

**AGREEMENT ON THE ESTABLISHMENT
OF
THE REGIONAL CENTRE
ON
SMALL ARMS IN THE GREAT LAKES
REGION AND THE HORN OF AFRICA
(RECSA)**



AGREEMENT ON THE ESTABLISHMENT OF THE REGIONAL CENTRE ON SMALL ARMS IN THE GREAT LAKES REGION AND THE HORN OF AFRICA (RECSA)

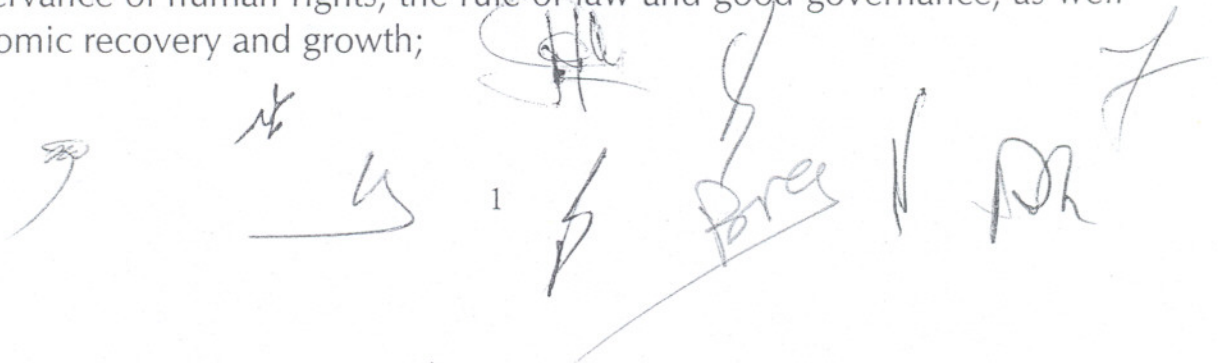
We, the States Parties signatories to the Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa as well as the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the region:

CONSIDERING the well-established ties and the fruitful cooperation existing among our peoples and governments;

RECALLING further and re-iterating the firm commitment to the spirit, principles and objectives of the Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa of 15th March, 2000 and the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the region adopted by the Second Ministerial Review Conference of the Nairobi Declaration on 21st -22nd April, 2004;

GRAVELY CONCERNED with the persistent problem of the proliferation and supply of illicit small arms and light weapons in the Great Lakes Region and the Horn of Africa and the devastating consequences they have had in sustaining armed conflicts, illegal exploitation of natural resources and abetting terrorism, cattle rustling and other serious crimes in the region which are seriously undermining the security and stability of our States and hampering our development efforts;

ACKNOWLEDGING that the problem of the proliferation of illicit small arms and light weapons in the region has been exacerbated by internal political strife, terrorist activities and extreme poverty, and that a comprehensive strategy to arrest and deal with the problem must include putting in place structures and processes to promote democracy, respect for human dignity, the observance of human rights, the rule of law and good governance, as well as economic recovery and growth;

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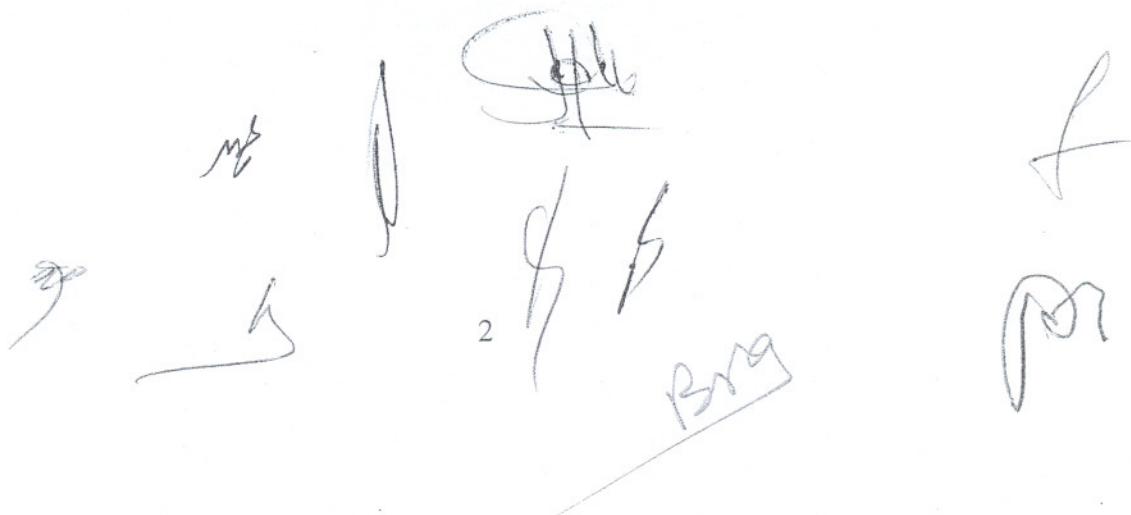
CONVINCED of the need to enhance regional cooperation to preserve peace, security and stability in the region and to prevent, combat and eradicate the illicit manufacturing, possession, trafficking and the use of small arms and light weapons, ammunition and other related materials;

