

PROTOCOL OF AGREEMENT BETWEEN THE GOVERNMENT OF THE  
REPUBLIC OF RWANDA AND THE RWANDESE PATRIOTIC FRONT ON  
POWER-SHARING WITHIN THE FRAMEWORK OF A BROAD-BASED  
TRANSITIONAL GOVERNMENT

(CONTINUATION OF THE PROTOCOL OF AGREEMENT  
SIGNED ON 30TH OCTOBER, 1992)

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The Government of the Republic of Rwanda on the one hand, and the Rwandese Patriotic Front on the other;

Agree on the following provisions which are an integral part of the Protocol of Agreement on Power-Sharing:

**CHAPTER VII: NEW AREAS OF AGREEMENT**

**SECTION 1: Provisions relating to the Executive Power**

**Sub-Section 1: Replacement of the President of the Republic during the Transitional Period**

**Article 47:** In the event of a temporary impediment or incapacity of the President of the Republic to carry out his duties, the Speaker of the Transitional National Assembly shall assume the interim until the incumbent President resumes office.

**Article 48:** In the event of resignation or death, permanent impediment or incapacitation of the President of the Republic:

1. The office shall be declared vacant by the Supreme Court upon request by the Broad-Based Transitional Government.
2. The interim Presidency shall be assumed by the Speaker of the Transitional National Assembly.
3. The replacement of the President of the Republic shall be conducted in the following manner:

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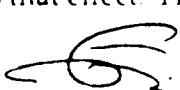
- a) The party of the former President of the Republic shall present two candidates to the Bureau of the Transitional National Assembly within three (3) weeks of the declaration of the vacancy.
- b) Within the fourth week, the election of the President of the Republic shall be conducted in a joint session of the Broad-Based Transitional Government and the Transitional National Assembly. The respective members of the two institutions shall elect the President of the Republic by secret ballot and by an absolute majority. The election shall be supervised by the Speaker of the Transitional National Assembly.
- c) If the Party of the former President of the Republic, for one reason or another, is not willing to present a candidate or cannot present any candidate, or if the President of the Republic has resigned from his party in the meantime, each political force represented in the Transitional National Assembly may submit one (1) candidate within six (6) weeks after the declaration of the vacancy. The election shall be conducted during the seventh week, at the latest, following the modalities provided for in point (b) above.
- d) If the vacancy is declared three (3) months or less before the expiry of the transitional period, the Speaker of the Transitional National Assembly shall assume the interim Presidency of the Republic until the end of the Transition.

Article 49: The candidate to the Presidency of the Republic should be at least thirty five (35) years of age. Once elected, the President cannot perform any military or other remunerative activity.

Article 50: The new President of the Republic shall be sworn in within eight (8) days after his election, by the Presiding Judge of the Supreme Court, before the National Transitional Assembly.  


Sub-Section 2: Appointment of the Prime Minister, Ministers and Secretaries of State

Article 51: The candidate for the post of Prime Minister shall be presented by the political formation designated to that effect. He shall be presented to the



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two parties to the negotiations for approval. He should be known before the signing of the Peace Agreement.

Article 52: The Prime Minister shall, in consultation with each political force called upon to participate in the Government, select candidates for the portfolios distributed among the various political forces. He shall present them to the President of the Republic for appointment as well as to the Transitional National Assembly, in accordance with Article 18, paragraph 3 of the Protocol of Agreement signed on 30th October, 1992.

Sub-Section 3: Replacement of the Prime Minister, Ministers and Secretaries of State

Article 53: The vacancy of the post of Prime Minister shall be declared by the Supreme Court upon request by the Broad-Based Transitional Government. The political force of the former Prime Minister shall submit a candidate within fifteen (15) days of the declaration of the vacancy. Political formations participating in the Broad-Based Transitional Government shall, under the coordination of the Deputy Prime Minister, hold consultations for the approval of the candidate. Once a consensus is reached, the Deputy Prime Minister shall present the candidate to the President of the Republic for appointment within three (3) days.

