

FORCES TECHNICAL AGREEMENT (FTA)

BETWEEN

THE TRANSITIONAL GOVERNMENT OF THE REPUBLIC OF BURUNDI

AND

THE NATIONAL COUNCIL FOR THE DEFENCE OF DEMOCRACY -
FORCES FOR THE DEFENCE OF DEMOCRACY (CNDD - FDD)

Reference1: Arusha Peace and Reconciliation Agreement.

2: Ceasefire Agreement 02 December 2002.

INTRODUCTION

1.0 The Transitional Government of the Republic of Burundi (Transitional Government of Burundi) and the National Council for the Defence of Democracy - Forces for the Defence of Democracy (CNDD-FDD) agree on the following provisions, concerning the Forces Technical Agreement (FTA): -

a. **Part I.** Burundi Defence and Security Forces.

- (1) Burundi National Defence Force
- (2) Burundi National Police
- (3) National Intelligence Service

b. **Part II.** Formation of the Burundi National Defence Force (BNDF) and DDRR Process

1.1 For purposes of addressing the current security situation in Burundi, Article 1.1.7, 1.1.8 and 1.1.9 of Annexure 1 to the Ceasefire Agreement (CFA) of 02 December 2002 shall apply. The modalities of implementing article 1.1.7, 1.1.8 and 1.1.9 will be clarified in an MOU on Joint Military Force (JMF).

1.2 The two parties agree to provide the data concerning their forces to the Chairperson - Joint Ceasefire Commission (JCC) in confidence. (See details in Annex A to the FTA).

PART I

BURUNDI DEFENCE AND SECURITY FORCES.

2.0 Burundi National Defence Force (BNDF)

2.1 The Name

The new-armed force shall be called The Burundi National Defence Force (BNDF).

2.2 Roles and Principles:

a. Roles

- (1) To defend the territorial integrity and national sovereignty of Burundi.
- (2) To repulse any armed aggression directed against the institutions of the Republic.
- (3) To intervene in exceptional circumstances in the maintenance of public order, on the formal request of the competent civil authority.
- (4) To participate in rescue and assistance missions in the event of natural disasters.
- (5) To contribute towards the development of the country with regard to major production and training activities.
- (6) To protect strategic and vital national installations.
- (7) To participate in peace support operations under the auspices of the United Nations (UN), the African Union (AU) or the Regional Organisations when the Government is ready to participate.

b. Principles

(1) The BNDF shall be:

- Governed by the laws and regulations of the country.
- At the disposal of the government, subordinate to its authority and accountable to the legislature.

(2) The BNDF shall be non-partisan.

(3) Members of the BNDF shall not be affiliated to political parties or any other organisation of a Political nature. They shall neither take part in activities nor demonstrations of political parties or organisations.

(4) Members of the BNDF may exercise their civil right to vote in elections.

2.3 Command, Control and Supervision

- a. The BNDF shall be placed under the control and supervision of competent civil authority.
- b. The President of the Republic shall be the Commander-in-Chief of the BNDF.
- c. The National Defence Forces shall be placed under the Ministry of National Defence.
- d. The BNDF shall be under the direct command and control of the Chief of General Staff (CGS).

2.4.0 Size, Composition, Structure and Organization

2.4.1 Size

The size of the BNDF shall be determined by:

- Potential internal and external threats.

- Financial and economic means of the country.
- Defence Doctrine/Policy

2.4.2 Composition

- During the integration phase the BNDF shall be composed of selected members of:
 - The current Burundi Armed Forces (FAB).
 - Combatants of the CNDD-FDD Movement.
 - The combatants of other armed political parties.
- After integration volunteer Burundian citizens could be recruited.
- The BNDF shall not consist of more than 50% of any of the ethnic groups as per Arusha Peace and Reconciliation Agreement (protocol III chapter 2 article 14.1g).

2.4.3 Structure

The organizational charts indicating the structure of the BNDF are attached as Annex B.