INSPIRED by the noble work and principles and objectives of the United Nations, the African Union, the European Union, the Organization of American States and other international organizations in promoting international and regional peace, security and stability, and addressing the problems associated with the illicit small arms and light weapons;

BEARING IN MIND the decision of the Second Ministerial Review Conference of the Nairobi Declaration of 21st-22nd April 2004 in Nairobi for the establishment of an inter-governmental entity with the legal personality of a body corporate to ensure a coordinated implementation of the Nairobi Declaration and the Nairobi Protocol;

CONVINCED that the establishment of an inter-governmental entity to coordinate the successful implementation of the Nairobi Declaration and the Nairobi Protocol for the prevention and management of small arms and light weapons would be essential for the realization of the aspirations, goals and objectives of both the Declaration and the Protocol;

NOW THEREFORE We the duly designated representatives of State parties signatory to the Nairobi Declaration and the Nairobi Protocol on the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa and bordering States namely; the Republic of Burundi, the Democratic Republic of Congo, Republic of Djibouti, the State of Eritrea, the Federal Democratic Republic of Ethiopia, Republic of Kenya, the Republic of Rwanda, the Republic of Seychelles, the Federal Republic of Somalia, Republic of the Sudan, the Republic of Uganda and the United Republic of Tanzania.



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HAVE AGREED as follows:

Article 1
Definition of Terms

"Agreement" means this Agreement establishing the Regional Centre on Small Arms and Light Weapons.

"Centre" means the Regional Centre on Small Arms and Light Weapons established under Article 2 of the Agreement.

"Council" means the Council of Ministers established under Article 9 of the Agreement.

"Executive Secretary" means the Executive Secretary of the Secretariat established under Articles 9 of the Agreement.

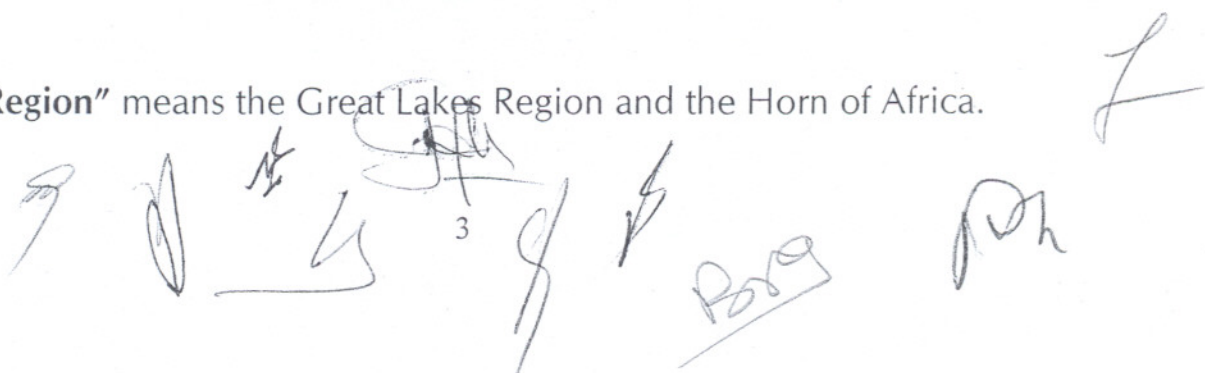
"Member State" means a signatory of the Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa and a party to the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Lights Weapons in the Great Lakes Region and the Horn of Africa.

