



**GENOCIDE PREVENTION: EXPERIENCE OF THE INTERNATIONAL
CONFERENCE ON THE GREAT LAKES REGION (ICGLR)**

**Ambassador Liberata MULAMULA,
EXECUTIVE SECRETARY of the ICGLR,**

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Introduction:

1. The Great Lakes region has had a turbulent past. It is a region that has seen some of the world's deadliest conflicts. For the past 15 years little was known about this region other than conflicts, wars and atrocities. It was the theatre for Rwanda's 1994 genocide, Burundi civil war and the 1998-2003 conflicts that embroiled the DRC and drew in a dozen other neighboring countries. At one time the countries of the Great Lakes Region produced more refugees and Internally Displaced Persons than any other region in the world.
2. Today there are increasing signs that the region has set itself on the path to peace and stability, thanks in part to stronger concerted action and commitment of the regional leaders to transform the region from conflict ridden into a space for peace and prosperity.
3. It is undeniable fact that the countries and people in the Great Lakes Region are so interlinked, socially, economically, culturally and linguistically so much such that conflict or instability in one country easily spreads through the entire region.
4. It is through this realization that the United Nations jointly with the AU correctly assessed that any meaningful attempt to address issues of peace and security must be premised on a regional framework. The complexity of the issues involved meant that any effort to resolve conflicts in the region must entail a process rather than a one time event. Such efforts must also be as exhaustive and comprehensive as possible.
5. This was the *raison d'etre* for the launching of the International Conference on the Great Lakes region (ICGLR) process with the participation of 11 countries Angola, Burundi, Central Africa Republic, Democratic Republic of Congo (DRC), Kenya, Republic of Congo, Rwanda, Tanzania, Uganda, Sudan and Zambia.
6. The Great Lakes Region has thus by definition been expanded from the original three (DRC, Rwanda and Burundi) to include all countries that border DRC, as the epicenter, plus Kenya. The Conference ultimate objective is to consolidate peace and security in the Great Lakes region institutionalize democratic governance values, promote a sustainable growth and shared development and resolve critical social

and humanitarian issues that contribute to destabilize the region and undermine peace, security and stability in the region.

7. It is against this backdrop that the ICGLR Heads of State and Government signed the Dar-es-Salaam Declaration in November 2004 which is composed of priority policy options and guiding principles, as a foundation for a common vision for reconstruction,, political stability and sustainable development in the Region.
8. The Heads of State and Government committed to seal a comprehensive and legally binding Pact on Security, Stability and Development in the Great Lakes Region to confirm their determination and commitment to «transform the Great Lakes Region into a space of sustainable peace and security, political and social stability, shared growth and development, a space of cooperation based on convergent strategies and policies driven by a common destiny». The Pact was signed on the 15th December 2006 in Nairobi, Kenya and entered into force in June 2008 after being ratified by the Member States.
9. While the Dar-Es-Salaam Declaration recognises that weaknesses in the area of good governance and in failure in democratisation processes are the main factors causing the violent socio-political conflicts in the region, the Pact on Security, Stability and Development in the Great Lakes Region provides a legal frame work to implement collectively the appropriate Programmes of Action, the Protocols and mechanisms to translate into reality the priority political options and the guiding principles with a view to finding solution to the challenges facing the region.
10. Indeed and in the context of prevention of genocide, the Pact contains among others a Protocol for the Prevention and the Punishment of the Crime of Genocide, War Crimes against Humanity and all forms of Discrimination. The ICGLR Member States recognise that the crime of genocide, war crimes and crime against humanity are crimes under international law and against the rights of peoples, and as stipulated in the Pact undertook in particular:
 - To refrain from, prevent and punish such crimes;
 - To condemn and eliminate all forms of discrimination and discriminatory practices;

- To ensure the strict observance of this undertaking by all national, regional and local public authorities and institutions;
- To proscribe all propaganda and all organisations which are inspired by ideas or theories based on the superiority of a race or a group of people of a particular ethnic origin, or which try to justify or encourage any form of ethnic, religious, racial or gender based hatred or discrimination.

11. It is in this connection I would like to share with you, as requested, the Great Lakes practical responses to stop violence escalation; what worked and what did not work? Failures, successes, challenges and opportunities, evaluation of the efforts realised until now by regional actors and then offer some recommendations.

