

**Draft convention establishing the great lakes initiative on aids
(glia) may 2004**

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PREAMBLE

Considering that the Governments of the countries of the Great Lakes Region of Africa, wish to coordinate and intensify their cooperation and efforts to achieve a better life for the peoples of the region;

Considering that the HIV/AIDS epidemic constitutes an unprecedented challenge for the establishment of a lasting peace and security, and compromises seriously the social and economic development of Africa and in particular the Great Lakes Region because of its scope, its gravity and its negative impact on individuals, families and communities;

Taking into account the major role that migration and displacement of population play in the spread of STI/HIV/AIDS in the Great Lakes Region;

Recognising the multiple and complex interactions of factors such as poverty, illiteracy, ignorance, ethnic conflicts and cultural practices which increase the risks and vulnerability to HIV/AIDS;

Recognising the effort by the international community to assist countries of the Great Lakes Region in addressing these issues;

Conscious that additional human, financial and technical resources are essential to strengthen national capacities against HIV/AIDS;

Cognisant of the importance of local community leadership, and the need for a multi-sectoral approach to the HIV/AIDS epidemic to ensure a sustainable response;

Aware of the need to develop and coordinate policies and strategies in the prevention care and treatment of HIV/AIDS, through the development and intensification of multi-sectoral programmes which address vulnerable groups such as interacting communities and mobile populations within the Great Lakes Region;

Bearing in mind the Protocol signed by Ministers of Health in 1998 creating the "Great Lakes Initiative on AIDS", and the Joint Declaration of Representatives of the six member countries of The Great Lakes Initiative on AIDS (GLIA) made in Nairobi, Kenya on May 21, 2003;

We the duly authorised Representatives of the Governments of the Countries of the Great Lakes Region namely:

Republic of BURUNDI

Democratic Republic of CONGO

Republic of KENYA

Republic of RWANDA

United Republic of TANZANIA

AND

Republic of UGANDA

HAVE AGREED as follows:

Article 1:

Interpretation

For the purposes of this Convention, the following expressions shall mean;

“Rules of Procedure”: Procedures for conducting the business of the Council of Ministers.

“Convention”: This Convention establishing the Great Lakes Initiative on HIV/AIDS and any annexes and subsequent amendments

“Core Professional Staff”: As described in Art. 14(2) of this Convention;

“Council of Ministers”: As described in Art. 10(2) of this Convention;

“Country Focal Point”: As described in Art. 14(5) of this Convention;

“Executive Committee”: As described in Art. 12(1) of this Convention;

“Executive Secretary”: As described in Art. 15(1) of this Convention;

“Great Lakes Region”: The Great Lakes Region of Africa, namely Republic of Burundi, Democratic Republic of Congo, Republic of Kenya, Republic of Rwanda, United Republic of Tanzania and Republic of Uganda;

“Operations Manual”: The manual containing details of the financial and accounting procedures, procurement arrangements, environmental and social monitoring and mitigation arrangements and other organisational and administrative arrangements, as shall have been agreed by the States-Parties for purposes of GLIA activities, as the same may be amended by the States Parties from time to time, and such term includes any annexes;

“Secretariat”: As described in Art. 14(1) of this Convention;

“States-Parties”: The States-Parties, signatories to this Convention;

Article 2:

Establishment and Membership

1. By the present Convention the States-Parties establish amongst themselves a sub-regional organization known as the Great Lakes Initiative on AIDS, hereinafter referred to as "GLIA".
2. The members of GLIA shall be those herein first stated in the Preamble of the present Convention and other countries admitted after the coming into force of the present Convention..
3. The members of GLIA shall be the State Parties which shall be of equal standing with regards to the rights, duties and obligations in the execution of this Convention. These obligations shall include an assessed contribution as may be necessary and agreed to by the States-Parties.

Article 3:

General Undertaking as to Implementation

Each States-Party shall:

- a. Plan and direct their policies and resources with a view to creating conditions favorable for the development and achievement of the objectives of GLIA and the implementation of the provisions of this Convention;
- b. Co-ordinate, through the institutions of GLIA, their policies on HIV/AIDS to the extent necessary to achieve the objectives of GLIA;
- c. Abstain from any measures likely to jeopardize the achievement of those objectives or the implementation of the provision of this Convention;
- d. Take active steps to ratify the convention as a matter of urgency in order to secure the enactment and effective implementation of such legislation as is necessary to give effect to this Convention.

Article 4:

Legal Capacity of GLIA

1. GLIA is established as an intergovernmental institution with international legal personality. As a corporate body it shall have the capacity, to enter into agreements to acquire, hold manage and dispose of movables and immovables and any other property and to borrow.