"Nairobi Declaration" means the Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa.

"Nairobi Protocol" means the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Lights Weapons in the Great Lakes Region and the Horn of Africa.

"Technical Advisory Committee" means the Technical Advisory Committee consisting of the Executive Secretary and the duly appointed National Focal Point Coordinators and civil society representatives established under Article 9 of the Agreement.

"The Region" means the Great Lakes Region and the Horn of Africa.

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Article 2
Establishment and Legal Status

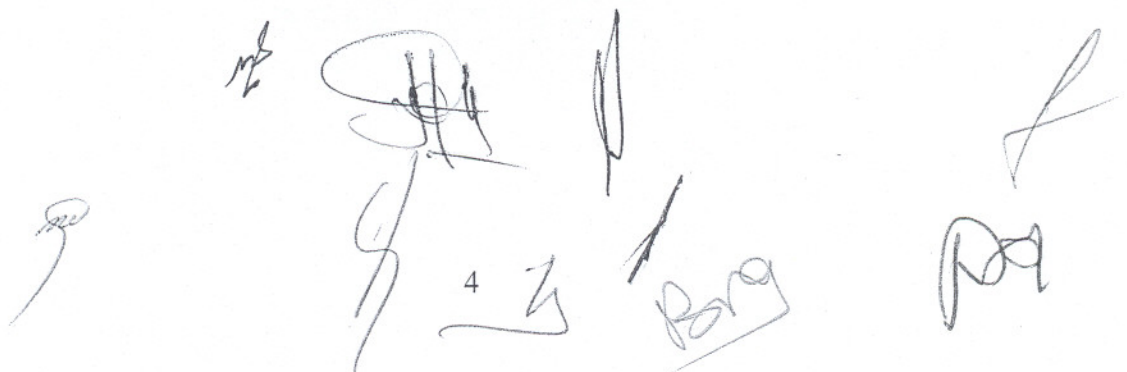
1. A Regional Centre on Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa (RECSEA) hereinafter referred to as the "Centre" is hereby established.
2. The Centre is established as an inter-governmental institution with international juridical personality. As a body corporate, the Centre shall in particular have the capacity to;
 - i. enter into contracts;
 - ii. acquire and dispose of movable and immovable property; and
 - iii. sue or be sued, subject to relevant immunities and privileges accorded to the Centre in pursuance of the provisions of article 7 of this Agreement.
3. The Centre shall, in the exercise of its legal personality be represented by the Executive Secretary.

Article 3
Membership

1. Membership shall be open to States in the Great Lakes Region and the Horn of Africa and bordering States which subscribe to the principles, aims and objectives enshrined in this Agreement.
2. New Members shall be admitted by a unanimous decision of the Council.
3. Application for membership shall be made by means of an official written request to the Council.

Article 4
Head Office

The Headquarters of the Centre shall be located in Nairobi in the Republic of Kenya.



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Article 5
Host Country Agreement

The Centre shall conclude a Headquarters' Agreement with the Host State relating to its immunities and privileges.


Article 6
Privileges and Immunities

The Member States agree to extend to the Centre and its personnel such immunities and privileges as may be necessary for carrying out their tasks within their respective national territories as are accorded to international organizations and their personnel in line with relevant international law

Article 7
Principles

The Member States solemnly reaffirm their commitment to respect the relevant principles of the United Nations and the African Union touching on the maintenance of international peace and security, including:

- (a) The sovereign equality and territorial integrity of all Member States;
- (b) non-interference in the internal affairs of Member States;
- (c) maintenance of regional peace, stability and security;
- (d) recognition, promotion, protection and respect of human and people's rights in accordance with the provisions of relevant international instruments;
- (e) mutual and equitable sharing of benefits and responsibilities under this agreement; and,
- (f) non-discrimination on the basis of ethnicity, gender, culture, religion, disability or other similar grounds.



