

## Arusha Peace and Reconciliation Agreement for Burundi<sup>\*</sup>

The Government of the Republic of Cuba and the Government of the People's Republic of Angola, hereinafter referred to as "the Parties",

**We, the representatives of:**

- The Government of the Republic of Burundi,
- The National Assembly,
- The *Alliance Burundo-Africaine pour le Salut* (ABASA),
- The *Alliance Nationale pour le Droit et le Développement* (ANADDE),
- The *Alliance des Vaillants* (AV-INTWARI),
- The *Conseil National pour la Défense de la Démocratie* (CNDD),
- The *Front pour la Démocratie au Burundi* (FRODEBU),
- The *Front pour la Libération Nationale* (FROLINA),
- The *Parti Socialiste et Panafricaniste* (INKINZO),
- The *Parti pour la Libération du Peuple Hutu* (PALIPEHUTU),
- The *Parti pour le Redressement National* (PARENA),
- The *Parti Indépendant des Travailleurs* (PIT),
- The *Parti Libéral* (PL),
- The *Parti du Peuple* (PP),
- The *Parti pour la Réconciliation du Peuple* (PRP),
- The *Parti Social-Démocrate* (PSD),
- The *Ralliement pour la Démocratie et le Développement Economique et Social* (RADDES),
- The *Rassemblement du Peuple Burundais* (RPB) and
- The *Union pour le Progrès National* (UPRONA),

Hereinafter referred to as "the Parties",

**Considering** the rounds of talks held in Mwanza in 1996,

**Having participated** in the negotiations held in Arusha pursuant to the Declaration by the Participants in the Burundi Peace Negotiations involving all the Parties of the Burundi Conflict signed at Arusha on 21 June 1998 ("the Declaration of 21 June 1998") under the facilitation of the late Mwalimu Julius Kambarage

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<sup>\*</sup> Source: [http://www.usip.org/library/pa/burundi/pa\\_burundi\\_08282000\\_pr4ch1.html#1](http://www.usip.org/library/pa/burundi/pa_burundi_08282000_pr4ch1.html#1)

Nyerere, and subsequently of Mr. Nelson Rolihlahla Mandela, on behalf of the States of the Great Lakes region and the international community,

**Expressing our deep appreciation** for the persistent efforts of the Facilitators, the late Mwalimu Julius Kambage Nyerere and Mr. Nelson Rolihlahla Mandela, the States of the Great Lakes region and the international community with a view to assisting the people of Burundi to return to peace and stability,

**Determined** to put aside our differences in all their manifestations in order to promote the factors that are common to us and which unite us, and to work together for the realization of the higher interests of the people of Burundi,

**Aware** of the fact that peace, stability, justice, the rule of law, national reconciliation, unity and development are the major aspirations of the people of Burundi,

**Reaffirming** our unwavering determination to put an end to the root causes underlying the recurrent state of violence, bloodshed, insecurity, political instability, genocide and exclusion which is inflicting severe hardships and suffering on the people of Burundi, and seriously hampers the prospects for economic development and the attainment of equality and social justice in our country,

**Reaffirming** our commitment to shape a political order and a system of government inspired by the realities of our country and founded on the values of justice, democracy, good governance, pluralism, respect for the fundamental rights and freedoms of the individual, unity, solidarity, mutual understanding, tolerance and cooperation among the different ethnic groups within our society,

**In the presence of:**

- Jean-Baptiste Bagaza and Sylvestre Ntibantunganya, former Presidents of Burundi.
- The representatives of Burundian civil society and women's organizations and Burundian religious leaders,
- H. E. Mr. Nelson Rolihlahla Mandela, Facilitator,
- H. E. General Gnassingbé Eyadéma. President of the Republic of Togo and current Chairman of the Organization of African Unity,
- H. E. Yoweri Kaguta Museveni, President of the Republic of Uganda,
- H. E. Daniel T. arap Moi, President of the Republic of Kenya,
- H. E. Benjamin William Mkapa, President of the United Republic of Tanzania,
- H. E. Frederick J. T. Chiluba, President of the Republic of Zambia,
- H. E. Major-General Paul Kagame, President of the Republic of Rwanda,
- H. E. Laurent Désiré Kabila, President of the Democratic Republic of the Congo,
- H. E. Meles Zenawi, Prime Minister of the Republic of Ethiopia,
- H. E. Mr. Kofi Annan, Secretary-General of the United Nations,
- H. E. Dr. Salim Ahmed Salim, Secretary-General of the Organization of African Unity,