2.4.4 Organization

The National Defence Force

a. Force Employment

The Commander in Chief (C-in-C) shall be responsible for force employment.

b. Functions of the CGS

(1) The CGS shall have the following functions:

- Implement decisions of the government.
- Command, control and administration of the National Defence Force.
- Co-ordinate the activities of the services and lower echelons.
- Liaison at the administrative level, between the BNDF – as an institution and the Government through the Minister of National Defence.

c. Force Preparation

The Chief of General Staff assisted by service heads shall be in charge of force preparation in accordance with requirements of specified missions.

2.4.5 Military Career

a. Principle

Military career shall be exercised either under contract or permanent terms. Details of terms and conditions of Service to be determined

according to the rules and regulations.

b. Rank Structure

FAB rank structure shall be used in the New National Defence Force. In the interim the ranks of members of all signatories shall be recognized until a sub commission of the JCC responsible for the evaluating the ranks of the individuals makes a ruling.

c. Service

The service history of all members from FAB, CNDD-FDD and armed political parties shall be verified.

2.5.0 Training of the BNDF

2.5.1 Policy

- The general training policy aimed at upgrading the professional level of the National Defence Force shall be done according to the doctrine that will be adopted.
- The integrated National Defence Force shall undergo training for the purpose of standardizing skills, techniques, procedures and regulations.
- Leadership and specialist training may be conducted in or outside Burundi.

2.5.2 Training of Immediate Concern

- Training of immediate need to the selected members, will be the 'Bridging Training'. This will take into account the experience and training already received by individuals

from the integrating forces. The training will be carried out in selected training institutions.

- Special emphasis shall be placed on civic and moral education.

3.0 BURUNDI NATIONAL POLICE (BNP)

3.1 Name

The Burundi Police Force shall be called 'Burundi National Police (BNP)'.

3.2 Roles and Functions

a. The Public Security Police

- (1) Ensure respect for laws and regulations.
- (2) Ensure physical protection of people and their property.
- (3) Help and provide assistance to people in danger or distress.
- (4) Intervene in the case of tragedies or calamities.
- (5) Foresee various scenarios for civil protection.
- (6) Maintaining and re-establishing public order.
- (7) Ensure the protection of public infrastructure and property.
- (8) Ensure road security over the whole territory.

(9) Ensure the protection of public meetings upon the request of the parties concerned, upon instruction of the administrative authorities or on each own initiative when there is need.

(10) Ensure the protection of the institutions.

d. The Judicial Police (JP)

(1) Prevent crimes, search and prosecute their perpetrators and carry out arrests in accordance with the law.

(2) Ensure the missions of the judicial and administrative police.

(3) Ensure the protection of the courts and tribunals.

(4) Handling criminal affairs of great importance, like economic crimes, crimes by itinerant criminals or groups organized on a national or international level.

(5) Establish statistics on crime and use them.

(6) Ensure the Interpol service.

c. The Police of the Air, Borders and Foreigners (PAFE)

(1) Handling immigration, emigration and the status of foreigners;

(2) Controlling the movements of foreigners on the whole national territory.

(3) Guarding land, lake and air borders.

(4) Providing traveling documents and residential permits.

d. **The Prison Police (PP)**

- (1) Ensure the security of the prison and detainees.
- (2) Ensure the safety of the police camp
- (3) Ensure the escorting of the detainees going to court and the various jurisdictions.
- (4) Provide security of detainees during the production work.
- (5) Ensure escorting of prisoners during transfers
- (6) Ensuring the guarding of hospitalized prisoners.
- (7) Ensuring the escorting of detainees during medical care or when leaving the prison with permission.

3.3 Principles

- a. The Burundi National Police shall be:
 - Governed by the laws and regulations of the country.
 - At the disposal of the government, subordinate to its authority and accountable before the law.
- b. The Burundi National Police shall be non-partisan.
- c. Members of the Burundi National Police shall not be affiliated to political parties or any other organisation of a political nature. They shall neither take part in activities nor demonstrations of political parties or organisations.

- d. Members of the Burundi National Police may exercise their civil right to vote.

