

## Document 19

*Letter from the Permanent Representative of the United Republic of Tanzania to the United Nations addressed to the Secretary-General, transmitting the Peace Agreement signed at Arusha on 4 August 1993, the N'sele cease-fire agreement and related Protocols of Agreement*

A/48/824-S/26915, 23 December 1993

I have the honour, in my capacity as the representative of the Facilitator in the negotiations between the Government of the Rwandese Republic and the Rwandese Patriotic Front, to transmit herewith the documents listed

below,\* which together constitute the Peace Agreement between the Government of the Rwandese Republic and

\* Circulated in the original languages of submission only (English and French).

**Prosecutor v. Akayesu**  
**Prosecutor's Exhibit #14**

*Ahism des Foyes*  
**Entered: 13.2.97**

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the Rwandese Patriotic Front (see annex) and to request that they be circulated as an official document of the General Assembly, under agenda items 23, 43, 44, 101 and 114, and of the Security Council.

(a) Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front, signed at Arusha on 4 August 1993;

(b) The N'Sele Cease-fire Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front, as amended at Gbadolite on 16 September 1991 and at Arusha on 12 July 1992;

(c) Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Rule of Law, signed at Arusha on 18 August 1992;

(d) Protocols of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-Sharing within the Framework of a Broad-Based Transitional Government, signed at Arusha on 30 October 1992 and 9 January 1993, respectively;

(e) Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Repatriation of Rwandese Refugees and the Resettlement of Displaced Persons, signed at Arusha on 9 June 1993;

(f) Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties, signed at Arusha on 3 August 1993;

(g) Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Miscellaneous Issues and Final Provisions, signed at Arusha on 3 August 1993.

(Signed) A. B. NYAKYI  
Ambassador

#### Annex I

#### Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front

The Government of the Republic of Rwanda on the one hand, and the Rwandese Patriotic Front on the other;

Firmly resolved to find a political negotiated solution to the war situation confronting the Rwandese people since 1st October, 1990;

Considering and appreciating the efforts deployed by the countries of the Sub-region with a view to helping the Rwandese people to recover peace;

Referring to the numerous high-level meetings held respectively at Mwanza, United Republic of Tanzania, on 17th October, 1990, in Gbadolite, Republic of Zaire, on 26th October, 1990, in Goma, Republic of Zaire, on

20th November, 1990, in Zanzibar, United Republic of Tanzania, on 17th February, 1991, in Dar-es-Salaam, United Republic of Tanzania, on 19th February, 1991 and from 5th to 7th March, 1993;

Considering that all these meetings aimed first and foremost at establishing a ceasefire so as to enable the two parties to look for a solution to the war through direct negotiations;

Noting the N'SELE Ceasefire Agreement, of 29th March, 1991 as amended in GBADOLITE on 16th September, 1991 and at ARUSHA on 12th July, 1992;

Reaffirming their unwavering determination to respect principles underlying the Rule of Law which include democracy, national unity, pluralism, the respect of fundamental freedoms and rights of the individual;

Considering that these principles constitute the basis and consistency of a lasting peace awaited by the Rwandese people for the benefit of the present and future generations;

Noting the Protocol of Agreement on the Rule of Law signed at Arusha on 18th August, 1992;

Considering that the two parties accepted the principle of power-sharing with the framework of a Broad-Based Transitional Government;

Noting the Protocols of Agreement on Power-Sharing signed at ARUSHA respectively on 30th October, 1992, and on 9th January, 1993;

Considering that the conflictual situation between the two parties can only be brought to an end through the formation of one and single National Army and a new National Gendarmerie from forces of the two warring parties;

Noting of the Protocol of Agreement on the integration of Armed Forces of both Parties, signed at Arusha on 3rd August, 1993;

Recognizing that the unity of the Rwandese people cannot be achieved until a definitive solution to the problem of Rwandese refugees is found and that the return of Rwandese refugees to their country is an inalienable right and constitutes a factor for peace and national unity and reconciliation;

Noting the Protocol of Agreement on the repatriation of Rwandese refugees and the Resettlement of Displaced Persons, signed at ARUSHA on 9th June, 1993;

Resolved to eradicate and put a definite end to all the root causes which gave rise to the war;

Have, at the conclusion of the Peace Talks held in Arusha, United Republic of Tanzania, between 10th July, 1992 and 24th June, 1993 as well as Kinihira, Republic of Rwanda from 19th to 25th July, 1993 under the aegis of the Facilitator, His Excellency Ali Hassan MWINYI, President of the United Republic of Tanzania, in the presence of the Representative of the Mediator, His

Excellency, MOBUTU SESE SEKO, President of the Republic of Zaire as well as Representatives of the Current Chairman of the OAU, His Excellency Abdou DIOUF, President of the Republic of Senegal, and Hosni MUBARAK, President of the Arab Republic of Egypt, the Secretary General of the OAU, Dr. Salim Ahmed SALIM, the Secretary-General of the United Nations, Dr. Boutros BOUTROS-GHALI and Observers representing the Federal Republic of Germany, Belgium, Burundi, the United States of America, France, Nigeria, Uganda and Zimbabwe;

Calling the International Community to witness;  
Hereby agree on the following provisions.

*Article 1:* The war between the Government of the Republic of Rwanda and the Rwandese Patriotic Front is hereby brought to an end.

*Article 2:* The following documents are an integral part of the present Peace Agreement concluded between the Government of the Republic of Rwanda and the Rwandese Patriotic Front:

I. The N'SELE Ceasefire Agreement of 29th March, 1991 between the Government of the Republic of Rwanda and the Rwandese Patriotic Front, as amended in GBADOLITE on 16th September, 1991 and at ARUSHA on 12th July, 1992;

II. The Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Rule of Law, signed at ARUSHA on 18th September, 1992;

III. The Protocols of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-Sharing within the Framework of a Broad-Based Transitional Government, signed at ARUSHA respectively on 30th October, 1992 and on 9th January, 1993;

IV. The Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Repatriation of Refugees and the Resettlement of Displaced Persons, signed at Arusha on 9th June, 1993;

V. The Protocol Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the integration of Armed Forces of the two parties, signed at ARUSHA on, 3rd August, 1993;

The Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Miscellaneous Issues and Final Provisions signed at Arusha on 3rd August, 1993.

These entire documents are attached as Annex.

*Article 3:* The two parties also agree that the Constitution of 10th June, 1991 and the Arusha Peace Agreement shall constitute indissolubly the Fundamental Law

that shall govern the Country during the Transition period, taking into account the following Provisions:

1. The following articles of the Constitution shall be replaced by the provisions of the Peace Agreement relating to the same matters. The Articles in question are: 34, 35, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 55, 56, 57, 58, 59, 60, 63, 65, 66, 67, 68, 70, 71, 73, 74, 75 paragraph 2, 77 paragraphs 3 and 4, 81, 82, 83, 84, 85, 86, 87, 88 paragraph 1, 90, 96, 99, 101.

2. In case of conflict between the other provisions of the Constitution and those of the Peace Agreement, the provisions of the Peace Agreement shall prevail.

3. The Constitutional Court shall verify the conformity of Laws and Orders in Council with the Fundamental Law thus defined. Pending the enactment of the law on the Supreme Court, the existing Constitutional Court shall remain composed of both the Court of Cassation and the State of Council. The Presiding Judge of the Constitutional Court shall assume the presidency.

*Article 4:* In case of conflict between the provisions of the Fundamental Law and those of other Laws and Regulations, the provisions of the Fundamental Law shall prevail.

*Article 5:* The Government of the Republic of Rwanda and the Rwandese Patriotic Front undertake to make every possible effort to ensure that the present Peace Agreement is respected and implemented.

They further undertake to spare no effort to promote National Unity and Reconciliation.

*Article 6:* The two parties agree on the appointment of Mr. TWAGIRAMUNGU Faustin as Prime Minister of the Broad-Based Transitional Government, in accordance with Articles 6 and 51 of the Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-Sharing within the framework of a Broad-Based Transitional Government.

*Article 7:* The Transitional Institutions shall be set up within thirty seven (37) days following the signing of the Peace Agreement.

*Article 8:* The current Government shall remain in Office until the Broad-Based Transitional Government is established. The maintenance of that Government does not mean that it can encroach on the mandate of the Broad-Based Transitional Government being established.

The current Government shall, in no case, take decisions which may be detrimental to the implementation of the Broad-Based Transitional programme.

*Article 9:* The "Conseil National de Développement" (CND) shall remain in Office until the Transitional National Assembly is established. However, as from the

date of signing the Peace Agreement, it shall not enact laws.

*Article 10:* The present Peace Agreement is signed by the President of the Republic of Rwanda and the Chairman of the Rwandese Patriotic Front, in the presence of:

- The Facilitator, His Excellency, Ali Hassan MWINYI, President of the United Republic of Tanzania,
- His Excellency, Yoweri Kaguta MUSEVENI, President of the Republic of Uganda; Observer country;
- His Excellency Melchior NDADAYE, President of the Republic of Burundi, Observer country;
- The Representative of the Mediator, His Excellency Faustin BIRINDWA, Prime Minister of Zaire;
- Dr. Salim Ahmed SALIM, Secretary-General of the OAU;
- The Representative of the Secretary-General of the United Nations;
- The Representative of the Current Chairman of the OAU;
- The Representatives of other Observer countries: Germany, Belgium, United States of America, France, Nigeria and Zimbabwe;
- The delegations of the two parties.

*Article 11:* The present Peace Agreement shall come into force upon its signing by the parties.

Done at Arusha, on the 4th day of the month of August, 1993 both in French and English languages, the original text being in French.

(Signed)  
HABYARIMANA Juvénal  
Major-General  
President of the Republic  
of Rwanda

(Signed)  
KANYARENGWE Alexis  
Colonel  
Chairman of the  
Rwandese Patriotic Front

In the presence of the Facilitator  
Ali Hassan MWINYI  
President of the United Republic of Tanzania

In the presence of the  
Representative of the  
Secretary-General of the  
United Nations

Mr. Vladimir PETROVSKY  
Under-Secretary-General  
Director General of the  
United Nations Office  
at Geneva

In the presence of the  
Secretary-General of  
the OAU

Dr. Salim Ahmed SALIM

## Annex II

The N'Sele Ceasefire Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front, as amended at Gbadolite, 16 September 1991, and at Arusha, 12 July 1992

We, the representatives of the Government of the Rwandese Republic and of the Rwandese Patriotic Front;

Mindful of the unfortunate incidents that have occurred between the Rwandese and have affected peace and public order in the country;

Referring to the Communiqués issued by the Heads of State of the Region, meeting in Mwanza (Tanzania) on 17 October 1990, in Gbadolite (Zaire) on 26 October 1990 and in Goma (Zaire) on 20 November 1990; considering that all these Summit meetings specifically emphasized the prior need for a ceasefire;

Considering the acceptance of the ceasefire in principle by President Juvénal HABYARIMANA in Zanzibar on 17 February 1991 following his meeting with Presidents Yoweri MUSEVENI of Uganda and Ali Hassan MWINYI of Tanzania;

Mindful of the fact that Presidents Pierre BUYOYA of Burundi, Juvénal HABYARIMANA of Rwanda, Ali Hassan MWINYI of Tanzania, Yoweri MUSEVENI of Uganda and Prime Minister Lunda BULULU of Zaire, assisted by the Secretary-General of the OAU and a delegate of the UN High Commission for Refugees adopted the Dar-es-Salaam Declaration of 19 February 1991 mandating President Mobutu SESE SEKO of Zaire to take urgent and immediate steps to usher in dialogue which should culminate in a formal ceasefire agreement between the Government of Rwanda and the Rwandese Patriotic Front;

Mindful of the fact that the ceasefire should facilitate the establishment of negotiations between the Rwandese Government and the Rwandese Patriotic Front aimed at national reconciliation and restoration of lasting peace;

Considering that the two Parties reaffirmed their political will during their meeting in Paris from 6th to 8th June 1992 to find through negotiations a solution to the current conflict as well as related problems;

Considering that both parties are committed to conduct direct negotiations;

Mindful of the fact that both parties reaffirmed the validity of the ceasefire agreement signed at N'sele on 29th March 1991 and as amended on 16th September 1991 in Gbadolite subject to up-dating the agreement by making necessary amendments;

Have on this 12th day of July 1992, agreed on and accepted the following provisions with respect to the ceasefire:

### Article I

1. A cease-fire is hereby established throughout the territory of the Republic of Rwanda, between the Government Forces and those of the Rwandese Patriotic Front. The cease-fire shall enter into force at midnight (Rwanda time) on 31st July 1992 at the same time as the deployment of the Neutral Military Observer Group.

2. The entry into force of the cease-fire shall be preceded by a truce, that is, the cessation of fighting, which shall enter into force at midnight (Rwanda time) on 19th July 1992.

3. The present Cease-fire Agreement is the first stage of a peace process which shall culminate in a Peace Agreement to be signed at the conclusion of the political negotiations.

### Article II

The cease-fire shall imply:

1. The cessation of all hostilities for the purpose of dialogue and serious negotiations between the two parties under the auspices of the Mediator or a Facilitator;

2. The suspension of supplies of ammunition and weaponry to the field;

3. The supply of non-lethal logistical needs to the military forces in the field;

4. The release of all prisoners-of-war; the effective release of all persons arrested because and as a result of this war within five days following the entry into force of the Cease-fire Agreement;

5. The possibility of recovering the remains of the dead;

6. The withdrawal of all foreign troops after the effective deployment of the Neutral Military Observer Group (NMOG) except for Military Officers serving in Rwanda under bilateral Cooperation Agreements;

7. A ban on infiltration of troops and on the conveyance of troops and war material to the area occupied by each party;

8. A ban on any mine-laying operations or the hindering of operations to remove the mines;

9. The establishment of the Neutral Corridor separating the areas occupied by the two respective forces. This corridor meant to facilitate the monitoring of the cease-fire by the Neutral Military Observer Group shall be determined in consideration of the front-lines of both armies. The demarcation on the field shall be established by the representatives of the two armies in the presence of the Neutral Military Observer Group.

