

DEMOCRATIC REPUBLIC OF THE CONGO

PEACE AGREEMENT
BETWEEN
THE GOVERNMENT
AND
LE CONGRES NATIONAL
POUR LA DEFENSE DU PEUPLE
(CNDP)

Goma, March 23, 2009

PREAMBLE

We, the Government of the Democratic Republic of the Congo and the *Congrès National pour la Défense du Peuple (CNDP)*, Parties to the current Agreement,

Gathered over several sessions in Nairobi (Kenya) and Goma (DRC) under the auspices of the co-facilitation of the Special Envoy of the United Nations Secretary General for the Great Lakes Region, H.E. Mr. Olusegun Obasanjo, and of the co-facilitator of the African Union and of the International Conference on the Great Lakes Region, H.E. Mr. Benjamin William Mkapa;

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

Convinced of the necessity to find a quick and lasting solution to this crisis which, for years, has prevailed in the East of the Democratic Republic of the Congo in general, and in the North and South Kivu in particular, creating conditions that were favourable to massive human rights violations as well as an unprecedented humanitarian crisis which must be ended quickly;

Aware of the fact that Dialogue is the best way to solve conflicts;

Reaffirming the intangible and inalienable nature of the fundamental principles of the Constitution of the Republic, especially those pertaining to:

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

Considering the following Agreements and frameworks:

- a) The Pact of Security, Stability and Development in the Great Lakes Region, signed in Nairobi on December 15, 2006;
- b) The Nairobi Joint Communiqué of November 9, 2007;
- c) The Peace Agreements signed in Goma on January 23, 2008 at the end of the Conference on Peace, Stability and Development in the provinces of North Kivu and South Kivu, as well as the resolutions taken at the aforementioned Conference;
- d) The relevant resolutions of the Security Council, in particular resolutions 1843, 1856 and 1857 relating to the security situation in North Kivu, the reinforcement of the MONUC and its new mandate;
- e) The Joint Communiqué of the Summit of the Heads of State and Government of the Great Lakes Region held in Nairobi on November 7, 2008;

Considering the necessity for the strict respect of the fundamental standards and principles of international humanitarian law;

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

Without prejudice to other Agreements likely to help bring back and strengthen peace and stability in the provinces of North Kivu and South Kivu, as well as in the Great Lakes Region;

Formally agree to the following:

Article 1: Transformation of the CNDP

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

- a) integrate its police force and its armed units into the Congolese National Police and the Armed Forces of the Democratic Republic of the Congo, respectively;
- b) transform into a political party and complete the necessary legal formalities to that end;
- c) from now on, seek solutions to its concerns strictly through political means and in accordance with the institutional order and laws of the Republic.

1.2. The Government undertakes to respond swiftly to the CNDP's request for recognition as a political party.

1.3. Furthermore, the Parties agree with the principle of the CNDP's participation in DRC politics. The terms will be determined by mutual agreement.

Article 2: Political Prisoners

2.2. The CNDP undertakes to produce, as soon as possible, an updated list of its members who are political prisoners.

2.3. In accordance with the Goma Peace Agreements, the Government undertakes to proceed to the release of these prisoners. The Government also undertakes to ensure their repatriation to their place of residence.

Article 3: Amnesty

3.1. In order to facilitate national reconciliation, the Government undertakes to enact a law of amnesty for the period from June 2003 to the date of its enactment, in accordance with international law.

3.2. The Parties agree to strictly observe the independence of the Judiciary as entrenched in the Constitution.

3.3. The CNDP having expressed concerns over certain provisions of the bill already enacted by the National Assembly, which it views as restricting the grounds for amnesty, it has been agreed that the Government will submit these concerns to Parliament for review.

