



This is not an official translation of the peace agreement. The translation has been carried out by an independent translator on behalf of the UCDP

Political agreement on consensual management of the transition in the Democratic Republic of Congo

Clause 1

During the Transition

Mr Joseph Kabila is President of the Republic, Head of State.

Mr Jean-Pierre Mbemba is Prime Minister. The Prime Minister is Head of Government and presides at the Council of Ministers.

The President of the National Assembly will be taken from “Rassemblement Congolais pour la Démocratie” (The Congolese Rally for Democracy).

The President of the Senate will come from the non armed political opposition.

Citizen institutions i.e. the Independent Electoral Committee, the High Authority of Media, The Truth and Reconciliation Committee, the National Observatory of Human Rights, the Committee of Ethics and Struggle against Corruption will be presided by representatives of the Civil Society/the Forces Vives.

Except in cases of treason, extortion or corruption, the President of the Republic, the President of the National Assembly, the Prime Minister, and the President of the Senate will remain in office throughout the transition.

Clause 2

The transitional institutions of the Democratic Republic of Congo are:

The President of the Republic

The National Assembly

The Senate

The Government

Courts and Tribunals

Clause 3

The President of the Republic is the guarantor for national unity and the integrity of the territory of the Republic.

He represents the Nation.

He promulgates laws.

He is Supreme Commander of the Armed Forces.

By way of order he legislates within the scope of the prerogatives acknowledged to him by the Constitution.

He accredits ambassadors and extraordinary envoys. Foreign Ambassadors and extraordinary envoys are accredited by him.

With the counter-signature of the Prime Minister the President of the Republic nominates and revokes the Vice Prime Ministers, the Ministers and the Vice Ministers.

On suggestion by the Council of Ministers, and with the counter-signature of the Prime Minister, he nominates and revokes the senior officials of the Republic, the officers of the army, the superior and general police officers, the representatives of public enterprises and those responsible for State services.

Clause 4

The suggestions for nomination and dismissal made by the Prime Minister to the President of the Republic will come into force within 7 (seven) days in the absence of a contrary standpoint taken by the President of the Republic.

The deadline thus convened upon will be resumed in the transitional Constitution.

Clause 5

All parties concerned agree that the supreme commanding of the Armed Forces will be done via the Senior Army Council.

The President of the Republic presides at the Senior Army Council.

A law will organise the composition and the functioning of the Senior Army Council.

It will determine its role and its competence concerning the following matters:

The formation of the national army,

The commanding and engagement of the armed forces,

The appointment of principal military posts,

The appointment of senior officers and general officers,

The order of enforcement of the troops,

The proclamation of state of siege,

The proclamation of state of urgency,

The declaration of war,

The handling of all matters belonging under the National Defence.

Clause 6

The Prime Minister is Head of the Transitional Government.

He presides at the Council of Ministers.

On the initiative of the Government the President of the Republic may preside at the Council of Ministers.

In case of an exceptional situation, the Prime Minister may, in consultation with and on the invitation of the President of the Republic, convene the Council of Ministers which assembles under the presidency of the President of the Republic.

The Prime Minister exercises legislative power by means of decree deliberated in the Council of Ministers.

Decisions taken by him in this context are countersigned, if need be, by the Minister in charge of their execution.

Clause 7

With a view to the forming of a transitional government the components and entities (referred to hereafter as “the political parties”) taking part in the Inter-Congolese Political Negotiations, i.e. the Government of the Democratic Republic of Congo, le Mouvement de Libération du Congo (the Movement for the Liberation of Congo), le Rassemblement Congolais pour la Démocratie (the Congolese Rally for Democracy), the political opposition, les Forces Vives (the Civil Society), le Rassemblement Congolais pour la Démocratie-Mouvement Libération (the Congolese Rally for Democracy- Liberation Movement), les Mayi-Mayi (the Mai-Mai) send their list of candidates to the Prime Minister.

The Prime Minister has the power to reject a candidate in consultation with the concerned political party. In that case the political party in question proposes another candidate. In the ministries of collaboration the President of the Republic may reject the candidates proposed for the posts in question in relation to the above mentioned ministers.