### Article III

1. The verification and control of the cease-fire shall be conducted by the neutral military observer group under the supervision of the Secretary-General of OAU;

2. The Neutral Military Observer Group shall be composed of:

10 Officers from Nigeria;

10 Officers from Senegal;

10 Officers from Zimbabwe;

10 Officers from an African country to be chosen by the current Chairman of the OAU in collaboration with the President of the United Republic of Tanzania;

5 Officers from the Government of Rwanda;

5 Officers from the Rwandese Patriotic Front;

3. The Neutral Military Observer Group shall report any violation of the cease-fire to the Secretary-General of OAU and a joint political military commission;

4. The Neutral Military Observer Group shall set up the organs and machinery required for the control and verification of the cease-fire. It shall draft its own rules of procedure. It shall enjoy a status that would enable it to perform its mission as provided in the Cease-fire Agreement; including privileges and immunities enjoyed by the OAU personnel as enshrined in the general agreement;

5. The Neutral Military Observer Group shall have full communication and other equipment it deems necessary to perform its mission. The NMOG officers may have specific uniforms with insignia for easy identification, and light weapons for self-defence.

### Article IV

1. A Joint Political Military Commission composed of 5 representatives of the Rwandese Government and 5 of the Rwandese Patriotic Front is established;

2. The OAU and the following countries are invited to participate, as observers, in the Joint Commission: Burundi, United Republic of Tanzania, Uganda, Zaire, Belgium, France and the United States of America;

3. The Joint Commission shall have the following mandate:

- To ensure the follow-up of the implementation of the Cease-fire Agreement;

- To ensure the follow-up of the implementation of the peace Agreement to be signed at the conclusion of the political negotiations;

4. The Joint Commission shall be based at the OAU Headquarters in Addis Ababa, Ethiopia. The Commission's Headquarters may be moved upon agreement by both parties;

5. The Joint Commission shall hold its inaugural meeting not later than 26th July 1992.

#### Article V

The signatories of the present agreement accept the following principles whose modalities of implementation shall be specified during the political negotiations.

1. Establishment of the rule of law, that is, based namely on national unity, democracy, pluralism, and respect for human rights;
2. Formation of a national army consisting of Government forces and those of the Rwandese Patriotic Front;
3. Establishment of power-sharing within the framework of a broad-based transitional government.

#### Article VI

The political negotiations culminating in the peace agreement shall proceed pursuant to the following calendar:

1. Commencement of the political negotiations: 10th August 1992;
2. Completion of the political negotiations and signing of the peace agreement: not later than 10 October 1992;
3. Completion of the implementation of the mechanisms and conclusions agreed upon pursuant to the peace Agreement: not later than 10 January 1993.

#### Article VII

In the present Agreement:

1. "Cease-fire" shall mean the cessation of all hostilities between the forces of the Government of the Rwandese Republic and those of the Rwandese Patriotic Front (RPF) throughout the national territory of Rwanda.
2. "Cessation of hostilities" shall mean the end of all military operations, all harmful civil operations and denigrating and unfounded propaganda through the mass media.
3. "Violation of the Cease-fire" shall mean the non-observance of one of the points mentioned in article II.
4. "Violation of the Cease-fire Agreement" shall mean the non-observance of any provision of the agreement.

Done in Arusha on 12th July 1992

For the Rwandese  
Government:

(Signed)  
Boniface NGULINZIRA  
Minister for Foreign Affairs  
and Cooperation

For the Rwandese  
Patriotic Front:

(Signed)  
Pasteur BIZIMUNGU  
Member of the  
Executive Committee for  
Information and  
Documentation

For the Facilitator (the United Republic of Tanzania)

(Signed) Hon. Ahmed Hassan DIRIA (MP)  
Minister for Foreign Affairs and  
International Cooperation

In the presence of the Representative of the  
Secretary-General of the OAU

(Signed) M. T. MAPURANGA  
Assistant Secretary-General in Charge  
of Political Affairs

### Annex III Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Rule of Law

#### Preamble

The Government of the Republic of Rwanda and the  
Rwandese Patriotic Front,

Reaffirming that the Rule of Law, the principle of  
the establishment of which was agreed upon by the  
signatories of the present Protocol of Agreement, in  
accordance with Article V of the N'sele Agreement, as  
amended in Gbadolite, on the 16th of September, 1991  
and in Arusha on the 12th of July, 1992, shall character-  
ize the political life in our country;

Considering that the Rule of Law implies that no-  
body, including the authorities, is above the law and that  
the laws must respect the fundamental rights of the  
citizens;

Reaffirming that the Rule of Law does not mean  
merely a formal legality which assures regularity and  
consistency in the achievement and enforcement of demo-  
cratic order, and which is first and foremost and funda-  
mentally characterised by justice based on the recognition  
and full acceptance of the supreme value of the human  
personality and guaranteed by institutions providing a  
framework for its fullest expression;

Convinced that the Rule of Law:

- is the best guarantee of national unity, the  
respect of the fundamental freedoms and  
rights of the individual;
- is a concrete manifestation of democracy;
- hinges on National Unity, Democracy, Plural-  
ism and Respect for human rights;

Have agreed as follows:

#### Chapter I: National unity

Article 1: National unity must be based on equality  
of all citizens before the law, equal opportunities in all  
fields including the economic field and respect for funda-

mental rights as stipulated, notably, in the Universal Declaration of Human Rights and in the African Charter on Human and Peoples' Rights.

*Article 2:* National unity implies that the Rwandese people, as constituent elements of the Rwandese nation, are one and indivisible. It also implies the necessity to fight all obstacles to national unity, notably, ethnicism, regionalism, integrism and intolerance which subordinate the national interest to ethnic, regional, religious and personal interest.

*Article 3:* National unity entails the rejection of all exclusions and any form of discrimination based notably, on ethnicity, region, sex and religion. It also entails that all citizens have equal opportunity of access to all the political, economic and other advantages, which access must be guaranteed by the State.

*Article 4:* The two parties acknowledge that the national unity of the people of Rwanda cannot be achieved without a definitive solution to the problem of Rwandese refugees. They recognize that the return of the Rwandese refugees to their country is an inalienable right and represents a factor of peace, unity and national reconciliation. They undertake not to hinder the free exercise of this right by the refugees.

## *Chapter II: Democracy*

*Article 5:* Democracy is founded on the idea that sovereignty belongs to the people. It is expressed, notably, through regular, free, transparent and fair elections. Popular representation must be the authentic expression of the will of citizens.

*Article 6:* The two parties accept the universality as well as the implications of the following fundamental principles of democracy:

- sovereignty of the people;
- government based on the consent of the people expressed through regular, free, transparent and fair elections;
- separation of the legislative, the executive and the judiciary powers;
- independence of the Judiciary;
- guarantee for the fundamental rights of the individual as provided for in the Universal Declaration of Human Rights as well as in the African Charter on Human and Peoples' Rights, among others, freedom of speech, enterprise and of political, social and economic association;
- laws and regulations based on the respect of fundamental human rights;
- equality before the law;
- respect of laws and regulations by all;

- Constitution which respects the principles enunciated above, organises the State powers and defines the powers and limitations of the institutions of the Republic;
- multipartism, social and economic pluralism.

*Article 7:* The two parties recognize that multipartism entails the legitimate existence of a democratic opposition and consider, as legitimate, the aspiration of any Rwandese citizen to accede to power through democratic process.

*Article 8:* The two parties resolutely reject and undertake to fight:

- political ideologies based on ethnicity, region, religion and intolerance which subordinate national interest to the ethnic, regional, religious or personal interest;
- any form of coup d'etat as being contrary to the democratic system as described above.

*Article 9:* In order to promote and consolidate the democratic system as described above, the two parties undertake to work for social, economic and cultural development of the country and to fight hunger, ignorance, poverty and disease.

*Article 10:* Elections shall be organised in such a way that transparency is guaranteed and fraud eliminated through the establishment of efficient supervision mechanisms including, if the need arises, enlisting the assistance of International Observers.

The prior and full explanation of the citizens' rights and civic duties including the issues at stake in the elections is their inalienable right as a way of avoiding any form of political manipulation.

*Article 11:* The two parties accept to promote, in national political life, a democratic culture based on the principles enunciated above.

*Article 12:* The broad-based transitional government provided for in Article V of the N'sele Agreement, as amended in Gbadolite, on 16th September, 1991 and in Arusha on 12th July, 1992, shall lead the country to a democratic system as defined above.

To this end, the two parties note that a political process has been initiated by the Rwandese people to ensure the progress of democracy and reaffirm the need to pull together a society founded on the Rule of Law as stipulated in the present Protocol.

## *Chapter III: Pluralism*

*Article 13:* The two parties recognize that a democratic society is also founded on pluralism which is the expression of individual freedoms and must respect national unity and the fundamental rights of the citizen.

#### Chapter IV: Human Rights

*Article 14:* The two parties recognise the universal nature of human rights and should express concern when these rights are violated anywhere and by anybody.

They also recognise that the International Community would be justified in expressing concern in the event that these rights are violated by anybody on Rwandese territory. These rights should be guaranteed by the Constitution and the laws of the Republic of Rwanda.

*Article 15:* The two parties agree that a National Commission on Human Rights shall be established. This institution shall be independent and shall investigate human rights violations committed by anybody on Rwandese territory, in particular, by organs of the State and individuals in their capacity as agents of the State or of various organizations.

The investigation work of the Commission shall not be limited in time.

The Commission shall be provided with the necessary means, especially legal means, to efficiently accomplish its mission. It shall utilize its findings to:

- (a) sensitize and educate the population about human rights;
- (b) institute legal proceedings, where necessary.

*Article 16:* The two parties also agree to establish an International Commission of Enquiry to investigate human rights violations committed during the war.

#### Conclusion

*Article 17:* The two parties concur that national unity, democracy and peace are invaluable and solemnly undertake to do everything possible so as to preserve these values in the interest of the present and future Rwandese generations.

Done at Arusha, the 18th day of August, 1992  
in French and English,  
the French version being the original.

For and on behalf of the  
Government of the  
Republic of Rwanda

NGULINZIRA Boniface  
Minister of Foreign Affairs  
and Cooperation

For and on behalf of the  
Rwandese Patriotic Front

BIZIMUNGU Pasteur  
Member of the Executive  
Committee and  
Commissioner for  
Information and  
Documentation

For and on behalf of the Facilitator  
(United Republic of Tanzania)

Benjamin MKAPA  
Minister of Science, Technology and Higher Education.

In the presence of the  
Representative of the  
Current Chairman of  
the OAU

In the presence of the  
Representative of the  
Secretary-General of  
the OAU

Papa Louis FALL  
Ambassador of Senegal to  
Ethiopia, Tanzania and  
the OAU

Dr. M.T. MAPURANGA  
Assistant Secretary-General  
in charge of Political  
Affairs

#### Annex IV

Protocol of Agreement on Power-sharing within  
the Framework of a Broad-Based Transitional  
Government between the Government of the Republic of  
Rwanda and the Rwandese Patriotic Front

The Government of the Republic of Rwanda and the  
Rwandese Patriotic Front;

Agree on the following provisions which are an  
integral part of the Protocol of Agreement on Power-  
sharing:

#### Chapter I: General Principles

*Article 1:* The two parties reaffirm the acceptance of  
the principle of power-sharing within the framework of  
a Broad-Based Transitional Government, in conformity  
with Article V.3. of the N'sele Ceasefire Agreement, as  
amended at GBADOLITE on 16th September, 1991 and  
at ARUSHA on 12th July, 1992. The modalities of  
implementation of this principle are the object of the  
present Protocol of Agreement on Power-sharing.

*Article 2:* The two parties agree that those modalities  
shall consist of:

(a) the maintenance of the current structure of the  
Coalition Government with appropriate adjustments to  
be mutually agreed upon in this Protocol, with a view to  
making room for the participation of the RPF and other  
political forces in the country;

(b) appropriate adjustments to be mutually agreed  
upon in this Protocol, to be made at the level of the State  
powers with a view to enabling the RPF and other  
political forces in the country to participate in and make  
for the efficient management of the translation, in com-  
pliance with the principle of separation of powers.

borders or affect the rights of sovereignty, Treaties on the association of the Republic with one or several other States, as well as Treaties, Conventions and Agreements with financial implications not catered for in the budget, shall be implemented only after their approval by way of a law. The federation of the Republic of Rwanda with one or several other democratic States must be approved through a Referendum.

*Article 12:* The President of the Republic shall address messages to the Nation, the content of which shall be decided upon by the Cabinet.

#### Section 2: *The Broad-Based Transitional Government*

*Article 13:* The current structure of the Government, namely, the number and appellation of Ministries shall remain unchanged. However, a Secretariat of State in the Prime Minister's Office in charge of Social Rehabilitation and Integration shall be established.

It shall be responsible for:

1. Repatriation and social and economic reintegration of the Rwandese refugees who may wish to go back home;
2. A Post-War Rehabilitation Programme as defined under Item 23.D of the present Protocol.

*Article 14:* The political parties participating in the Coalition Government established on 16th April, 1992 as well as the Rwandese Patriotic Front shall have the responsibility to set up the Broad-Based Transitional Government. They shall decide, by consensus, on the other political formations which may participate in that Government.

*Article 15:* The Government shall be composed of the Prime Minister, the Deputy Prime Minister, Ministers and Secretaries of State.

#### Sub-section 1: *The Powers of the Government*

*Article 16:* The Government shall be responsible for the management of the country. It shall determine and implement national policy. In so doing the Government shall:

1. Be responsible for the implementation of laws and regulations;
2. Negotiate and conclude international Treaties, Conventions and Agreements;
3. Discuss and adopt draft bills and present them to the National Assembly;
4. Discuss and adopt Orders in Council, in situations of emergency or when the National Assembly is unable to seat, and transmit them to the President of the Republic for promulgation;
5. Appoint and dismiss civil servants;

6. Discuss and adopt Presidential, Prime Ministerial and Ministerial Statutory Orders on the implementation of laws.

*Article 17:* The Government shall be the guarantor of national sovereignty and national unity.