Practical Responses to stop violence escalation

Context:

12. Ten years after the genocide in Rwanda and its consequences in the Great Lakes Region, the regional leaders together with the Secretaries General of AU and UN met in Dar Es Salaam Tanzania and adopted what is now popularly known as the *Dar es Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region*. The Dar es Salaam Declaration provides the Regional leaders' common vision and commitment to the path of democracy and good governance, durable peace and stability and to the fulfillment of the desire for better livelihood, respect of human dignity and prosperity.

13. It is in this document that the leaders demonstrated that they were aware of the root causes of the conflicts in the Great Lakes region and were determined to eradicate it. They recognised that the problems in the Great Lakes region were a product of weaknesses in the area of good governance and in failure in democratisation processes; economic stagnation and poverty aggravation, mistrust and suspicion between governments; massive violations of human rights and other policies of exclusion and marginalisation. They also noted the problem of use of violence for conquering power, impunity of crimes of genocide, crimes against humanity, war crimes; proliferation of illicit

trafficking of small arms and light weapons, increased armed rebellion and illegal exploitation of natural resources as main factors causing the violent socio-political conflicts in the region,

14. Consequently, a mechanism of the International Conference on the Great Lakes Region (ICGLR) was established. The signing of the Pact on Peace, Security and Development by the leaders of the 11 countries in Nairobi December 2006 and Dar-es-Salaam Declaration in 2004 was seen as a new beginning for the Great Lakes Region and indeed the African continent in translating aspirations into actual deeds and bringing the region out of the vicious cycle of conflict, humanitarian disaster, increased vulnerability, poverty and repeated conflicts.
15. The Pact contains Protocols and Programmes of action hinged on the four pillars of Peace and security, Democracy and Good Governance, Regional integration and economic Development as well as humanitarian and social issues. Furthermore, the Pact constitutes a follow up mechanism constituted of the National coordination mechanism, the Conference Secretariat which I head, the Regional Inter-ministerial Committee (RIMC) and the Summit of Heads of State. The follow up mechanism have responsibility to ensure that there is no violence in the region as they act as eyes and ears for early warning so that appropriate organs and measures are put in place to prevent it.
16. **The Regional Initiative for the Prevention and Punishment of the Crime of Genocide, the Crimes against Humanity, War Crimes and the fight against Impunity-** This important project translates into concrete terms the commitment expressed by the Heads of State of the Great Lakes Region, through the Dar-es-Salaam Declaration, to promote a common vision based on the establishment of public authority based on the rule of law in all the countries of the region. The Declaration advocates the fight against all discriminatory ideologies, policies, practices and all acts of genocide, massive violations of human rights and international humanitarian law, terrorism, racism, ethnics, exclusion, as well as all other forms of violence against civilians.
17. The project also envisages the establishment of a Regional Initiative regrouping essentially the Judges of the Public Prosecutor's Office and the Security Agents, with a view to promoting dialogue and exchange of information and good practices to stimulate the implementation of pertinent instruments and policies for the repression and prevention of

war crimes, crimes against humanity and genocide, and to contribute to the fight against impunity

18. With this regional mechanism and legal instruments in place together with other international and regional instruments, the challenge remains not in the structures and in the enforcement mechanisms but in the good will for implementation and compliance at national and regional levels. ICGLR conference secretariat was tasked to ensure that these are implemented and promoted.
19. **Increasing of Democratisation and Good Governance practices in the Great Lakes Region** - The Great Lakes Region is no longer a region of military dictatorships and one party system where elections either never took place or were always a sham, when they did take place. It is a region where the majority countries respect the rule of law, hold periodic elections and respect human rights, the challenges notwithstanding.
20. In addition eight of the countries of the ICGLR (i.e. Angola, Republic of Congo, Kenya, Rwanda, Sudan, Uganda, Tanzania and Zambia,) are part of the African Peer Review Mechanism (APRM). This mechanism is a self monitoring mechanism in ensuring that their policies and practices conform to the agreed political, economic and corporate governance values, core principles and standards. A proper review under APRM mechanism would provide early warning indicators that if addressed would forestall conflicts or even impending genocide.
21. The challenge remains in post-conflict countries (otherwise called fragile States) which need support to build their state institutions of governance to fulfil these obligations. These countries including Burundi, DRC and CAR have also not acceded to the APRM mechanism. There is commitment to progressively build institutions but resources and fragility of their systems remain major challenges.
22. **Increased dialogue and Negotiated Peace Agreements**-The Great Lakes region has witnessed increased dialogue and negotiated settlement of conflicts with the signing of various peace agreements between governments and the rebel groups or among and between member countries. Some of these include the Arusha peace Agreement (2002) that established the new political dispensation in Burundi; the DRC peace process and the Congolese All-Inclusive dialogue leading to the establishment of a Transition government and paving way to the

first ever democratic elections in DRC (2005); Also the Goma Agreement of 2008 (*L'Act Dengagement*) signed between the DRC and Congolese Armed groups halted a wave of killings that was going on Eastern DRC. The events that followed by the signing of the Peace Agreement of March 2009 DRC and *Congress National de la Defence du People (CNDP) of Laurent Nkunda*. The events that followed the joint operations and March 2009 agreement have led to relative peace in eastern DRC. With the exception of Uganda, countries such as Sudan, CAR and Burundi have seen former rebels sign peace agreements and joining political processes.