Clause 8

The Government conducts the politics of the nation such as defined by the Inter-Congolese Political Negotiations.

It is in charge of the public administration, the national police and civil security.

It is fully responsible for the management of the State and is answerable for it to the National Assembly.

The National Assembly exercises its control over the Government, public State services and bodies by written question, by oral question with or without debate not followed by voting, by question of current interest, by the committee of investigation and interrogation.

Given the consensual character of the transitional institutions the Assembly cannot vote a motion of no confidence in the Prime Minister and his Government.

The ministers are personally responsible and, in case of grave offence, they are replaced by the political parties to which they belong.

Clause 9

Apart from the Prime Minister the Government is made up of vice prime ministers, ministers and vice ministers.

Ministries of collaboration between the President of the Republic and the Government are: The Ministry of Foreign Affairs, the Ministry of Defence and the Ministry of the Interior.

Clause 10

The Prime Minister keeps the President of the Republic fully informed of state affairs.

Applying this principle, the Prime Minister informs the President of the Republic about issues registered on the agenda of the Council of Ministers and about the decisions taken there.

Clause 11

The National Assembly is constituted in order to guarantee the representation of the whole national territory.

It is composed of the 425 members designated by the political parties taking part in the Inter-Congolese Political Negotiations.

The members of the National Assembly have the title “député”.

They have a national mandate.

The presiding committee of the National Assembly is made up of:

One president

Two vice-presidents

One secretary rapporteur

One assistant secretary rapporteur.

No political party present at the Inter-Congolese Political Negotiations may have more than one member in the presiding committee of the National Assembly.

The National Assembly draws up laws and controls the acting of the Government.

Clause 12

The Senate is constituted in order to guarantee the representation of the provinces and of the city of Kinshasa. It is made up of 65 members.

None of the political parties can designate more than one member per province.

They must have completed 40 years of age at the moment of their designation.

The presiding committee of the Senate is made up of:

One president

Two vice presidents

One secretary rapporteur

One assistant secretary rapporteur.

No political party may have more than one member in the Senate presiding committee.

The mission of the Senate is to:

To arbitrate conflicts between institutions

To draw up pre-projects for the Constitution that will rule the country after the Transition.

To conduct a prospective reflection on the future of the country and propose ways and means for the establishment, after the Transition, of a democratic, modern state capable of confronting the challenges of the future.

Clause 13

The parties agree that at the end of the Inter-Congolese Political Negotiations there will be a mechanism for the forming of a national army, restructured and integrated, including the armed forces of the Government of the Republic of Congo, the armed forces of the Congolese Rally for Democracy and the armed forces of the Movement for the Liberation of Congo in accordance with item 20 of clause 3 in the principles of the Lusaka Agreement.

This mechanism for the forming of the new Congolese army will contain officers from the armed forces of the Government of the Republic of Congo, officers from the armed forces of the Congolese Rally for Democracy and officers from the armed forces of the Movement for the Liberation of Congo.

In the concern for national peace, unity and reconciliation the above mentioned mechanism should include the armed forces of the RCD/ML, those of the RCD/N and the Mai-Mai, according to the forms to be defined by the political institutions of the Transition resulting from the National Dialogue.

The mechanism will be placed under the authority of the political institutions of the Transition resulting from the National Dialogue.

Clause 14

The designation of the first President of the Supreme Court of Justice and of the Public Prosecutor of the Republic will be taken care of at the introduction of the transitional institutions. The President of the Republic and the Prime Minister will convene upon the conditions of these designations.

Clause 15

Appropriate security measures will be applied in the city of Kinshasa before the installation of the new institutions and their leaders.

Clause 16

The President of the Republic, the Prime Minister and the President of the Parliament and the President of the Senate engage themselves to guarantee each other mutual security and to establish a climate of mutual trust in the higher interest of the Congolese people.

Therefore the Minister of Defence, the Chief of the General Staff, the Chief of the General Staff of land forces and the other members of the incumbent integrated General Staff will be taken from the belligerent political parties.