#### Sub-section 2: *The Prime Minister*

*Article 18:* The Prime Minister shall:

1. In accordance with the Peace Agreement and in consultation with the political forces, prepare the Government programme;
2. In conformity with the modalities provided for in the Peace Agreement, select the other members of the Cabinet;
3. Present the Government programme and the Ministerial team responsible for its implementation to the National Assembly;
4. Lead Government business, convene and chair Cabinet Meetings. He shall prepare the agenda for cabinet meetings, in consultation with the other members of the Government. The Prime Minister shall communicate the agenda to the President of the Republic and to the other members of the Government, at least two days before the date of the meeting.
5. Determine the functions of the Ministers and Secretaries of State as well as the nature and extent of powers of the services under them.

The Ministers and Secretaries of State shall be delegated powers by the Prime Minister for the management of the duties of their departments. The Prime Minister shall determine the extent of this delegation of power.

6. In pursuance of the decisions of the Cabinet, sign Prime Ministerial Orders for the appointment and termination of services of the following senior civil servants:

- the Principal Private Secretary to the Prime Minister;
- Deputy Governors of the National Bank of Rwanda;
- Vice-Rectors of the National University of Rwanda;
- Advisers and "Chefs de Service" in the Prime Minister's Office;
- the "Préfets de Préfectures [District Commissioners];
- Director in Public Enterprises;
- Directors General in the Ministries;
- Planning and Coordination Officers in Public Enterprises;
- Directors in Public Enterprises and Representatives of the Government in Parastatals;
- Directors and Heads of Division in the Ministries;
- "Sous-Préfets" [Assistant District Commissioners];

- Bourgmestres [County Administrators];
- Deputy Directors of Public Prosecution at the Supreme Court;
- Head of the Prosecution Department of the Courts of Appeal;
- Deputy Directors of the Courts of Appeal;
- Head of the Prosecution Department at the Courts of First Instance;
- Assistant State Attorneys.

Upon delegation of power by the Cabinet,

(a) the Minister responsible for the Civil Service shall sign Ministerial Orders with regard to appointments and termination of services of Civil Servants from the rank of Chief Clerk or equivalent and lower-level posts.

(b) The Minister of Justice shall sign Ministerial Orders for the appointment and termination of services of judicial staff other than magistrates.

(c) In Public Enterprises, senior staff shall be appointed by the Board of Directors and the rest of the staff by the relevant Director.

7. Countersign, after their promulgation by the President of the Republic, bills passed by the National Assembly as well as Statutory Orders in Council adopted by the Cabinet.

8. By way of Orders decided upon during cabinet meetings, implement laws and regulations when he is required to do so.

9. Address messages to the Nation, whose content shall be decided upon by the Cabinet.

10. May, under exceptional circumstances, after a decision taken by the Cabinet and on consultation with the Bureau of the National Assembly and the Supreme Court, declare a State of Siege or a State of Emergency.

*Article 19:* Legal acts by the Prime Minister shall be countersigned by the relevant Ministers and Secretaries of State.

#### *Sub-section 3: Functions of the Deputy Prime Minister*

*Article 20:* The Deputy Prime Minister shall:

1. Upon formal delegation of power, replace the Prime Minister in the event of his absence or hindrance.
2. Act as Prime Minister when the post falls vacant, until a new Prime Minister is appointed, following modalities provided for in the Peace Agreement.
3. In addition, hold a Ministerial Portfolio.

#### *Sub-section 4: Mode of Decision-Making within the Government*

*Article 21:* Prior to the deliberations, the Cabinet meeting shall adopt its agenda.

Cabinet decisions shall be taken by consensus. Where consensus is not reached, the issue at hand shall be returned to the relevant Minister for further study.

Consensus on the issue shall once again be required subsequent discussions, and if no consensus is reached, a decision shall be taken on the basis of a partial consensus of a 2/3 of the members of the Government present.

For the following issues, however, consensus shall be mandatory:

- amendment to the Peace Agreement;
- declaration of war;
- exercise of the prerogative of mercy and mitigation of sentence;
- defense and security matters.

*Article 22:* For each Cabinet Meeting, minutes and a summary of decisions shall be written. The summary shall be approved and signed by members who attended the said meeting.

#### *Sub-section 5: Outline of the Broad-Based Transitional Government Programme*

*Article 23:* The Broad-Based Transitional Government shall implement the programme comprising the following:

##### A. Democracy

1. Consolidate the democratic process by establishing the necessary mechanisms for the implementation of the provisions of the Protocol on the Rule of Law.
2. Prepare and organise general elections to be held at the end of the Transition Period.

##### B. Defence and Security

1. Consolidate peace by taking the necessary measures for the eradication of the causes of war, especially those stemming from the non-respect of National Unity, Human Rights and Democracy.
2. Ensure internal and external security.
3. Take the necessary measures for guaranteeing the security of all the people and their property.
4. Organise defense and security institutions.

##### C. National Unity and National Reconciliation

1. Restore national unity, in particular and as a matter of urgency by:
  - (a) Setting up efficient mechanisms aimed at eliminating all types of discrimination and exclusion;
  - (b) Working out appropriate legislation in this regard;
  - (c) Establishing a recruitment system for senior government posts, for all other posts, and for admission

to schools, based on fair competition giving equal opportunity to all citizens.

2. Organize a national debate on National Unity and National Reconciliation.

#### D. Post-war Rehabilitation Programme

1. Provide humanitarian assistance, especially through the supply of foodstuffs, seeds and some building materials in a bid to contribute in the resettlement of those displaced as a result of the war and social strife encountered since the outbreak of the war, in their original property.

2. Rehabilitate and rebuild the areas devastated by war and social strife encountered since the outbreak of war, especially through mine-clearance and rebuilding of socio-educational and administrative facilities.

3. Set up a programme of assistance to the victims of war (both civilian and military) and of social strife encountered since the outbreak of the war, to the physically handicapped, orphans, widows and widowers.

4. Set up appropriate programmes for the economic and social integration of the demobilised military personnel.

#### E. Repatriation and Reintegration of Refugees

Repatriate and reintegrate all Rwandese refugees who may wish to go back home, following the modalities specified in the Peace Agreement.

#### F. The Economy

1. Stimulate the economy by, as a priority, orienting economic programmes towards the disadvantaged regions and social strata.

2. Review the country's priorities with the aim of promoting food security (application of selected seeds and fertilizers, storage, etc.).

3. Diversify export products.

4. Encourage small and medium scale industries.

5. Draw up and apply strategies for better utilization of the country's resources (natural and human).

#### G. National Ethics

1. Establish a mechanism for guaranteeing a professional code of ethics, integrity and patriotism.

2. Establish a system for the eradication of all forms of corruption.

3. Evaluate and clean up all the State administrative institutions.

#### Chapter IV: Specialised Commissions

*Article 24:* In addition to the Commissions already agreed upon in the previous Agreements, the following broad-based specialised Commissions shall be established:

#### A. Commission for National Unity and National Reconciliation

This commission, which reports to the Government, shall be responsible for:

1. Preparing a national debate on national unity and national reconciliation.

2. Prepare and distribute information aimed at educating the population and achieving national unity and national reconciliation.

#### B. Legal and Constitutional Commission

This Commission shall be responsible for:

1. Drawing up a list of adaptations of national legislation to the provisions of the Peace Agreement, in particular those provisions relating to the Rule of Law.

2. Prepare a preliminary draft of the Constitution which shall govern the country after the Transitional Period.

#### C. Electoral Commission

This Commission shall be responsible for the preparation and organization of local, legislative and presidential elections.

#### Chapter V: The Judiciary

##### Section 1: General Principles

*Article 25:* 1. The powers of the Judiciary shall be exercised by Courts, Tribunals and other Jurisdictions. The Judiciary is independent of the Legislature and the Executive.

Justice shall be rendered on the territory of the Republic in the name of the people.

##### Section 2: Jurisdictions

*Article 26:* The following ordinary jurisdictions shall be recognized:

Canton Courts, Courts of First Instance, Courts of Appeal and the Supreme Court.

The following Military Jurisdictions shall also be recognized:

Court Martials and the Military Court.

The law may establish any other specialized Courts. However, no special Courts may, be established.

##### Section 3: The Supreme Court

*Article 27:* The Supreme Court shall [in] particular exercise the following functions:

(a) direct and coordinate the activities of the Courts and Tribunals of the Republic. It shall be the guarantor of the independence of the Judiciary. To this effect, it shall be responsible for the professional code of ethics;

(b) ensure the constitutionality of laws and Orders in Council. In so doing, it shall ensure their constitutionality before promulgation;

(c) give a ruling on the petition for annulment of regulations, orders and decisions issued by administrative authorities;

(d) ensure the regularity of popular consultations;

(e) provide, upon request, legal opinions on the regularity of draft Presidential, Prime Ministerial and Ministerial orders as well as on other draft public administration regulations;

(f) give the authentic interpretation on customary practice in case written law is silent thereon;

(g) give a ruling on appeals to the Court of Cassation to have a new trial ordered and on transfer of cases from one Court to another;

(h) arbitrate on institutional conflicts between various State organs;

(i) judge the Accounts of all Public Institutions;

(j) have criminal jurisdiction over the President of the Republic, the Speaker of the National Assembly, the Presiding Judge of the Supreme Court, the Prime Minister, the Deputy Prime Minister, Ministers, Secretaries of State, the Deputy-Presiding Judges of the Supreme Court, Deputies in the National Assembly, the Presiding Judges of the Courts of Appeal, the Public Prosecutors and Deputy Directors of the Supreme Court and of the Courts of Appeal.

On first trial, the above-listed officials shall be tried by the Court of Cassation. On appeal, they shall be judged by the Supreme Court, in the presence of all the jurisdictional sections, with at least eleven Judges without including the Judges of the Bench of the Court of Cassation who gave a ruling on the case on the first trial.

*Article 28:* The Supreme Court shall comprise the following five sections:

(a) The Department of Courts and Tribunals;

(b) The Court of Cassation;

(c) The Constitutional Court;

(d) The Council of State;

(e) The Public Accounts Court.

*Article 29:* The Supreme Court shall be chaired by a Presiding Judge assisted by five Deputy Presiding Judges. The Presiding Judge and the Deputy Presiding Judges shall be selected by the National Assembly from a list presented by the Government based on two candidates for each post. Each Deputy Presiding Judge shall also be Head of one of the sections of the Supreme Court.

The services of the Presiding Judge and Deputy Presiding Judges of the Supreme Court shall be terminated by the National Assembly voting by a 2/3 majority, either upon its initiative, or upon the proposal of the Government. The instruments of appointment and termi-

nation of the services of the Presiding Judge and Deputy Presiding Judges shall be signed by the President of the Republic.

*Article 30:* Candidates for the post of Presiding Judge and Deputy Presiding Judges of the Supreme Court must meet the following requirements:

1. Hold at least a University Degree of Law.

2. Give proof of at least five years' practical experience in the field of Law.

*Article 31:* Judges of the Supreme Court, of the Court of Appeal as well as the Presiding Judges of the Courts of first instance must hold at least a Degree in Law or equivalent.

*Article 32:* Upon the decision of the Supreme Council of the Magistrates, the Presiding Judge of the Supreme Court shall sign the Instruments of appointment and termination of services of Judges of the Bench.

*Article 33:* An organic law shall determine the powers, the organisation and the rules of procedure of the Supreme Court. Pending the adoption of the said law, the legislation in force relating to the powers, organisation and the rules of procedure of these Courts shall remain in force.

#### *Section 5: Relationship between the Supreme Court and the Government*

*Article 34:* The Government shall delegate one or several Commissioners to one or all sections of the Supreme Court to represent it and to avail any required information.

The Government Commissioners shall participate in discussions on matters for which they have been designated but as non-voting members.

*Article 35:* The implementation of the decisions by the Supreme Court, as well as the financial management of, and other administrative measures concerning the Supreme Court shall be vested in the Government. However, the law organizing of the Supreme Court shall define the administrative measures coming under its jurisdiction.

*Article 36:* In matters relating to the organization of the Judiciary, the Supreme Court may submit to the Government any reform proposals which, in its opinion are of general interest.

#### *Section 6: The Supreme Council of Magistrates*

*Article 37:* The Supreme Court of Council of the Magistrates shall comprise:

- The Presiding Judge of the Supreme Court as, Chairman;

- the Deputy-Presiding Judges of the Supreme Court;

- two Judges of the Bench of the Supreme Court;
- a Judge of the Bench from each Court of Appeal;
- a Judge of the Bench from Courts of First Instance under the Jurisdiction of each Court of Appeal;
- a Magistrate of Canton Court under the Jurisdiction of each Court of Appeal.

The Government Commissioners to the Department of Courts and Tribunals shall attend meetings of the Supreme Council of Magistrates as non-voting members.

The Council shall elect from its members a Vice-Chairman and a Rapporteur.

*Article 38:* With the exception of the Presiding Judge and the Deputy-Presiding Judges of the Supreme Court, members of the Supreme Council of Magistrates shall be elected by their peers of the same level of Jurisdiction.

Applications shall be submitted to the Supreme Court at least one month before the date of elections. Each candidate shall give proof of at least five years' practical experience in the field of Law.

Elections shall be organized by the Supreme Court.

*Article 39:* The Supreme Council of the Magistrates shall have the following powers:

(a) Decide on the appointment and termination of services and, in general, the administration of the career of Judges of the Bench other than the Presiding Judge and Deputy-Presiding Judges of the Supreme Court.

(b) Give advisory opinion upon its own initiative or upon request, on any proposal relating to the judicial staff regulations within its jurisdictions.

(c) Give advisory opinion, upon its own initiative or upon request, on any matter concerning the administration of Justice.

#### *Chapter VI: Other Areas of Agreement*

*Article 40:* The initiative of laws shall be vested in the Cabinet and the National Assembly.

*Article 41:* The Constitution which shall govern the country after the Transition Period shall be prepared by the Legal and Constitutional Commission comprising national experts referred to under Article 24.B of this Protocol. This Commission, which shall be under the National Assembly, shall prepare, after an extensive consultation with all the strata of the population, a preliminary draft Constitution which shall be submitted to the Government for advice, before submitting it to the National Assembly which shall finalise the draft Constitution, to be submitted to a Referendum for adoption.

