

AGREEMENT ESTABLISHING PERMANENT PEACE BETWEEN THE GOVERNMENT OF THE REPUBLIC OF NIGER AND THE “ORGANISATION DE LA RÉSISTANCE ARMÉE (O. R. A.)” (ORGANISATION OF THE ARMED RESISTANCE ORA)

PREAMBLE

The Government of the Republic of Niger and the Organisation of the Armed Resistance (ORA) in this present Agreement called the two Parties,

- Convinced of the necessity to find and preserve peace in their country, to consolidate national unity and to devote themselves to the tasks of social and economic development,
- Eager to complete the peace process started by the Peace Agreement signed in Ouagadougou on 9 October, 1994 and ratified by this present Agreement,
- Reaffirming their attachment to the Constitution of 26 December, 1992,
- Respectful of the Universal Declaration of the Human Rights from 1948 and of the African Charter on Human and Peoples' Rights from 1981,
- Wishing to give to the population the responsibility to manage their own affairs with the help of a free administration of the “collectivités territoriales” (territorial communities) reposing on the principles of decentralisation and de-concentration as to be found in the Constitution of 26 December, 1992,

Have agreed under the mediation of the Algerian Democratic and Popular Republic, Burkina Faso and the French Republic about what follows:

SECTION I – GUIDING PRINCIPLES

CLAUSE 1: The present Agreement - the stipulations of which are irreversible – solemnly encourages the Government of the Republic of Niger and the Organisation of Armed Resistance (ORA) to bring back peace in a global and permanent way to the territory of the Republic.

CLAUSE 2: The stipulations of the present Agreement bind all Nigeriens and their institutions.

SECTION II –TERRITORIAL AND ADMINISTRATIVE ORGANISATION

CLAUSE 3: The territorial subdivision, the organisation and the powers of the “collectivités territoriales” will be the ones defined by the law on the basis of the work of the special committee in charge of reflecting on the administrative subdivision of the Republic of Niger, in accordance with the Peace Agreement signed in Ouagadougou on 9 October, 1994, in its sections I, II, III with the following wording:

A/ TERRITORIAL SUBDIVISION

CLAUSE 4: The Republic of Niger is divided into administrative circumscriptions in the following way:

- the Region

- the Department
- the Arrondissement
- the Municipality

CLAUSE 5: The Region, the Department and the Municipality are promoted into “collectivités territoriales” (territorial communities).

CLAUSE 6: The creating and the limits of the “Collectivités territoriales” (Regions, Departments, Municipalities) and those of the Arrondissements are settled by the law on proposal of the special committee where the representatives of the CRA will be members.

B/ THE ORGANISATION AND THE POWERS OF THE “COLLECTIVITÉS TERRITORIALES”

CLAUSE 7: The “Collectivités territoriales” will be equipped with Councils or Assemblies, elected by direct universal suffrage and the Presidents elected within them will be the head of regional, departmental and communal executives.

CLAUSE 8: Within the framework of their free administration, the elected Councils or Assemblies will govern their own affairs by deliberation in the fields planned by the law which are for example the budget, the conception, the programming, the carrying out, the follow-up and the evaluation of actions of economic, social and cultural development having a regional or a local interest.

C/ REPRESENTATIVES OF THE STATE: THEIR POWERS

CLAUSE 9: The representation of the State will be provided by:

- one representative in the Region
- one representative in the Department
- one representative in the Arrondissement
- one Mayor elected in the Municipality.

The denomination of these representatives will be determined by the law.

CLAUSE 10: The representatives of the State will have the following mission:

- a/ to supervise the application of the laws and regulations of the State within the limits of the territory of the administrative unit.
- b/ to guarantee the control of the lawfulness a posteriori of decisions and actions taken by the “collectivités territoriales”.
- c/ to give advice and assistance from technical State services to the “collectivités territoriales”, on their demand.

SECTION III – RESTORATION OF PEACE AND NATIONAL RECONCILIATION

CLAUSE 11: A permanent cease-fire will come into force at zero hours (Niamey time) on the day after the signing of the present Agreement.