3.4 Command, Control and Supervision

- a. The National Police Force shall be placed under the supervision of the competent civil authorities.
- b. The National Police Force shall be placed under a Ministry charged with responsibility of Public Security.
- c. The National Police Force shall be under the direct command and control of the Director General of Police.

3.5 Size, Composition, Structure and Organization

3.5.1 Size

- a. The size of the Burundi National Police shall be determined by the following factors:
 - (1) The Internal Security situation
 - (2) The different roles and functions to be carried out
 - (3) The Burundi population
 - (4) The economic and financial means
 - (5) The budget allocated to the National Police.
 - (6) The permeability of the borders.

3.5.2 Composition

- a. The Burundi National Police Force shall be composed of:

- (1) Members of the current Burundi Police Force.
 - (2) Members of the Gendarmerie.
 - (3) Selected combatants from the CNDD-FDD Movement and other armed political parties.
 - (4) Volunteer Burundian citizens recruited on the basis of their competence.
- b. The National Police Force will not consist of more than 50% of members from any of the ethnic groups. This is in accordance with Arusha Peace and Reconciliation for Burundi (Protocol III, Chapter 2 art 14 para 2 (e)).

3.5.3 Structure

The organizational chart indicating the structure of the National Police Forces is attached as **Annex 'C'**.

3.5.4 Police Service

a. Principle

Police service shall be exercised either under contract or permanent terms. Details of terms and conditions of service will be set in accordance with rules and regulations.

b. Rank Structure

- (1) The current Police rank structure shall be used in the National Police Force.
- (2) Entry point and the equating of ranks for members of FAB.

CNDD-FDD and other armed political groups to be integrated into police shall be decided by a sub-committee of the JCC.

3.5.5 Training of the National Police Force

a. Policy

- (1) The general training policy aimed at upgrading the National Police shall be based on the police doctrine.
- (2) Each element of the force selected to constitute the Police Force shall undergo training for the purpose of:
 - Acquiring and standardizing skills, techniques, aptitudes procedures and regulations.
 - Achieving harmonious integration of servicemen.

b. Training of Immediate Concern

- Members selected to join the police from FAR, FDD and other political parties will receive accelerated training to enable them work together.

4.0 NATIONAL INTELLIGENCE SERVICE

4.1 Name

The Burundi Intelligence Organisation shall be called 'National Intelligence Service'

4.2 Roles and Functions

- a. Detect as soon as possible eminent threat to the state.
- b. Collect, centralize and control any intelligence that may contribute to the protection of the state, its institutions and international relations, as well as the prosperity of the economy.
- c. Detect as soon as possible what activities that may lead to insecurity and violence or a change in the state institutions through undemocratic means.
- d. Detect as soon as possible attempts to manipulate ethnic or regionalist sentiments as a way to get or maintain power.
- e. Detect as soon as possible any threat to the constitutional order, public security, territorial integrity and national sovereignty.
- f. Detect as soon as possible any terrorist actions, illegal drug trafficking and forming of criminal organizations.
- g. Detect as soon as possible any misappropriations in the state services.
- h. Detect as soon as possible any threat to the ecological environment of the country.

4.3 Control

The intelligence service shall be placed under the Minister responsible for Intelligence.

4.4 Size, Composition, Structure and Organization

4.4.1 Size

The size of the National Intelligence Service shall be determined by its roles, functions and availability of resources.

4.4.2 Composition

- a. The intelligence service shall be composed of:
 - (1) The current Intelligence service personnel.
 - (2) Selected members of CNDD-FDD movement who meet the requirements.
 - (3) Members of armed political parties as well as other citizens who meet the requirements.
- b. The National Intelligence Service shall not contain more than 50% of members belonging to a particular ethnic group.

4.4.3 Structure and Organisation

The chart showing the structure and organization of the National Intelligence Service is attached as Annex 'D'.

4.4.4 Training

The National Intelligence Service personnel shall receive specific training inside and outside the country.