*Article 42:* The National Assembly shall exercise control over the Government's activities, in line with the mechanisms provided for by the law.

*Article 43:* The National Budget shall be prepared by the Government and voted by the National Assembly. Where the budget is not voted in time, the Prime Minister shall, upon the decision of the Government, pass a decree authorising the disbursement of monthly provisional expenditure.

*Article 44:* The "Office Rwandais d'Information" (ORINFOR) shall fall under the Ministry responsible for Information and the "Office du Tourisme et des Parcs Nationaux" (ORTPN) under the Ministry responsible for Tourism.

*Article 45:* In criminal matters the responsibility of the President of the Republic, the Speaker of the National Assembly, the Presiding Judge of the Supreme Court, the Prime Minister, the Deputy Prime Minister, Ministers, Secretaries of State, the Assistant Presiding Judges of the Supreme Court and Deputies, shall be individual.

However, they shall not be subjected to custody. They may appear before justice through their proxies. They shall be judged by the Supreme Court.

Deputies shall not be prosecuted or sued as a result of opinions expressed or votes cast in the exercise of their duties.

*Article 46:* As a matter of urgency and priority, the Broad-Based Transitional Government shall rid the administrative apparatus of all incompetent elements as well as authorities who were involved in the social strife or whose activities are an obstacle to the democratic process and to national reconciliation.

In any case, all local authorities (Bourgmestres, [County Administrators], Sous-Préfets [Assistant District Commissioners], Préfets de Préfecture [District Commissioners]) shall have been either replaced or confirmed within three months after the establishment of the Broad-based Transitional Government.

Done at Arusha, on this 30th day of October, 1992  
in French and English,  
the French text being the original.

For the Rwandese  
Government

For the Rwandese  
Patriotic Front

NGULINZIRA Boniface  
Minister of Foreign Affairs  
and Cooperation

BIZIMUNGU Pasteur  
Member of the Executive  
Committee and  
Commissioner for  
Information and  
Documentation

In the presence of Representative of Facilitator  
(The United Republic of Tanzania)

Ahmed Hassan DIRIA  
Minister for Foreign Affairs  
and International Cooperation

In the presence of  
Representative of  
Chairman of the OAU

Papa Louis FALL  
Ambassador of Senegal to  
Ethiopia and Tanzania,  
Representative to OAU

In the presence of  
Representative of Secretary  
General of OAU

Dr. M.T. MAPURANGA  
Secrétaire Général  
Adjoint, chargé des  
Affaires Politiques

Protocol of Agreement between the Government of  
the Republic of Rwanda and the Rwandese Patriotic  
Front on Power-Sharing within the Framework  
of a Broad-Based Transitional Government  
(Continuation of the Protocol of Agreement signed  
on 30th October, 1992)

The Government of the Republic of Rwanda on the one  
hand, and the Rwandese Patriotic Front on the other;

Agree on the following provisions which are an  
integral part of the Protocol of Agreement on Power-  
Sharing:

#### *Chapter VII: New Areas of Agreement*

##### *Section 1: Provisions relating to the Executive Power*

###### *Sub-section 1: Replacement of the President of the Republic during the Transitional Period*

*Article 47:* In the event of a temporary impediment  
or incapacity of the President of the Republic to carry out  
his duties, the Speaker of the Transitional National As-  
sembly shall assume the interim until the incumbent Presi-  
dent resumes office.

*Article 48:* In the event of resignation or death,  
permanent impediment or incapacitation of the  
President of the Republic:

1. The office shall be declared vacant by the Su-  
preme Court upon request by the Broad-Based Transi-  
tional Government.

2. The interim Presidency shall be assumed by the  
Speaker of the Transitional National Assembly.

3. The replacement of the President of the Republic  
shall be conducted in the following manner:

(a) The party of the former President of the Repub-  
lic shall present two candidates to the Bureau of the  
Transitional National Assembly within three (3) weeks  
of the declaration of the vacancy.

(b) Within the fourth week, the election of the  
President of the Republic shall be conducted in a joint  
session of the Broad-Based Transitional Government and  
the Transitional National Assembly. The respective mem-  
bers of the two institutions shall elect the President of the  
Republic by secret ballot and by an absolute majority.

The election shall be supervised by the Speaker of the  
Transitional National Assembly.

(c) If the Party of the former President of the Re-  
public, for one reason or another, is not willing to present  
a candidate or cannot present any candidate, or if the  
President of the Republic has resigned from his party in  
the meantime, each political force represented in the  
Transitional National Assembly may submit one (1) can-  
didate within six (6) weeks after the declaration of the  
vacancy. The election shall be conducted during the  
seventh week, at the latest, following the modalities  
provided for in point (b) above.

(d) If the vacancy is declared three (3) months or  
less before the expiry of the transitional period, the  
Speaker of the Transitional National Assembly shall  
assume the interim Presidency of the Republic until the  
end of the Transition.

*Article 49:* The candidate to the Presidency of the  
Republic should be at least thirty five (35) years of age.  
Once elected, the President cannot perform any military  
or other remunerative activity.

*Article 50:* The new President of the Republic shall  
be sworn in within eight (8) days after his election, by the  
Presiding Judge of the Supreme Court, before the Na-  
tional Transitional Assembly.

###### *Sub-section 2: Appointment of the Prime Minister, Ministers and Secretaries of State*

*Article 51:* The candidate for the post of Prime  
Minister shall be presented by the political formation  
designated to that effect. He shall be presented to the two  
parties to the negotiations for approval. He should be  
known before the signing of the Peace Agreement.

*Article 52:* The Prime Minister shall, in consultation  
with each political force called upon to participate in the  
Government, select candidates for the portfolios distrib-  
uted among the various political forces. He shall present  
them to the President of the Republic for appointment as  
well as to the Transitional National Assembly, in accord-  
ance with Article 18, paragraph 3 of the Protocol of  
Agreement signed on 30th October, 1992.

###### *Sub-section 3: Replacement of the Prime Minister, Ministers and Secretaries of State*

*Article 53:* The vacancy of the post of Prime Minister  
shall be declared by the Supreme Court upon request by  
the Broad-Based Transitional Government. The political  
force of the former Prime Minister shall submit a candi-  
date within fifteen (15) days of the declaration of the  
vacancy. Political formations participating in the Broad-  
Based Transitional Government shall, under the coordi-  
nation of the Deputy Prime Minister, hold consultations

for the approval of the candidate. Once a consensus is reached, the Deputy Prime Minister shall present the candidate to the President of the Republic for appointment within three (3) days.

*Article 50:* The Prime Minister, in consultation with the political force of the Minister or Secretary of State to be replaced, shall present a candidate to the President of the Republic for appointment.

Sub-section 4: *Distribution of Ministerial Portfolios within the Broad-Based Transitional Government*

*Article 55:* In accordance with the provisions of Article 14 of the Protocol of Agreement signed on 30th October, 1992, the numerical distribution of the portfolios among political forces called upon to participate in the Broad-Based Transitional Government shall be as follows:

- MRND: 5 portfolios
- RPF: 5 portfolios
- MDR: 4 portfolios (including the post of Prime Minister)
- PSD: 3 portfolios
- PL: 3 portfolios
- PDC: 1 portfolio

*Article 56:* The nominative distribution of portfolios shall be as follows:

MRND:

1. Ministry of Defence;
2. Ministry of Higher Education, Scientific Research and Culture;
3. Ministry of Public Service;
4. Ministry of Planning;
5. Ministry of Family Affairs and Promotion of the Status of Women.

RPF:

1. Ministry of Interior and Communal Development;
2. Ministry of Transport and Communications;
3. Ministry of Health;
4. Ministry of Youth and Associative Movement;
5. Secretariat of State for Rehabilitation and Social Integration.

MDR:

1. Prime Minister;
2. Ministry of Foreign Affairs and Cooperation;
3. Ministry of Primary and Secondary Education;
4. Ministry of Information.

PSD:

1. Ministry of Finance;
2. Ministry of Public Works and Energy;
3. Ministry of Agriculture and Livestock Development.

PL:

1. Ministry of Justice;
2. Ministry of Commerce, Industry and Cottage Industry;
3. Ministry of Labour and Social Affairs.

PDC:

Ministry of Environment and Tourism

*Article 57:* The two parties further agree that:

- with reference to Article 5 of the Protocol of Agreement signed on 30th October, 1992, the Presidency of the Republic shall go to the MRND party.
- one of the holders of the five (5) ministries allocated to the RPF shall bear the title of Deputy Prime Minister in accordance with Article 20, paragraph 3 of the Protocol of Agreement signed on 30th October, 1992.

*Article 58:* In case one of the political forces called upon to participate in the Broad-Based Transitional Government as provided for under Article 14 of the Protocol of Agreement signed on 30th October, 1992, defaults, the portfolios which had been allocated to that force shall be distributed among the remaining political forces. The possibility of opening to political forces other than those mentioned under Articles 55 and 56 above shall be agreed upon by consensus in accordance with Article 14 cited above.

*Article 59:* Permanent impediment rendering the President of the Republic, Ministers and Secretaries of State incapable of carrying out their duties shall be declared by the Supreme Court following their resignation, death or physical incapacitation certified by a medical commission established by the Government for that purpose, and also following dismissal as a result of final sentencing for criminal offences.

Section 2: *Transitional National Assembly*

*Article 60:* The Transitional National Assembly shall, except in the case as provided for in Article 63 of this Protocol of Agreement, be normally composed of seventy (70) members called "Deputies to the Transitional National Assembly". The "Deputies" shall be appointed by their own political forces and their mandate shall cover the whole Transitional Period. The Transitional National Assembly shall make its own rules of procedure.

*Article 61:* All the political parties registered in Rwanda at the signing of this Protocol as well as the RPF shall be represented in the Transitional National Assembly, on condition that they adhere to and abide by the provisions of the Peace Agreement. To that effect, all these parties and the RPF should, prior to the establishment of the Broad-Based Transitional National As-

sembly and the Broad-Based Transitional Government, sign a Political Code of Ethics whose principles are spelt out in Article 80 of this Protocol.

Since the RPF and the political parties participating in the current Coalition Government are automatically, directly or indirectly bound, as a result of the Protocol of Agreement on the Rule of Law signed by the two parties to the negotiations, the political parties which do not participate in the said Government should, from the time of the signing of the Protocol of Agreement on Power-Sharing, demonstrate their commitment to abide by the principles governing the Protocol of Agreement on the Rule of Law, to support the peace process and to avoid engaging in sectarian practices and in any form of violence. Such commitment shall constitute a prerequisite for their participation in the Transitional National Assembly and it is incumbent upon the two parties to the negotiations to see to it that such commitment is met.

*Article 62:* The numerical distribution of seats in the Transitional National Assembly among the political forces, subject to the implementation of the previous article, shall be as follows:

MRND: 11 seats

RPF: 11 seats

MDR: 11 seats

PSD: 11 seats

PL: 11 seats

PDC: 4 seats

The other registered parties shall have one (1) seat each.

*Article 63:* (a) The maximum number of members of the Transitional National Assembly shall become the total number of seats of the remaining political forces if, for one reason or another, one or several political forces do not participate in the forming of the Transitional National Assembly, or withdraw from that assembly, provided that the total number is not reduced to less than two-thirds of the number stipulated under Article 60 of this Protocol of Agreement.

(b) If one or several political forces do not participate, or cease to participate in the Transitional National Assembly, and the number of Deputies falls below that stipulated in the above paragraph, the remaining political forces participating in the Transitional National Assembly shall consult and agree on the modalities for the composition of the new National Assembly.

*Article 64:* A "Deputy" may resign. In this case, his political party shall replace him in consultation with the Bureau of the Transitional National Assembly.

*Article 65:* All compulsory mandates shall be null and void. The right of the "Deputies" to vote shall be individual.

*Article 66:* The first session of the Transitional National Assembly shall be devoted to administering the oath of the "Deputies" and to electing the Bureau of the Transitional National Assembly.

*Article 67:* The Bureau of the Transitional National Assembly shall be composed of the Speaker, the Deputy Speaker and a Secretary.

*Article 68:* The PSD and PL political parties shall each present one (1) candidate for the post of Speaker of the Transitional National Assembly. The political party that will not have taken the post of Speaker shall present two (2) candidates for the post of Deputy Speaker of the Transitional National Assembly.

The PDC and other political parties which do not hold any ministerial portfolio in the current Coalition Government shall each present one (1) candidate for the post of Secretary.

Voting for the above-mentioned posts shall be by secret ballot and on the basis of an absolute majority of the "Deputies" present.

*Article 69:* The Transitional National Assembly shall automatically hold, each year, three (3) ordinary sessions of three months each, followed each time by a one (1) month parliamentary leave. When circumstances may so require, the Transitional National Assembly shall hold extraordinary sessions.

The first ordinary session shall begin 15 days after the "Deputies" to the Transitional National Assembly have taken oath of office.

The Transitional National Assembly shall be convened by the Speaker. It may be convened in extraordinary session upon the initiative of the President of the Republic, the Speaker, the Prime Minister or following the decision taken by its members on the basis of an absolute majority. When it is convened in extraordinary session, the Transitional National Assembly shall deal with only those issues that motivated its convening.

Whenever an ordinary or extraordinary session of the Assembly is convened, the agenda and venue shall be indicated. Before any proceedings, the Transitional National Assembly shall adopt its agenda and decide on the urgency of the matters to be discussed. A "Deputy" or the Prime Minister may request the urgent consideration of an item. When the request is made by the latter, the matter in question shall automatically be considered as urgent.

*Article 70:* The status of a Deputy shall be incompatible with the holding of a Ministerial portfolio and the exercise of any other remunerative activities.

*Article 71:* Members of the Transitional National Assembly who may be finally sentenced by Courts for criminal offences shall automatically lose their seats. In

this case, they shall be replaced in accordance with the provisions of Article 62 of this Protocol.

