

(Translated from French)

DEMOCRATIC REPUBLIC OF THE
CONGO

PEACE AGREEMENT

BETWEEN

THE GOVERNMENT

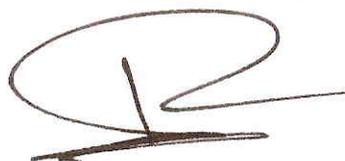
AND

THE CONGRES NATIONAL

POUR LA DEFENSE DU PEUPLE

(CNDP)

Goma, 23 March 2009



Preamble

We, the Government of the Democratic Republic of the Congo and the Congrès National pour la Défense du Peuple (CNDP), parties to the present agreement,

Gathered at several sessions in Nairobi, Kenya, and Goma, Democratic Republic of the Congo, under the auspices of the Co-Facilitation of the Special Envoy of the Secretary-General of the United Nations for the Great Lakes Region, H.E. Mr. Olusegun Obasanjo, the co-facilitator of the African Union and the International Conference on the Great Lakes Region, H.E. Mr. Benjamin William Mkapa;

Wishing to promote lasting peace in the Democratic Republic of the Congo and genuine reconciliation between the sons and daughters of this great country;

Convinced of the need to reach a rapid and lasting solution to the crisis that has prevailed for years in the eastern Democratic Republic of the Congo in general and in North Kivu and South Kivu in particular, which has created an environment conducive to mass human rights violations and an unprecedented humanitarian crisis that must rapidly be brought to an end;

Aware that dialogue is the ideal means to resolve conflicts;

Reaffirming the inviolable and inalienable nature of the core principles of the Constitution of the Republic, particularly those relating to:

- a) National sovereignty;
- b) Territorial integrity;
- c) Inviolability of national borders, in accordance with the boundaries as they existed on 30 June 1960;
- d) Human rights, fundamental freedoms and the duties of citizens and of the State;



e) Republican and apolitical nature of the armed forces and the national police,

Mindful of the following agreements and frameworks:

a) Pact on Security, Stability and Development in the Great Lakes Region, signed in Nairobi on 15 December 2006;

b) Nairobi Joint Communiqué of 9 November 2007;

c) Goma Actes d'Engagement of 23 January 2008, signed following the Conference on Peace, Stability and Development in North Kivu and South Kivu Provinces, together with the resolutions of the said conference;

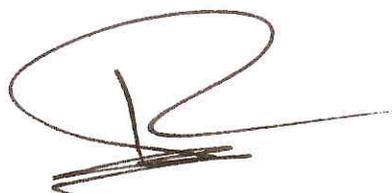
d) Relevant resolutions of the United Nations Security Council, in particular resolutions 1843, 1856 and 1857 on the security situation in North Kivu and on strengthening MONUC and its new mandate;

e) Joint Statement of the Summit of Heads of State of the Great Lakes Region, held in Nairobi on 7 November 2008,

Conscious of the need for strict compliance with the fundamental norms and principles of international humanitarian law,

Recalling the recent military and political declarations by CNDP in Goma, of 16 January and 4 February 2009,

Without prejudice to other agreements which are likely to contribute to and help build peace and stability in the provinces of North Kivu and South Kivu, and also in the Great Lakes Region,



Solemnly agree to the following:

Article 1: Transformation of the Congrès National pour la Défense du Peuple

1.1 CNDP reaffirms the irreversible nature of its decision to end its existence as a political and military movement. It commits itself:

- a)** To integrating the members of its police and its armed units into the Congolese National Police and the Armed Forces of the Democratic Republic of the Congo, respectively;
- b)** To transforming itself into a political party and to fulfilling the legal requirements in that regard; and henceforth
- c)** To seeking solutions to its concerns through purely political means and with due regard to the institutional order and the laws of the Democratic Republic of the Congo.

1.2. The Government commits itself to expeditiously consider the request by CNDP to be recognized as a political party.

1.3. In addition, the parties accept the principle of the participation of CNDP in the political activities of the Democratic Republic of the Congo. The modalities for such participation will be established by mutual agreement.

Article 2. Political prisoners

2.1. CNDP commits itself to producing, as soon as possible, an updated list of its members who are political prisoners.

2.2. Pursuant to the Goma Actes d'Engagement, the Government commits itself to releasing those prisoners. The Government also commits itself to ensuring their repatriation to their areas of residence.

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Article 3. Amnesty

3.1. In order to promote national reconciliation, the Government commits itself to promulgating an Amnesty Act covering the period from June 2003 up to the date on which the Act is promulgated, and which should be in compliance with international law.

3.2. The parties agree on the need for strict observance of the independence of the judiciary as enshrined in the Constitution.

