

Reform and Civil Concord Agreement

Djibouti, May 12, 2001

PREAMBLE

We, representatives,

- of the Government of the Republic of Djibouti on one hand,
- of the Front for the Restoration of Unity and Democracy (Front pour la Restauration de l'Unité et de la Démocratie, Armed FRUD) on the other, known below as "the Two Parties".
- Conscious that Peace, Equality, the primacy of Law, harmonious Development, Unity and Reconciliation constitute the key aspirations of the Djiboutian people.
- Faithful to the letter and spirit of the Reform and Civil Concord Framework Agreement signed by the two Parties on February 7, 2000 in Paris.
- In accordance with the relevant provisions of Chapter VI of the Peace Agreement of December 26, 1994 between the Government of the Republic of Djibouti and one party of the Front for the Restoration of Unity and Democracy.
- Determined to put the Djiboutian nation on the path to a just and lasting Peace.
- Considering the work commissioned in the minutes of the four committees established in April 2000 by the two Parties in order to finalise the provisions of the above Framework Agreement.
- Reaffirming our undertaking to construct a political order and a system of Government inspired by the realities of our country and based on the values of justice and democratic pluralism, good governance, respect for fundamental liberties and rights, on tolerance and understanding between the diverse components of the national community.
- Declare that we are strongly bound by all of the provisions of the present Reform and Civil Concord Agreement, hereinafter known as the Agreement.

CHAPTER I – GENERAL PROVISIONS

Article 1:

- a) The two parties shall be bound by all the provisions in the present Agreement
- b) The annexes include:
 - i) Legal texts:
 1. Amendments to the Law on freedom of communication (articles: 4, 60 and 63).
 2. Law on the decentralisation and status of regions.
 - ii) Minutes of committees.
 - iii) Lists:
 1. List of civilian victims;

2. List of FRUD victims;
3. List of FRUD rank and file members and combatants to be integrated and/or demobilised;
4. List of officials and contracted employees who have lost their employment due to the conflict or their political activity;
5. List of soldiers, gendarmes and policemen removed because of the conflict;
6. List of civilians who have lost their property during the conflict.

Article 2:

Causes of the conflict

- a. The two parties agree that sustainable peace can never be achieved without complete knowledge of the causes of the conflict which has destroyed the country.
- b. The conflict for which appropriate solutions must be found has its roots in the serious lack of a culture of democracy.

Article 3:

Solutions and remedies

The two parties shall respect the principles and implement the general measures set out below.

- a. Above all, security for all must be guaranteed, by removing the impunity of the authors of all types of crime, extortions and pillage, and by demobilising FRUD combatants. Genuinely national defence, security and police forces shall be established, representing all components of the national community, in order to avoid any developments which may compromise Unity and the Nation (CHAPTER II).
- b. In order to make good the consequences of the conflict, an extensive programme of rehabilitation and reconstruction of the zones most affected by the conflict, of compensation of civilian victims, and of restoration of public infrastructure shall be implemented (CHAPTER III).
- c. Solutions to the fundamental causes of the conflict will depend on the genuine exercise of rights and liberties, by adopting and implementing democratic reforms leading to the creation of an institutional environment suitable for peaceful political life with equal access for citizens of all kinds to civilian and military employment, and public policies which will favour the economic, cultural and social development of the Nation (CHAPTER IV).

- d. In addition an extensive programme of decentralisation shall be implemented to support these reforms, in order to guarantee the participation of every citizen in public life and the establishment of a truly local democracy (CHAPTER V).
- e. In accordance with the relevant dispositions of the Framework Agreement of December 7, 2000, the two parties shall work jointly to implement the clauses of the present Agreement according to the programme and timetable defined by the parties (Chapter VI).

CHAPTER II – CIVIL PEACE AND SECURITY

Article 4:

Civil concord

The two parties shall promote the development of a culture of peace in which friendship and national reconciliation may flourish, so that the tragedies of the past are not repeated.