*Article 72:* The legislative power shall be exercised by way of laws passed by "Deputies" in the Transitional National Assembly as well as by Orders in Council passed by the Broad-Based Transitional Government in cases of emergency or when the Transitional National Assembly is unable to convene.

*Article 73:* Ordinary laws shall be passed on the basis of an absolute majority of the Deputies present. Organic laws shall be passed on the basis of a 3/5 majority.

*Article 74:* For any lawful seating to be held, a quorum of 2/3 of the members of the Transitional National Assembly shall be required.

*Article 75:* Sessions of the Transitional National Assembly shall be public; the minutes of the debates shall be published. However, upon request of the Speaker, of the Prime Minister or of one third of its members, the Assembly may, by an absolute majority, decide to sit in camera.

### *Section 3: Relationship between the Transitional National Assembly and the Broad-Based Transitional Government*

*Article 76:* The Prime Minister, upon a decision of the Cabinet and after consultations with the Bureau of the Transitional National Assembly, may request the President of the Republic to dissolve the Transitional National Assembly. The dissolution cannot take place within the last three months of the Transition.

*Article 77:* Replacement of the members of the Transitional National Assembly shall be done as per the numerical distribution of seats referred to under Article 62 above.

The replacement of each of the members of the Bureau of the Transitional National Assembly shall be made by election in accordance with Article 68 of this Protocol of Agreement.

*Article 78:* The Transitional National Assembly shall be endowed with the following means of control over government activities:

- Oral Questioning
- Written Questioning
- Committee Hearing
- Commission of Inquiry
- Interpellation
- Motion of censure.

An organic law shall determine the conditions and procedure for this control.

*Article 79:* The Transitional National Assembly may question the conduct of the Broad-Based Transitional

Government as well as that of a Minister or Secretary of State, by voting on a motion of censure against the Prime Minister or any other member of the Government.

Such a motion is not admissible until after questioning and unless it is presented by at least one fifth of the members of the Transitional National Assembly in the case of a Minister or a Secretary of State, and by one third of the members in the case of the Government.

The motion of censure shall be adopted by secret ballot and by a 2/3 majority of the "Deputies" present.

The vote of a motion of censure against the Prime Minister shall entail his resignation and that of the Government. In this case the replacement of the Prime Minister shall be made in accordance with Article 53 of this Protocol of Agreement. The outgoing Government shall dispose of the day-to-day matters until a new Government is formed.

### *Section 4: Political Code of Ethics binding the political forces called upon to participate in the Transitional Institutions*

#### *Sub-section 1: Fundamental Principles*

*Article 80:* In a declaration signed by their authorised representatives, the political forces called upon to participate in the Transitional Institutions shall undertake to:

1. Support the Peace Agreement and work towards its successful implementation;
2. Promote national unity and national reconciliation of the Rwandese people;
3. Abstain from all sorts of violence and inciting violence, by written or verbal communication, or by any other means;
4. Reject and undertake to fight any political ideology or any act aimed at fostering discrimination based mainly on ethnic, regional, sexual or religious differences;
5. Promote and respect the rights and freedoms of the human person;
6. Promote political education among their members, in accordance with the fundamental principles of the Rule of Law;
7. Work towards a system whereby the political power serves the interests of all the Rwandese people without any discrimination;
8. Respect the secularism of the Rwandese State;
9. Respect national sovereignty and the territorial integrity of the country.

*Article 81:* The Commission on National Unity and National Reconciliation shall ensure that each political force respects the principles spelt out under Article 80 above.

*Article 82:* Any political force violating the provisions of Article 80 shall be liable to a sanction of exclusion from the Transitional Institutions, without prejudice to other legal or statutory provisions on the matter.

This measure shall be taken by the Supreme Court upon request of the Government, acting on the Commission's report.

The request to the Supreme Court shall be preceded by a warning by the Government to the political party concerned; when the warning has not been heeded.

*Sub-section 2: Additional Duties of the Commission for National Unity and National Reconciliation*

*Article 83:* The two parties agree that the Commission on National Unity and National Reconciliation, in addition to the duties specified under Article 24 A of the Protocol of Agreement signed on 30th October, 1992, shall see to it that each political force respects the principles spelt out in the Political Code of Ethics binding the political forces to participate in the Transitional Institutions.

*Section 5: Miscellaneous Provisions*

*Sub-section 1: Modalities of Appointment within the Judiciary*

*Article 84:* In order to maintain the independence of the Judiciary, posts in the Judiciary shall not be subjected to sharing among political forces. Therefore, applications for the posts of Presiding Judge and Deputy Presiding Judge of the Supreme Court, referred to under Article 30 of the Protocol of Agreement signed on 30th October, 1992, shall be considered without any reference to political parties, in order to better ensure the neutrality of magistrates.

*Article 85:* The Supreme Council of Magistrates shall, in conjunction with the Broad-Based Transitional Government, take all necessary and adequate measures to facilitate the integration of competent, experienced or qualified Rwandese nationals who have not worked or evolved in the current legal system of Rwanda.

*Sub-section 2: Redeployment of the Deputies to the CND*

*Article 86:* The Broad-Based Transitional Government shall take the necessary steps to find, to the extent possible, a new placement for the Deputies to the CND in their former sectors of activity. In so doing, the Broad-Based Transitional Government shall take into account the qualifications and experience of each "Deputy".

*Sub-section 3: Local Elections as a Solution to Social Tensions*

*Article 87:* Local elections shall normally be held within six (6) months before the expiry of the transition. In the meantime, the replacement of local authorities shall be made through nomination. However, the Broad-Based Transitional Government shall decide on the opportune moment for organizing partial local elections if adequate security conditions allow for the holding of such elections and if it has the legal instruments to organize them.

*Sub-section 4: National Conference*

*Article 88:* The National Conference shall consist of a general discussion to focus solely on national unity and national reconciliation, as provided for in Article 24 of the Protocol of Agreement signed on 30th October, 1992.

This discussion shall be prepared by the Commission on National Unity and National Reconciliation provided for under Article 24 of the Protocol of 30th October, 1992. The Commission shall report to the Broad-Based Transitional Government.

Done at Arusha, this 9th day of the month of January, 1993, in the French and English languages, the French text being the original.

For the Government of the Republic of Rwanda

For the Rwandese Patriotic Front

NGULINZIRA Boniface,  
Minister of Foreign Affairs and Cooperation

BIZIMUNGU Pasteur,  
Member of the Executive Committee and Commissioner for Information and Documentation

In the presence of the Facilitator (The United Republic of Tanzania)

Hon. Ahmed Hassan DIRIA  
Minister for Foreign Affairs and International Cooperation

In the presence of the Representative of the Current Chairman of the OAU

For the Secretary-General of the OAU

Papa Louis FALL,  
Ambassador of Senegal to Ethiopia and Representative to the OAU

Dr. M. T. MAPURANGA,  
Assistant Secretary General of the OAU, in charge of Political Affairs

## Annex V

### Protocol of Agreement between the Government of Rwanda and the Rwandese Patriotic Front on the Repatriation of Rwandese Refugees and the Resettlement of Displaced Persons

The Government of the Republic of Rwanda on one hand, and the Rwandese Patriotic Front on the other;

Agree on the following provisions on the repatriation of Rwandese refugees and the resettlement of displaced persons.

#### *Chapter I: Repatriation of Rwandese Refugees*

##### *Section 1: Voluntary Return and Repatriation*

###### *Sub-section 1: Basic Principles*

*Article 1:* The return of Rwandese refugees to their country is an inalienable right and constitutes a factor of peace, national unity, and reconciliation.

*Article 2:* The return is an act of free will on the part of each refugee. Any Rwandese refugee who wants to go back to his country will do so without any precondition whatsoever.

Each person who returns shall be free to settle down in any place of their choice inside the country, so long as they do not encroach upon the rights of other people.

*Article 3:* For purposes of settling returnees, the Rwandese Government shall make lands available, upon their identification by the "Commission for Repatriation" so long as they are not currently occupied by individuals. The Commission shall be at liberty to explore and choose, without any restriction, resettlement sites throughout the national territory. The selection of sites, their occupation and farming shall take due consideration of the protection of endangered animal species, especially the mountain gorilla. Depending on the protection requirements and the planned farming development activities, the transfer of those species into compatible ecosystems is recommended.

*Article 4:* The right to property is a fundamental right for all the people of Rwanda. All refugees shall therefore have the right to repossess their property on return.

The two parties recommend, however, that in order to promote social harmony and national reconciliation, refugees who left the country more than 10 years ago should not reclaim their properties, which might have been occupied by other people. The Government shall compensate them by putting land at their disposal and shall help them to resettle.

As for estates which have been occupied by the Government, the returnee shall have the right for an equitable compensation by the Government.

*Article 5:* The repatriation exercise shall aim at achieving a harmonious and definitive integration.

*Article 6:* The repatriation process must mesh with the economic changes underway in the country.

*Article 7:* The principle of dual citizenship is hereby accepted. The laws governing the Rwandese citizenship shall be reviewed accordingly.

###### *Sub-section 2: The Beneficiaries of the Programme for the Return and Repatriation*

*Article 8:* The Programme for the Return and the Repatriation shall be designed solely for Rwandese Refugees.

Shall qualify as a Rwandese refugee:

1. Anyone in possession of documents issued by the Office of the United Nations High Commissioner for Refugees (UNHCR), testifying that the bearer is a Rwandese refugee;

2. Any Rwandese national who declares himself to be a Rwandese refugee, but who is not registered with the Office of the UNHCR.

###### *Sub-section 3: Repatriation Procedures*

*Article 9:* Upon the recommendation of the Secretariat of State for Rehabilitation and Social Integration, the Broad-Based Transitional Government shall set up a Commission for Repatriation composed of Government, UNHCR, OAU and Refugee representatives.

*Article 10:* The Commission shall have, as a general mandate, to finalize and to implement a programme for the repatriation and reintegration of returnees.

The concrete missions of the Commission shall be as follows:

1. Conduct a socio-economic survey of refugees;

2. Organize a pre-repatriation census and registration of returnees;

3. Conduct an information and sensitization campaign both to the refugee community and the population within the country;

4. Identify settlement sites, supervise the distribution of plots and establishment of basic infrastructures such as Reception Centres, Health Centres, Educational Centres, etc.;

5. Make travel arrangements for all returnees, where necessary, and arrangements for the transport of their property;

6. Supervise all kinds of assistance for the returnees, such as food aid, farming tools, building materials, domestic items, seeds, etc.;

That Commission may set up Committees, where necessary, for the execution of some of its missions.

*Article 11:* For border crossings, a list of items subject to an export ban in the country of asylum and to an import ban in Rwanda shall be communicated in advance to refugees opting for repatriation.

Property and assets of returnees shall be exempted from all import duties and taxes, except for commercial goods.

The exchange regulations shall be communicated to returnees and facilitated by the appropriate authorities.

Customs formalities shall also be specified by the country of asylum and by Rwanda.

The Secretariat of State for Rehabilitation and Social Integration, in coordination with Immigration and Emigration Services, shall provide facilities at border posts and at the International airport, for the reception of returnees who shall have opted to go back home with their own means.

#### Sub-section 4: *Assistance*

*Article 12:* The repatriation funding programme shall provide for provisional accommodation centres on the settlement sites in rural or in urban areas, in existing or those to be built, on condition that the latter are built for ultimate use.

Returnees at that time shall be fully taken care of, including an initial free medical check-up.

*Article 13:* Returnees shall provisionally be accommodated in shelters built on plots allocated to them, but they shall rapidly be given a set of building materials to enable them to build their own houses and design them in accordance with model development schemes drawn up by the Commission for Repatriation.

*Article 14:* Upon their arrival in the country, repatriates shall each be paid a small amount of money to enable them to meet vital needs not catered for by the aid programme.

*Article 15:* With the assistance of the International Community, the Rwandese Government shall provide assistance to the returnees, in the following areas:

1. food aid;
2. domestic items;
3. farming tools;
4. building materials;
5. health;
6. education.

The same assistance shall equally be provided to those returnees who may go back to their places of origin.

*Article 16:* Food aid shall be provided for a period of at least 15 months, after which conditions for the continued supply of that aid shall be reviewed.

*Article 17:* Each family of returnees shall be provided with basic items such as kitchen utensils and bed and beddings.

*Article 18:* The programme for the settlement of returnees shall also avail a set of farming tools and seeds, preferably selected to meet the soil and climate requirements in the area. In so doing, it shall enable the repatriated farmers to undertake farming activities as soon as possible.

*Article 19:* The repatriation programme shall also include the supply of medicines and various equipment for the existing or newly established Health Centres.

Vulnerable groups, i.e. women, children, the aged people and the handicapped shall be specifically taken care of.

*Article 20:* A programme of assistance for children admitted in the educational system shall be established and tailored in such a way as to cater for school fees, funds for the purchase of uniforms and school equipment for two academic years.

*Article 21:* The returnees who shall take up activities other than farming, but are not able to take care of themselves, shall each benefit from some of the assistance programmes mentioned above especially:

1. Accommodation and food aid for a period of 6 months;
2. basic items such as kitchen utensils, bed and beddings.

The Rwandese Government shall establish, through the Ministry of Labour and Social Affairs and the Secretariat of State for Rehabilitation and Social Integration, mechanisms for the orientation and follow-up of job seekers.

#### Sub-section 5: *Integration Modalities*

*Article 22:* Returnees may benefit from opportunities availed by the Development Projects designed for the enhancement of employment in the public and private sectors, in the same conditions as residents.

*Article 23:* The Rwandese Government shall undertake negotiations with international funding institutions, within the framework of the Structural Adjustment Programme (SAP), so that the absorption capacities of the Public Sector could be enhanced.

There are certain sectors, however, which already hold out employment opportunities, such as Education, Health and the Judiciary.

A returnee who shall be integrated in the public sector shall be employed at the level to be determined on the basis of their qualification and professional experience.

Employment shall not be subjected to any precondition and criteria other than the age for employment and retirement.

*Article 24:* Returnees who have contributed to the Social Security in Rwanda may claim their dues, either for themselves or their beneficiaries.