3.3. Given that CNDP has expressed concerns regarding some provisions of the Amnesty Bill, as adopted by the National Assembly, in particular, the definition of the acts covered by the amnesty which CNDP views as being restrictive, it is agreed that the Government will convey those concerns to Parliament for its consideration.

Article 4. National reconciliation mechanism

4.1. The parties commit themselves to maintaining the momentum of reconciliation, of instilling peace in hearts and minds and of ensuring the harmonious co-existence of communities as the overriding requirement of good governance. In this respect:

a) The parties agree that the Government may establish a national reconciliation mechanism entrusted with defining and conducting the policy of reconciliation between all Congolese, men and women alike, and of combating xenophobia;

b) The Government commits itself to setting up a ministerial body responsible for national security, local affairs and reconciliation. If this does not take the form of a separate ministry, all the above-mentioned matters must be explicitly taken into account in defining the responsibilities of a particular ministry.



Article 5. Local conflict resolution

5.1. The Government commits itself to setting up permanent local conciliation committees, falling under local civilian authority, the members of which shall include local elders, men and women, to compensate for failings in conflict prevention and the extrajudicial resolution of conflicts.

5.2. The parties agree on the principle of the creation of a community-based police service, which shall be established as a branch of the national police and shall be attentive to the concerns of people at the community level and shall act in their service.

5.3. The members of the community-based police service shall be recruited and trained at the national level. Their training programme shall be so designed as to ensure that they have a thorough knowledge of the sociological realities of the regions to which they are to be deployed. Without being established along ethnic or community lines, the community-based police shall ensure, in deploying its units to the field, that the composition of those units reflects the local social diversity.

5.4. The parties agree that the views of CNDP on the above-mentioned subjects shall be conveyed to the Government.

5.5. Pending the establishment of the community-based police, and with a view to ensuring the safety of refugees and internally displaced persons returning to their homes, the parties agree on the creation, by the Government, of a special police unit drawn from the process of integrating members of the CNDP police into the Congolese National Police. This unit will be trained and equipped in a manner consistent with the needs for the maintenance of law and order at the local level.

Article 6. Return of refugees and internally displaced persons

6.1. The parties agree that the right to live in peace in their own country and the right to full enjoyment of their citizenship are inalienable rights of all Congolese. The rapid return to their areas of origin of Congolese



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displaced persons and refugees who remain in neighbouring countries is therefore an imperative.

6.2. Accordingly, the Government commits itself to reviving, as soon as possible, the tripartite commissions concerning Congolese refugees in neighbouring countries and to launching rehabilitation initiatives for their smooth reintegration. The parties also agree to encourage and facilitate the return of internally displaced persons.

6.3. The practical modalities for these operations will entail specific arrangements, including:

- a) Identification;
- b) Study of locations;
- c) Viability of resettlement areas (security, infrastructure, water, etc.);
- d) Social reintegration.

6.4. A binding timetable will be established for the rapid implementation of this provision.

Article 7. War-affected areas

7.1. As a result of recurrent wars, which have laid waste to basic infrastructure, homes, fields, plantations and livestock, and the existence of impassable roads, the parties recommend that the provinces of North Kivu and South Kivu should be declared disaster areas.

7.2. The Government commits itself to establishing labour-intensive integration and development projects in order to absorb the workforce, which will be generated by demobilization and the return of internally displaced persons and refugees, commencing with the worst-affected territories.



Article 8. Territorial Administration

8.1. The parties agree that closer links between those in government and those being governed is a prerequisite of good governance.

8.2. Considering the need to take full account of the sociological realities of the country, CNDP has proposed a model for the delimitation of administrative boundaries.

8.3. It is agreed that the contribution of the CNDP on this matter shall be duly recorded as an element for discussion on how to improve the efficiency of territorial administration.

Article 9. Public Administration

9.1. The parties agree that the Government should meet the need for local communities to have access to government services in their areas.

9.2. To this end, CNDP has proposed that government services should be administered by national agencies, which are technically and financially autonomous, while remaining under the control of ministries.

9.3. It has been agreed that the views of CNDP on this matter will be forwarded to the Government, with a view to enriching discussions about the reform of public administration in the Democratic Republic of the Congo.

Article 10. Reform of the army and the security services

10.1. The parties agree that the far-reaching reform of the army and security services of the Democratic Republic of the Congo is a priority.

10.2. CNDP has suggested some strategic approaches to such reform.

10.3. The Government, which is aware of this need and already working on it, commits itself to undertaking the reform of the army and the security services as an immediate priority.

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Article 11. Voting system

11.1. The parties agree to the need for an urgent evaluation of the Electoral Act, followed, if necessary, by its amendment, with a view to ensuring the broadest possible representation without, however, compromising the effective operation of the country's institutions, at all levels, and to stiffening the penalties imposed on persons who, during the election campaign, make public statements inciting sectarianism or hatred.

