

DEMOCRATIC REPUBLIC OF CONGO

PEACE AGREEMENT

BETWEEN

THE GOVERNEMINT

AND

THE NATIONAL CONGRESS FOR THE DEFENCE OF THE PEOPLE

(CNDP)

Goma, March 23, 2009

PREAMBLE

We, the Government of the Democratic Republic of Congo and the National Congress for the Defence of the People (Congrès Nationale pour la Défense du Peuple, CNDP), Parties to the present Agreement,

Meeting in several sessions in Nairobi (Kenya) under the auspices of the co-Facilitator of the United Nations Secretary-General Special Envoy for the Great Lakes, His Excellency Mr Olusegun Obasanjo, and of the Co-Facilitator of the African Union and the International Conference on the Great Lakes Region, His Excellency Benjamin William Mkapa;

Wishing to contribute to a sustainable peace in the Democratic Republic of Congo and to a sincere reconciliation between the daughters and sons of this great country;

Convinced of the need to quickly reach a sustainable resolution of the crisis which has prevailed for years in the East of the Democratic Republic of Congo, and in particular in North and South Kivu, and which has led to extensive violations of human rights and to a humanitarian crisis without precedent which must be brought to a rapid end;

Conscious of the fact that Dialogue is the best means of regulating conflicts;

Reaffirming the inviolable and inalienable fundamental principles of the Constitution of the Republic, particularly those relating to:

- a) national sovereignty;
- b) territorial integrity;
- c) the inviolability of national frontiers, in accordance with the boundaries in place on 30 June 1960;
- d) human rights, fundamental liberties and the duties of the citizen and the State;
- e) the republican and apolitical nature of the Armed Forces and the National Police.

Considering the following Agreements and reference frameworks:

- a) The Pact on Security, Stability and Development in the Great Lakes Region signed on 15 December 2006 in Nairobi;
- b) The Nairobi Joint Communique of 9 November 2007;
- c) The Acts of Engagement signed in Goma on 23 January 2008 following the Conference on Peace, Stability and Development in the Provinces of North Kivu and South Kivu, as well as the resolutions of this conference;
- d) The relevant resolutions of the Security Council, notably resolutions 1843, 1856 and 1857 on the security situation in North Kivu, the reinforcement of the MONUC and its new mandate;

e) The Joint Communiqué of the Summit of Heads of State and of Government of the Great Lakes Region held in Nairobi on 7 November 2008.

Considering the need for complete respect of the norms and fundamental principles of international humanitarian law;

Recognising the need for reliable and effective mechanisms for good governance at all levels and in all sectors, including that of certifying extraction rights, assessing and monitoring natural resources;

Considering the recent political and military declarations of the CNDP on 16 January and 4 February 2009, in Goma;

Without prejudice to the other Agreements which may lead to and consolidate peace and stability in the Provinces of North Kivu and South Kivu, as well as in the Great Lakes Region;

Solemnly agree the following:

Article 1: On the transformation of the CNDP

1.1. The CNDP confirms the irreversibility of its decision to end its existence as a politico-military movement. It undertakes:

- a) to integrate its police and armed unit elements respectively in the Congolese National Police Force and the Armed Forces of the Democratic Republic of Congo;
- b) to transform into a political party and to complete all the necessary formalities for this purpose;
- c) from now on to seek solutions to its concerns by purely political means and in compliance with institutional arrangements and the laws of the Republic.

1.2. The Government undertakes to deal urgently with the request to approve the CNDP as a political party.

1.3. In addition, the parties accept the principle of CNDP participation in the political life of DRC. The terms and conditions for doing this shall be determined by mutual consent.

Article 2: On political prisoners

2.1. CNDP undertakes to produce a current list of its members who are political prisoners.

2.2. In accordance with the Goma Acts of Engagement, the Government undertakes to free these prisoners. It shall also ensure their repatriation to their homeland.