CLAUSE 12: With a view to the establishment of permanent security, of the restoration and consolidation of peace, the two Parties decide to create and to establish in Niamey, within two weeks following the signing of this present Agreement, a Special Peace Committee composed of the two Parties, with both sides equally represented, and of the mediation. The total number of members of this group cannot exceed 20, whereof 14 for the two Parties.

The Presidency of the Special Peace Committee will be entrusted to the High Commissioner at the Restoration of Peace and the Vice-presidency will be entrusted to a representative of the ORA. Necessary means for the activity of the Committee will be taken care of by the State.

The Committee will meet periodically. It could also be convened by its President on demand of one or the other of the Parties. At the meetings of the Committee, minutes will be taken.

The Committee will have as its mission:

- 1/ to supervise the application of the Agreement and the timetable established by it.
- 2/ to ensure that the stipulations of the Agreement are widely spread and that there is a campaign of explanation of it among the Nigerien population.
- 3/ to supervise the execution of the disarmament operations and the recuperation of all arms, munitions and war material.
- 4/ to determine the number of people before starting the integration work.

Therefore, it will receive for example:

- the list of demobilised elements of the ORA of which it will make a detailed calculation,
- the list of arms, munitions and war material to be handed in and of which it will control the recuperation and the stocking and for which it will decide the destination.

The Special Peace Committee will have under its authority a Group of military observers for the composition of which it will mainly appeal to the mediating countries.

During its mandate the Group of military observers will have the following tasks:

- to control the application of the cease-fire and to report its possible violations.
- to control, within the framework of the present Agreement, the recuperation, the handing in and the stocking of arms.

The functions of this Group will be defined by a document which will have to be decided upon before the arrival of the observers and which will specify the forms of its use.

Its mission will last for a period of three months, renewable if necessary.

The Group, whose Post of Command will be in Niamey will have at its disposal branches in the regions affected by the conflict.

CLAUSE 13: The Special Peace Committee will supervise the execution of the operations of disarmament and the recuperation of all arms, munitions and material of

war when the Government:

- will have initiated the law on the decentralisation with a detailed timetable of application.
- will have adopted the status of the units with a special military status with a timetable of creating and organising these units and will have initiated these units.
- will have initiated, with the support of the partners of Niger, the execution of the urgency programme and the strategies of economic, social and cultural development planned for in the present Agreement in order to make possible the creation of jobs in the zone affected by the crisis.
- will have started the integration, the reintegration, the recruiting of demobilised elements of the ORA into the Public Administration, the Defence and Security Forces, State enterprises, Secondary Schools and the University and into development projects.

As regards the ORA, it engages to disarm and demobilize its elements.

CLAUSE 14: The Government engages to put an end to the activity of all groups and armed bands (militias, brigades, etc.) susceptible of aggravating the climate of insecurity and of compromising the peace efforts.

Therefore, it will undertake their disarming.

CLAUSE 15: A general amnesty will be decided upon in favour of the elements of the ORA and the elements of the Defence and Security Forces as well as other agents of the State for all acts committed because of the conflict prior to the date of the signing of this present Agreement.

The Government will institute a day in commemoration of the national reconciliation in memory of the victims of the conflict and the events of May 1990 and will take appeasing measures in their favour.

CLAUSE 16: The Government will undertake the reintegration into Civil Service and Public Enterprises of demobilized elements from the ORA who had the status of civil servants or public agents.

The Government will also undertake the reintegration into schools and universities of demobilized elements from the ORA who had the status of pupils or students.

SECTION IV – THE ORGANISATION OF DEFENCE AND SECURITY FORCES

CLAUSE 17:

A/ Units with a special military status

Units with a special military status will be created in the regions of Aïr, Azawak and Kawar.

The special status of these units (command, personnel management, recruitment, training, advancement) will be determined by texts of regulations on the proposition of an interdepartmental committee where representatives of the ORA also will be

members.

These units will have as their mission to guarantee the maintenance of order and of public security. Within the framework of their mission they will have to act in coordination with and complementing the classical forces of defence and security. The personnel of these units will be composed of demobilized elements from the ORA and of people coming from the affected regions.