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Article 8

Aims and Objectives

The principle objective of the Centre shall be to ensure the efficient and effective implementation of the Nairobi Declaration and the Nairobi Protocol. In pursuance of this objective, the Centre shall;

- a) facilitate, promote and strengthen cooperation at the regional and international levels to effectively prevent, combat and eradicate the illicit manufacturing and use of small arms and light weapons, in collaboration with relevant partners;
- b) promote peace, stability and sustainable development in the region by encouraging accountability, law enforcement and creating mechanisms for efficient control and management of small arms and light weapons held by State Parties and civilians;
- c) promote and facilitate information sharing and cooperation between the governments in the region as well as between intergovernmental organizations and civil society in all matters relating to the illicit trafficking and proliferation of small arms and light weapons; and,
- d) develop such other activities as the Member States may decide in furtherance of the objectives of this Agreement.

Article 9

Structure

The Centre shall comprise the following organs;

- a) A Council of Ministers;
- b) A Technical Advisory Committee; and,
- c) A Secretariat

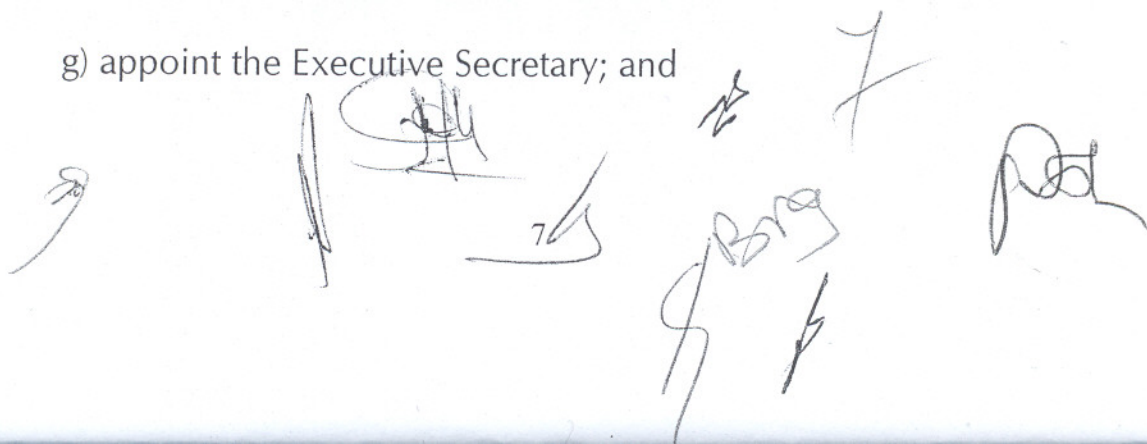
Article 10

The Council of Ministers

1. The Council shall be composed of the Ministers of Foreign Affairs and/or any other Minister who shall have been designated by Member State.

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2. The office of the Chairperson of the Council shall be held on rotation in alphabetical order of the names of the State Parties. The tenure of the Chairperson shall be two years. In the event that a State Party is unable to assume the office of the Chairperson of the Council, the next one in line shall assume the responsibility.
3. A session of the Council shall be duly constituted when not less than two-thirds of its members are present.
4. The Council shall meet once every two years in ordinary session. The venue of the session shall be that of the country of the Chairperson of the Council. An extraordinary meeting may be convened at any time at the request of any of the Member States upon the agreement of the majority of its members. In such an event the requesting State shall be the host.
5. All decisions of the Council shall be reached by consensus. If however the Council fails to reach an agreement by consensus, a decision shall be taken by two thirds majority of members present and voting by secret ballot as long as such members constitute a legal quorum.
6. The functions of the Council shall be to;
 - a) make policy, direct and control the functioning of the Centre;
 - b) review the operations of the Centre and guide its work in accordance with this Agreement;
 - c) approve the budget of the Centre;
 - d) approve establishment, staff manual and financial rules and regulations;
 - e) determine the scale of assessment of contributions of Member States to the budget for the Centre;
 - f) receive and review reports from the Secretariat;
 - g) appoint the Executive Secretary; and

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h) prepare its rules of procedure.

