

No. 16748

RWANDA, BURUNDI and ZAIRE

**Convention establishing the Economic Community of the
Great Lakes Countries (CEPGL). Concluded at
Gisenyi on 20 September 1976**

Authentic text: French.

Registered by Rwanda on 13 June 1978.

RWANDA, BURUNDI et ZAÏRE

**Convention portant création de la Communauté écono-
mique des pays des grands lacs (CEPGL). Conclue à
Gisenyi le 20 septembre 1976**

Texte authentique : français.

Enregistrée par le Rwanda le 13 juin 1978.

[TRANSLATION — TRADUCTION]

CONVENTION¹ ESTABLISHING THE ECONOMIC COMMUNITY OF THE GREAT LAKES COUNTRIES (CEPGL)

The President of the Republic of Burundi, the President of the Rwandese Republic, the President of the Republic of Zaire,

In accordance with the spirit of the agreements signed at Kinshasa on 29 August 1966, the Goma Declaration signed on 20 March 1967,² the resolutions signed at Bujumbura on 12 June 1969 and 12 June 1974, and the solemn declaration signed at Bukavu on 3 May 1975,

Considering the historical, geographical and cultural links between their States, their similar development problems, their common interests and their common aspirations for peace, security and progress,

In accordance with the principles embodied in the Charter of the United Nations, and in loyalty to the Charter of the Organization of African Unity,³

Resolved to consolidate and increase co-operation and trade, and to join forces in economic, cultural and social development endeavours,

Guided by their common desire to increase understanding between their peoples and co-operation between their States in order to consolidate their fraternity and integrated solidarity as part of a greater unity transcending national characteristics,

Convinced that the establishment of regional economic groups constitutes an objective approach and a realistic basis for African unity,

Desiring to promote mutual understanding and solidarity between the member States so as to foster in perpetuity a climate propitious to economic co-operation and the maintenance of friendly and peaceful relations between them,

Decide to establish the Economic Community of the Great Lakes Countries (CEPGL) and agree as follows:

PART I. OBJECTIVES

Article 1. By this Convention the High Contracting Parties establish among them an Economic Community of the Great Lakes Countries (CEPGL), hereinafter referred to as the Community.

¹ Came into force on 17 April 1978, the date by which the instruments of ratification of the signatory States had been deposited with the Government of Rwanda, in accordance with article 35. The deposit of the instruments of ratification was effected as follows:

<i>State</i>	<i>Date of deposit of the instruments of ratification</i>
Burundi	7 January 1977
Rwanda	13 January 1977
Zaire	17 April 1978

² Sec p. 31 of this volume.

³ United Nations, *Treaty Series*, vol. 479, p. 39.

Article 2. The aims of the Community shall be:

1. To ensure, first and foremost, the security of the States and their people in such a way that nothing disturbs peace and order along their respective frontiers;
2. To devise, plan and encourage the organization and development of activities of common interest;
3. To promote and intensify trade and the movement of persons and goods;
4. To co-operate closely in the social, economic, commercial, scientific, cultural, political, military, financial, technical and tourist fields, and more particularly in legal, customs, public health, energy, transport and telecommunications matters.

Article 3. In order to attain these objectives, the member States solemnly undertake to initiate appropriate action on the problems involved, in particular, through the establishment of common agencies and services, and by the signing of understandings, agreements or conventions.

Article 4. Any member State which is or becomes a member of other organizations promoting economic co-operation shall inform the Community and communicate to it those provisions of the constituent instruments which may relate to the Community's aims.

PART II. INSTITUTIONS

Article 5. In order to achieve their aim, the High Contracting Parties have agreed to establish the following organs:

- The Conference of Heads of State;
- The Council of Ministers and the State Commissioner;
- The Permanent Executive Secretariat;
- The Arbitration Commission.

