

**THE PRETORIA PROTOCOL ON OUSTANDING POLITICAL,
DEFENCE AND SECURITY POWER SHARING ISSUES IN
BURUNDI**

PREAMBLE

The Transitional Government of Burundi (hereafter referred to as "TGoB") and the National Council for the Defence of Democracy – Forces for Defence of Democracy (hereafter referred to as CNDD-FDD") both hereafter referred to as "the Parties", hereby;

Take note of the commitments of the TGoB and the CNDD-FDD to reach an all embracing agreement for the achievement of lasting peace, security and stability in Burundi;

Acknowledge the principles and objectives of the Arusha Peace and Reconciliation Agreement for Burundi and the Transitional Constitution of the Republic of Burundi;

Reaffirm their commitment to the Ceasefire Agreement between the Parties signed in Arusha on 2 December 2002 as well as the Joint Declaration of Agreement addressing the practical implementation of the December 2002 Ceasefire Agreement, signed in Pretoria on 27 January 2003;

Acknowledge further the Dar es Salaam Communiqué of the Regional Summit of 20 July 2003 re-committing the parties to a negotiated framework to resolve all outstanding issues related to Political Power Sharing and Technical Forces Agreement;

Recognise that the conflict in Burundi requires an inclusive dialogue and participation of all political groups and movements;

Conscious of the need to give impetus to the implementation of the content and spirit of the various agreements reached on the Burundi Peace Process;

Complementing the Pretoria Protocol on Political, Defence and Security in Burundi signed on 8 October 2003;

Hereby agree to engage in the following process in order to effect the power sharing agreement in terms of paragraphs 1.1.12 and 1.1.15 of the December 2002 Ceasefire Agreement between the CNDD-FDD and the Transitional Government of Burundi.

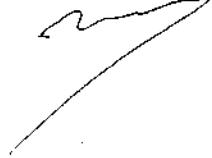
1. TRANSFORMATION OF THE CNDD-FDD INTO A POLITICAL PARTY

The parties confirmed the agreement contained in the Communiqué of the Regional Consultative Meeting on Burundi on 20 July 2003 as follows:

As soon as the process of cantonment begins, that action will indicate that the armed wing of the CNDD-FDD is being integrated, and would mean that they qualify to register as a political party.

2. TEMPORARY IMMUNITY

- 2.1 The parties agreed that all leaders and combatants of the CNDD-FDD shall receive temporary immunity.
- 2.2 They agreed that this shall also apply to the security forces of the Government of Burundi.
- 2.3 They agreed to establish a Joint Commission, which shall study individual cases of civilians currently serving sentence to determine that they should be granted temporary immunity.
- 2.4 They endorsed the agreements contained in the Arusha Peace and Reconciliation Agreement providing for the establishment of the International Criminal Tribunal and the National Truth and Reconciliation Commission.


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3. SENATE

- 3.1 The CNDD-FDD indicated that it would not be able to participate in the Senate, while Article 147: 9 of the Transitional Constitution relating to the powers of the Senate remained in force.
- 3.2 The parties agreed that the CNDD-FDD would participate in the implementation of all the agreements that they have signed without requiring that the matter of its participation in the Senate is resolved.
- 3.3 They agreed that the CNDD-FDD may raise the question of its participation in the Senate again in future before the elections provided for in the Arusha Peace and Reconciliation Agreement, should it determine that it is necessary to do so.
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- 3.4 The Transitional Government of Burundi agreed that in such an eventuality it would agree to a further discussion of this matter.

4. FORCES TECHNICAL AGREEMENT

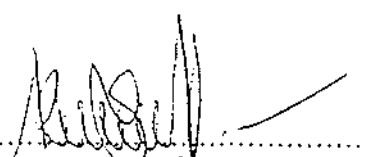
The parties approved and signed the final text of the Forces Technical Agreement.

5. RECONSTITUTION OF THE TRANSITIONAL GOVERNMENT OF BURUNDI

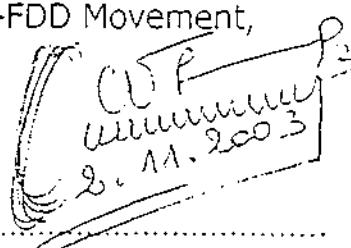
The parties agreed that the Transitional Government of Burundi shall be reconstituted to include members of the CNDD-FDD not later than three (3) weeks from the signing of this Protocol.

Done in Pretoria, South Africa on 2 November 2003

For the Transitional Government of Burundi,

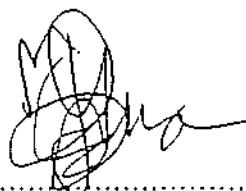
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His Excellency Dominien Ndayizeye
President of the Republic of Burundi

For the CNDD-FDD Movement,



.....
Mr. Pierre Nkurunziza
Legal Representative of the CNDD-FDD Movement

In the presence of:



His Excellency Jacob Zuma
Deputy President of the Republic of South Africa
Facilitator of the Burundi Peace Process