- Hon. Charles Josselin, Minister of Cooperation of the French Republic, representing the European Union,
- H. E. Dr. Boutros Boutros Ghali, Secretary-General of the International Organization of la Francophonie, and
- Mr. Joseph Waryoba Butiku, Executive Director of the Mwalimu Nyerere Foundation,

**Do hereby resolve and commit ourselves** to be bound by the provisions of the Arusha Peace and Reconciliation Agreement for Burundi, hereinafter referred to as "the Agreement".

### **Article 1**

The Parties accept as binding the following Protocols and Annexes thereto, which form an integral part of the Arusha Peace and Reconciliation Agreement for Burundi:

Protocol I:	Nature of the conflict, problems of genocide and exclusion and their solutions;
Protocol II:	Democracy and good governance;
Protocol III:	Peace and security for all;
Protocol IV:	Reconstruction and development;
Protocol V:	Guarantees on the implementation of the Agreement.

### ANNEXES

Annex I:	Pledge by participating parties;
Annex II:	Structure of the National Police Force;
Annex III:	Ceasefire agreement;
Annex IV:	Report of Committee IV;
Annex V:	Implementation timetable.

2. The Parties, recognizing the need to provide in the Agreement for contingencies unforeseen at the time that the protocols were finalized, agree that the provisions of the Agreement over-ride any contrary provisions within the protocols, and further agree as follows.
  - a. Where the Protocols of the Agreement contemplates that decision was to be taken by the Parties at the time of signature of the Agreement, and such matters or decisions have not been so taken at the date of signature of the Agreement, they shall be taken by the signatory parties, with or without the assistance of the Facilitator, within 30 days of signature.
  - b. Any provision of the Agreement or the protocols may be amended as provided for in [article 20 of Protocol II](#) or, pending the establishment of the Transitional National Assembly, with the consent of nine-tenths of the Parties;
  - c. Pending the negotiation and agreement of a comprehensive cease-fire agreement with the armed wings of non-signatory parties, [Chapter III of Protocol III](#) to the Agreement shall not come into effect; following the conclusion of the ceasefire agreement, it shall be deemed to be amended so as to be consistent with the provisions thereof.

Members of the parties to the Burundi Peace Negotiations in Arusha which do not sign the Agreement shall not be entitled to participate or hold office in the transitional Government or the transitional Legislature unless such parties are admitted as participating parties in accordance with [article 14 of Protocol II](#) to the Agreement with the consent of four-fifths of the Parties.

#### **Article 2**

1. The Parties acknowledge the need for the Agreement to be accompanied by and to be a condition for lasting peace and a cessation of violence in Burundi.
2. The Parties accordingly call upon armed wings of non-signatory parties to suspend hostilities and violent actions immediately, and invite such non-signatory parties to participate in or engage in serious negotiations towards a cease-fire. The Parties agree that in addition to this public invitation included herein, they will as a priority take all reasonable and necessary steps to invite such Parties to participate in cease-fire negotiations.
3. The Parties pledge that in the event of belligerent parties spurning or refusing such an invitation and continuing their belligerent activities against the people of Burundi, or any section of them, the violent acts of such parties will be deemed to be constitute an attack on all the Parties comprising this national platform of the Burundian people, as well as on this endeavour to establish an inclusive democratic Burundian state. In such an event the Parties agree to call collectively, through the appropriate agencies including the Implementation Monitoring Committee, upon the Governments of neighbouring States, the international agencies which are guarantors of the Agreement and other appropriate national and international bodies to take the necessary steps to prohibit, demobilize, disarm, and if necessary arrest, detain and repatriate, members of such armed groups, and further to take such steps as are appropriate against any Party which encourages or supports such activities.

#### **Article 3**

The Parties commit themselves to refrain from any act or behaviour contrary to the provisions of the Agreement, and to spare no effort to ensure that the said provisions are respected and implemented in their letter and spirit in order to ensure the attainment of genuine unity, reconciliation, lasting peace, security for all, solid democracy and on equitable sharing of resources in Burundi.