2. GLIA shall have the power to carry out such other activities as the Council of Ministers considers necessary for the execution of this Convention, provided such activities are in conformity with the spirit and objectives of GLIA.

Article 5:

Headquarters

1. The Headquarters of GLIA shall be in Kigali, in the Republic of Rwanda. It may be moved to any other States-Party as may be agreed upon by the Council of Ministers
2. GLIA shall conclude a Headquarters Agreement with the host country, relating to the privileges and immunities of the organisation and its officers.

Article 6:

Objectives

1. GLIA's objective is to contribute to the reduction of HIV infections and to mitigate the socio-economic impact of the epidemic in the Great Lakes Region by developing regional collaboration and implementing interventions that can add value to the effort of individual countries. These efforts may be achieved in partnership with such other entities as determined by the Council of Ministers.

In the pursuit of its objective GLIA will:

- a. Promote and strengthen the development of mechanisms which contribute to HIV/AIDS prevention, detection, care and treatment;
- b. Promote and, facilitate cooperation, ensure the effectiveness of measures and actions taken in respect to the prevention, detection, care and treatment through the intensification of response among States-Parties;
- c. Coordinate and harmonize HIV/AIDS policies and legislation for the purposes of prevention, detection, care and treatment between States-Parties;
- d. Make recommendations with respect to matters concerning and related to HIV/AIDS;
- e. Perform any duties assigned to it by the States-Parties provided that they are compatible with the objectives of GLIA.

Article 7:

Principles

The States-Parties of the present Convention undertake to abide by the following principles:

1. Take equal ownership of GLIA, be committed to it, and make it an integral part of their respective HIV/AIDS strategic plans.
2. Ensure the full participation of People Living with AIDS (PLWA) in the region.
3. Guarantee the respect for human rights and be committed to gender and cultural sensitivity as well as to the elimination of all forms of stigmatization and discrimination of People Living with Aids and other vulnerable groups.
4. Ensure that the integrity, transparency and accountability of GLIA actions are in place and respected.
5. Ensure that GLIA staffing takes into account the need for national representation and diversity of the States Parties in the choosing of personnel for the GLIA organs and the core professional staff.

Article 8:

Strategic Orientations

In order to achieve the objectives, and on the basis of the principles hitherto stated, the States Parties to this Convention shall focus on activities which;

1. Strengthen collaboration and cooperation between States-Parties;
2. Promote dialogue, the sharing of information and experience between the States-Parties;
3. Encourage partners especially communities, Civil Society Organisations , the private sector, United Nations Agencies and external donors, to actively participate in an expanded and coordinated response to HIV/AIDS in the Great Lakes Region;
4. Strengthen regional coordination to ensure better use of available resources and mobilize additional financial and human resources;

Article 9:

The Organs of GLIA

The following shall be Organs of GLIA:

3. 1. The Council of Ministers;
4. 2. The Executive Committee;
5. 3. The Secretariat;

Article 10:

The Council of Ministers

1. The Council of Ministers shall be the supreme organ of GLIA; as such it shall determine its policy and program direction and establish its own rules and procedures.
2. The Council of Ministers shall consist of the Ministers in charge of HIV/AIDS in the States-Parties or such other Minister as each of the State-Parties may determine. The Council of Ministers, may decide to include as participants other Ministers from the States-Parties to deal with matters relevant to the Council of Ministers' duties.
3. The tenure of office of the Chairperson of the Council of Ministers is one year and the office of the Chairperson shall be held in rotation in alphabetical order of the name of each States Parties in the official language of that States-Party.
4. The Council of Ministers shall meet once a year in ordinary session. The venue of the session shall be that of the country of the Chairperson of the Council. The Council of Ministers may meet in an extraordinary session at the request of any of the States-Parties.
5. If a member of the Council of Ministers is unable to attend a session of the Council of Ministers, another Minister of Government may be designated to represent that Minister at that session. Such a Minister shall for the purposes of that session have all powers, duties and responsibilities of the Minister so represented.
6. The decisions of the Council of Ministers shall be taken by consensus and are binding on the States-Parties.
7. The sessions of the Council of Ministers can only hold when all the members are present.
8. The Council Of Ministers shall determine the procedure for convening sessions and the conduct of business to be contained in the Council of Ministers' "rules of procedure" in conformity to the provisions of the present Convention.

Article 11:

Functions of the Council of Ministers

1. The Council of Ministers is the governing body of GLIA and as such it shall determine and be responsible for its policies and programs. At its ordinary session, it will review program progress in achieving GLIA objectives as specified in Article 6, review and approve the annual financial reports and statements as well as audit reports.
2. The Council of Ministers shall approve the proposed annual action plans which include the budget and work plan, and be responsible for mobilizing resources.