As for those who have been contributing to the Social Security abroad, the Rwandese Government shall negotiate with the countries concerned so as to arrange for the compensation or transfer of their dues.

*Article 25:* Lack of knowledge of Kinyarwanda or French shall not constitute an obstacle to employment and discharge of duties within the public sector.

During the first three years of service, with effect from the date of appointment, the returnees shall use those languages they are most familiar with, and shall take intensive French or Kinyarwanda courses. At the end of that period, consideration of this facility shall be re-examined in order to determine whether it would be maintained or not.

To that effect, a programme of linguistic support as well as translation and interpretation services shall be organized, according to the needs, soon after the establishment of the Broad-Based Transitional Government, using funds provided for in the Plan of Action for returnees or any other funds.

*Article 26:* The existing Commissions on the Equivalence of diplomas shall include qualified personnel among returnees and shall pay special attention to that problem.

Diplomas and certificates internationally recognised shall be considered for purposes of employment in the educational institutions or appointment to professional posts, in accordance with the UNESCO grading regulations and systems.

*Article 27:* The access to employment opportunities in the Private Sector and the establishment of new enterprises in the country have been liberalized within the framework of the Structural Adjustment Programme (SAP). They shall be open to returnees without any preconditions, and under the same conditions as residents.

Government role in that field will be to reactivate support to existing firms, promote new investments and simplify formalities required to get started in the Private Sector. The Plan of Action shall also include a Guarantee Security Fund, so as to facilitate access to loans by returnees.

*Article 28:* The Commission for Repatriation shall develop settlement sites. The sites shall be provided with basic socio-economic infrastructures such as schools, Health Centres, water, access roads, etc.

The Housing scheme in these areas shall be modelled on the "village" grouped type of settlement to encourage the establishment of development centres in the rural area and break with the traditional scattered housing.

*Article 29:* The programme for the reintegration of returnees shall provide additional school facilities, by expanding existing schools or creating new infrastructures to accommodate the returnee children already at school or of school age.

*Article 30:* For purposes of ensuring a smooth integration into the educational system in the country, and avoiding that students interrupt their studies and suffer adverse effects, a number of measures shall be taken:

1. During the first year, education should be provided in the language used in the country of asylum.

2. Within the first three months, intensive French courses should be organised for teachers and students, especially for students in the senior level of primary school and for students in secondary schools and institutions of higher learning, from the anglophone countries.

3. Some of the aspects of adaptation may be catered for in the private educational system.

4. The Plan of Action for Rwandese refugees shall take in charge students in their last two years of the primary, secondary schools and institutions of higher learning who may wish to stay behind and complete their studies in the host countries, if the educational systems in which they were studying are not available in Rwanda. Their certificates shall be recognized in accordance with the UNESCO system of equivalence of diplomas, certificates, etc.

However, special attention shall be given to the writing and reading of Kinyarwanda through additional remedial lessons, to enable new pupils and any other who might experience similar difficulties to catch up with those who are more conversant with the language.

#### *Sub-section 6: Implementation of the Overall Programme of Repatriation*

*Article 31:* In accordance with the mandate entrusted to them by the Dar es Salaam Summit of 19th February, 1991, the UNHCR and the OAU shall organize, within six (6) months after the establishment of the Broad-Based Transitional Government, a Donors' Conference for the financing of projects earmarked in the Plan of Action for the Rwandese refugees.

In addition to other internal sources of funding, the Rwandese Government shall also rely on bilateral cooperation to support the Repatriation Programme.

*Article 32:* The implementation, at the political and administrative level, of the Repatriation Programme shall

be supervised by the Secretariat of State for Rehabilitation and Social Integration.

For the technical implementation of the various components of the Repatriation Programme, the Government of Rwanda and the UNHCR shall preferably resort to those NGOs with an established reliability, taking also their respective specialization into account. As such, one or several NGOs shall undertake site development activities, building activities, and the distribution of food aid.

#### Sub-section 7: *Timetable for Repatriation*

*Article 33:* All the returnees having the means to settle themselves without recourse to Government assistance may do so, soon after the signing of the Peace Agreement.

To that end, Rwandese Embassies shall issue travel documents to all Rwandese refugees who wish to go back to Rwanda.

*Article 34:* With respect to repatriation in groups, the following programme of sequence is envisaged:

1. Within six (6) months after the establishment of the Broad-Based Transitional Government, the UNHCR and the OAU shall organize a Donors' Conference on the financing of the Repatriation Programme.

2. Within six (6) months after the establishment of the Broad-Based Transitional Government, tripartite agreements between Rwanda, the UNHCR and individual countries in the Region, and the UNHCR shall have been concluded on issues pertaining to the repatriation of refugees.

3. Within six (6) months after its establishment, the Broad-Based Transitional Government shall undertake operations for the preparation of settlement sites.

4. Within nine (9) months following the establishment of that Government, the repatriation of the first batch of returnees may begin.

#### Section 2: *Other Repatriation Solution: Settlement in the Host Country*

*Article 35:* The Broad-Based Transitional Government shall take and implement measures, including through bilateral agreements, for the protection of the Rwandese nationals who shall have opted to settle in the host countries as immigrants.

Those immigrants shall fully enjoy the same rights as all other Rwandese citizens.

### *Chapter II: Return of Persons Displaced by War and Social Strifes*

#### Section 1: *Preparatory Measures*

*Article 36:* The organized return of persons displaced as a result of war and social strife shall be done

after the following preparatory measures have been taken:

1. Deployment of the International Neutral Force.
2. Disengagement of Forces in the war zones.
3. Establishment of the Broad-Based Transitional Government.
4. Clearance of mines in the war zones.
5. Planning and provision of humanitarian assistance in essential services.

#### Section 2: *Administration and Security in the War Zones*

*Article 37:* The administration entities established before the outbreak of war shall be reconstituted.

*Article 38:* The socio-economic services established before the outbreak of war, especially in the educational, health, justice, youth, trade, agricultural and animal husbandry sectors at the level of administration entities in the war zones shall resume their activities.

*Article 39:* The Broad-Based Transitional Government shall determine mechanisms of appointing local authorities in these zones.

*Article 40:* The clearance of mines in the zones shall be conducted by the International Neutral Force, in collaboration with the Army Command High Council.

*Article 41:* Security shall be ensured by the local police to be provided with adequate means and assisted, where necessary, by the National Gendarmerie.

#### Section 3: *Humanitarian Assistance*

*Article 42:* Humanitarian Aid shall be distributed by the Secretariat of State for Rehabilitation and Social Integration, assisted by the Humanitarian Agencies.

*Article 43:* The humanitarian aid shall consist of:

1. Food aid;
2. Domestic items;
3. Farming tools;
4. Building materials;
5. Health care and Medicines;
6. Education (School equipment, uniforms, school fees for a period of two years);
7. Transport to their places of domicile for those who cannot afford it;
8. Labour costs for the construction of houses;
9. Seeds;
10. Establishment of temporary shelters.

#### Section 4: *Timetable and Modalities for Return*

*Article 44:* As soon as the preparatory measures spelled out in Article 36 of the present Protocol are put in place, the Broad-Based Transitional Government shall issue directives for the return of displaced persons.

*Article 45:* The return of war displaced persons to their homes shall, as much as possible, be coordinated with the return of the refugees who left the country during the war, as well as that of persons displaced as a result of social strifes.

Done at Arusha, the 9th day of June 1993  
in both French and English languages,  
the French text being the original.

For the Government of the  
Republic of Rwanda  
NDASINGWA Landoald  
Minister of Labour and  
Social Affairs

For the Rwandese  
Patriotic Front  
BIZIMUNGU Pasteur  
Member of the Executive  
Committee and  
Commissioner for  
Information and  
Documentation

In the presence of the Representative of the Facilitator  
(The United Republic of Tanzania)

Ami R. MPUNGWE  
Ambassador  
Ministry of Foreign Affairs and  
International Co-operation

In the presence of the  
Representative of the Current  
Chairman of the OAU

In the presence of the  
Representative of OAU  
Secretary General

Papa Louis FALL  
Ambassador of Senegal to  
Ethiopia and Tanzania and  
Representative to the OAU

Dr. M.T. MAPURANGA  
Assistant of  
Secretary General  
for Political Affairs

## Annex VI

### Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties

The Government of the Republic of Rwanda on the one  
hand, and the Rwandese Patriotic Front on the other;

Agree on the following provisions on the integration  
of the Armed Forces of the two parties.

#### *Chapter I. The National Army*

##### *Section 1: Missions and Principles*

*Article 1:* Subject to modalities and principles mutually agreed upon between the parties in the present Protocol of Agreement, for the formation of the National Army, the latter shall fulfil the following missions and shall be guided by the principles below:

#### A. Missions

1. Defend the national territorial integrity and the sovereignty of the country;
2. Participate, within the framework established by laws and regulations and in consultation with relevant authorities, in operations of maintenance and restoration of law and order as well as in the execution of laws;
3. Participate in relief operations in the event of natural calamities;
4. Contribute to the development of the country, especially through reconstruction and production activities.

#### B. Principles

1. As an Institution, the National Army shall be governed by the laws and regulations of the country;
2. The National Army shall be at the disposal of the Government and shall be subordinated to its authority, the two institutions abiding by the Fundamental Law as defined in the Peace Agreement, laws, democratic principles and the Rule of Law;
3. The National Army shall be non partisan;
4. The National Army shall be a regular Army, composed solely of volunteer Rwandese citizens recruited on the basis of their competence. It shall be open to any Rwandese Nationals, irrespective of their ethnic group, region, sex, religion or language;
5. Members of the National Army shall have the right to be informed about the socio-political life of the country. They shall benefit from civic and political education. To that effect, the Government shall set up a programme for the civic and political education of ser-vicemen;
6. Members of the National Army shall not be affiliated to political parties or to any other association of a political nature. They shall neither take part in activities or demonstrations of political parties or associations. They shall not portray their political allegiances in public;
7. Members of the National Army shall exercise their right to vote. Given the type of the current organization of the Army, however, its members cannot participate in local elections.
8. Members of the National Army may present their candidature for political elective posts, on condition that they resign from the Army.

##### *Section 2: Size, Structure and Organization*

###### *Sub-section 1: Size*

*Article 2:* The strength of the National Army (Officers, Non-Commissioned Officers, Corporals and Privates) shall be thirteen thousand (13,000) men. The ratio between the various categories with respect to the whole

size of the Army, shall be 6% for Officers, 22% for Non-Commissioned Officers and 72% for men.

*Article 3:* The National Army shall comprise:

1. An Army Command High Council;
2. The Army Headquarters;
3. Four (4) Territorial Brigades;
4. Specialised Units under the Army Headquarters;
5. Support and Service Units under the Army

Headquarters.

[Editor's note: The remainder of this section & the Protocol containing details of organizational structure and other administrative provisions of the proposed national army is not reproduced here.]

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#### Section 4: *Formation of the National Army*

##### Sub-section 1: *Process of the Formation of the National Army*

*Article 51:* The process of formation of the National Army shall be conducted in the following stages:

- Establishment of the Army Command High Council;
- Establishment of the Neutral International Force;
- Disengagement of forces;
- Integration operations;
- Training of servicemen;
- Deployment of troops in the Units.

##### *Paragraph 1: Establishment of the Army Command High Council.*

*Article 52:* The Army Command High Council shall be established concomitantly with the Transitional Institutions.

##### *Paragraph 2: The Neutral International Force.*

##### *Article 53: Composition.*

The Neutral International Force shall be under the responsibility and command of the United Nations and shall be composed of contingents provided by countries selected by the Secretary-General of the United Nations. Before deciding on a definite list of those countries, he shall require the approval of the two parties.

The Neutral Military Observer Group (NMOG) may, with certain arrangements between all the parties concerned, be partly or entirely integrated into the Neutral International Force, or perform certain duties specifically entrusted to the Neutral International Force.

##### *Article 54: Missions.*

The Neutral International Force shall have the following missions:

#### A. Overall Mission

The Neutral International Neutral Force shall assist in the implementation of the Peace Agreement, more especially through the supervision of the implementation of the Protocol of Agreement on the Integration of Armed Forces of the two parties as well as the provision of all kinds of assistance to the competent authorities and organs.

#### B. Security Missions

1. Guarantee the overall security of the country and especially verify the maintenance of law and order by the competent authorities and organs.
2. Ensure the security of the distribution of humanitarian aids.
3. Assist in catering for the security of civilians.
4. Assist in the tracking of arms caches and neutralization of armed gangs throughout the country.
5. Undertake mine clearance operations.
6. Assist in the recovery of all weapons distributed to, or illegally acquired by the civilians.
7. Monitor the observance by the two parties of modalities for the definite cessation of hostilities, provided for in the Peace Agreement.

#### C. Missions of Supervising the Process of Formation of the National Army

1. Undertake the demarcation of Assembly Zones and identify places for the establishment of Assembly and Cantonment points.
2. The Neutral International Force shall be responsible for the preparation of Assembly and Cantonment points. It shall take in and manage all the equipment and financial resources required for the performance of that duty.

The Military barracks may serve as Assembly or Cantonment points, on condition that the two parties be informed. These camps shall be subjected to the monitoring of the Neutral International Force and to requirements of other Assembly or Cantonment points.

3. Determine security parameters for the City of Kigali, in line with the objective of making it a neutral zone.

#### 4. Supervise:

- operations for the disengagement of forces, especially the movement of troops towards Assembly points, and servicemen moving to the Cantonment points for purposes of depositing heavy weapons;
- the transformation of military barracks into Assembly or Cantonment points;
- verifications following these operations.

5. Ensure that rules of discipline by servicemen inside and outside assembly points are observed.

6. Cross-check inventories of armaments and ammunitions of the two parties and monitor operations for the separation of heavy from light weapons.

7. Keep watch on cantonment points and participate in the guard of light weapons and ammunition magazines located in Assembly points.

8. Supervise operations for the identification of the military personnel to be carried out in the various Assembly points.

9. Supervise operations for the supplies to the troops in the Assembly points, it being understood that the supplies shall be confined to non lethal items.