Article 54: The Prime Minister, in consultation with the political force of the Minister or Secretary of State to be replaced, shall present a candidate to the President of the Republic for appointment.

Sub-Section 4: Distribution of Ministerial Portfolios within the Broad-Based Transitional Government

Article 55: In accordance with the provisions of Article 14 of the Protocol of Agreement signed on 30th October, 1992, the numerical distribution of the portfolios among political forces called upon to participate in the Broad-Based Transitional Government shall be as follows:

- MRND: 5 portfolios
- RPF: 5 portfolios
- MDR: 4 portfolios (including the post of Prime Minister)

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- PSD: 3 portfolios
- PL: 3 portfolios
- PDC: 1 portfolio

**Article 56:** The nominative distribution of portfolios shall be as follows:

- MRND: 1. Ministry of Defence;  
2. Ministry of Higher Education, Scientific Research and Culture;  
3. Ministry of Public Service;  
4. Ministry of Planning;  
5. Ministry of Family Affairs and Promotion of the Status of Women
- RPF: 1. Ministry of Interior and Communal Development;  
2. Ministry of Transport and Communications;  
3. Ministry of Health;  
4. Ministry of Youth and Associative Movement;  
5. Secretariat of State for Rehabilitation and Social Integration.
- MDR: 1. Prime Minister;  
2. Ministry of Foreign Affairs and Cooperation;  
3. Ministry of Primary and Secondary Education;  
4. Ministry of Information
- PSD: 1. Ministry of Finance;  
2. Ministry of Public Works and Energy;  
3. Ministry of Agriculture and Livestock Development.
- PL: 1. Ministry of Justice;  
2. Ministry of Commerce, Industry and Cottage Industry;  
3. Ministry of Labour and Social Affairs.
- PDC: Ministry of Environment and Tourism

**Article 57:** The two parties further agree that:

-with reference to Article 5 of the Protocol of Agreement signed on 30th October, 1992, the Presidency of the Republic shall go to the MRND party

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-one of the holders of the five (5) ministries allocated to the RPF shall bear the title of Deputy Prime Minister in accordance with Article 20, paragraph 3 of the Protocol of Agreement signed on 30th October, 1992.

Article 58: In case one of the political forces called upon to participate in the Broad-Based Transitional Government as provided for under Article 14 of the Protocol of Agreement signed on 30th October, 1992, defaults, the portfolios which had been allocated to that force shall be distributed among the remaining political forces. The possibility of opening to political forces other than those mentioned under Articles 55 and 56 above shall be agreed upon by consensus in accordance with Article 14 cited above.

Article 59: Permanent impediment rendering the President of the Republic, Ministers and Secretaries of State incapable of carrying out their duties shall be declared by the Supreme Court following their resignation, death or physical incapacitation certified by a medical commission established by the Government for that purpose, and also following dismissal as a result of final sentencing for criminal offences .

## SECTION 2: TRANSITIONAL NATIONAL ASSEMBLY

Article 60: The Transitional National Assembly shall, except in the case as provided for in Article 63 of this Protocol of Agreement, be normally composed of seventy (70) members called "Deputies to the Transitional National Assembly". The "Deputies" shall be appointed by their own political forces and their mandate shall cover the whole Transitional Period. The Transitional National Assembly shall make its own rules of procedure.

Article 61: All the political parties registered in Rwanda at the signing of this Protocol as well as the RPF shall be represented in the Transitional National Assembly, on condition that they adhere to and abide by the provisions of the Peace Agreement. To that effect, all these parties and the RPF should, prior to the establishment of the Broad-Based Transitional National Assembly and the Broad-Based Transitional Government, sign a Political Code of Ethics whose principles are spelt out in Article 80 of this Protocol.