3. The Council of Ministers, in accordance with its rules of procedure shall approve the rules and procedures governing the operations of GLIA, including procedures for the functioning of the Secretariat, staff regulations and financial matters.

4. The Council of Ministers shall appoint the Executive Secretary”.

5. The Council of Ministers shall make all decisions on membership, rights, duties and obligations, and participation of other partners, stakeholders and observers.

6. For the purpose of implementing the provisions of this Convention the Council of Ministers may pass resolutions, approve its rules of procedures, make regulations, issue directives, take decisions, and make recommendations in accordance with the provisions of the present Convention.

7. The Council of Ministers may by resolution delegate the powers or functions conferred on it by the present Convention, subject to any conditions which it may deem fit, to the Executive Committee or to the Executive Secretary.

The following powers or functions shall not be delegated

- the making of policy decisions;
- the appointment of the Executive Secretary;
- matters concerning the status of membership and observers and other stake holders;
- actions which require approval of the legislature of the States-Parties or of other Ministries;
- matters specifically reserved in the resolution containing the delegation of powers;

8. The Council of Ministers may establish, and assign responsibilities to *ad hoc* committees it considers to be necessary for the purpose of accomplishing the objectives of the present Convention.

Article 12:

The Executive Committee

1. The Executive Committee shall consist of the Chief Executive of each of the National AIDS Commission, National AIDS Secretariat or equivalent institution in the States Parties. It shall be headed by a Chairperson assisted by a Deputy Chairperson.
2. The tenure of office of the Chairperson and the Deputy Chairperson of the Executive Committee shall be one year, commencing at the close of the ordinary session of the Council of Ministers. 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 Executive Committee shall be from the same country as the Chairperson of the Council of Ministers.

4. Two sub-committees are hereby created within the Executive Committee; namely, a Management Sub-committee and a Technical Sub-committee. The Chairperson of the Executive Committee shall chair the first and his Deputy the second. The mandate of each Sub-committee, the procedure including that for the convening of its meetings and for the conduct of business during these meetings shall be determined by the rules of procedures of the Council of Ministers.
5. The Executive Committee shall meet twice a year in ordinary meeting, one of which shall be held immediately preceding the session of the Council of Ministers. Extraordinary meeting of the Executive Committee may be held at the request of a States Party or the Chairperson of the Executive Committee.
6. The venue of the meetings of the Executive Committee will be in the country of the Chairperson of the Executive Committee. The Executive Committee, by consensus, may decide to hold meetings at the GLIA headquarters or such other place as may be appropriate, including at other regional or international meetings.
7. The decisions of the Executive Committee shall be taken by consensus and are binding on the States-Parties.
8. The meetings of the Executive Committee can only hold when all the members are present.
9. The Executive Committee may invite experts to deal with issues of their specific area of competence. The participation of experts at formal Executive.
10. Committee meetings shall be limited to the points of the agenda dealing with the said specific issues.

Article 13:

Functions of the Executive Committee

- 1) The functions of the Executive Committee shall be to:
 - a. Identify and prioritise areas of common interventions, taking into account the national strategic plans on HIV/AIDS.
 - b. Identify complementary interventions which are taken by States-Parties or other partners in the fight against HIV/AIDS.
 - c. Review and approve proposals in excess of funding ceiling fixed by the Council of Ministers, in the annual plan, within limits set forth in the rules of procedure.
 - d. Review and revise as necessary the proposed annual GLIA work plan and budget submitted by the Secretariat and submit the annual work plan and budget to the Council of Ministers.

- e. Review quarterly reports on GLIA program activities and expenditures as presented to it by the Secretariat, to determine actions to be taken, including the need for an Executive Committee meeting;
- f. Support the Council of Ministers in HIV/AIDS advocacy and resource mobilization.
- g. Assess performance of the GLIA Secretariat.
- h. Review management and audit reports before their presentation to the Council of Ministers.
- i. Select the Core Professional Staff of the secretariat in accordance with criteria set out in the operations manual.
- j. . Identify good HIV/AIDS practices in the region.
- k. Review and approve mechanisms for scaling up the response against HIV/AIDS.
- l. Review monitoring and evaluation of HIV/AIDS reports and responses.
- m. Identify key areas for proposed sub-regional HIV/AIDS research.

2). The Executive Committee may not delegate any of its functions set out in c, d, e, g, h and i above.

Article 14:

The Secretariat

There is established at the GLIA Headquarters a Secretariat.