10. Participate in the programme designed for the training of members of the new Armed Forces and cater for the security of Training Centres.

11. Supervise the operations for the demobilization of servicemen and gendarmes not eligible to constitute the new Armed Forces.

12. Assess the status of implementation of the formation process and make recommendations to the Broad-Based Transitional Government, the Army Command High Council and the Command Council of the National Gendarmerie.

### *Paragraph 3: Disengagement of Forces.*

#### *Article 55: Definitions.*

An Assembly zone is a portion of the national territory within which the Assembly and Cantonment points of each of the two parties shall be located.

Assembly points are centres where specific groups of servicemen of the two Forces shall be confined and their identification conducted. Those centres shall be the starting point of the formation, integration and demobilization process that shall be conducted under the supervision of the Neutral International Force.

Cantonment points are places identified for the storage of heavy weapons outside the Assembly points.

#### *Article 56: Demarcation of Assembly Zones.*

The demarcation of Assembly zones shall be undertaken by the United Nations Reconnaissance Mission in collaboration with the NMOG, on the basis of the current positions of the two Forces. During this demarcation exercise, care will be taken to ensure that the following conditions are fulfilled:

1. The two assembly zones be separated by a demilitarized zone whose width shall be superior to the range of heavy artillery used in the conflict;

2. Each Assembly zone shall contain all the Assembly and Cantonment points of the party concerned;

3. Within the Assembly zones, the Assembly points shall be located in such a way as to avoid clustering;

4. The Assembly and Cantonment points shall be located in such a way to allow the population to use its habitual property and facilities;

5. The Assembly zones shall be demarcated so as to avoid encirclement of one force by another.

#### *Article 57: Identification of Assembly Points.*

Assembly points shall be identified by the International Neutral Force, in collaboration with each party within its Assembly zone. These points shall, as much as possible, be located on Government's Estates or Estates belonging to collectivities, and shall be located far from built-up areas.

In identifying an Assembly point, account shall be taken of viability requirements (availability of water, hospitable climate, etc.) and facilities for an easy organization of supplies, it being clearly understood that supplies refer to non lethal items.

#### *Article 58: Movement of Troops towards Assembly Points.*

The Neutral International Force, in collaboration with the Army Command High Council, shall specify the date whereby elements of the two sides shall move towards the Assembly points after having deposited heavy weapons in the Cantonment points.

All the elements of the two Forces should join the Assembly points, except the administrative and support staff, whose composition and size shall be determined by the Neutral International Force, in collaboration with the Army Command High Council.

#### *Article 59: Command of the Assembly Point.*

Each assembly point shall be under a Military Commander appointed by the party concerned.

The Military Commander shall be answerable to the Command to which he is accountable and to the Army Command High Council, with regard to the following:

- Staff discipline;
- Observance of the Peace Agreement by the troops, especially provisions relating to the definitive cessation of hostilities;
- Observance of directives and orders emanating from the Army Headquarters;
- Control of armaments, ammunition and other equipment belonging to Units within the Assembly point.

The Military Commander shall forward to the Army Headquarters a daily situation report specifying the personnel, equipment and ammunition in the Assembly point and relevant activities carried out in conformity with directives issued by the National Army Headquarters.

The Military Commander shall liaise the Command to which he is accountable and the Neutral International

Force. The latter may, however, appoint its own liaison Officer.

*Article 60: Security of Assembly Points.*

The security of Assembly points shall be jointly ensured by contingents amounting to 10% of the total strength of those points and whose minimal size should be one hundred and twenty (120) men, and by members of the Neutral International Force.

The personnel of those contingents shall carry individual weapons only, and shall strictly be deployed within the Assembly points.

Additional security measures to be taken in each Assembly point shall be decided upon by mutual agreement between the Commander of the Assembly point and the Neutral International Force, taking into account the specificities of each Assembly point.

*Article 61: Guard of Arms, Ammunition and Military Equipment in the Assembly Points.*

Once the troops arrive in the Assembly points, each party shall undertake identification of its troops and make an inventory of armaments and ammunitions.

The Army Command High Council and the Neutral International Force shall cross-check the inventory of arms and ammunition as well as the identification of servicemen.

All the troops confined in these points shall be deprived of their light or personal arms to be kept in magazines located in the same Assembly points under the joint guard of the Neutral International Force and the Force concerned. Light weapons required for training exercises in the Assembly point may, however, be put at the disposal of the Commander of the Assembly point, by the Neutral International Force when and as necessary. These exercises shall be carried out in accordance with a programme known to the Army Command High Council and the International Neutral Force. The weapons utilized shall be returned to the depot upon completion of each round of exercise.

The Army Command High Council and the Neutral International Force shall specify the date for the storage of arms and ammunition. The same date shall apply for the storage of arms and ammunition in all Assembly points.

*Article 62: The Personal Identification File.*

A personal identification file shall be opened for each serviceman as soon as they report to the Assembly point. The file shall include the following particulars:

Family name and First name; Rank; Years of Service within the Rank; Regimental Number; Sex; Date of Birth; Marital Status; Being a Rwandese national; Type and Serial Number of Weapon; Specialization;

Military or Civilian Diploma, Certificate or Brevet; Blood Group.

Shall be regarded as a Rwandese citizen any individual who considers himself to be Rwandese and whose parents or ancestors, or one of them, may be localized as a member of the national community dwelling in the territory recognized today as Rwanda.

The Army Command High Council may decide to include additional elements of identification such as a passport size photograph.

*Article 63: Troops' Activities in Assembly Points.*

Troops may notably undertake the following activities in Assembly Points:

- Physical exercises and cultural and leisure-time activities;
- Activities planned within the framework of the first phase of the military training programme;
- replenishment of food, fuels, lubricants and medical supplies;
- maintenance and repair of equipment;
- infrastructure improvement and clearance of mines in their assembly point.

The Neutral International Force shall monitor the observance of this provision by each party.

*Article 64: Incidents or Ceasefire Violations.*

In the event of incident or Ceasefire violation, Commanders of each echelon shall take immediate and appropriate action with regard to their troops, so as to put an end to that incident or violation.

Any Commander informed of an incident or violation shall immediately issue a warning to the perpetrators and, if they belong to his Unit, take adequate disciplinary action.

Without prejudice to any disciplinary action to be taken by the Unit Commander, the authors or those responsible for the incident or violation shall be liable to punishments specified by the Army Headquarters.

The Military Commander shall also be duty bound to report any incident or violation to his immediate superior, the Neutral International Force and the Army Headquarters.

In the event of incident or violation, Units shall refrain from taking any retaliatory action and shall strive to avoid any action that may trigger escalation.

The Neutral International Force shall be informed of any incident or violation and shall track down the perpetrators.

*Article 65: Movement Outside the Assembly Point.*

Servicemen in an Assembly point shall be forbidden to move outside that Assembly point without the permission of the Commander of the Assembly point. In any

case, they shall be strictly forbidden to move about armed.

The Neutral International Force shall monitor the observance of this provision by each party.

*Article 66: Identification of Cantonment Points.*

There shall be several Cantonment points located in the respective Assembly zones. Their ultimate number and their location shall be decided upon by the Commander of the Neutral International Force, after seeking the approval of the party concerned. Cantonment points shall be distant enough from Assembly points.

*Article 67: Definition of Heavy Weapons.*

All weapons shall be considered as heavy weapons except pistols, UZI sub-machine guns, sub-machine guns, rifles, light machine-guns (6.25 mm), medium machine guns (7.62 mm) and general-purpose machine guns (7.62 mm).

Armoured vehicles such as personnel carriers, tanks etc. helicopters and other military aircrafts belong to the category of heavy weapons.

Upon the request of the Army Command High Council and the Command Council of the National Gendarmerie, the Neutral International Force or the expanded NMOG may authorize the use of those vehicles and aircrafts for specified missions.

*Article 68: Guard and Maintenance of Arms within the Cantonment Points.*

The Cantonment points shall be under the only control of the Neutral Internal Force. Some members of the respective parties shall, however, be authorized by the Neutral International Force to visit the Cantonment points for purposes of servicing heavy weapons.

*Article 69: Ownership of Arms and Military Equipment in the Assembly and Cantonment Points.*

The Military equipment based in Assembly or Cantonment points and stored in magazines located in the Assembly points shall be verified and an inventory and record kept. This equipment shall remain the property of either party until the completion of the integration of the two forces.

Thereafter, the Broad-Based Transitional Government shall, at the proposal of the Army Command High Council, decide on the fate of those arms, ammunition and military equipment.

*Article 70: Determining the Types of Light weapons for the National Army and the National Gendarmerie.*

The Army Command High Council and the Command Council of the National Gendarmerie shall determine the type of light weapons for the National Army and the National Gendarmerie. Those weapons should be available at the training sites at the start of the integration process of the forces.

Those weapons shall be made available by the ACHC and the CCNG and shall belong to the National Army and the National Gendarmerie respectively.

*Article 71: Uniforms and Insignia.*

The uniforms and insignia of the National Army and the National Gendarmerie shall be determined by the Army Command High Council and the Command Council of the National Gendarmerie respectively.

*Article 72: Security Arrangements for the Establishment of Transitional Institutions in Kigali.*

In general, security shall be catered for by the Neutral International Force and, in case of delay in its deployment, by the expanded NMOG of which the United Nations assumes responsibility in accordance with Article 53 of this Protocol.

The establishment of transitional institutions shall take place after the deployment of the Neutral International Force or the expanded NMOG and after the withdrawal of foreign troops. The withdrawal of foreign troops shall be implemented in accordance with modalities defined in the March 7, 1993 Dar es Salaam Communiqué.

In consultation with the Neutral International Force or the Expanded NMOG and the Rwandese Patriotic Front (RPF), the Coalition Government shall make available accommodations for RPF personalities who will be members of the transitional institutions.

In consultation with the Neutral International Force or the expanded NMOG, the Broad-Based Transitional Government shall provide accommodation and offices affording suitable security conditions to the members of the Army Command High Council and the Command Council of the National Gendarmerie. The members of these organs shall also be consulted.

In order to participate in catering for the security of its personalities, the RPF shall bring to Kigali a security unit whose size is equivalent to one (1) Infantry Battalion of six hundred (600) troops.

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### *Chapter III. Demobilization Process*

#### *Section 1: Principles*

*Article 147:* Elements of the two Forces, namely the Rwandese Armed Forces and the RPF Forces which shall not have been retained among the nineteen thousand (19,000) servicemen and gendarmes shall be demobilized.

*Article 148:* Each party, i.e. the Coalition Government on the one hand, and the RPF on the other, shall specify those elements among its personnel to be demobilized and make a list of them.

*Article 149:* Demobilization is a process beginning with the formal publishing of lists of servicemen to be

demobilized and ending with the final implementation of the process of integration of the demobilized personnel into civil life, in accordance with the timetable attached to the present Protocol as Annex IV.

The publishing of lists shall only take place after the disengagement and verification by the competent organs have been conducted and upon completion of the joint training phase. Servicemen to be demobilized shall remain under the responsibility of the Broad-Based Transitional Government until they have been posted, taking into account their categories.

*Article 150:* Upon completion of the separate training, elements to be demobilized may be put together in separate Assembly points within the respective zones. The Command Council of the National Gendarmerie shall decide, depending on the circumstances, on the need to put them together, taking especially into account the social administration requirements for the elements to be demobilized.

*Article 151:* Demobilization shall be a gradual process which shall adapt itself to the programme of integration of each demobilized serviceman, in line with the timetable for the demobilization attached as Annex IV.

*Article 152:* Upon the completion of the demobilization process, each serviceman/gendarme shall be given a demobilization certificate. This certificate is a document testifying that the holder is an ex-serviceman and he/she is entitled to certain benefits given to war veterans.

The Certificate shall testify that the military or gendarme services are terminated and that the bearer was properly demobilized. Copies of that certificate shall be kept within the Ministry of Defence, the Ministry of Interior and Communal Development as well as the Secretariat of State for Rehabilitation and Social Integration.

A card for ex-servicemen shall also be issued to the demobilized personnel and shall especially bear the following particulars: family name, first name, rank, domicile, a photo, date of birth, certificate number and date of issuance.

## Section 2: *Demobilization Modalities*

### Sub-section 1: *General Conditions*

#### *Article 153: Lumpsum Demobilization Allowance.*

Each serviceman/gendarme to be demobilized shall be paid a lumpsum demobilization allowance in constant value of Rwandese Francs, amounting to:

- One hundred thousand (100,000) RWF for Corporals, Privates and Gendarmes.
- Two hundred thousand (200,000) RWF for Non-Commissioned Officers—2nd Category.
- Three hundred thousand (300,000) RWF for Non-Commissioned Officers—1st Category.

- Four hundred thousand (400,000) RWF for Junior Officers.
- Five hundred thousand (500,000) RWF for Senior Officers.

The Broad-Based Transitional Government shall specify modalities of the distribution of those allowances.

#### *Article 154: The Invalid and Handicapped.*

The invalid and handicapped whose incapacity to perform their duties shall be testified by a registered physician, shall be paid a monthly invalidity allowance and the Government shall take charge of the education of all their children in Public or subsidized Private Schools.

### Sub-section 2: *Specific Modalities for Demobilization per Categories of the Personnel to be Demobilized*

*Article 155:* The personnel having the means to take care of their own integration into civil life shall be discharged upon completion of usual formalities.

*Article 156:* The personnel to be directly absorbed into the civil service shall be demobilized as soon as the absorption capacities of that sector will have been communicated.

*Article 157:* The personnel to undergo a short or long training or follow familiarization programmes shall be demobilized as soon as opportunities for their training shall have been confirmed.

*Article 158:* The handicapped or invalid shall take advantage of special programmes designed for socio-economic integration. They shall fall under the responsibility of the Secretariat of State for Rehabilitation and Social Integration as soon as possibilities of their integration will have been identified.

*Article 159:* The personnel whose integration in the civil life shall be contingent upon integration in the Rwandese society, provided for in the Repatriation Programme shall be under the responsibility of the organs responsible for the implementation of the repatriation programme, as soon as such bodies are in a position to implement those programmes.