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Since the RPF and the political parties participating in the current Coalition Government are automatically, directly or indirectly bound, as a result of the Protocol of Agreement on the Rule of Law signed by the two parties to the negotiations, the political parties which do not participate in the said Government should, from the time of the signing of the Protocol of Agreement on Power-Sharing, demonstrate their commitment to abide by the principles governing the Protocol of Agreement on the Rule of Law, to support the peace process and to avoid engaging in sectarian practices and in any form of violence. Such commitment shall constitute a prerequisite for their participation in the Transitional National Assembly and it is incumbent upon the two parties to the negotiations to see to it that such commitment is met.

Article 62: The numerical distribution of seats in the Transitional National Assembly among the political forces, subject to the implementation of the previous article, shall be as follows:

MRND	:	11 seats
RPF	:	11 seats
MDR	:	11 seats
PSD	:	11 seats
PL	:	11 seats
PDC	:	4 seats

The other registered parties shall have one (1) seat each.

- Article 63:
- a) The maximum number of members of the Transitional National Assembly shall become the total number of seats of the remaining political forces if, for one reason or another, one or several political forces do not participate in the forming of the Transitional National Assembly, or withdraw from that assembly, provided that the total number is not reduced to less than two-thirds of the number stipulated under Article 60 of this Protocol of Agreement.
  - b) If one or several political forces do not participate, or cease to participate in the Transitional National Assembly, and the number of

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Deputies falls below that stipulated in the above paragraph, the remaining political forces participating in the Transitional National Assembly shall consult and agree on the modalities for the composition of the new National Assembly.

Article 64: A "Deputy" may resign. In this case, his political party shall replace him in consultation with the Bureau of the Transitional National Assembly.

Article 65: All compulsory mandates shall be null and void. The right of the "Deputies" to vote shall be individual.

Article 66: The first session of the Transitional National Assembly shall be devoted to administering the oath of the "Deputies" and to electing the Bureau of the Transitional National Assembly.

Article 67: The Bureau of the Transitional National Assembly shall be composed of the Speaker, the Deputy Speaker and a Secretary.

Article 68: The PSD and PL political parties shall each present one (1) candidate for the post of Speaker of the Transitional National Assembly. The political party that will not have taken the post of Speaker shall present two (2) candidates for the post of Deputy Speaker of the Transitional National Assembly.

The PDC and other political parties which do not hold any ministerial portfolio in the current Coalition Government shall each present one (1) candidate for the post of Secretary.

Voting for the above-mentioned posts shall be by secret ballot and on the basis of an absolute majority of the "Deputies" present.

Article 69: The Transitional National Assembly shall automatically hold, each year, three (3) ordinary sessions of three months each, followed each time by a one (1) month parliamentary leave. When circumstances may so require, the Transitional National Assembly shall hold extraordinary sessions.

The first ordinary session shall begin 15 days after the "Deputies" to the Transitional National Assembly have taken oath of office.

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The Transitional National Assembly shall be convened by the Speaker. It may be convened in extraordinary session upon the initiative of the President of the Republic, The Speaker, the Prime Minister or following the decision taken by its members on the basis of an absolute majority. When it is convened in extraordinary session, the Transitional National Assembly shall deal with only those issues that motivated its convening.

Whenever an ordinary or extraordinary session of the Assembly is convened, the agenda and venue shall be indicated. Before any proceedings, the Transitional National Assembly shall adopt its agenda and decide on the urgency of the matters to be discussed. A "Deputy" or the Prime Minister may request the urgent consideration of an item. When the request is made by the latter, the matter in question shall automatically be considered as urgent.