1. The Secretariat shall be the administrative organ of GLIA and shall be headed by an Executive Secretary.
2. The Secretariat shall have a Core Professional Staff constituted of:
 - Finance and Administration Director;
 - Technical and Planning Director,
 - Monitoring and Evaluation Coordinator,
 - Internal Auditor,
 - Procurement Officer, and
 - Country Focal Point Liaison Officer.
3. The core professional staff may be assisted by key consultancies including those for financial management, procurement and activity coordination.
4. Should the need arise, additional core professional staff positions may be approved by the Council of Ministers on the recommendation of the Executive Committee, so long as long-term funding for such positions has been identified.
6. Each National AIDS Commission, National AIDS Secretariat or equivalent institution in the States-Parties will appoint its GLIA Country Focal Point to collaborate with the Secretariat as set out in the Operations Manual.

Article 15:

The Executive Secretary

1. The Executive Secretary shall be appointed by the Council of Ministers in accordance with criteria laid down in the Operation Manual.
2. The Executive Secretary shall ensure the fulfilment of the objectives of GLIA as determined by the Council of Ministers and under the supervision of the Executive Committee
3. The Executive Secretary shall be the Secretary to the Council of Ministers, the Executive Committee and its Sub-committees.
4. The Executive Secretary shall submit to the Council of Ministers through the Executive Committee, implementation and financial progress reports, as well as audit reports, and such other reports as the Council of Ministers may determine.
5. The Executive Secretary, assisted by the Core Professional Staff assisted by the GLIA Country Focal Points, will further be responsible for:
 - a. Overall coordination, facilitation, management and monitoring of all GLIA operations, including HIV/AIDS program planning and implementation, training, research, and monitoring and evaluation;
 - b. Guidance and promotion of activities with implementing partners, other regional organizations, United Nations agencies, and other external development partners and national HIV/AIDS programs;
 - c. Review of annual work plans and action plans developed by implementing partners, regional organizations, and external partners for presentation and approval by the Executive Committee;
 - d. Preparation of quarterly progress reports for presentation to the Executive Committee;
 - e. Organization of effective administration and financial management in accordance with this Convention and approved applicable rules and procedures concerning administration and fiduciary management;
 - f. Coordination of appraisal and approval of all sub activities;
 - g. Liaising with development partners;
 - h. Monitoring and evaluation;
 - i. Collection of information, or verification of matters relating or affecting GLIA and its operations.

Article 16:

FINAL CLAUSES

Signature, Ratification, Accession and Entry into Force.

1. The present Convention shall be open for signature, ratification or accession by the States-Parties of the Great Lakes Region.
2. The procedure for accession shall be that laid down by the Council of Ministers.
3. The Convention shall enter into force thirty (30) days after the date of the deposit of the sixth instrument of ratification.
4. For any States-Party acceding to the Convention after its entry into force, the Convention shall enter into force for such States Party thirty (30) days after the date of the deposit by that State Party of its instrument of accession.

Article 17:

Amendments

1. This Convention may be amended in the following manner
 - a. The States Party making such a proposal shall do so in writing to the Council of Ministers through the Executive Secretary.
 - b. The Chairperson of the Council of Ministers shall circulate the proposed amendments to all States-Parties.
 - c. The proposed amendments shall not be considered by the States Parties until a period of three (3) months from the date of circulation of the amendment has elapsed.
 - d. The amendment shall enter into force when unanimously approved by the Council of Ministers.

Article 18:

Denunciation

1. Any State Party may denounce the present Convention by sending notification to the Council of Ministers. This denunciation shall take effect six (6) months following the date of receipt of notification by the Council of Ministers.

2. After denunciation, cooperation shall continue between States Parties and the State Party that has withdrawn on all matters agreed upon and under execution before the effective date of withdrawal.

Article 19:

Settlement of Disputes

The States-Parties shall seek to settle any disputes arising out of the interpretation or application of this Convention by amicable negotiation.

Article 20:

Depository

1. The Executive Secretary shall be the depository of this Convention.
2. The Executive Secretary shall inform all States Parties of the signatures, ratifications, accessions, entry into force, requests for amendments submitted by States Parties and approvals thereof and denunciations.
3. Upon entry into force of this Convention, the Executive Secretary shall register it with the African Union and with the United Nations in accordance with Article 102 of the Charter of the United Nations.

Article 21:

Authentic Texts

The original of this Convention, of which the English and the French texts are both authentic, shall be deposited with the Executive Secretary.

IN WITNESS WHEREOF WE, The duly authorised Representatives of the Governments of the GLIA countries have adopted this Convention.

Done at this day of 2004

For the Republic of BURUNDI

For the Democratic Republic of CONGO

For the Republic of KENYA

For the Republic of RWANDA

For the United Republic of TANZANIA

AND

For the Republic of UGANDA