B/ Armed Nigerien Forces and the National Police Force

Within the framework of the restoration of peace and trust, the Government engages to integrate within the army demobilized elements from the ORA who will receive appropriate training. These elements will sign an engagement in accordance with statutory stipulations.

Moreover, within the framework of the annual recruitment, the contingent of recruits, coming from the zone affected by the conflict will be reviewed in a rising way.

Therefore the statutory texts pertaining to that matter will be readjusted.

Furthermore, on the proposition of the Interdepartmental Committee, the law 62-10 of March 16 1962, already seen above at paragraph A/ of the present clause, will be submitted to revision by the National Assembly.

C/ Paramilitary Forces

According to the existing texts the Government will integrate within the Paramilitary Forces (Republican Guard, National Police and Customs) demobilized elements from the ORA who will receive appropriate training.

For the sake of the protection of the environment, the fauna and the flora, special accent will be put on the recruitment of local personnel.

If necessary, arrangements will be taken to readjust the existing texts.

SECTION V – ECONOMIC, SOCIAL AND CULTURAL DEVELOPMENT

CLAUSE 18: Within the framework of the application of Clause 8 of the present Agreement, the Government will take all necessary measures, in the fields foreseen by the law, in order to provide the “collectivités territoriales” with the free managing of their affaires in the activities of economic, social and cultural development of regional or local interest.

CLAUSE 19: In order to allow the freely consented return and the reinsertion of displaced persons, the Government, together with the ORA, encourages friendly countries and international humanitarian organisations concerned to establish on one hand reception and direction points, where the stay will be as brief as possible, and on the other hand reinsertion sites in which adequate social and economic activities will be developed.

CLAUSE 20: In order to reinforce and to enlarge to the zone affected by the conflict activities already undertaken within the framework of urgency assistance concerning

food, health and schooling foreseen in the Peace Agreement of Ouagadougou, October 9 1994, the Government, together with the ORA and concerned populations, engages to establish, on the basis of available statistics on displaced persons and of those already at home, the real needs of urgent help to be introduced in a global programme. This programme will be submitted by the Government to donors at a timely moment.

CLAUSE 21: Within the framework of the programme of social insertion of the demobilized elements of the ORA, the Government will take steps in view of their recruitment in the projects of high intensity of labour in the zone affected by the conflict.

CLAUSE 22: Without effect on the stipulations of Clause 8 of the present Agreement, the Government engages to take all necessary steps in order to continue and accelerate the efforts of investment in the pastoral zone through the use of new strategies of development aiming at:

A. Within the field of rural development

1- Breeding

A policy of a profitable breeding taking into account:

- animal health
- reconstruction of the live stock
- commercialisation of the cattle and products derived from breeding
- introduction of transformation and conservation of products
- better managing of the pasture land
- adjustment of water-holes and multiplication of pastoral wells
- constitution of cereal banks.

2- Agriculture

A development of the agricultural potentialities contained in the regions guaranteeing their exploitation the whole year around and a local transformation of the products by:

- technical assistance given to the farmers
- support of help to the “collectivités”
- commercialisation of agricultural products
- combating noxious insects
- creation of units of transformation and conservation of agricultural products
- exploiting of underground water sources
- strengthening of market gardening potentialities through the use of hydro-agricultural perimeters.

B. Within the field of mining and industries

The mines will remain a national treasure the benefits of which should make possible the development of all the regions. Therefore it is necessary to:

- diversify the mining production.
- develop the local raw material through industrialization.
- favour the development of the regional economy through the establishment for the whole industrial and mining sector of measures encouraging the creation of jobs in favour of the local population which will benefit from a priority in recruitment.

- transfer to “collectivités territoriales” one part of national resources generated by the mining and industrial exploitation. The rate and the forms of this transfer of resources will be determined by the law on decentralisation.

C. Within the field of social and cultural development

1- Health

- rehabilitation of already existing infrastructures
- reconstruction and equipment of new health centres
- multiplication of drugstores and medicine stocks
- staff training
- establishing of mobile health teams in the nomad zones

2- Education

- adapt the school programmes to social and cultural realities of the regions
- promote national languages and writing, especially Tamachek and Tifinar
- consider creating institutions of higher education in the regions in the North
- rehabilitate, construct and multiply schools and school canteens.
- train the teaching staff
- employ, as far as possible, in the regions, a teaching staff coming from these regions in order to guarantee a better consciousness raising among the population on educational problems in order to solve the problems inherent in school recruitment.
- increase the rate of schooling.