- Article 70:** The status of a Deputy shall be incompatible with the holding of a Ministerial portfolio and the exercise of any other remunerative activities.
- Article 71:** Members of the Transitional National Assembly who may be finally sentenced by Courts for criminal offences shall automatically lose their seats. In this case, they shall be replaced in accordance with the provisions of Article 62 of this Protocol.
- Article 72:** The legislative power shall be exercised by way of laws passed by "Deputies" in the Transitional National Assembly as well as by Orders in Council passed by the Broad-Based Transitional Government in cases of emergency or when the Transitional National Assembly is unable to convene.
- Article 73:** Ordinary laws shall be passed on the basis of an absolute majority of the Deputies present. Organic laws shall be passed on the basis of a 3/5 majority.
- Article 74:** For any lawful seating to be held, a quorum of 2/3 of the members of the Transitional National Assembly shall be required.

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Article 75: Sessions of the Transitional National Assembly shall be public; the minutes of the debates shall be published. However, upon request of the Speaker, of the Prime Minister or of one third of its members, the Assembly may, by an absolute majority, decide to sit in camera.

SECTION 3: Relationship between the Transitional National Assembly and the Broad-Based Transitional Government

Article 76: The Prime Minister, upon a decision of the Cabinet and after consultations with the Bureau of the Transitional National Assembly, may request the President of the Republic to dissolve the Transitional National Assembly. The dissolution cannot take place within the last three months of the Transition.

Article 77: Replacement of the members of the Transitional National Assembly shall be done as per the numerical distribution of seats referred to under Article 62 above.

The replacement of each of the members of the Bureau of the Transitional National Assembly shall be made by election in accordance with Article 68 of this Protocol of Agreement.

Article 78: The Transitional National Assembly shall be endowed with the following means of control over government activities:

- Oral Questioning
- Written Questioning
- Committee Hearing
- Commission of Inquiry
- Interpellation
- Motion of censure.

An organic law shall determine the conditions and procedure for this control.

Article 79: The Transitional National Assembly may question the conduct of the Broad-Based Transitional Government as well as that of a Minister or Secretary of State, by voting on a motion of censure against the Prime Minister or any other member of the Government.

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Such a motion is not admissible until after questioning and unless it is presented by at least one fifth of the members of the Transitional National Assembly in the case of a Minister or a Secretary of State, and by one third of the members in the case of the Government.

The motion of censure shall be adopted by secret ballot and by a 2/3 majority of the "Deputies" present.

The vote of a motion of censure against the Prime Minister shall entail his resignation and that of the Government. in this case the replacement of the Prime Minister shall be made in accordance with Article 53 of this Protocol of Agreement. The outgoing Government shall dispose of the day-to-day matters until a new Government is formed.

#### **SECTION 4: Political Code of Ethics binding the political forces called upon to participate in the Transitional Institutions**

##### **Sub-Section 1: Fundamental Principles**

**Article 80:** In a declaration signed by their authorised representatives, the political forces called upon to participate in the Transitional Institutions shall undertake to:

1. Support the Peace Agreement and work towards its successful implementation;
2. Promote national unity and national reconciliation of the Rwandese people;
3. Abstain from all sorts of violence and inciting violence, by written or verbal communication, or by any other means;
4. Reject and undertake to fight any political ideology or any act aimed at fostering discrimination based mainly on ethnic, regional, sexual or religious differences;
5. Promote and respect the rights and freedoms of the human person;
6. Promote political education among their members, in accordance with the fundamental principles of the Rule of Law.



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7. Work towards a system whereby the political power serves the interests of all the Rwandese people without any discrimination;
8. Respect the secularism of the Rwandese State;
9. Respect national sovereignty and the territorial integrity of the country

Article 81: The Commission on National Unity and National Reconciliation shall ensure that each political force respects the principles spelt out under Article 80 above.

Article 82: Any political force violating the provisions of Article 80 shall be liable to a sanction of exclusion from the Transitional Institutions, without prejudice to other legal or statutory provisions on the matter.

This measure shall be taken by the Supreme Court upon request of the Government, acting on the Commission's report.

The request to the Supreme Court shall be preceded by a warning by the Government to the political party concerned; when the warning has not been heeded.