Article 3: On the amnesty

3.1 In order to facilitate national reconciliation, the Government shall promulgate a law of amnesty covering the period from June 2003 to the date of its promulgation, in accordance with international law.

3.2. The parties agree that judicial independence shall be strictly observed, as established by the Constitution.

3.3. Given that CNDP has expressed some concerns about certain provisions in the law project already adopted by the National Assembly, including what it considers to be a restrictive list of events eligible for amnesty, it has been agreed that the Government shall convey these concerns to Parliament to be examined.

Article 4: On the national reconciliation mechanism

4.1 The parties shall maintain a dynamic of reconciliation and pacification, and good intercommunity cohabitation, together with the essential requirement of good governance. With a view to this:

- a) The parties agree to create a national mechanism which shall be responsible for defining and implementing the policy of reconciliation between Congolese women and men, and fighting against xenophobia.
- b) The Government shall create a ministerial structure for interior security, local affairs and reconciliation. If no specific Ministry is created for this purpose, each of the above objectives must be clearly accounted for in the remit of an existing Ministry.

Article 5: On the resolution of local conflicts

5.1. The Government shall put in place Permanent Local Conciliation Committees, reporting to the local civil authority, made up of local elders, men and women, to compensate for the lack of resources for non-judicial prevention and resolution of conflicts.

5.2. The parties agree on the principle of creating a “local police force”, as a branch of the Congolese National Police Force; to listen to and serve local people.

5.3. The elements of the local police force shall be recruited and trained at the national level. Their training course shall be organised to provide detailed knowledge of the social realities of their regions of deployment. Although not recruited on the basis of ethnicity or community, the deployment of local police units on the ground shall reflect local social diversity.

5.4 The two parties agree that CNDP’s proposals on the subjects above shall be transferred to the government party.

5.5 While awaiting the deployment of local police and in order to ensure the safety of refugees and displaced persons returning to their homes, the parties agree that the Government shall set up a special police unit, created from the integration process of CNDP police contingents in the Congolese National Police. This unit shall be trained and equipped such as to maintain order at the local level.

Article 6: On the return of refugees and displaced persons

6.1. The two parties agree that living in peace in their country and benefiting fully from their citizenship are inalienable rights of every Congolese person. Hence the rapid return of displaced persons and of Congolese refugees still present in neighbouring countries to their homeland is essential.

6.2. Therefore the Government shall relaunch as soon as possible the tripartite Commissions on Congolese persons in neighbouring countries, and begin the rehabilitation procedures necessary for their reinsertion. The parties also agree to initiate and facilitate the return of internally displaced persons.

6.3. Specific mechanisms shall be devised to develop the practical measures for these operations, in particular:

- a) Identification
- b) Locating displaced persons
- c) Preparing receiving centres (security, infrastructure, water...)
- d) Social reinsertion.

6.4. An obligatory timetable shall be developed for the prompt implementation of this provision. This timetable is provided in Annex.

Article 7: On damaged zones

7.1. Because of the recurrent wars, which have resulted in the destruction of basic infrastructure, homes, fields, plantations and animals, and made roads impassable, the parties recommend that the Provinces of North and South Kivu be declared "damaged zones".

7.2 The Government shall set up integrator projects and high-intensity labour development projects, in order to use the labour force which will become available following demobilisation and the return of internally displaced persons and refugees, beginning in the worst affected areas.

Article 8: On the Territorial Administration

8.1. The parties agree that good governance requires closer relations between civil servants and the population.

8.2. The CNDP has suggested how to divide up the national territory, recognising the need to take better account of the social realities of the country.

8.3. It has been agreed that CNDP's proposals on this matter shall be taken into account in considering the ongoing need to improve the effectiveness of the Territorial Administration.

Article 9: On the Public Administration

9.1. The parties agree that the administration should respond to the immediate needs commonly experienced by local communities.

9.2. In this regard, the CNDP has proposed that the Public Administration should be taken over by technically and financially autonomous National Agencies, albeit overseen by the Ministries.