#### **Article 4**

The Agreement shall be signed by the Parties. The Facilitator, the President of the Republic of Uganda as the Chairman of the Regional Peace Initiative on Burundi, the President of the Republic of Kenya as the

region's elder statesman and the President of the United Republic of Tanzania as the host, and the representatives of the United Nations, the Organization of African Unity, the European Union and the Mwalimu Nyerere Foundation shall also affix their signatures hereto as witnesses and as an expression of their moral support for the peace process.

#### **Article 5**

The Agreement shall enter into force on the date of its signature.

#### **Article 6**

All of the final documents shall be drawn up in English, French and Kirundi. The English and French texts be equally authentic. The French text, being the original, shall be deposited with the Secretary-General of the United Nations, the Secretary-General of the Organization of African Unity and the Government of Burundi, and certified true copies thereof shall be transmitted by the Government to all Parties.

Signed in Arusha on the 28th day of the month of August 2000.

#### **SIGNATORY PARTIES**

For the **Government of Burundi**

Name of Representative: Mr. Ambroise NIYONSABA

Title: Minister for the Peace Process

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For the **National Assembly**

Name of Representative: Hon. Léonce NGENDAKUMANA

Title: Speaker of the National Assembly

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For **ABASA**

Name of the Party's representative: Amb. Térence NSANZE

Title: Chairman

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For **ANADDE**

Name of the Party's representative: Prof. Patrice NSABABAGANWA

Title: Chairman

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For **AV-INTWARI**

Name of the Party's representative: Prof. André NKUNDIKIJE

Title: Chairman

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For **CNDD**

Name of the Party's representative: Mr. Leonard NYANGOMA

Title: Chairman

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For **FRODEBU**

Name of the Party's representative: Dr. Jean MINANI

Title: Chairman

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For **FROLINA**

Name of the Party's representative: Mr. Joseph KARUMBA

Title: Chairman

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For **INKINZO**

Name of the Party's representative: Dr. Alphose RUGAMBARARA

Title: Chairman

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For **PALIPEHUTU**

Name of the Party's representative: Dr. Étienne KARATASI

Title: Chairman

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For **PARENA**

Name of the Party's representative: H. E. Jean-Baptiste BAGAZA

Title: Chairman

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For **PIT**

Name of the Party's representative: Prof. Nicéphore NDIMURUKUNDO

Title: Chairman

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For **PL**

Name of the Party's representative: Mr. Gaëtan NIKOBAMYE

Title: Chairman

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For **PP**

Name of the Party's representative: Mr. Shadrack NIYONKURU

Title: Chairman

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For **PRP**

Name of the Party's representative: Mr. Mathias HITIMANA

Title: Chairman

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For **PSD**

Name of the Party's representative: Mr. Godefroy HAKIZIMANA

Title: Chairman

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For **RADES**

Name of the Party's representative: Mr. Joseph NZEYIMANA

Title: Chairman

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For **RPB**

Name of the Party's representative: Mr. Balthazar BIGIRIMANA

Title: Chairman

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For UPRONA

Name of the Party's representative: Mr. Lib??re BARARUNYERETSE

Title: Chairman

**COSIGNATORIES**

H. E. Mr. Nelson Rolilhalha Mandela, Facilitator;

H. E. Yoweri Kaguta Muscveni, President of the Republic of Uganda,

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H. E. Daniel T. arap Moi, President of the Republic of Kenya,

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H. E. Benjamin William Mkapa, President of the United Republic of Tanzania

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H. E. Mr. Kofi Annan, Secretary-General of the United Nations,

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H. E. Dr. Salim Ahmed Salim, Secretary-General of the Organization of African Unity,

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Hon. Charles Josselin, Minister of Cooperation of the French Republic, representing the European Union,

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Mr. Joseph Waryoba Butiku, Executive Director of the Mwalimu Nyerere Foundation

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## Protocol IV

### Reconstruction and Development

#### Preamble

**We, the Parties,**

**Having considered** the issues relating to the overall problem of reconstruction and development, including those associated with rehabilitation and resettlement of the refugees and *sinistrés*, with physical and political reconstruction and with economic and social development,

**Having identified** the principles, guidelines and activities for the transitional institutions in dealing with these issues,

**Having incorporated** the essentials of our work, including the analysis of the origin of the specific problems and the principles, guidelines and activities required to remedy this problem, in a report of Committee IV which serves as a reference document for the present Protocol and is reproduced as [Annex IV](#) to the Agreement,

**Have agreed:**

1. To support the rehabilitation and resettlement of the refugees and *sinistrés* by complying with the provisions of Chapter I of the present Protocol;
2. To work towards the country's physical and political reconstruction in conformity with the principles and measures set out in [Chapter II](#) of the present Protocol;
3. To strive towards the economic and social development of Burundi by following the guidelines defined in [Chapter III](#) of the present Protocol.

