

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

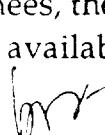
Article 1: The return of Rwandese refugees to their country is an inalienable right and constitutes a factor of peace, national unity, and reconciliation.

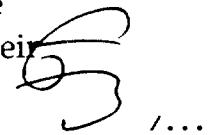
Article 2: The return is an act of free will on the part of each refugee. Any Rwandese refugee who wants to go back to his country will do so without any precondition whatsoever.

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

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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 reposess their property on return.

The two parties recommend, however, that in order to promote social harmony and national reconciliaton, 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.


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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.

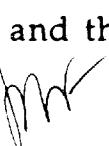
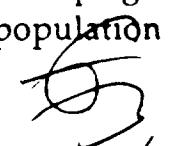
Sub-Section 3: Repatriation Procedures

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.



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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.



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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.

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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.

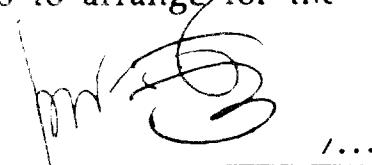
A returnee who shall be integrated in the public sector shall be employed at the level to be determined on the basis of their qualification and professional experience.

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.

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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.

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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.

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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's 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.

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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 NGO's shall undertake site development activities, building activities, and the distribution of food aid.

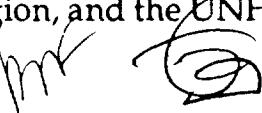
Sub-Section 7: Timetable for Repatriation

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

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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.

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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:

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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.

(Signature)

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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 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

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

In the presence of the
Representative of OAU Secretary
General

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

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