Article 11

Technical Advisory Committee

1. The Technical Advisory Committee shall consist of Executive Secretary and duly appointed National Focal Point Coordinators of each member States as well as civil society representatives . It shall be headed by a Chairperson assisted by Deputy Chairperson.

2. The tenure of office of the Chairperson and the Deputy Chairperson of the committee shall be two years commencing at the close of the ordinary session of the Council. Both offices shall be held in rotation and in alphabetical order with the Deputy Chair coming from the next country in the same order.

3. The Chairperson of the Committee shall be nominated from the same country as the Chairperson of the Council.

4. The Committee shall sit twice a year in ordinary meeting one of which shall be held immediately preceding the session of the council. Extraordinary meetings of the Advisory Committee may be held at the request of a state party or the Chairperson of the Advisory Committee.

5. The venue of the meetings of the Committee shall be in the country of the Chairperson of the Committee. The Committee may by consensus decide to hold such meetings at the Centre's Headquarters or such other venue as may be appropriate, including during other regional or international meetings.

6. A meeting of the Committee shall be constituted when not less than half of its members are present

7. The Committee shall determine its rules of procedure.

8. The decision of the Committee shall be taken by consensus and are binding on member States once approved by the Council. In the event of failure to reach a consensus on any matter it shall be referred to the Council.

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9. The Committee may invite experts to deal with issues in their specific areas of competence. The Committee, in such an event will determine the extent of participation by the experts.

10. The functions of the Committee shall be to;

a) identify and prioritize areas of common interventions, taking into account the provisions of the Nairobi Declaration, Nairobi Protocol and this agreement;

b) identify and endorse complementary multi – pronged strategies and interventions including research, undertaken or to be undertaken by member states and/or partners in pursuance of combating the proliferation of illicit small arms and light weapons in the region.

c) review and revise as necessary the proposed annual work plan and budget submitted by the Secretariat and thereafter submit such annual work plan and budget to the council.

d) review the reports of the Centre's programme activities and expenditures as presented by the Secretariat;

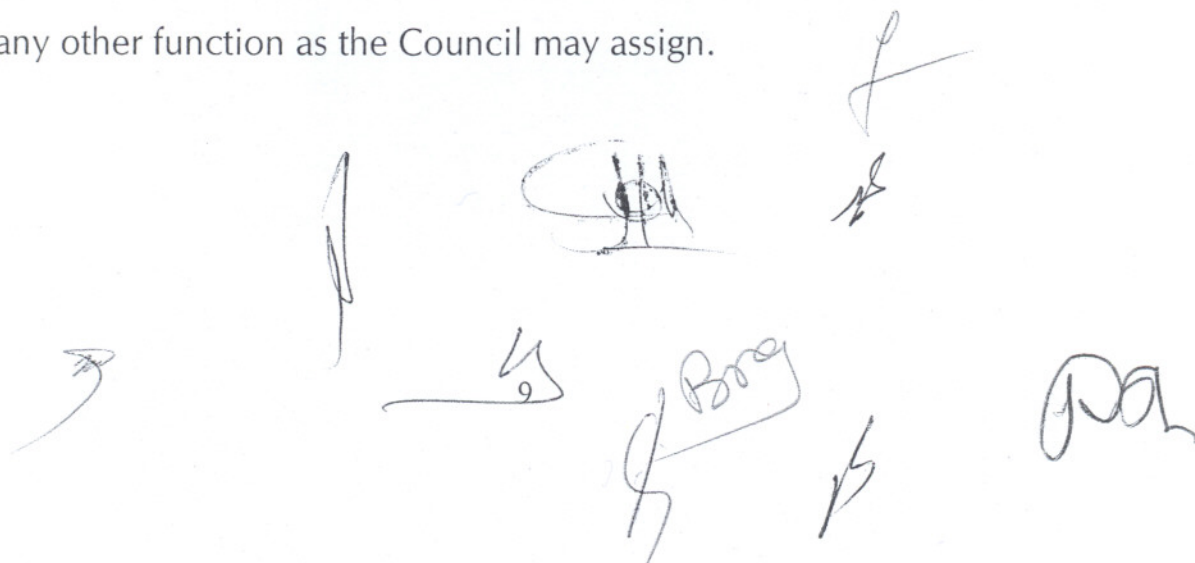
e) support the Centre in resource mobilization and advocacy programmes;

f) review management and Audit Report prior to presentation to the Council;

g) review and consider on the selection of core professional staff of the Secretariat in accordance with the criteria set out in the operations manual.

i) evaluate and monitor the Centre's programmes and activities; and,

j). any other function as the Council may assign.