#### Chapter I

### Rehabilitation and Resettlement of Refugees and *Sinistres*

#### Article 1 Definitions

1. For the definition of the term "refugee", reference is made to international conventions, including the 1951 Geneva Convention Relative to the Status of Refugees, the 1966 Protocol Relative to the Status of Refugees and the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa.
2. The term "*sinistrés*" designates all displaced, regrouped and dispersed persons and returnees.

#### Article 2 Principles governing return, resettlement and reintegration

1. The Government of Burundi shall encourage the return of refugees and *sinistrés* and resettle and reintegrate them. It shall seek the support of other countries and international and non-governmental organizations in carrying out this responsibility.
2. It shall respect the following principles:

- a. All Burundian refugees must be able to return to their country;
- b. Refugees no longer in their first country of asylum are entitled to the same treatment as other returning Burundian refugees;
- c. Return must be voluntary and must take place in dignity with guaranteed security, and taking into account the particular vulnerability of women and children;
- d. The reception mechanisms must be put in place in advance of the return;
- e. Returnees must have their rights as citizens and their property restored to them in accordance with the laws and regulations in force in Burundi after the entry into force of the Agreement;
- f. All *sinistrés* wishing to do so must be able to return to their homes;
- g. Specific conditions must be provided for *sinistrés* who believe that they can no longer return to their property, so as to enable them to return to normal socio-professional life;
- h. In the return of the refugees and the resettlement and reintegration of the returnees and displaced and regrouped persons, the principle of equity, including gender equity, must be strictly applied in order to avoid any measure or treatment that discriminates against or favours any one among these categories.

### **Article 3 Preparatory activities**

The Government shall undertake the following preparatory activities:

- a. Establishing and constituting a National Commission for the Rehabilitation of *Sinistrés* (CNRS), which shall have the mandate of organizing and coordinating, together with international organizations and countries of asylum, the return of refugees and *sinistrés*, assisting in their resettlement and reintegration, and dealing with all the other issues listed in the report of Committee IV. To this end, it shall draw up a plan of priorities. The members of the CNRS shall be drawn *inter alia* from the participating parties and the Government of Burundi, and shall elect the Commission's chairperson;
- b. Establishing and constituting a Sub-Commission of the CNRS with the specific mandate of dealing with issues related to land as set out in [article 8 \(j\)](#) of the present Protocol;
- c. Convening, in collaboration with the countries of asylum and the Office of the United Nations High Commissioner for Refugees, the Tripartite Commissioner, involving in it representatives of the refugees and international observers;
- d. Requesting international organizations and the host countries concerned to conduct a gender and age disaggregated census of the refugees, including the old caseload refugees (1972);
- e. Conducting a multi-dimensional census of the *sinistrés*;
- f. Organizing information and awareness campaigns for refugees and *sinistrés* as well as visits to their places of origin;
- g. Undertaking information and awareness campaigns on the mechanisms for peaceful coexistence and return to *collines* of origin;
- h. Setting up reception committees where they do not yet exist. The role of these committees shall be to receive and provide support services for all the *sinistrés* returning to their homes, ensure their security and assist them in organizing their socio-economic reintegration.

**Article 4**  
**Guidelines governing resettlement and integration**

The CNRS shall decide on the activities for the resettlement and integration of refugees and *sinistrés* in accordance with the priority plan taking into account the availability of resources, in order to achieve the following aims and objectives:

- a. To ensure the socio-economic and administrative reintegration of the *sinistrés*;
- b. To give all returning families, including female- and child-headed families, food aid, material support and assistance with health, education, agriculture and reconstruction until they become self-sufficient;
- c. To provide communes, villages and *collines* with assistance in the reconstruction of community infrastructures and with support for income-generating activities, paying special attention to women and enhancing their roles in building and sustaining families and communities;
- d. To settle all those who believe that they cannot yet return on sites close to home, in order to enable them to go and till their fields initially and return to their land later on;
- e. To encourage, to the extent possible, grouped housing in the reconstruction policy in order to free cultivable land;
- f. To ensure equity in the distribution of resources between the ethnic groups on the one hand and the provinces on the other, and to avoid overlap between the various parties involved;
- g. To promote the participation of the population in the resettlement activities;
- h. To help returnees to recover the property and bank accounts left in Burundi before their exile and whose existence has been duly proven;
- i. To offer intensive language courses for returnees to mitigate the language problems;
- j. To assist returnees in other areas such as medical services, psycho-social support, social security and retirement, education of children and the equivalency of diplomas awarded outside Burundi.

**Article 5**  
**Actions with regard to returnees in their country of asylum**

The Government shall undertake the following actions with regard to returnees in their country of asylum:

- a. Helping returnees settle their disputes in their country of asylum relating notably to immovable property, bank accounts, social security, etc;
- b. In the context of agreements between countries or social security institutions, helping those who were employed in the country of asylum receive social security benefits to which they are entitled in respect of such employment;
- c. Studying ways of indemnifying and compensating returnees for property in the country of asylum they are unable to take with them, profit from or sell;
- d. Assisting pupils and students in their two final years of study in primary, secondary and higher education wishing to complete their studies in the country of asylum.

**Article 6**  
**Other actions**

Any other action decided upon by the CNRS in accordance with the priority plan and in the light of available resources may be taken.

**Article 7**  
**Access and safety of international personnel**

The Government shall allow international organizations and international and local non-governmental organizations unrestricted access to returnees and other *sinistrés* for purposes of the delivery of humanitarian assistance. It must guarantee the safety of the staff of such organizations and must also facilitate the provision of short-term aid for repatriation, appropriately supervised and without discrimination.

**Article 8**  
**Issues relating to land and other property**

To resolve all issues relating to land and other property, the following principles and mechanisms shall be applied:

- a. Property rights shall be guaranteed for all men, women and children. Compensation which is fair and equitable under the circumstances shall be payable in case of expropriation, which shall be allowed only in the public interest and in accordance with the law, which shall also set out the basis of compensation;
- b. All refugees and/or *sinistrés* must be able to recover their property, especially their land;
- c. If recovery proves impossible, everyone with an entitlement must receive fair compensation and/or indemnification;
- d. Refugees who do not return may receive a just and equitable indemnification if their land had been expropriated without prior indemnification and in contravention of the principle set out in subparagraph (a) of the present article;
- e. The policy with respect to distribution of State-owned land shall be reviewed so that priority can be given to the resettlement of *sinistrés*;
- f. An inventory of destroyed urban property shall be drawn up with a view to making it habitable in order to redistribute it or return it as a priority to the original owners;
- g. A series of measures shall be taken in order to avoid subsequent disputes over land, including the establishment of a register of rural land, the promulgation of a law on succession and, in the longer term, the conduct of a cadastral survey of rural land;
- h. The policy of distribution or allocation of new lands shall take account of the need for environmental protection and management of the country's water system through protection of forests;
- i. Burundi's Land Act must be revised in order to adjust it to the current problems with respect to land management;
- j. The Sub-Commission on Land established in accordance with [article 3 \(b\)](#) of the present Protocol shall have the specific mandate of:
  - i. Examining all cases of land owned by old caseload refugees and state-owned land;
  - ii. Examining disputed issues and allegations of abuse in the (re)distribution of land and ruling on each case in accordance with the above principles;

- k. The Sub-Commission on Land must, in the performance of its functions, ensure the equity, transparency and good sense of all its decisions. It must always remain aware of the fact that the objective is not only restoration of their property to returnees, but also reconciliation between the groups as well as peace in the country.

**Article 9**  
**National Fund for *Sinistrés***

A National Fund for *Sinistrés* shall be established, and shall derive its funding from the national budget and from grants by bilateral and multilateral aid agencies or assistance from non-governmental organizations.

**Article 10**  
**Vulnerable groups**

The Government shall ensure, through special assistance, the protection, rehabilitation and advancement of vulnerable groups, namely child heads of families, orphans, street children, unaccompanied minors, traumatized children, widows, women heads of families, juvenile delinquents, the physically and mentally disabled, etc.