PART II

FORMATION OF THE BURUNDI NATIONAL DEFENCE FORCE

1.0 THE PROCESS

- 1.1.1 The Burundi National Defence Force shall be formed under the supervision of IMC, AMIB and JCC.
- 1.1.2 The following steps will be carried out in the formation of the BNDF:

a. Disengagement and separation of forces

This shall be conducted under the supervision of the AMIB and the JCC in accordance with the provisions of the CFA of 02 December 2002 in conjunction with the parties concerned (Transitional Government of Burundi and CNDD-FDD).

b. Cantonment and DDRR Process

- (1) The cantonment and DDRR processes shall be conducted under the supervision of the AMIB and the JCC in conjunction with all the parties concerned and supporting international organizations. Cantonment should not be an end in itself, but rather a function of verification, military integration and demobilization activities, i.e. a place where these activities are completed as quickly as possible so that the peace process can be consolidated and demobilised soldiers can get back to civilian life.
- (2) All necessary data for planning and conducting programmes concerning cantonment and DDRR shall be

immediately provided by all the parties to relevant bodies.

- (3) All concerned stakeholders shall establish a joint Operational Plan to implement the DDRR programmes according to agreed time frame.
- (4) The movement of forces of all the parties shall be conducted in accordance with the provisions of the 02 December 2002 CFA, namely *Article 1.1.6 and 1.1.7 of Annexure 1,*

c. Integration Process

- (1) Criteria for the selection of Servicemen in the BNDf.

The selection of servicemen to constitute the BNDf by each party and those to be demobilized shall be carried out in the cantonment sites. Service to constitute the National Defence force should meet the following criteria: -

❖ Officers shall:

- Be volunteers
- Serving as officers
- Be Burundian Nationals
- Be physically fit.

- (2) The war – wounded and handicapped shall, however, remain eligible for Army service, according to their specializations, unlike the disabled servicemen who shall be demobilized but assisted. This shall apply to all categories of servicemen.

❖ Non - Commissioned officers shall:

- Be volunteers,
- Serving as Non - commissioned officers.

- Burundian Nationals
- Physically fit

❖ **Soldiers**

- Be volunteers
- Be serving as Servicemen or combatants.
- Be Burundian Nationals
- Be physically fit

2.0 POWER SHARING IN THE DEFENCE AND SECURITY FORCES

- ❖ The principle of parity shall apply. The following percentages shall be used:-

- Transitional Government of Burundi - 60%
- CNDD-FDD - 40%

Details of power sharing in the defence and security forces are contained in the MOU.

3.0 INSTITUTIONS TO OVERSEE THE IMPLEMENTATION OF THE CEASEFIRE AGREEMENT.

The following institutions are mandated to oversee the implementation of the Ceasefire Agreement:-

- a. The African Mission in Burundi (AMIB).
- b. The Implementation Monitoring Committee (IMC).
- c. The Joint Ceasefire Commission (JCC).
- d. The Facilitator and the Regional Initiative on Burundi.

3.1 THE AFRICAN MISSION

The mandate given to the AMIB by the AU is attached as **Annex E** to the FTA. It deals with all matters relating to the missions, composition and tasks of the civilian

and military (African Force and Military Observers) components of the AMIB.

3.2 JOINT CEASEFIRE COMMISSION (JCC)

The mandate given to the JCC by the UN in conjunction with the Facilitator and the AU is attached as Annex F to the FTA. It deals with all matters relating to the ceasefire implementation process.

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3.3 IMPLEMENTATION MONITORING COMMITTEE (IMC)

The IMC has been set up in accordance with Arusha Peace and Reconciliation Agreement of 2000 that specifies its composition and duties. This all-inclusive institution shall accommodate all Burundian belligerents. Refer to Protocol V, Article 3 of Arusha Peace and Reconciliation Agreement 2000.

3.4 THE REGIONAL INITIATIVE ON BURUNDI AND THE FACILITATOR

The Regional Initiative on Burundi and the Facilitator are the initiators of the on going Peace and Reconciliation Agreement for Burundi as well as guarantors of all the agreements that have been signed between the parties. They continue to co-ordinate all efforts to reach an all-inclusive and comprehensive ceasefire to achieve peace and stability in Burundi and in the region. They are committed to gaining international support to the Burundi peace process.

