

Ordinance no 08/008 of February 2, 2008 on the organisation and functioning of the National Programme of Security, Pacification, Stabilisation and Reconstruction of the Provinces of North and South Kivu, named the “AMANI Programme”

The President of the Republic

In light of the Constitution, particularly articles 79 and 91;

In light of Ordinance no 07/017 of 3 May 2007, on the organisation and functioning of the Government, practical procedures for collaboration between the President of the Republic and the Government, as well as between members of the Government;

In light of Ordinance no 07/075 of 20 December 2007 on convening the Conference on Peace, Security and Development in the Provinces of North Kivu and South Kivu, as modified and completed to date;

In light of the relevant resolutions and recommendations of the Conference on Peace, Security and Development in the Provinces of North Kivu and South Kivu calling for the implementation of appropriate mechanisms for post-Conference monitoring and dialogue;

Considering the Acts of Engagement signed at Goma on 23 January 2008, in particular the provisions relevant to setting up a Mixed Technical Peace and Security Commission;

In light of the urgency and of the need;

The Council of Ministers having taken account in its deliberations of 26 January 2008, of the resolutions of the Conference on Peace, Security and Development in the Provinces of North Kivu and South Kivu, as well as the Acts of Engagement referred to above;

At the proposal of the Minister of State for the Interior, Decentralisation and Security;

ORDERS

Article 1:

A National Programme of Security, Pacification, Stabilisation and Reconstruction of the Provinces of North Kivu and South Kivu, named the “AMANI Programme”, shall be created under the authority of the President of the Republic.

The duration of the “Amani Programme” shall be six months and renewable.

Article 2:

The “Amani Programme” shall be implemented in the Provinces of North Kivu and South Kivu.

Its overall objective shall be to create the conditions needed for security, pacification and reconstruction in the Provinces of North Kivu and South Kivu.

Article 3:

The specific objective of the “Amani Programme” is to ensure the implementation of the resolutions and recommendations of the Conference on Peace, Security and Development in the Provinces of North Kivu and South Kivu as well as the Acts of Engagement signed at Goma on 23 January, 2008.

Article 4:

The “Amani Programme” shall be implemented by means of specific national and local mechanisms.

Article 5:

At the national level the “Amani Programme” shall be implemented by means of:

- the Steering Committee;
- the Coordination Unit;
- the Consultation Framework;

Article 6:

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

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

It shall be composed of:

1. Minister of State for the Interior, Security and Decentralisation;
2. Minister of Foreign Affairs and International Cooperation;
3. Minister of National Defence and Former Combatants;
4. Minister of Justice and Human Rights;
5. Minister of Finance;
6. Minister of Budget;
7. Minister of Social Affairs, Humanitarian Action and National Solidarity;
8. National Coordinator of the “Amani Programme”

Article 7:

The Steering Committee shall be chaired by the Minister of State for the Interior, Decentralisation and Security. The National Coordinator of the “Amani Programme” shall be the Permanent Secretary.

The Deputy National Coordinators shall attend meetings of the Steering Committee with no voting rights.

The Steering Committee may if needed call on any person it deems appropriate to give an opinion on an agenda item.

Article 8:

The Coordination Unit shall be the Executive Organ of the Programme.

As such, it shall be responsible for the ongoing management of the Programme.

It shall be chaired by a National Coordinator assisted by 4 Deputy National Coordinators, in charge respectively of a Mixed Technical Commission and the following Technical Commissions:

- a Mixed Peace and Security Technical Commission;
- a Pacification and Reconciliation Technical Commission;
- a Stabilisation and Reconstruction Technical Commission;
- a Finance and projects Technical Commission.

Each Commission shall be assisted by a Permanent Secretary.

Article 9:

The Mixed Peace and Security Technical Commission shall be co-chaired by a Government delegate and a delegate of the international facilitators.

It shall be composed of:

- Government representatives;
- two CNDP delegates, one per sub-commission;
- two FRF delegates, one per sub-commission;
- one delegate each from the other armed groups signatory to the Acts of Engagement;
- one representative from each organisation of the international community signatory to the Acts of Engagement;
- one SADC representative;
- one CEEAC representative.

Article 10:

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

- The formal order to troops to cease hostilities across all military terrain;
- Geographic location of armed groups (exact map positions);
- Determination of disengagement and buffer zones;
- Request to deploy MONUC observers to monitor the ceasefire;
- Request to reinforce the MONUC presence for the security of civilians and for the redeployment operation of armed groups to transit centres;
- Implementing the plan resulting from the Joint Nairobi Communique on the disarmament and repatriation of armed foreign groups;
- Specification of the itinerary for the redeployment of armed groups to the transit centres (first movement) and to the mixing and demobilisation centres (second movement), followed where necessary by training and instruction;
- Specification of the procedures for mixing taking into account the presence of foreign armed groups referred to in the Joint Nairobi Communique of 9 November 2007;
- Request to deploy MONUC in all terrain occupied by :

a) In the Province of North Kivu: the CNDP, the PARECO, the Mai-Mai Kasindien, the Mai-Mai Kifuafua, the Mai-Mai Vurondo, the Mai-Mai Mongol, UJPS, the Mai-Mai Rwenzori, and the Simba.

b) In the Province of South Kivu: the FRF, Yakutumba Group, Zabuloni Group, Mai-Mai Kirikicho, PARECO/S-K, Raia Mutomboki, Mai-Mai Ny'kiriba, Mai-Mai Kapopo, Mai-Mai Mahoro, Mai-Mai Shikito, Mudundu 40, Simba Mai-Mai and Mai-Mai Rutambuka.