Section I. THE CONFERENCE OF HEADS OF STATE

Article 6. The Conference of Heads of State shall be the Community's supreme authority. It shall have decision-making power in all spheres, and in particular:

1. It shall promote unity and solidarity between the States;
2. It shall co-ordinate and develop their co-operation under the most favourable conditions possible, in order to ensure the happiness and prosperity of their peoples;
3. It shall determine general policy in all matters relating to co-operation;
4. It shall supervise the work of the Council of Ministers and the State Commissioner;
5. It shall determine the location of the Community's headquarters;
6. It shall draw up its own rules of procedure and approve those of the other organs;
7. It shall decide whether to establish specialized organs and common services;
8. It shall decide on the Community's annual budget, on the recommendation of the Council of Ministers and the State Commissioner;

9. It shall appoint the Executive Secretary and the Assistant Executive Secretaries;
10. It may, furthermore, on the recommendation of the Council, alter the structure, functions and activities of any organ;
11. It may delegate its decision-making power in designated matters to the Council of Ministers and the State Commissioner.

Article 7. The Conference shall hold a regular session once a year and special sessions as required. It shall be convened by the current President of the Community, who shall determine the date of and venue for the session.

Article 8. The Conference shall be presided over each year by a Head of State, chosen in rotation in the alphabetical order of the names of the States.

Article 9. Decisions by the Conference shall be taken unanimously. Each State shall be entitled to speak and to vote.

Article 10. The decisions adopted by the Conference shall be binding on all member States, which undertake to implement them.

Section II. THE COUNCIL OF MINISTERS AND THE STATE COMMISSIONER

Article 11. The Council of Ministers and the State Commissioner of the Community shall comprise members of the Governments and Executive Council of the member States or plenipotentiaries designated by the States.

Article 12. The Council shall be presided over each year by a Minister or State Commissioner, in rotation. The Minister or State Commissioner may not be from the country which is currently presiding over the Conference of Heads of State.

Article 13. The Council shall hold a regular session twice a year; one of the sessions must precede the regular session of the Conference of Heads of State. It shall be convened by the current President, who shall determine the date of and venue for the session.

Article 14. At the request of a member State, the Council may meet in special session, subject to the consent of all the members. Special sessions shall be convened by the current President. The agenda of a special session shall, in principle, comprise only those matters for which it was convened.

Article 15. The Council shall be responsible for promoting any activities aimed at achieving the objectives defined in articles 1 and 2 above.

Article 16. The Council shall formulate and propose general development and co-operation policy measures for the States members of CEPGL. It shall be responsible to the Conference of Heads of State.

Article 17. The Council shall be responsible for preparing for the Conference of Heads of State. It shall consider any matter referred to it by the Conference and shall implement the policy of co-operation determined by the Conference of Heads of State.

Article 18. Council decisions under article 6, paragraph 11, shall be taken unanimously, and shall be binding on all member States, which undertake to implement them. Each member State shall be entitled to speak and to vote.

Section III. THE PERMANENT EXECUTIVE SECRETARIAT

Article 19. The Permanent Executive Secretariat of the Community shall be the responsibility of the Executive Secretary.

The functions of the Executive Secretary shall be:

- To formulate projects of common interest and to submit them to member States with specific proposals relating, in particular, to the establishment of industries, taking account of common criteria, mutual advantage and the volume of trade to be generated by such industries;
- To prepare for meetings;
- To monitor the implementation of current projects, to formulate proposals for possible changes or readjustments, to report on difficulties encountered and to propose solutions thereto;
- To make proposals relating to sources of finance;
- To prepare working papers for the competent authorities of the member States, to prepare drafts of agreements, understandings and conventions among the member States in all areas of co-operation and, if necessary, to update such instruments;
- To carry out any studies necessary to promote co-operation among member States, such as consideration of ways and means of implementing decisions taken by the competent authorities, as well as consideration of any matter referred to him by such authorities;
- To prepare annual reports for the authorities of the member States, and an annual report on his work;
- To maintain the records relating to co-operation among the States.

Article 20. The Executive Secretary shall be assisted by two Assistant Executive Secretaries and by administrative and technical staff.

The Assistant Executive Secretaries shall be responsible, respectively, for:

- Political, legal, social, cultural and scientific affairs;
- Economic, technical, financial and administrative affairs.