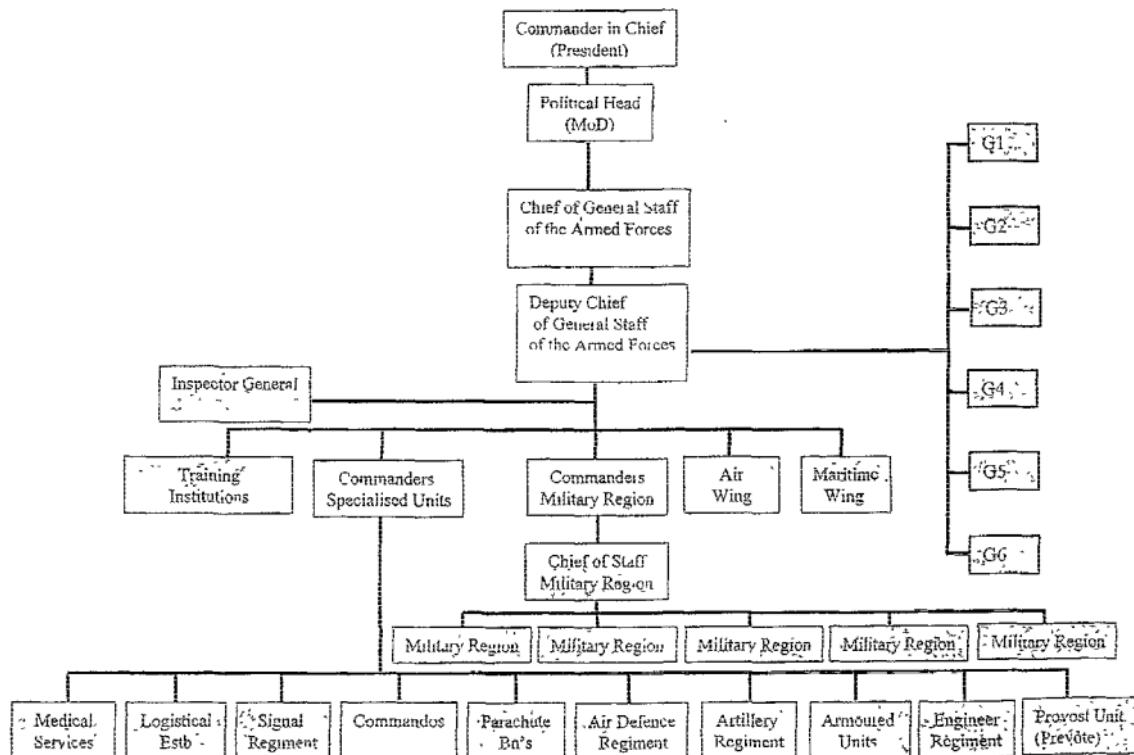
LIST OF QUESTIONS TO SIGNATORIES

1. Details of the representatives:
 - a. Joint Ceasefire Commission (JCC) : Ranks and names,
 - b. Joint Liaison Teams (JLT) : ranks and names (2 members for each JLT from each party, for approximately 18 JLT's).
 - c. Senior Liaison Officer at Assembly Areas level: ranks and names of senior officer appointed by each party to serve as a member of the management council of the Assembly Areas.
 - d. Very Important Personalities (VIP): total, names, functions and residences of personalities to be protected (indicate dates on which the interested will move to their personal homes or residences allocated to them).
2. Total number of personnel to be taken into account:
 - a. Total number of combatants who should join the identified Assembly Areas.
 1. Senior Officers (preferably with names).
 2. Junior Officers
 3. Senior Non-commissioned Officers
 4. Non-commissioned Officers
 5. Privates
 - b. Specify the total number of child soldiers (under 18 years) supposed to be in the identified reassembling zones.
 - c. Specify the availability of teams of instructors from each party capable of participating in the framework of basic training/orientation. At the identified reassembling zones level.
3. Total number of dependants accompanying the combatants
 - a. The aged (men and women)
 - b. Spouses (wives)
 - c. Children