23. Regional cooperation and collaboration to fight negative forces-The Nairobi Communiqué of 2007 between Rwanda/DRC to deal with armed groups and negative forces leading to the DRC/Rwanda joint military operations in January 2009 against the FDR/Ex-FAR Intarahamwe forces accused of committing genocide in Rwanda. The recent regional *Umoja wetu* and *Operation Lightning Thunder* against FDLR and LRA was intended to weaken the ability of negative forces to disrupt peace in the region. Whether the intended objectives were fully achieved is debatable but certainly these forces were weakened. The ICGLR Protocol on Non aggression and Mutual Defence provides a legal basis for regional action against these forces

24. Increasing International and Regional commitment to fight Impunity-The UN Security Council made the crime of genocide punishable about 60 years ago. This was after Nazi Germany's mass extinction of some 6 million Jews and millions more Poles and Soviet prisoners during the World War II. This led to the Nuremberg Trials (1945-1949) in which Nazi war criminals were charged with "crimes against humanity". Whatever the criticisms levelled against these trials, they laid the basis for the Convention on the Prevention and Punishment of the Crime of Genocide which entered into force in 1951 and gave momentum to the efforts to codify laws to fight such extreme abuses. Now there exists a clear moral and legal obligation to prevent and punish genocide.

Consequently following genocide in Rwanda an International Criminal Tribunal for Rwanda was established where the suspects of genocide against the Tutsis in Rwanda are tried. Suspects are being apprehended, albeit belatedly, in almost all the countries in the world. Furthermore, the International Criminal Court (ICC) is also pursuing those accused of genocide, war crimes and crimes against humanity.

All these are deterrent measures that prevent conflicts and punish impunity for those who commit these heinous crimes. Furthermore, the revision of the AU charter of the “sovereignty clause” plus the growing recognition of the “responsibility to protect” civilians from serious atrocities and crimes makes it harder for member states to deliberately commit such atrocities against their people while hiding behind states’ sovereignty. International community including the region would intervene.

In 2008, in Nairobi, during the crisis in eastern Congo, the Great Lakes Leaders warned that the Great Lakes region would not stand by to witness incessant and destructive acts of violence by any armed groups against innocent people of DRC; if and when necessary the Great Lakes Region will send peacemaking forces into the Kivu Province of the DRC.

25. Establishment of National mechanisms for Reconciliation-There have been efforts to establish mechanisms for national reconciliation and Aunity, amnesty and transitional justice in the efforts towards peace building and reconstruction- e.g/ National Commissions on Reconciliation and Unity, Gacaca in Rwanda and Mat put in Uganda). Although there has been human rights concerns regarding all theses processes there is no doubt they have contributed to peace building in post conflict situations while at the same time exercising justice for peace and punishing the offenders while seeking reconciliation and forgiveness.

26. What worked (Successes)-Evaluation of the region

On the basis of the above analysis it can be concluded that:

- (a) The Great Lakes Region is now relatively calm after decades of violence. The guns have gone silent in Burundi, Angola, CAR, Congo Brazzaville and to a certain extent in eastern DRC/ The ICGLR mechanism has helped the region to put in place a concrete mechanism to prevent further conflicts and hence prevent genocide.
- (b) There is a spirit of democratisation and Good governance in the region that far outweighs the situation before 1994 and there are far less killings in the region than before

- (c) Except for the LRA which has refused to sign a peace agreement and FDLR which is still at large but is weakened, most rebel groups have joined governments after signing peace agreements and this has contributed to relative stability in the region.
- (d) Regional cooperation since 2006 has enabled the region to work together to defeat *genocidaires* and armed groups in the region that had caused so much suffering to the people
- (e) The region and the international community is now, more than ever before committed to fight impunity and is arresting suspects of genocide, war crimes, crimes against humanity. The region, under the Protocol on Non aggression is enjoined to fight the armed groups and support the international efforts to bring those who commit crimes against humanity to justice.
- (f) There are transitional justice systems that engenders a sense of peace and justice for the victims in the region