Article 4: National Reconciliation Mechanism

4.1. The Parties undertake to maintain dynamics of reconciliation, of pacifying hearts and minds, as well as good intercommunity cohabitation as an essential requirement for good governance. From this perspective:

- a) The Parties agree on the creation of a national mechanism in charge of defining and leading a policy of reconciliation between the men and women of the Congo, and to fight against xenophobia.
- b) The Government undertakes to create a ministerial structure responsible for national security, local affairs and reconciliation. If no distinct Ministry is created, all of the subjects mentioned above must clearly be taken into account in the definition of a same ministry's responsibilities.

Article 5: Resolution of Local Conflicts

5.1. The Government undertakes to set up Permanent Local Arbitration Committees, falling within the local civil authority and made up of local wise men and women, to overcome inadequacies in the extrajudicial prevention and resolution of conflicts.

5.2. The Parties agree with the principle of the creation a “community police” which is understood as a branch of the Congolese National Police, in touch with and at the service of common people.

5.3. Members of the community police will be recruited and trained at the domestic level. Their training program will be structured in order to provide them with a profound knowledge of the sociological realities of the regions where they will be deployed. Without being made up on an ethnic or community basis, the community police will see to it that the composition of its units deployed in the field reflects local social diversity.

5.4. Both Parties agree that the CNDP’s views on the subjects mentioned above should be provided to the Government.

5.5. Before the community police is put in place, and in order to ensure the security of refugees and displaced people returning home, the Parties agree to the deployment, by the Government, of a special police unit arising out of the process of integrating CNDP policemen into the Congolese National Police. This unit will be made up and equipped in accordance with the requirements for maintaining order at the local level.

Article 6: Return of Refugees and Internally Displaced People

6.1. Both Parties agree that living in peace in one’s country and fully enjoying one’s citizenship are inalienable rights for every Congolese. For this reason, the quick return of Congolese refugees and displaced people from neighbouring

countries to their original environments is a necessity.

6.2. Consequently, the Government undertakes to re-establish, as soon as possible, Tripartite Commissions on Congolese refugees located in neighbouring countries and to carry out the rehabilitation actions necessary to their reintegration. The Parties also agree to encourage and facilitate the return of internally displaced people.

6.3. The practical details pertaining to these operations will be subjected to the elaboration of specific mechanisms, including:

- a) Identification
- b) Location analysis
- c) Viability of return areas (security, infrastructure, water...)
- d) Social reintegration.

6.4. A strict schedule will be prepared for the quick implementation of this provision.

Article 7: Disaster Areas

7.1. As a result of the recurring wars which led to the destruction of basic infrastructure, houses, fields, plantations and livestock, as well as the impracticability of roads, the Parties recommend that the provinces of North Kivu and South Kivu be declared “disaster areas”.

7.2. The Government undertakes to implement integration projects as well as high density labour development projects, in order to employ the workforce that will become available as a result of the demobilisation and the return of internally displaced people and refugees, starting with the territories most affected.

Article 8: *Management of the Territory*

8.1. The Parties acknowledge that a rapprochement between the Government and the Governed is a requirement for good governance.

8.2. Based on the necessity to better take into account the sociological realities of the country, the CNDP has proposed a model for the division of the national territory.

8.3. It has been agreed that the CNDP's views on the subject should be one of the elements considered to constantly improve the effectiveness of the territory's administration.

Article 9: *Public Administration*

9.1. The Parties agree that the Administration should respond to the proximity needs often experienced by local populations.

9.2. In this context, the CNDP has suggested that Public Administration should be handled by National Agencies that are technically and financially autonomous, although under the supervision of the Ministries.

9.3. It has been agreed that the CNDP's views should be presented to the Government to enrich reflections linked to the reform of Public Administration in the Democratic Republic of the Congo.

Article 10: *Army and Security Services Reform*

10.1. Both Parties agree that a comprehensive reform of the DRC's Army and Security Services is a priority.

10.2. The CNDP has proposed strategic directions for such a reform.

10.3. The Government, who is aware of this necessity and is already addressing

it, undertakes to make the reform of the Army and Security Services a top priority in the activities that must be carried out as quickly as possible.