4. Actual Location and total number:
 - a. Current locations (sectors) of each group (indicate on the map)
 - b. Total number of each group in each given location (sector)
5. Armament and equipment (certified list):
 - a. Vehicles and system of mobile weapons on wheels.
 - b. Heavy weapons (artillery, mortars and anti-tanks).
 - c. Light weapons (machine guns, rifles and pistols).
 - d. Quantities of ammunition for all types of arms.
 - e. Communication equipments (transmissions).
 - f. Location of armaments and ammunition caches.
 - g. Specify mine areas (details to be provided after).
6. Areas of regroupment and Movements
 - a. Indicate if the intention of the concerned parties is to make the whole group join at once or to proceed in phases (subject to discussion). |
 - b. Certified lists (with all the details) must be available on request. |
 - c. Each party must be ready to furnish on request the names of the representatives at the level of other identified structures
 - d. Specify the understanding of the training concepts during the DDR, including orientation/basic training in reassembling zones. |
 - e. Propose structures (joint working groups, joint working teams) which will be responsible for certain duties or specific projects.

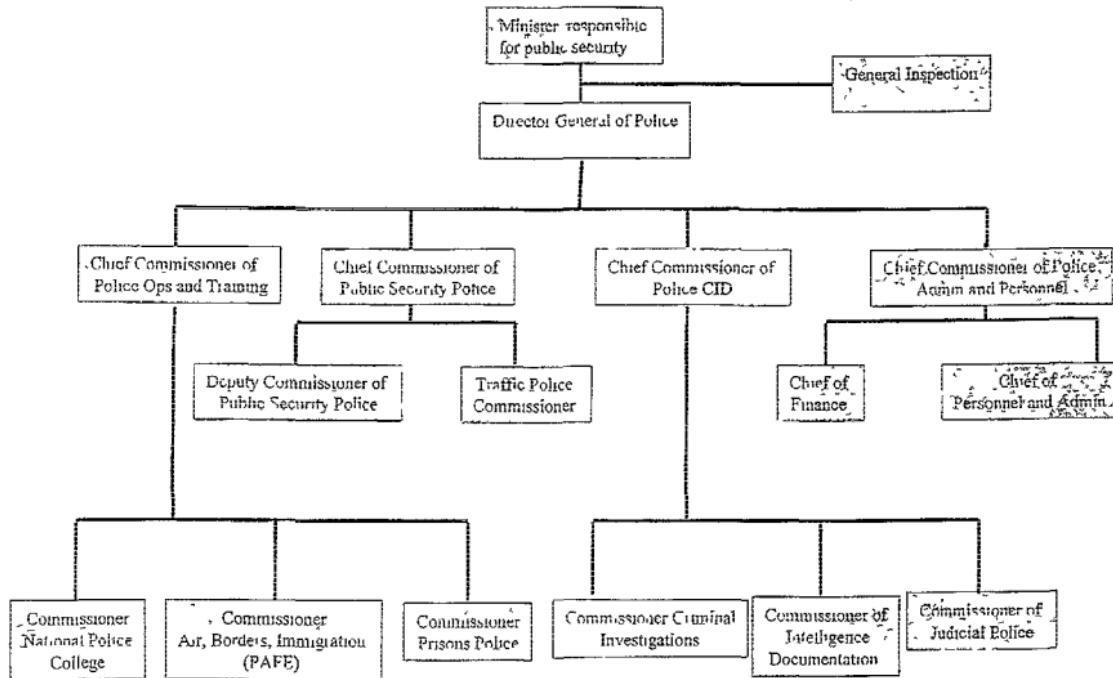
BNDF STRUCTURE

Annex B

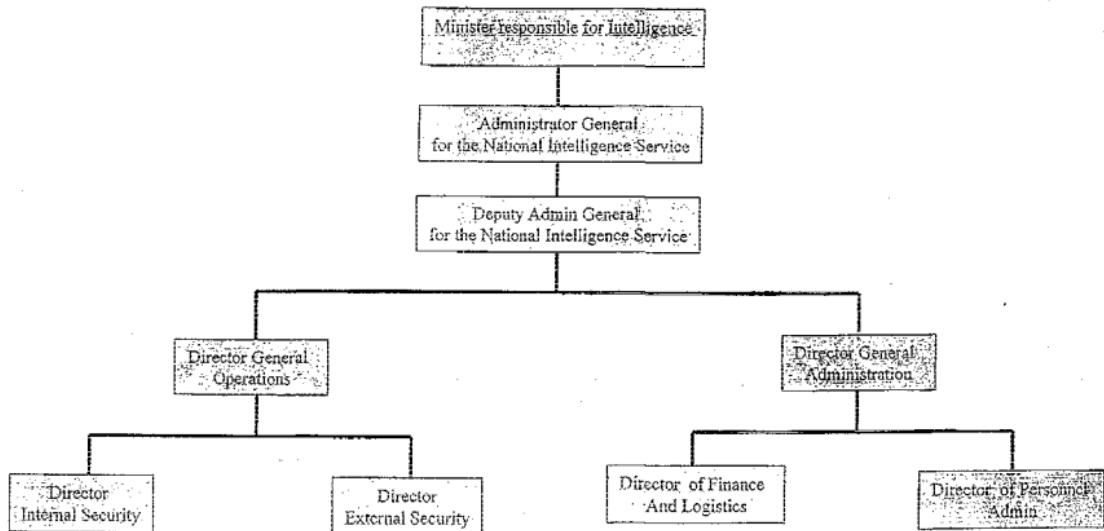


Annexe C

BURUNDI NATIONAL POLICE STRUCTURE



NATIONAL INTELLIGENCE STRUCTURE



THE ANALYSIS OF THE POWERSHARING PROPOSALS

Ministry of Defence Power sharing

POSITION	NUMBER OF POSTS	TGOB	CNDD-FDD