Clause 17

A working group will be appointed representing all the political parties in order to draw up a project of Transitional Constitution.

Clause 18

The present agreement carries into effect the reunification of the territories under the control of all the belligerent political parties, i.e. the Government of the Democratic Republic of Congo, the Movement for the Liberation of Congo, the Congolese Rally for Democracy, the Congolese Rally for Democracy- the Movement for the Liberation, the Congolese Rally for the National Democracy, the Mai-Mai.

Clause 19

The parties agree to do their utmost in order to work for an installation of the new institutions of the Democratic Republic of Congo as soon as possible.

Clause 20

The parties invite the international community, particularly the United Nations, the African Union, the European Union, the Republic of South Africa, Zambia, and the United States of America to support this present agreement.

Clause 21

The present agreement binds the signatories from the date of its signature.
Sun City, 19 April, 2002

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For the Movement for the Liberation of Congo

Olivier Kamitatu Etsu

For the Congolese Rally for Democracy- Liberation Movement

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 Civil society - Jean Batoma
 Civil society /Katanga - Déo Flwanakibulu Ngoy
 Civil society /Bandundu - Sylvain Delma Mbo
 Forces Vives/Sud Kivu - Mwami Kabare
 Forces Vives/FEC - Athanase Matenda
 Civil society /Kinshasa - Bahati Lukwebo
 Civil society /Maniema - Bernard Tabezi Pene Magu
 Civil society /Sud Kivu - Gervais Chirhalwirwa
 Civil society /Katanga-Kalemie - Jean Manda Kansabala
 Civil society e/Katanga - Jacqueline Rumbu
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 Bâtonnier - Moka Ngolo
 L'Intersyndicale du Congo - Steve Mbikayi
 Civil society /Equateur - Gertrude Ekumbe Ekolo
 Civil society /Ituri - Henriette Dhesi Dile
 Civil society /Province orientale - Béatrice Lomeya
 Civil society /Katanga - Vicky Katumwa
 Civil society /Intersyndicale - Chérubin Okende Senga
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Civil society /Delegation of Bunia - Abbé Sakpa Kiguma
Civil society /Bas-Congo - Marceline Kibungi
Civil society of Ituri - Bhavira Michel
Civil society of North Kivu - Abbé Muholongu Malu Malu
Civil society of Bandundu (Kikwit) - Viviane Kibuluku
Civil society /Nord Kivu (Beni) - Dyna Masika Yalala
Civil society /Equateur - Toussaint Balay
Civil society Bas Uele – (illegible)
Civil society /Ituri - Dr. Amuli Alimasi
Civil society /Maniema - Azama Asani
Civil society /Bandundu - Sébastien Mawetemoke Mbokoso
Civil society /Prov. Orientale (Buta) - Raymond Tebulani Enkose
Civil society /Bandundu - Dr. Anicet Kipasa Mungala
Civil society /Kinshasa - Mbelu Brosha
Civil society - Modeste Mutinga
Civil society /Equateur (Gemena) - Selinga K.W.
Civil society /Kinshasa - Georges Kombo Tonga Booke
Civil society /Nord Kivu - Denis Masumbuko Ngwasi
Civil society /Prov. Or. (Kisangani) – (illegible)
Civil society /Kasaï Oriental - Gertrude Biaya Ndaya
Civil society /Sud Kivu - Aurélie Bitondo
Civil society /Kinshasa - Pierre Anatole Matusila (spokesman)
Civil society /Bas-Congo - Mgr. Philippe Dinzolele
Civil society - R.P. Jean-Luc Kuye (president)
Civil society /Maniema - Ramazani Kabengwe

A first agreement governing the relations between the President of the Republic and the President of the Movement for the Liberation of Congo had been signed on April 17, 2002 by experts from the two parties. For the Government of the Democratic Republic of Congo:: Augustin Katumba Mwanke, Théophile Mbemba, Samba Kaputo, Vital Kamerhe, Ntumba Luaba and Col. Didier Etumba. For the MLC, Olivier Kamitatu, François Muamba, Lunda-Bululu, Thambwe-Mwamba, José Endundo and Commander Valentin Senga.