

**POLITICAL AGREEMENT FOR THE CONSENSUAL MANAGEMENT OF THE
TRANSITION IN THE DEMOCRATIC REPUBLIC OF CONGO**

Article 1

During the transition,

Mr Joseph KABILA shall be President of the Republic, Head of State.

Mr Jean-Pierre BEMBA shall be Prime Minister. The Prime Minister shall be the Head of Government and president of the Council of Ministers.

The President of the National Assembly shall come from the Congolese Rally for Democracy.

The President of the Senate shall come from the unarmed political Opposition.

The citizen institutions, namely the Independent Electoral Commission, the High Media Authority, the Truth and Reconciliation Commission, the National Observatory for Human Rights, the Commission for Ethics and the Fight Against Corruption, shall be presided over by representatives of Civil Society/Social Forces.

Except in cases of treason, misappropriation or corruption, the President of the Republic, the President of the National Assembly, the Prime Minister, and the President of the Senate shall remain in post throughout the transition period.

Article 2

The transitional institutions in the Democratic Republic of Congo are:

the President of the Republic;

the National Assembly;

the Senate;

the Government;

the Courts and Tribunals.

Article 3

The President of the Republic shall be the guarantor of national unity and of the Republic's territorial integrity.

He shall represent the nation.

He shall promulgate the laws.

He shall be the supreme commander of the armed forces.

He shall enact ordinances within the remit of those prerogatives recognised in the constitution.

He shall accredit ambassadors and special envoys. He shall grant accreditation to foreign ambassadors and special envoys.

He shall appoint and dismiss (with the Prime Minister's countersignature) Deputy Prime Ministers, Ministers and Deputy Ministers.

On the advice of the Council of Ministers he shall appoint and dismiss (with the Prime Minister's countersignature), the Republic's senior civil servants, army officers, senior and regular police officers, the leaders of public enterprises and those responsible for State services.

Article 4

Appointments and dismissals proposed by the Prime Minister to the President of the Republic shall be made within 7 (SEVEN) days unless specified otherwise by the President of the Republic.

This agreed timescale shall be included in the transitional constitution.

Article 5

The parties agree that the Superior Defence Council shall be responsible for the overall command of the Armed Forces.

The Superior Defence Council shall be chaired by the President of the Republic.

The composition and operation of the Superior Defence Council shall be determined by law, which shall determine its role and competencies in the following areas:

- the establishment of a national army,
- the command and engagement structure of the armed forces,
- the appointment of key military personnel,
- the appointment of senior and regular officers,
- the order to engage troops,
- the announcement of a state of siege,
- the announcement of a state of emergency,
- the declaration of war,
- dealing with all matters relating to the National Defence.

Article 6

The Prime Minister shall be the head of the transitional government.

He shall chair the Council of Ministers.

At the government's request the President of the Republic may chair the Council of Ministers.

In exceptional situations, after consultation and at the invitation of the President of the Republic, the Prime Minister may convene the Council of Ministers in a meeting chaired by the President of the Republic.

The Prime Minister shall exercise regulatory power by means of decrees debated in the Council of Ministers.

The acts enacted by this Council shall be countersigned, where necessary, by the Minister in charge of their implementation.

Article 7

In order to establish the Transitional Government, the elements and entities in the Inter-Congolese Dialogue, namely the Government of the Democratic Republic of Congo, the Congo Liberation Movement, the Congolese Rally for Democracy, the political opposition, the Social Forces, the Congolese Rally for Democracy-Liberation Movement, the Congolese Rally for National Democracy, and the Maï-Maï, shall present their candidate lists to the Prime Minister.

The Prime Minister has the power to refuse a candidate in consultation with the concerned component, in which case the latter shall propose another candidate. For Ministries in particular areas of collaboration, the President of the Republic may refuse candidates proposed for these functions in consultation with those Ministries.

Article 8

The government shall develop national policy, as defined in the Inter-Congolese Dialogue. It shall work with the civil service, the national police force and services of civilian security. It shall be fully responsible for managing State business and shall be answerable for this to the National Assembly. The National Assembly shall manage the government, State services and public organisations by means of written questions, oral questions which may or may not be followed by debate with no vote, news questions, commissions of enquiry and of appeal. Given the consensual nature of the transitional institutions, the Parliament may not bring a vote of no confidence in the Prime Minister or his government. Ministers shall be personally accountable, and in case of serious transgression, shall be replaced from the component which nominated them.

Article 9

In addition to the Prime Minister, the government shall include Deputy Prime Ministers, Ministers and Deputy Ministers. The Ministries for collaboration between the President of the Republic and the government are the Ministries of Foreign Affairs, of Defence and of the Interior.

Article 10

The Prime Minister shall keep the President of the Republic fully informed about matters of State. To this end, the Prime Minister shall inform the President of the Republic of items on the agenda of the Council of Ministers and of decisions taken there.

Article 11

The National Assembly shall be fully representative of the national territory. It shall consist of 425 members designated by the components and entities of the Inter-Congolese Dialogue. Members of the National Assembly shall be called "Deputies". They shall have a national mandate. The Office of the National Assembly shall include:
a President;
two deputy Presidents;
a secretary-rapporteur;

a deputy secretary-rapporteur;

No component or entity of the Inter-Congolese Dialogue may have more than one member in the Office of the National Assembly.