9.3. It has been agreed to forward these CNDP proposals to the Government, in order to contribute to the debate on reform of the Public Administration in the Democratic Republic of Congo.

Article 10: On reform of the Army and Security Services

10.1. The two parties have agreed that it is a priority to fundamentally reform the Army and the Security Services of DRC.

10.2. CNDP has made some general observations about this reform.

10.3. The Government, which recognises the need to do this, and is already working to this effect, shall make reform of the Army and the Security Service a key priority.

Article 11: On voting systems

11.1. The parties agree on the necessity of an urgent evaluation, followed if necessary by revision of the electoral law, in order to ensure the widest representation possible, without nonetheless reducing the efficacy of institutions at all levels; and to increase sanctions against those fomenting a discourse of sectarianism and hatred during the election campaign.

11.2. The CNDP has made a proposal to this effect to the governmental party to be conveyed to the National Independent Electoral Commission.

Article 12: On specific questions

12.1. The Government shall provide a political solution to the problem of professional reinsertion for civil servants who were formerly CNDP members, without prejudice however, to current legislation.

12.2. The parties agree that a solution to the problem of invalid provincial deputies might be found in the wider context of CNDP participation in the political life of the nation.

12.3. With regard to the dossier on Traditional Chiefs not co-opted on to the North Kivu Provincial Assembly, it has been noted that this is already covered by a judgement of the Supreme Court of Justice.

The parties agree to formulate a recommendation for rapid implementation of this ruling, to the National Independent Electoral Commission.

12.4. The two parties agree on re-establishing State Authority in the territories of Masisi, Rutshuru and Nyiragango. Thus the principle of restoring Territorial Administrators and Assistant Territorial Administrators nominated by the State, to their posts, is agreed. Other personnel will remain in post until further notice.

The parties also agree that in implementing these provisions, the need to promote harmony and social peace shall take priority. To this effect, those who obstruct these provisions shall be disciplined. Ex-CNDP Territorial Administrators will be assigned to other duties in the wider context of CNDP participation in the political life of the nation.

12.5. Without prejudice to any rights or equity, all damaged property shall be returned to its owners, whether physical or moral persons.

Apart from the traditional mechanisms of resolving disputes of this nature, the parties agree to set up quickly permanent local conciliation committees.

12.6. With a view to increasing the competitiveness of the national economy, the parties agree on the need to privatise public enterprises in DRC.

12.7 The Government shall take charge of the war wounded, orphans and widows of ex-CNDP contingents, of whom a list shall be prepared by CNDP. The parties agree to formally recognise the ranks of ex-CNDP elements in both the Congolese National Police and FARDC. This shall be administratively comprehensively regulated within the framework of the General Law and the relevant regulations shall be enacted. Greater efforts shall be made to provide effective logistical support to units on the ground.

Article 13: On economic reforms

The parties agree on the need for reliable and effective mechanisms for good governance at every level and in all sectors, including for certifying extraction rights, extracting, assessing and monitoring natural resources.

Article 14: On the National Monitoring Committee

14.1. A joint Government-CNDP National Monitoring Committee shall be instituted by regulatory text. It shall be charged with monitoring implementation of this Agreement.

14.2. It shall have a mandate of three months, with the possibility of renewal.

Article 15: On the International Monitoring Committee

The United Nations, the African Union, and the International Conference on the Great Lakes Region are the international monitors for this Agreement and shall monitor its effective implementation by the parties.

These institutions, with the two Co-Facilitators as intermediaries, shall constitute the International Monitoring Committee for the Agreement.

15.2. The International Monitoring Committee shall carry out periodic evaluations in order to assess progress in implementing the Agreement. It shall also assist the Government to mobilise regional and international support for implementation of this Agreement.

15.3 The International Committee shall have a mandate of three months, with the possibility of renewal.

Article 16: On entry into force

The present agreement enters into force upon signature.

Done at Goma, 23 March 2009

Signatures