Percentages		60%	40%
Directions and General Inspection	4	3	1
Specialised services	5	3	2
Personalized Administrator	3	2	1
Military Courts	3	2	1
WC	5	3	2
Department- Heads	10	6	4
- Deputies	10	6	4
Advisors	5	3	2
Senior Inspectors	5	3	2
Inspectors	14	9	5
Totals	64	40	24

ARMY STAFF HEADQUARTERS

POSITIONS	Number of Posts available	TGOB Share	CNDD-FDD share
Percentages		60%	40%
Chief of Staff	1	1	0
Deputy Chief of Staff	1	0	1
Services - Heads	14	9	5
Deputies	14	9	5
Region Cmds- Heads	5	3	2
Deputies	5	3	2
Region Services Gs	25	15	10
Units - Heads	60	36	24
Deputies	60	36	24
Totals	185	112	73

NB The post of Inspector General is not included in the Army HQ power sharing proposals.

POWER SHARING IN THE BURUNDI NATIONAL POLICE

Position	Number of posts available	TGoB share	CNDD-FDD share
Percentage		60 %	40 %
Directorates	3	2	1
Services - ENAPO	2	1	1
Services - PAFE	12	8	4
Services - PSP	9	6	3
Police Stations-PSP Cmds	13	9	4
Police Stations-PSP DCmds	13	9	4
Services PJP	7	5	2
Police Stations-PJP - PCmd	18	12	6
Police Stations-PJP - DPCmd	18	12	6
Zone cmds	12	7	5
Deputies	12	8	4
Total	119	78	41

1. POWER SHARING IN THE NATIONAL INTELLIGENCE STRUCTURE

Positions	Number of posts available	TGoB share	CNDD-FDD share
Percentage		60%	40%
Administrator General	1	1	0
D/Administrator General	1	0	1
Director General Ops	1	0	1
D/Director General Ops	1	1	0
Director General Admin	1	1	0
D/Director General Admin	1	1	0
Director Internal Security	1	0	1
Director External Security	1	1	0

Director of Finance and Logistics	1	0	1
Director Personnel Admin	1	0	1
Total	10	6	4