- Re-establishment of State Authority (Police, Administration and Justice);
- Integration in the regular Armed Forces;
- Demobilisation and social reinsertion;
- Respect for DDR activities, leading either to mixing for purposes of integration in FARDC, or to demobilisation and reinsertion to prepare for a definitive return to civilian life, an essential stage in the peace and security process in the provinces of North Kivu and South Kivu;
- The unconditional participation, in the Province of North Kivu, of the CNDP, the PARECO, the Mai-Mai Kasindien, the Mai-Mai Kifuafua, the Mai-Mai Vurondo, the Mai-Mai Mongol, the UJPS, the Mai-Mai Rwenzori, and the Simba; and in the Province of South Kivu, of the armed groups FRF, Yakutumba, Zabuloni, Mai-Mai Kirikicho, PARECO/S-K, Raia Mutomboki, Mai-Mai Ny'kiriba, Mai-Mai Kapopo, Mai-Mai Mahoro, Mai-Mai Shikito, Mudundu 40, Simba Mai-Mai and Mai-Mai Rutambuka, in accordance with national legislation, in implementing the Armed Forces of the Democratic Republic of Congo (Forces Armées de la République Démocratique du Congo, FARDC) integration plan, and in the National Programme of Disarmament, Demobilisation and Reinsertion (Programme Nationale de Désarmement, Démobilisation et Réinsertion, PNDDR) ;
- Communication of lists of personnel and of weapons, and of their locations, upon signature of the present Acts of Engagement, in accordance with the timetable established by the ad hoc Commission, with the assistance of the International Community.

Article 11:

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

- the Mixed Military Sub-Commission;
- the Humanitarian and Social Sub-Commission.

Article 12:

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

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

The Humanitarian and Social Sub-Commission shall be responsible for:

- questions regarding internally displaced persons;
- questions relating to refugees.

Article 13:

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

Article 14:

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

Article 15:

The principle task of the Stabilisation and Reconstruction Technical Commission shall be to mobilise the human, material and technical resources needed to implement the reconstruction plans in the Provinces of North Kivu and South Kivu.

Article 16:

The Coordination Unit shall also include an Intercommunity Cohabitation Observatory and a Governance Observatory.

Article 17:

A consultation framework will enable the coordination unit to meet regularly with representatives of the Institutions of the Republic and representatives of the International Community or development partners in order to inform them of progress in the “Amani Programme”, or failing this to gather their views and to obtain the necessary resources for Programme implementation.

Article 18:

At the provincial level the “Amani Programme” shall be implemented in each of the Provinces referred to above, by:

- the Provincial Management Committee;
- the Provincial Commissions;
- the Provincial Consultation Framework;
- the Provincial Coordination of the Mixed Military Sub-Commission.

Article 19:

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

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

- two (2) representatives (including one woman) from the local community;
- two (2) representatives from religious groups;
- two (2) civilian representatives (including one woman);
- two (2) private sector representatives (including one woman).

Article 20:

The Provincial Commissions in charge of implementing the “Amani Programme” shall be:

- the Security and Stabilisation Commission;
- the Development Commission;
- the Pacification Commission;
- the Humanitarian and Social Commission.

These Technical Commissions shall each have a Chairperson, assisted by a Permanent Secretary.

Apart from the Humanitarian and Social Technical Commission, the members of the provincial commissions shall be selected as follows:

- two (2) delegates from each community;
- two (2) delegates from each armed group.

Article 21:

The Humanitarian and Social Technical Commission shall consist of the following cells:

- the Care of Displaced Persons Cell: made up of two (2) delegates per community (including one woman);
- the Care of Refugees Cell: made up of two delegates per community (including one woman) and representatives of the Traditional Chiefs.

Article 22:

The Provincial Commissions of the programme shall be responsible for implementing the decisions of the Steering Committee and the Coordination Unit in the two Provinces of North Kivu and South Kivu, under the authority of the Programme Coordination Unit, in consultation with the provincial authorities.

Article 23:

Under the Chairmanship of the Provincial Governor and his delegate, and within the Framework for Dialogue, the leaders of Provincial Institutions (Provincial Government, Provincial Assembly, Provincial Level Tribunal Courts) as well as the development partners, shall meet regularly to exchange views on the progress and implementation of the “Amani Programme” at the Provincial level.

Article 24:

The members of the different structures specified under the terms of the present Ordinance, shall be nominated by the President of the Republic.

Article 25:

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

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

Article 26:

Any questions on the organisation and functioning of the “Amani Programme” not regulated by the present Ordinance, shall be the object of the provisions of the Internal Regulations of the Programme, approved by the Steering Committee.

Article 27:

The Minister of State for the Interior, Decentralisation and Security, the Minister of Finance and the Minister of Budget shall each, in their areas of responsibility, be tasked with implementing the present Ordinance which enters into force from the date of signing.

Done at Kinshasa, 2 February 2008

Joseph KABILA KABANGE

Antoine GIZENGA

The Prime Minister