The National Assembly shall develop laws and oversee government business.

Article 12

The Senate shall be representative of the provinces and the city of Kinshasa. It shall consist of 65 members.

No component or entity may designate more than one member per province.

They must be aged at least 40 at the time of their appointment.

The Office of the Senate shall include:

a President;

two deputy Presidents;

a secretary-rapporteur;

a deputy secretary-rapporteur.

No element or entity may have more than one member in the Office of the Senate.

The Senate shall be responsible for:

mediating conflicts between institutions;

carrying out preparatory work on the constitution which will govern the country after the transition;

organising a forward-looking deliberation on the future of the country, and proposing ways to put in place a democratic and modern State following the transition, able to withstand the challenges of the future.

Article 13

The parties agree that following the Inter-Congolese Dialogue, a mechanism to form a restructured and integrated National Army shall be established, including the Armed Forces of the Government of the National Republic of Congo, the Armed Forces of the Congolese Assembly for Democracy and the Armed Forces of the Congo Liberation Movement, in accordance with point 20 of item 3 of the principles of the Lusaka Agreement.

The mechanism for establishing the new Congolese Army shall include the Officers of the Armed Forces of the Government of the National Republic of Congo, the Officers of the Armed Forces of the Congolese Assembly for Democracy and the Officers of the Armed Forces of the Congolese Liberation Movement.

With a view to peace, unity and national reconciliation, the above mechanism should include the armed forces of the RCD/ML, of the RCD/N and the Maï-Maï, using procedures to be defined by the political transitional institutions determined by the National Dialogue.

The mechanism shall be under the authority of the political transitional institutions determined by the National Dialogue.

Article 14

Following the appointment of the first President of the Supreme Court of Justice and the Procurator General of the Republic, the transitional institutions shall be established. The President of the Republic and the Prime Minister shall determine the procedures for this.

Article 15

Appropriate security measures shall be put in place in the city of Kinshasa before the establishment of new institutions and their leaders.

Article 16

The President of the Republic, the Prime Minister, the President of the Parliament and of the Senate shall undertake to ensure their common security and to establish an atmosphere of mutual confidence in the greater interest of the Congolese people.

To this end, the Minister of Defence, the Chief of Staff, the Chief of Staff of the ground forces and other members of the integrated forces to be established, shall come from the belligerent components and entities.

Article 17

A working group representing all of the elements and entities shall be established to develop the transitional constitution project.

Article 18

The present Agreement shall result in the reunification of all of the territories under the control of the belligerent elements and entities, namely the Government of the Republic of Congo, the Congo Liberation Movement, the Congolese Rally for Democracy, the Congolese Rally for Democracy-Liberation Movement, the Congolese Rally for National Democracy, and the Maï-Maï.

Article 19

The parties agree to take all necessary measures to ensure that the new institutions of the Democratic Republic of Congo are established as soon as possible.

Article 20

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

Article 21

The signatory parties shall commit to the present Agreement from the date of signing.

Done at Sun City 19 April 2002

Signatures

Pour le gouvernement de la République Démocratique du Congo
Augustin Katumba Mwanke

Pour le Mouvement de Libération du Congo
Olivier Kamitatu Etsu

Pour le Rassemblement Congolais pour la Démocratie-Mouvement de Libération
Ernest Wamba dia Wamba

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Pour le Rassemblement Congolais pour La Démocratie-National
Roger Lumbala

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Pour les Mayi Mayi

Anselme Enerunga, porte parole du gén. Padiri

Yaka Swedy Kosco, pour le Comdt Dunia

Mbilizi Piko, pour le gén. Padiri

Elias Mulungula Hobigera, représ. du gén. Alunda

Kakule Sikuli Lafontaine, chef Mayi Mayi grand Nord

Raphaël Luhulu Lunghe, Comdt Grégoire Kayobo

Pour les Formations et organisations De l'Opposition politique

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Société Civile du Nord Kivu	Abbé Muholongu Malu Malu
Société Civile de Bandundu (Kikwit)	Viviane Kibuluku
Société Civile/Nord Kivu (Beni)	Dyna Masika Yalala
Société Civile/Equateur	Toussaint Balay
Société Civile Bas Uele	(illisible)
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Société Civile/Maniema	Azama Asani
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Société Civile/Kinshasa	Pierre Anatole Matusila (porte-parole)
Société Civile/Bas-Congo	Mgr. Philippe Dinzolele
Société Civile R.P.	Jean-Luc Kuye (président)
Société Civile/Maniema	Ramazani Kabengwe

An initial agreement governing relations between the President of the Republic and the President of the Congo Liberation Movement, was signed in 17 April 2002, by experts from both parties.

For the Government of the Democratic Republic of Congo: Augustin Katumba Mwanke, Théophile Mbemba, Samba Kaputo, Vital Kamerhe, Ntumba Luaba and Colonel Didier Etumba. For the Congo Liberation Movement, Olivier Kamitatu, François Muamba, Lunda-Bululu, Thwambe-Mwamba, José Endundo and Commander Valentin Senga.

This agreement was approved by persons and several high moral authorities from all the components of the Inter-Congolese Dialogue.