3- Culture

- creation of cultural centres and regional museums promoting the image of culture, history and oral traditions
- multiplying of cultural and sportive exchanges between regions and with other countries

D. In the field of service

1- Transports and communications

- maintenance, management and construction of roads, airstrips, airports, bus terminals
- opening and development of air traffic services in order to increase accessibility of isolated regions
- relaxation of police controls and formalities
- creation, if possible, of regional radio and television stations broadcasting in national languages and relaying the main national programmes
- establishment of means of communication SSB (Single Sideband Modulation) in the most remote centres

2- Tourism, Hotel trade and Handicraft

- consider the suppression of visas for people coming from the European Union
- set up direct charter flights
- relaxing the formalities of reception and circulation of persons
- rehabilitate and promote hotels units
- take complementary measures for the boosting of the sectors of tourism, hotel trade and handicraft generating proceeds, foreign currency and jobs.

3- Public administration

Eager to have an active participation of all the components of the Nigerien population in the running of the State affairs and in the framework of consolidation and peace, the Government engages to integrate demobilized elements from the ORA at all levels of the Public administration according to the criteria of competence and to the needs of the State.

The same thing will be valid for political functions.

E. The list of actions enumerated above is not restrictive.

CLAUSE 23: The Government will organize a round-table conference including countries with a friendly attitude to Niger and International Organisations for the financing of the economic and social programme of the present Agreement.

CLAUSE 24: Concerned about achieving a better geographical division of infrastructures and equipments, the Government engages to support the policy of decentralisation through a policy of readjustment of the territory. This division will take into account the economic potentialities of each region.

CLAUSE 25: The stipulations of this Agreement will be carried out in the following way:

1. 15 April, 1995 Signing of the definitive Peace Agreement in Ouagadougou
2. 24 April, 1995 Solemn signing of the definitive Peace Agreement in Niamey
3. 25 April, 1995 Coming into force of the definitive cease-fire at zero hours (Niamey time)
4. 09 May, 1995 Establishment of the Special Peace Committee
5. 31 May, 1995 Establishment of the Interdepartmental Committee
6. 30 June, 1995 Adoption of the Status of Units with a Particular Military Status
7. 1 July, 1995 Starting of the Integration, the Reintegration and the Recruitment within the Paramilitary Forces, State Enterprises, Secondary Schools, the University, the Public Administration and development projects
8. 1 July, 1995 Establishment of the Group of Military Observers
9. 15 July, 1995 Initiation of the Law on Decentralisation
10. 15 July, 1995 Starting of the Urgency Programme and development projects
11. 1 September, 1995 Beginning of work concerning the determining of total numbers.

12. 1 October, 1995 Initiation of Units with a Special Military Status
13. 1 October, 1995 Disarming/Demobilizing of the elements of the ORA.
14. 1 October, 1995 Beginning of the training and integration the elements of the ORA in the Defence and Security Forces
15. 15 October, 1995 Round table conference on the urgency programme.

NB: As this schedule is not exhaustive the Committee will decide about its continuation.

SECTION VI – FINAL ARRANGEMENTS

CLAUSE 26: The present Agreement has been established in 5 original copies written in French and signed by the two Parties as well as by the three mediators.

An original copy will be kept by each one of the signatories.

CLAUSE 27: The present Agreement which comes into force from the date of its signing will be published in the “Journal Officiel” of the Republic of Niger.
Ouagadougou, 15 April, 1995

HAVING SIGNED:

For the Government of the Republic of Niger
Mr MAÏ MAÏ GANA

For the Organisation of the Armed Resistance
Mr RISSA AG BULA

THE MEDIATION:

For the Algerian Democratic and Popular Republic
Mr LAALA MOHAMED

For the French Republic
Mr ALAIN DESCHAMPS

For Burkina Faso
ABLASSÉ OUEDRAOGO