11.2. A proposal, in this regard, has been made by CNDP to the Government, for transmission to the Independent National Electoral Commission.

Article 12. Specific issues

12.1. The Government commits itself to providing a political solution to the problem of the re-employment of administrative officials who joined CNDP, without prejudice, however, to the legal instruments in force.

12.2. The parties agree that a solution to the problem of the reinstatement of provincial deputies whose mandates have been withdrawn may be found within the broader framework of the participation of CNDP in the country's political process.

12.3. With regard to the issue of the traditional leaders who were not co-opted into the Provincial Assembly of North Kivu, it has been noted that this matter is already covered by a decision of the Supreme Court. The parties agree to forward a recommendation to the Independent National Electoral Commission as the body responsible for the prompt implementation of that decision.

12.4. The parties agree to the restoration of State authority in the areas of Masisi, Rutshuru and Nyiragongo. The principle in agreement is therefore that of the reinstatement of the territorial administrators and deputy territorial administrators appointed by the Government. The rest of the staff will remain in place until further

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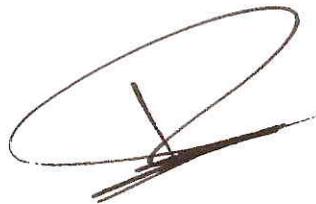
notice. The parties agree, in addition, that priority should be given in the implementation of these provisions to the need to promote community peace and harmony. To that end, penalties will be imposed on those who infringe these provisions. The former CNDP territorial administrators will be assigned to other posts in the broader framework of the participation of CNDP in the country's political process.

12.5. Without prejudice to the law and principles of equality, all misappropriated property must be returned to its owners, whether legal entities or individuals. In addition to the traditional arrangements for the settlement of disputes of this nature, the parties agree on the rapid establishment of permanent local conciliation committees.

12.6. In view of the increasingly competitive nature of the national economy, the parties agree on the need to speed up the process of liberalizing public enterprises in the Democratic Republic of the Congo.

12.7. The Government commits itself to providing support for war-wounded, and for the orphans and widows of former members of CNDP, a list of whom shall be submitted by CNDP.

12.8. The parties agree on the formal recognition of the ranks of former members of CNDP, both in the Congolese National Police and in the Armed Forces of the Democratic Republic of the Congo. This issue will be dealt with in a comprehensive manner at the administrative level within the framework of the general ranks commission, and the necessary statutory instruments will be set in place. Strengthened efforts will be made to provide effective logistical support to units on the ground.



Article 13. Economic Reforms

The parties agree that there is a need for reliable and effective arrangements for good governance at all levels and in all areas, including those needed for certification, use, evaluation and control of natural resources.

Article 14. National Follow-up Committee

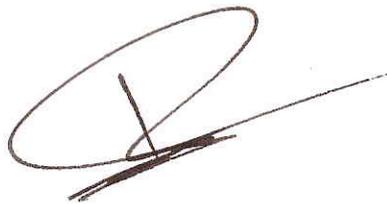
A Government-CNDP National Follow-up Committee will be established by statutory instrument. It shall ensure the implementation of the present Agreement. Its mandate will be for three months and may be extended.

Article 15. International Follow-up Committee

15.1. The United Nations, the African Union and the International Conference on the Great Lakes Region are the international witnesses of the present agreement and will be responsible for monitoring its effective implementation by the parties. These institutions, through the two Co-Facilitators, shall constitute the International Follow-up Committee of the Agreement.

15.2. The International Follow-up Committee will carry out periodic evaluations to assess progress in implementation of the Agreement. It may also assist the Government in mobilizing regional and international support for the implementation of the Agreement.

15.3. The mandate of the International Follow-up Committee will be for a period of three months and may be extended.



Article 16. Entry into force

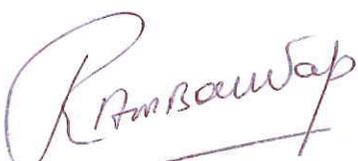
The present agreement shall enter into force on the date of its signature.

Done at Goma, on 23 March 2009

**For the Congrès National
pour la Défense du Peuple**

**For the Government of the
Democratic Republic of the Congo**

**Dr. Désiré Kamanzi
Chairman**



**H.E. Mr. Raymond Tshibanda
Minister for International and
Regional Cooperation**

As witnessed by:



**H.E. Mr. OLUSEGUN OBASANJO
Co-Facilitator**
Special Envoy of the
UN Secretary-General
for the Great Lakes Region



**H.E. Mr. BENJAMIN WILLIAM MKAPA
Co-Facilitator**
for the African Union
and the International Conference on
the Great Lakes Region