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Article 12

The Secretariat

1. The Secretariat shall be the Executive body of the Centre and shall be; staffed by professionals through competitive interviews in conformity with agreed UN and AU targets: mainstreaming gender and providing priority to women.

2. The Secretariat shall be:

- a) headed by an Executive Secretary to be appointed by the Council.
The period of appointment of the Executive Secretary shall be for a period of four years renewable for a further period of four years.
- b) have a core professional staff, equitably and competitively recruited from all the Member States, constituting;
 - (i) Deputy Executive Secretary in charge of Policy Research and Communications;
 - (ii) The Deputy Executive Secretary in charge of Finance and Administration;
 - (iii) Gender Officer
 - (iv) Administrative and Procurement Officer;
 - (v) Planning and Operations Officer;
 - (vi) Research Officer;
 - (vii) Communications/ Public Relations Officer;
 - (viii) Information Technology Officer;
 - (ix) Legal Officer;
 - (x) Finance Officer;
 - (xi) Support Staff as necessary.

In recruitment, equal opportunity should be given to both men and women.

2. The functions of the Secretariat shall be:

- a) to coordinate the implementation of the Nairobi Declaration, the Coordinated Agenda for Action and its Implementation Plan , the Nairobi Protocol in consultation with the member states;
- b) to consult with sub-regional, regional and international agencies including the civil society organizations and other experts in the implementation of the Nairobi Declaration and Nairobi Protocol;

- c) to prepare draft proposals and agreements on matters arising from the decisions and recommendations of the Council;
- d) to prepare surveys, studies, information and guidelines on legal, political, economic, social, cultural and technical matters of common concern to, and essential for broadening and deepening cooperation among Member States;
- e) to conduct and facilitate research , exchange and disseminate information between and among sub- regional, Regional Agencies, National Focal Points and Civil Society to support the implementation of the Nairobi Declaration and the Nairobi Protocol;
- f) to identify, initiate , coordinate , monitor and harmonize initiatives for realizing the objectives of the Centre;
- g) to organize and facilitate the meetings of the Council and those of the Technical Advisory Committee and other relevant meetings ;
- h) to coordinate and assist the National Focal Points in the implementation of the Nairobi Declaration and the Nairobi Protocol.
- i) to perform such other functions as entrusted to it by the Council of Ministers.

Article 13

The Secretariat

The Executive Secretary

The Executive Secretary is charged with the following duties and responsibilities:

- a) ensure the fulfillment of the objectives of the Centre ;
- b) promote cooperation with other organizations in the furtherance of the objectives of the Centre;
- c) consult and coordinate with the Member States to ensure conformity and harmony with agreed policies, programmes and projects;
- d) organize meetings of the Centre and any other meetings convened on the direction of the Council;
- e) prepare recommendations concerning the work of the Centre for consideration by the Council;

- (f) serve as depository and custodian of documents and property of the Centre;
- g) manage the finances of the Centre;
- h) prepare annual reports of the Centre;
- i) submit reports, subject to review by the Technical Advisory Committee, on the activities of the Centre and its financial conditions to the regular sessions of the Council;
- j) prepare the Budget of the Centre for submission to the Council;
- k) negotiate with other States and international organizations in order to obtain financial and technical assistance for the Centre;
- l) act as Secretary to the Council and the Technical Advisory Committee;
- m) consult and coordinate with the United Nations, International , Regional and Sub-Regional organizations , civil society Organizations and other stakeholders on the implementation of the Nairobi Declaration and the Nairobi Protocol; and,
- n).perform such other functions as may be determined by the Council.