Article 11: Voting Procedure

11.1. The Parties agree that an urgent assessment of electoral law is required, followed by a revision if necessary, in order to allow representation that is as large as possible, without compromising the effectiveness of institutions at any level, and to reinforce sanctions against those who, during the election campaign, hold sectarian or hateful views.

11.2. A proposal to that effect was provided to the Government by the CNDP for passing on to the National Independent Electoral Commission.

Article 12: Specific Issues

12.1. The Government undertakes to find a political solution to the problem of professional reintegration for administrative executives who joined the CNDP, without prejudice to other legal texts currently in effect.

12.2. The Parties agree that the solution to the problem of reintegrating provincial deputies removed from office could be found in the larger framework of the CNDP's participation in national politics.

12.3. With regard to the case of traditional Leaders not co-opted by the Provincial Assembly of North Kivu, it was noted that it has already been covered by a judgment issued by the Supreme Court.

The Parties agree to produce a recommendation to the National Independent Electoral Commission for the swift execution of the said judgment.

12.4. Both parties agree on the restoration of the State's Authority in the territories of Masisi, Rutshubu and Nyiragango. The agreed principle is therefore

to reinstate into their functions Territory Administrators and Assistant Territory Administrators appointed by the State. Other staff will remain in place until further notice.

Furthermore, the Parties agree that during the implementation of these provisions, it is necessary to promote social harmony and peace. To this end, sanctions will be imposed against those who violate these provisions. Former CNDP Territory Administrators will be assigned to other tasks in the larger framework of the CNDP's participation in national politics.

12.5. Without prejudice to rights and equity, all plundered goods must be returned to their owners, natural and legal persons.

Besides the traditional mechanisms used to solve this type of dispute, the Parties agree on the swift implementation of Permanent Local Arbitration Committees.

12.6. In order to increase the competitiveness of the domestic economy, the Parties agree on the necessity to speed up the process to liberalise state-owned companies in the DRC.

12.7. The Government undertakes to support former CNDP members wounded during the war, as well as their orphans and widows. The CNDP will compile a list.

12.8. The Parties agree to formally recognise the ranks of former CNDP members both in the Congolese National Police and in the FARDC. This issue will be settled administratively in a general way within the context of the OG and related regulatory acts will be taken. Efforts will be increased to provide effective logistical support to units in the field.

Article 13: Economic Reforms

The Parties agree to the necessity for reliable and effective good governance mechanisms at all levels and in all fields, including the certification, exploitation, assessment and control of natural resources.

Article 14: National Monitoring Committee

A joint Government-CNDP Monitoring Committee will be instituted through a regulation. It will be in charge of implementing this Agreement. It has a three-month mandate, with a possibility of renewal.

Article 15: International Monitoring Committee

15.1. The United Nations, the African Union and the International Conference on the Great Lakes Region are the international witnesses of this Agreement and they will oversee its effective implementation by the Parties. Through its two co-facilitators, these institutions form the Agreement's International Monitoring Committee.

15.2. The International Monitoring Committee will periodically carry out assessments to monitor the progress made in implementing the Agreement. It will also assist the Government in mobilising regional and international support for the implementation of the aforementioned Agreement.

15.3. The International Monitoring Committee has a three-month mandate, with a possibility of renewal.

Article 16: Coming into Force

The current Agreement will come into force on the date it is signed.

Made in Goma, March 23, 2009

**For the *Congrès National pour la
Défense du Peuple***

Dr Desire Kamanzi



President

**For the Government of the Democratic
Republic of the Congo**

H. E. Mr. Raymond Tshibanda



**Minister of International & Regional
Cooperation**

As Witnesses

**H.E. Mr. OLUSEGUN OBASANJO
Co-Facilitator
Special Envoy of the United Nations
Secretary General for the Great Lakes
Region**

**H.E. Mr. BENJAMIN WILLIAM MKAPA
Co-Facilitator
for the African Union
and the International Conference on
the Great Lakes Region**