#### Sub-Section 2: Additional Duties of the Commission for National Unity and National Reconciliation.

Article 83: The two parties agree that the Commission on National Unity and National Reconciliation, in addition to the duties specified under Article 24 A of the Protocol of Agreement signed on 30th October, 1992, shall see to it that each political force respects the principles spelt out in the Political Code of Ethics binding the political forces to participate in the Transitional Institutions

### SECTION 5: MISCELLANEOUS PROVISIONS

#### Sub-Section 1: Modalities of Appointment within the Judiciary

Article 84: In order to maintain the independence of the Judiciary, posts in the Judiciary shall not be subjected to sharing among political forces. Therefore, applications for the posts of Presiding Judge and Deputy Presiding Judge of the Supreme Court, referred to under Article 30 of the Protocol of

Agreement signed on 30th October, 1992, shall be considered without any reference to political parties, in order to better ensure the neutrality of magistrates.

**Article 85:** The Supreme Council of Magistrates shall, in conjunction with the Broad-Based Transitional Government, take all necessary and adequate measures to facilitate the integration of competent, experienced or qualified Rwandese nationals who have not worked or evolved in the current legal system of Rwanda.

**Sub-Section 2: Redeployment of the Deputies to the CND**

**Article 86:** The Broad-Based Transitional Government shall take the necessary steps to find, to the extent possible, a new placement for the Deputies to the CND in their former sectors of activity. In so doing, the Broad-Based Transitional Government shall take into account the qualifications and experience of each "Deputy".

**Sub-Section 3: Local Elections as a Solution to Social Tensions**

**Article 87:** Local elections shall normally be held within six (6) months before the expiry of the transition. In the meantime, the replacement of local authorities shall be made through nomination. However, the Broad-Based Transitional Government shall decide on the opportune moment for organizing partial local elections if adequate security conditions allow for the holding of such elections and if it has the legal instruments to organize them.

**Sub-Section 4: National Conference**

**Article 88:** The National Conference shall consist of a general discussion to focus solely on national unity and national reconciliation, as provided for in Article 23.C.2 of the Protocol of Agreement signed on 30th October, 1992.

This discussion shall be prepared by the Commission on National Unity and National Reconciliation provided for under Article 24 of the Protocol of 30th October, 1992. The Commission shall report to the Broad-Based Transitional Government.

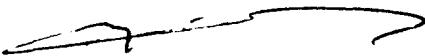
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Done at Arusha, this 9th day of the month of January, 1993, in the French and English languages, the French text being the original.

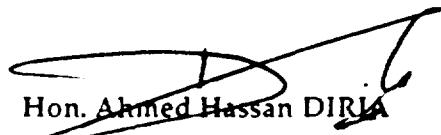
FOR THE GOVERNMENT OF THE  
REPUBLIC OF RWANDA

  
NGULINZIRA Boniface,  
Minister of Foreign Affairs and Cooperation

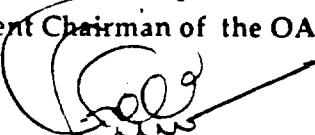
FOR THE RWANDESE PATRIOTIC  
FRONT

  
BIZIMUNGU Pasteur,  
Member of the Executive Committee  
and  
Commissioner for Information and  
Documentation

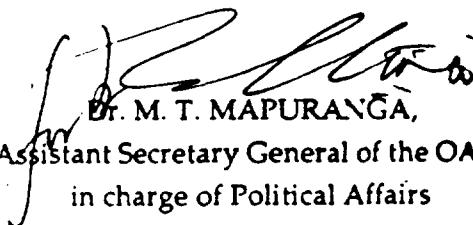
In the presence of the Facilitator  
(The United Republic of Tanzania)

  
Hon. Ahmed Hassan DIRIA  
Minister for Foreign Affairs and International Cooperation

In the presence of the Representative of  
the Current Chairman of the OAU

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

For the Secretary General of the OAU

  
Dr. M. T. MAPURANGA,  
Assistant Secretary General of the OAU,  
in charge of Political Affairs

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