27. Challenges:

- ❖ **Elections as a cause of violence:** Experience of Kenya post-election violence- to avoid a repeat in the region. The policies of exclusion and marginalisation, ethnic, religious, racial and sectarian policies have continued to dominate our political landscape with deleterious consequences. It is usually during election time that questions of who should (or should not) vote or be voted for, who is a citizen and who has political rights emerge. This year alone, five countries in the Great Lakes are undergoing elections (Sudan, CAR, Rwanda, Burundi and Tanzania).
- ❖ **Regional initiatives including the ICGLR Pact not widely known and appreciated** – The Pact is an empowering tool to prevent conflicts and also genocide. There is a need to publicise it widely and have it domesticated at a national level.
- ❖ **Specific Measures to Fight Impunity:** Impunity still prevalent in the region. Suspects of genocide were comfortably leaving in different countries in the region and in Europe though few have been apprehended but judicial process is painfully slow.

- ❖ **Non-Compliance with Peace Agreements:** Non implementation and non-compliance of peace agreements by the parties are source of tension and potential escalation of violence.
- ❖ **Lack of early warning and rapid response mechanism**
- ❖ **Limited political will** to prevent genocide- lack of policies and measures to guarantee prevention of genocide, the rights of victims of the crime of Genocide, and fight of crimes against humanity and war crimes.

28. Opportunities:

- A dramatically improved situation in the region
- Committed leadership in the region to fight genocide and respect the democratic values and principles
- The regional instruments,, the Pact and its follow up mechanism able to do early warning and prevention
- The new political dispensation of “coalition government”, inter-party coalitions that mitigate conflicts and challenge the winner take all mentality
- The transitional justice system that combines peace requirements and fights impunity in the context of justice
- The majority of population who yearn for peace after long years of war.
- The realisation by the political elite that they cannot cause genocide and get away with it
- The vigilant civil society
- Vigilance of the international justice system (ICC, ICTR, etc)

29. Recommendations:

- (a) Support Regional initiatives for Prevention of genocide such as the ICGLR Pact on Security, Stability and Development in the Great Lakes Region and all its related Protocols and Projects especially the “*Protocol on Prevention and the Punishment of the Crime of Genocide, war Crimes and Crimes against Humanity and all Forms of Discrimination*” and its related Initiative for Prevention and the Curbing of war

Crimes against Humanity, Crime against Genocide and for the Fight against Impunity in the Great Lakes region

- (b) Establishing and strengthening an early warning System for the prevention of Genocide, crimes against humanity and war Crimes and a rapid intervention Mechanism
- (c) Strengthening Judicial cooperation with a view to preventing, detecting and punishing the perpetrators of Genocide, Crimes against Humanity and War Crimes;
- (d) Promote the role of the media in peace building and responsible reporting to avoid inciting hatred and violence.
- (e) Develop partnerships and implement advocacy Strategies at the national, regional and international level to combat all forms of ethnic, racial or religious discrimination and to sensitize the population on peace and reconciliation, and fight against policies of exclusion and hatred.
- (f) In post conflict countries, where they don't exist, need to establish national institutions such as truth and Reconciliation Commissions (i.e. e.g. in Burundi and DRC)
- (g) Establish a regional database to facilitate the prosecution of perpetrators of genocide, crimes against humanity and War Crimes
- (h) Invest heavily in projects that address the root cause of conflicts such as poverty eradication, human rights, gender empowerment, democracy and good governance, illicit trafficking of arms and light weapons, support DDR programmes, fight organised crime and corruption as well as illegal exploitation of natural resources.

30. Conclusion:

The international community tends to spend much time debating on whether particular killings of human beings constitute genocide or not rather than stopping or preventing the killings. As a consequence intervention which would have stopped the killings is delayed. The current definition of genocide which confines itself to **“intent” to destroy, harm or kill, in part or in**

whole, members of a particular nationality, ethnicity, racial or religious group¹, makes genocide a rare occurrence in the Great Lakes Region though we have witnessed ethnic killings in the post-election violence in Kenya, civil wars in Burundi, DRC and Darfur for example. It is therefore imperative to have a more broader and practical comprehensive approach in addressing the question of prevention of genocide to include all crimes against humanity including genocide, war crimes, all forms of violence, human rights protection and promotion.

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¹ See definition-Article 6 of the Rome Statute of the International Criminal Court