Article 5:

Disarmament and demobilisation

a) When the exchange of prisoners, cessation of hostilities, mine clearance, and establishment of dialogue, have been demonstrably achieved, the two parties agree, within 7 days of signing the present Agreement, to proceed to disarmament and demobilisation operations in successive phases:

- 1) regrouping of Armed FRUD elements at:
- RIPTA and Waddi (North Districts).
- 2) Disarmament and demobilisation of Armed FRUD combatants shall take place simultaneously at agreed assembly points.
- 3) All disengagement, demobilisation and disarmament operations shall take place within seven days.

b) Government forces shall return to their habitual positions prior to the conflict as soon as the operations listed above are complete. They shall carry out mine clearance before withdrawing from their former encampments.

c) Demobilised Armed FRUD elements shall be reintegrated in the defence and security forces or in civilian positions, or shall be compensated.

d) A mixed committee shall be set up for the proper management of these operations. It shall be responsible for the complete identification of each combatant according to the attached form provided by the Administration.

It shall also be responsible for the physical census of men and their military equipment (particularly individual and collective weapons) and for collection of these weapons.

A unit responsible for health and medical operations shall be set up within this mixed committee.

Article 6:

Integration, reintegration, compensation, and reinsertion.

a) The transition from conflict to a lasting peace requires disarmament and demobilisation.

b) All former officials or contracted employees belonging to Armed FRUD shall be rehabilitated and reintegrated in their rights.

Regarding the settlement of ex-soldiers, ex-gendarmes and ex-policemen in the same situation, they shall be entitled to:

- retire;
- cash-in missing pensions;
- savings paid on their release;
- reimbursement of contributions.

Conditions for granting these rights shall be specified subsequently through a statutory order.

c) The two parties shall appeal to the international community for financial assistance for the process of demobilisation and reinsertion, within the framework of conflict prevention.

Article 7:

Dependent persons

The dependents of FRUD victims shall be assisted.

External financial aid shall be requested to implement this programme, within the framework of strengthening the peace process and conflict prevention.

CHAPTER III – REHABILITATION AND RECONSTRUCTION

Article 8:

General principles.

- a. Wishing to contribute to the acceleration of economic development in the country and to regional integration, the two parties shall do everything necessary to make good the damaging effects of the conflict on the macro-economic environment.
- b. Given the enormity of the task of national reconstruction, the two parties agree that this chapter shall be accorded particular importance and that all necessary measures shall be taken for the rehabilitation of refugees and displaced persons, to compensate individuals whose property has been destroyed during the conflict and to reconstruct public infrastructure.
- c. The rehabilitation and reconstruction programme underway for several years shall be completed throughout the national territory affected by the armed conflict:
 - by restoring infrastructure;
 - by restoring water supplies;
 - by a programme of construction and rehabilitation of housing at Yoboki and at Obock within a reasonable timeframe.

Concurrently with this ongoing programme, Port Obock and Tadjoura will be reconstructed.

Within the same framework, the Day water supply project, already begun at the initiative of the Djiboutian Government, shall continue.

International financial assistance shall be requested for this purpose.

Article 9:

Consequences for the civilian population.

- a) The two parties shall work to ensure that all civilian victims of the effects of the war shall have their property restored, and be able to return to their former way of life.
- b) Compensation shall be awarded to civilian victims whose belongings have been destroyed or damaged by the war.
- c) International financial assistance shall be requested for this purpose.

CHAPTER IV – DEMOCRATIC REFORMS

Article 10:

Nationality

All persons whose membership of the Djiboutian community is verifiable in every way shall be eligible to claim Djiboutian citizenship. To this end the two parties shall establish an ad hoc committee responsible for accelerating the supply of identity cards to these persons.

Article 11:

Constitutional Council

Considering the importance of the Constitutional Council, which regulates political life and protects fundamental liberties, the two parties agree to re-examine its composition and status.

Article 12:

Multiparty system

- a. The two parties agree that at the expiry, on September 3, 2002, of the implementation of a referendum question on limiting the number of political parties to four, article 6 of the September 1992 Constitution shall ipso facto come into force.
- b. However, the Armed FRUD signatory to the Agreement shall be allowed as a political party to carry out partisan activities.

Article 13:

Public liberties

- a. The two parties shall respect the conventions ratified by the Republic of Djibouti and take all necessary steps to ensure freedom for trade unions. All professional bodies shall be free to organise and defend their interests, while respecting the laws and regulations.
- b. The two parties shall ensure the effective protection of fundamental liberties such as those proclaimed in the Universal Declaration of Human Rights and in the African Charter on Human and People's Rights, and included in the Preamble of the Djiboutian Constitution of September 15, 1992.