Article 14

Resources

1. The finances of the Centre shall be derived from contributions of Member States as well as donations and grants from other sources.
2. Member States shall promptly pay their contributions to the budget of the Centre on the basis of a formula approved by the Council.
3. Any Member State which, without dispensation of the Council, falls in arrears of its financial contributions to the Centre for the preceding two years and above may:
 - (a) be barred from voting at the meetings of the Council; and,
 - (b) be barred from presenting candidates for managerial positions at the Secretariat.

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Article 15

Relations with other organizations and non-member states

1. In pursuit of its aims and objectives under this Agreement, the Centre may enter into agreements with other regional, inter - governmental and civil society organizations and other non-member states.
2. The Centre may also make provision and adopt rules of procedure for the accreditation of national or regional, civil society organizations and the private sector.

Article 16

Amendments

This Agreement may be amended following a petition from any Member State to the Chairman of the Council at least three months prior to the meeting of the Council. An Amendment shall only come into effect after it has been approved by consensus by the Council. In the event that a consensus is not reached, the provisions of article 10(5) shall apply.

Article 17

Withdrawal from Membership

1. Any Member State wishing to withdraw this Agreement shall give to the Chairman of the Council one year's written notice of its intention to withdraw and at the end of such year shall, if such notice is not withdrawn, cease to be a Member State of the Centre.
2. During the period of one year referred to in the preceding paragraph, a Member State wishing to withdraw from this Agreement shall nevertheless observe the provisions of this Agreement and shall be liable for the discharge of its obligations under this Agreement.
3. Cooperation between member States and the Member State that has petitioned to withdraw from this Agreement shall continue on all matters agreed upon and under execution before the effective date of such withdrawal.

Article 18
Registration

Upon entry into force of this Agreement, the Executive Secretary shall register this agreement with the African Union and the United Nations under Article 102 of the Charter of the United Nations.

Article 19
Settlement of Disputes

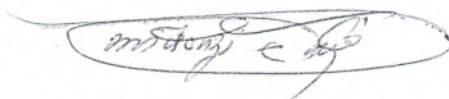
Member States shall seek to settle any dispute arising out of the interpretation or application of this agreement by amicable negotiation.

Article 20
Dissolution

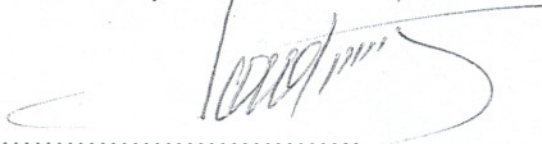
1. The Council may by a vote of two-thirds majority of its members resolve to dissolve the Centre.
2. In the event of dissolution of the Centre, liquidation and all matters related thereto shall be determined by the Council.

IN WITNESS WHEREOF, we the undersigned and duly designated representatives of the Governments of the Great Lakes Region, the Horn of Africa and bordering States Signatories to the Nairobi Declaration and the Nairobi Protocol do adopt this Agreement.

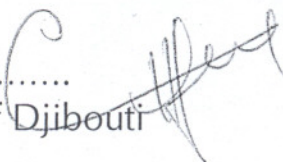
Done at Nairobi in the Republic of Kenya this 21st day of June, 2005.


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For The Republic of Burundi


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For The Democratic Republic of Congo


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For The Republic of Djibouti







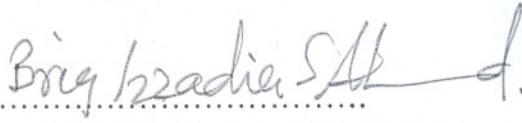

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For The State of Eritrea

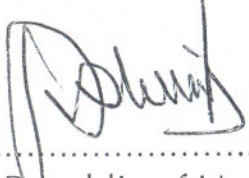

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For The Federal Democratic Republic of Ethiopia

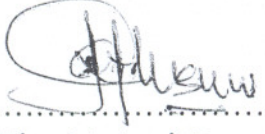

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For The Republic of Kenya


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For The Republic of Rwanda

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For The Republic of Seychelles


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For The Republic of the Sudan


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For The Republic of Uganda


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For The United Republic of Tanzania