*Article 160:* The personnel who do not fall under any of the above categories shall be demobilized as soon as the Secretariat of State for Rehabilitation and Social Integration and the competent Organs shall be in a position to make room for job opportunities for them.

### Section 3: *Follow-up of the Demobilized Personnel*

*Article 161:* The issue pertaining to the reserve of the National Army and to the compulsory national service shall be considered by the Broad-Based Transitional Government for appropriate action. The demobilized

personnel may, on their own volition, become members of the Reserve.

*Article 162:* The Secretariat of State for Rehabilitation and Social Integration shall include a Service responsible for the implementation of the programme of integration of the demobilized personnel in the socio-economic life. It shall also ensure the follow-up of the demobilized personnel after their social integration. The Government shall specify modalities of collaboration between the Secretariat of State for Rehabilitation and Social Integration and other departments concerned with the matters of the demobilized personnel, especially the Ministry of Defence and the Ministry of Labour and Social Affairs.

*Article 163:* The Army Command High Council and the Command Council of the National Gendarmerie shall decide whether it is appropriate and on the time for the separation of the personnel selected to constitute the National Army and the National Gendarmerie from those to be demobilized, and shall take into account the administrative facilities required by the social services responsible for the discharge and reintegration of the demobilized personnel.

Done at Arusha on 3rd day of August, 1993  
in both French and English languages,  
the French text being the original.

For the Government of the  
Republic of Rwanda

Dr. GASANA Anastase  
Minister of Foreign Affairs  
and Cooperation

In the presence of the  
Representative of the  
Facilitator  
(the United Republic of  
Tanzania)

Joseph RWE GASIRA  
Minister of Foreign Affairs  
and International  
Cooperation

...

For the Rwandese  
Patriotic Front

BIZIMUNGU Pasteur  
Member of the Executive  
Committee and  
Commissioner for Informa-  
tion and Documentation

In the Presence of the  
Representative of the  
Secretary General of OAU

Dr. M. T. MAPURANGA  
Assistant Secretary  
General in charge of  
Political Affairs

## Annex VII

### Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Miscellaneous Issues and Final Provisions

The Government of the Republic of Rwanda on the one hand, and the Rwandese Patriotic Front on the other;

Agree on the following provisions:

#### Chapter I: State Security Services

##### Section 1: Communal Police, Prisons Services, and the Public Prosecution Department

*Article 1:* Within the framework of implementing the Government's Programme outlined in Article 23 of the Protocol of Agreement of 30th October, 1992, the Broad-Based Transitional Government shall undertake the following activities with regard to the Security Services:

#### A. Communal Police

1. Ensure that policemen are recruited on the basis of the security needs of the Commune, and that an optimal ratio is established between the strength of the Police force and the size of the population in the Commune, in accordance with standard criteria applicable throughout the country.

2. Improve and enhance the level of training of the Communal Police Force and adapt it to suit its specific tasks.

3. Provide assistance to the Communes in matters of security, especially by improving the service conditions of the Communal Police.

4. Define the modalities of collaboration between the Communal Police Force and other Security Organs.

5. Evaluate and improve on the performance of the Communal Police Force.

#### B. Prisons Services

1. Update the legal provisions and regulations governing prison warders and Guards.

2. Improve and enhance the level of training of prison warders and Guards, by providing them with training best suited to prisons services.

3. Evaluate and improve on prison services, in conformity with Article 23 G.3 of the Protocol of Agreement of 30th October, 1992, and taking into consideration the principles underlying the Rule of Law.

### C. Public Prosecution Department

1. Undertake an extensive reform of the Public Prosecution Department and open it to all the Rwandese Nationals.
2. Make a distinction between the Jurisdiction of the Public Prosecution Department and of other services charged with criminal investigations.
3. Seek technical cooperation for the Public Prosecution Department.

#### Section 2: State Security Services

##### *Article 2: Structure*

The current structure of the State Security Services shall be maintained. They shall consist of the following:

- External Security under the Ministry of Defence;
- Internal Intelligence Service under the Prime Minister's Office;
- Immigration and Emigration Service under the Ministry of Interior and Communal Development.

##### *Article 3: Principles*

The State Security Services shall be guided by the following principles:

1. They shall serve the Government and shall be subjected to its authority.
2. They must confine their activities to the gathering of intelligence relevant to the missions entrusted to them. They shall have no power of arrest, such power shall be vested in the relevant authorities, (Public Prosecution Department, the National Gendarmerie and the Communal Police).
3. They must abide by the law and must conform to the letter and spirit of the International Conventions to which the Republic of Rwanda is a party.
4. They must respect the civic rights of citizens as well as fundamental freedoms.
5. In exercising their duties, they shall be guided by the supreme interest of the State and the public good. They shall perform their duties in a non-partisan spirit and must act with absolute impartiality and neutrality vis-à-vis political parties.

##### *Article 4: Coordination of Intelligence Services*

An Organ responsible for the coordination of all intelligence gathered by various State Intelligence Services shall be established within the Prime Minister's Office.

The Chart indicating the coordination of all these Services is attached to the Protocol as an Annex.

The Broad-Based Transitional Government shall set up a Commission to carry out a comprehensive study of the problems pertaining to State Security and propose the

best way of organizing the intelligence Services in the country.

##### *Article 5: Participation of the Rwandese Patriotic Front in the State Security Services*

The Broad-Based Transitional Government shall create new posts in the State Security Services within three months after the setting up of the Broad-Based Transitional Government. The RPF shall be effectively represented at all levels of the departments (External Security, Internal Security Services, Immigration and Emigration), particularly at the level of Director and Deputy Director of the Departments and within the organ responsible for the Coordination of State Security Services.

#### *Chapter II: Miscellaneous Provisions*

##### *Article 6: Oath of Office by the President of the Republic*

Without prejudice to Articles 3, 5 and 6 of the Protocol of Agreement of 30th October, 1992, the President of the Republic, before taking Office, shall take oath before the Constitutional Court, in the following words:

"I, ..., in the Name of the Almighty God, do hereby solemnly swear to the Nation to discharge faithfully the duties entrusted to me, remain loyal to the Republic of Rwanda, respect the State Institutions and promote the interests of the Rwandese people, in accordance with the Fundamental Law and other Laws."

##### *Article 7: Oath of Office of the Prime Minister, Ministers, Secretaries of State and Deputies of the Transitional National Assembly*

Before taking up Office, the Prime Minister, Ministers, Secretaries of State and Deputies of the Transitional National Assembly shall take oath, in the following words:

"I, ..., in the name of the Almighty God, do hereby solemnly swear to the Nation to discharge faithfully the duties entrusted to me, to remain loyal to the Republic of Rwanda, respect the Head of State, the State Institutions and promote the interests of the Rwandese people, in accordance with the Fundamental Law and other Laws."

The Prime Minister, Ministers, and Secretaries of State shall take oath before the President of the Republic, and the Transitional National Assembly.

Deputies of the Transitional National Assembly shall take oath before the President of the Republic of Rwanda, in the presence of the Presiding Judge of the Constitutional Court.

In the event of the inability of the President of the Republic of Rwanda to perform this function, the per-

sonalities listed above shall take oath before the Presiding Judge of the Constitutional Court.

*Article 8: Oath of Office of the Presiding Judge and Deputy Presiding Judges of the Supreme Court*

Before taking Office, the Presiding Judge and Deputy Presiding Judges of the Supreme Court shall take oath of Office in the following words:

"I, ..., in the name of the Almighty God, do hereby solemnly swear to the Nation to discharge faithfully the duties entrusted to me, to remain loyal to the Republic of Rwanda, to respect the Head of State as well as the State Institutions and promote the interests of the Rwandese people in accordance with the Fundamental Law and other laws."

The Presiding Judge and Deputy Presiding Judges of the Supreme Court shall take the oath of Office before the President of the Republic of Rwanda in the presence of the Transitional National Assembly. In the event of inability of the President of the Republic to perform this function, the above personalities shall take oath before the Speaker of the Transitional National Assembly.

*Article 9: Chairmanship of the first Session of the Transitional National Assembly*

The first Session of the Transitional National Assembly shall be chaired by the President of the Republic. In the event of the latter's inability to perform the function, it shall be chaired by the Presiding Judge of the Constitutional Court.

*Article 10: Removal of a Deputy of the Transitional National Assembly*

A Deputy of the Transitional National Assembly shall be removed by the Supreme Court which shall, in turn, inform the Transitional National Assembly and the Broad-Based Transitional Government.

*Article 11: Violation of the Fundamental Law by the President of the Republic*

In the event of violation of the Fundamental Law by the President of the Republic, his indictment shall be decided by the Transitional National Assembly on the basis of a 2/3 majority vote of the members present and by secret ballot.

However, prior to voting on the indictment, the Transitional National Assembly shall consult the Joint Political Military Commission (JPMC) referred to in Article IV of the Ceasefire Agreement as amended at Gbadolite 16th September, 1991 and at Arusha on 12th July, 1992. It may also consult the Facilitator. In case the indictment is confirmed to be appropriate, the President is answerable to the Constitutional Court which alone is competent to decide on his immediate resignation.

*Article 12: Violation of the Fundamental Law by the Prime Minister, Ministers and Secretaries of State*

In the event of violation of the Fundamental Law as outlined in the Peace Agreement, by the Prime Minister, a Minister or a Secretary of State, the procedure provided for in Articles 78 and 79 of the Protocol of Agreement on Power-Sharing signed on 9th January, 1993 shall apply.

*Article 13: Voluntary Resignation of the President of the Republic*

The President of the Republic may, for personal reasons, resign from Office. His resignation shall be accepted by the Transitional National Assembly. In this case, his replacement shall be effected, in accordance with Articles 47 to 50 of the Protocol of Agreement on Power-Sharing agreed on 9th January, 1993.

*Article 14: Resignation of the Prime Minister, Ministers and Secretaries of State*

The Prime Minister, a Minister or Secretary of State may for personal reasons, tender his/her resignation. That resignation shall become definitive if not withdrawn within eight (8) days.

The Prime Minister shall tender his/her resignation to the President of the Republic. In this case, Article 53 of the Protocol of Agreement on Power-Sharing, signed on 9th January, 1993 shall apply.

The Minister or Secretary of State shall tender his/her resignation to the President of the Republic and shall inform the Prime Minister accordingly. In this case, Article 54 of the Protocol of Agreement on Power-Sharing signed on 9th January, 1993 shall apply.

In either situation, Orders of resignation shall be signed by the President of the Republic, in accordance with the modalities provided for in Article 9 of the Protocol of 30th October, 1992.

*Article 15: Ratification of International Instruments on Human Rights*

The Broad-Based Transitional Government shall ratify all International Conventions, Agreements and Treaties on Human Rights, which Rwanda has not yet ratified. It shall waive all reservations entered by Rwanda when it adhered to some of those International instruments.

*Article 16: Deletion of Reference to Ethnic Group in Official Documents*

The Broad-Based Transitional Government shall, from the date of its assumption of office, delete from all official documents to be issued any reference to ethnic origin. Documents in use or not yet used shall be replaced by those not bearing any reference to ethnic origin.

*Article 17: Public Freedoms and Fundamental Rights*

With regard to public freedoms and fundamental rights, the principles enshrined in the Universal Declaration of Human Rights of 10th December, 1948 shall take precedence over corresponding principles enshrined in the Constitution of the Republic of Rwanda, especially when the latter are contrary to the former.

*Article 18: Authentic Interpretation of the Peace Agreement*

It shall be the duty of the Transitional National Assembly to make an authentic interpretation of the Peace Agreement.

The Transitional National Assembly shall consult the Joint Political Military Commission referred to in Article IV of the N'sele Ceasefire Agreement as amended at Gbadolite 16th September, 1991 and at Arusha 12th July, 1992.

It may consult the Facilitator or any another person it deems competent.

In this regard, the Transitional National Assembly shall take a decision on the basis of a 3/5 majority vote of its Members.

*Article 19: Amendment of the Peace Agreement*

Proposals for the amendment of the Peace Agreement may be made by the Broad-Based Transitional Government and the Transitional National Assembly.

Where the proposal emanates from the Government, it must be adopted by the Transitional National Assembly on the basis of a 3/5 majority vote of its members.

Where the proposal emanates from the Deputies, it must be adopted by the Transitional National Assembly on the basis of consensus.

*Article 20: Confirmation of Orders in Council by the Transitional National Assembly*

Orders in Council by the Cabinet must be adopted by the Transitional National Assembly during its forthcoming session, otherwise they shall lose their binding force.

*Article 21: Jurisdiction, Organization and Functioning of the Supreme Council of Magistracy*

An organic law shall determine the Jurisdiction, organization and functioning of the Supreme Council of Magistrates.

*Article 22: Duration of the Transition Period*

The duration of the Transition period shall be twenty two (22) months, effective from the date of establishment of the Broad-Based Transitional Government, with the possibility of one (1) extension if warranted by exceptional circumstances impeding the normal implementation of the programme of the Broad-Based Transitional Government.

The length of the extension shall be determined by the Transitional National Assembly on the basis of a 3/5 majority vote. In this regard, the Broad-Based Transitional Government shall consider the need for an extension, three (3) months before the expiry of the Transition period, and shall make appropriate recommendations to the Transitional National Assembly, in consultation with third parties involved in the implementation of the Peace Agreement, namely the United Nations, the OAU and the Facilitator.

Done at Arusha, on the third day of the month of August 1993, in both French and English languages, the original text being in French.

For the Government of the Republic of Rwanda

Dr. GASANA Anastase  
Minister of Foreign Affairs and Cooperation

In the presence of the representative of the Facilitator (The United Republic of Tanzania)

Joseph C. RWEGASIRA  
Minister for Foreign Affairs and International Cooperation

...

For the Rwandese Patriotic Front

BIZIMUNGU Pasteur  
Member of the Executive Committee and Commissioner for Information and Documentation

In the presence of the Representative of the Secretary General of the OAU

H.E. Dr. M. T. MAPURANGA  
Assistant Secretary General in charge of Political Affairs