Article 14:

Freedom of the press

The parties shall work to ensure the freedom of the press in accordance with organic law no 21/AN/92/2nd L of 15/09/92, as amended by articles 4, 60 and 63, concerning freedom of communication, which reconciles the right to information with the right to private life and to public order.

Article 15:

Equality of all citizens

- a. The two parties reaffirm their attachment to the principle of equality of all citizens, as defined by article 3 of the Constitution of September 1992.

b. The numbers and hierarchy of persons employed in the civilian and military institutions of the Republic, shall reflect the plurality of the communities in the Djiboutian population, while taking into account the qualifications needed.

Article 16:

At the national level, electoral operations shall be supervised by an independent national electoral commission.

Its functioning and composition shall be determined by decree.

Article 17:

Right to education

a. The two parties subscribe to the wish, as confirmed in Chapter V of the Peace Agreement of December 1994, for enhanced educational support for children in zones affected by the armed conflict.

b. They recognise the need to continue these efforts in zones where the war has disrupted education, by reopening closed schools.

CHAPTER V – DECENTRALISATION

Article 18

Objectives of Decentralisation

The two parties agree on the general objectives for decentralisation at the following levels:

1) Political – citizens' participation by means of their locally elected representatives in the administration and development of their community.

2) Administrative – establishment of an administration which is more efficient because it is closer to those administered.

3) Economic – promotion of economic development poles outside the capital and reduction of regional disparities.

Article 19

The state of decentralisation

a. In Djibouti, decentralisation, ratified by the Constitution, is considered integral to the process of democratisation and modernisation of administrative structures within the framework of institutional reform.

b. The two parties agree that only genuine decentralisation can release the individual and collective energy needed to lift the regions out of their current state of neglect.

Article 20:

Legal framework

They shall adopt the decentralisation law project, in Annex to the present Agreement, as an organic law determining the legal framework for decentralisation.

Article 21:

Levels of decentralisation

- a. The two parties agree that there shall be two levels of decentralisation: the Region and the Commune.
- b. The two parties agree to establish the regions first, followed by the communes. The 5 regions are: Ali-Sabeh, Arta, Dikhil, Obcock and Tadjourah. The capital shall be granted a unique status.

Article 22:

National Committee on Decentralisation

- a. A national Decentralisation Committee shall be set up composed of twelve (12) members including three representatives from each signatory party of the above-mentioned Framework Agreement for Reform and Civil Concord.

It shall be responsible for:

- Implementing decentralisation;
- Monitoring the establishment of regional institutions and the section of the Judicial Court specialising in administrative disputes and the control of public spending;
- Participating in the definition of legal texts and regulations planned in the present Law and monitoring their implementation.

This monitoring committee shall meet monthly under the collegiate chairmanship of a representative of each of the signatory parties of the Framework Agreement for Reform and Civil Concord, until each of the measures necessary for decentralization has been applied. This committee shall prepare quarterly public reports on its work.

The mandate of this committee shall run until functioning Regional Communities have been established.

A decree shall define the conditions and volumes of the financial grants approved by the central power for the decentralized regions. These grants must correspond to the real needs of each region and shall be defined on the basis of objective criteria.

CHAPTER VI – FINAL PROVISIONS

Article 23:

General Principles.

- a. The two parties agree to involve the Djiboutian people in the process of building a harmonious society in accordance with the principles stated above.
- b. They agree to involve friendly countries and international organisations in consolidating Peace by requesting their financial and technical assistance.

Article 24:

Implementation

- a. Upon signing the present Agreement, the two parties agree to work to implement it.
- b. The two signatory parties to the present Agreement shall work jointly to strictly and honestly implement it in its entirety, and any other measures undertaken within its framework or relating to its objectives.

Article 25:

Timetable

- a. The demobilisation procedures defined in Article 6 of the present Agreement shall begin upon signature of the present Agreement, and must be completed within 15 days.
- b. The various modes of integration of FRUD elements signatory to the present Agreement within the National Army, the Gendarmerie, the National Police Force, and within the different Administrative Services, shall be specified eight (8) months after signing the present Agreement.
- c. The various procedures for reintegration defined in Article 6 of the present Agreement shall be completed within six (6) months of signing the present Agreement.

Done at Djibouti, May 12, 2001

For:

The Government of the Republic
Abdallah Abdillahi Miguil
Minister of the Interior

For:

Armed FRUD of Djibouti
Ahmed Dini Ahmed
President of Armed FRUD

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