Article 21. The Executive Secretary and the Assistant Executive Secretaries shall be appointed for a four-year term, which may be renewed by the Conference of Heads of State on the recommendation of the Council.

Article 22. The statute of the Permanent Executive Secretariat and its staff shall be determined by decision of the Conference of Heads of State on the recommendation of the Council.

Article 23. In the performance of their duties, the Executive Secretary, the Assistant Executive Secretaries and the administrative and technical staff shall not seek or receive instructions from any State, nor from any national or international entity. They shall refrain from any action which might reflect on their position as international officials.

Section IV. THE ARBITRATION COMMISSION

Article 24. The Arbitration Commission shall consist of four judges who shall be designated by the States, with the exception of the Presiding Judge. Nominated by the judges from among their number, the Presiding Judge shall be appointed by the current President of the Conference.

The country of which the judge designated to the presidency is a national shall nominate another judge for appointment. The four judges shall be selected from among persons offering full guarantees of independence and impartiality, and possessing the qualifications required in their respective countries for appointment to high judicial offices. They shall be appointed for a renewable four-year term.

The Commission shall meet as necessary when convened by its President. The Commission shall take decisions by an absolute majority.

The Commission shall appoint its Registrar and determine his mandate.

Article 25. The Arbitration Commission shall ensure compliance with the law in interpreting and applying this Convention.

Article 26. The Commission shall be competent to rule on any dispute between member States under this Convention.

Article 27. The Commission's decisions shall have executory and binding force.

Article 28. The Commission shall establish its rules of procedure, which shall be subject to approval by the Council.

Article 29. The member States undertake not to submit any dispute relating to the interpretation or application of this Convention to any means of settlement other than that provided for herein.

Article 30. The statute of the Commission shall be established under a separate protocol.

PART III. THE BUDGET

Article 31. The Community's budget shall be prepared by the Executive Secretary, approved by the Council of Ministers and the State Commissioner and put into effect by the Conference of Heads of State.

Article 32. The budget shall be financed by member States' contributions, in accordance with the procedures laid down by the Conference of Heads of State on the recommendation of the Council.

Member States undertake to pay their respective contributions regularly and on time.

PART IV. JURIDICAL PERSONALITY

Article 33. The Community shall possess juridical personality. It shall have the capacity to:

- (a) Contract;
- (b) Acquire and dispose of movable and immovable property essential to the attainment of its objectives;

- (c) Borrow;
- (d) Institute legal proceedings;
- (e) Accept donations, legacies and gifts.

The current President of the Conference of Heads of State shall be the Community's legal representative. He shall be competent to perform or delegate the above-mentioned juridical acts.

Article 34. The Conference shall determine the immunities and privileges to be granted to the Community, its representatives and the staff of the Executive Secretariat in the territories of the member States.

PART V. MISCELLANEOUS PROVISIONS

Article 35. This Convention shall enter into force upon its ratification by the signatory States in accordance with their constitutional procedures.

The instruments of ratification shall be deposited with the headquarters' country designated as the depositary State, which shall notify all the signatory States and the Permanent Executive Secretariat of the said act.

Article 36. This Convention may be acceded to by other States in the Great Lakes region.

Article 37. This Convention shall be registered with the United Nations and the Organization of African Unity.

Article 38. This Convention may be amended or revised by the Conference of Heads of State upon written request by a member State.

Article 39. Any member State may give notice of denunciation of this Convention to the current President, who shall immediately notify the other member States.

The Convention shall cease to apply to that State three years after the date of notification.

Article 40. Competence with regard to the dissolution of the Community shall lie exclusively with the Conference of Heads of State, which shall determine the procedure for apportioning assets and liabilities.

DONE at Gisenyi on 20 September 1976.

President of the Republic
of Burundi:

[Signed]

MICHEL MICOMBERO
Lieutenant General

President of the Rwandese
Republic:

[Signed]

JUVÉNAL HABYARIMANA
Major General

President of the Republic of Zaire:

[Signed]

MOBUTO SESE SEKO KUKU NGBENDU WA ZA BANGA
Army General