU;

**MINDFUL** of relevant UN Security Council resolutions on peace, security and development in Central Africa and the Great Lakes region;

**CONVINCED** that there can be no lasting peace or development in the Democratic Republic of Congo if there is no peace and security in the entire region;

**RECOGNISING** the need to promote greater economic integration in the region as the surest means of ensuring lasting peace, security, stability and development in the region;

**CONSIDERING** that security and stability will enable each State of the region to enjoy the right to live peacefully within its national borders;

**RECOMMEND** that the DRC, on the conclusion of the Inter-Congolese Dialogue, takes the initiative to revive the request for an International Conference to be organised on issues of peace, security, stability and development in the Great Lakes region and Central Africa, under the auspices of the UN, the AU, the SADC and the EU.

***Done at Sun City in April, 2002***

***The Inter-Congolese Dialogue***