

Country/entity	Rwanda
Region	Africa (excl MENA)
Agreement name	Protocol of Agreement between the Government of the Republic of Rwanda and the RPF on the Rule of Law
Date	18 Aug 1992
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict

Rwandan Civil War (1990 - 1994)

The origins between the ethnic tensions between the Tutsi and Hutus in Rwanda are found in the original waves of migration and later into the domination of the Kingdom of Rwanda formed by the Tutsi clans. The Kingdom of Rwanda became the framework used by the German colonials to exercise power. Although the economy was reformed following the transfer to Belgian rule after World War I, the Hutu majority remained disenfranchised. Socio-economic differences were further cemented in 1935, when the Belgians introduced identity cards with Hutu or Tutsi distinctions.

Relations deteriorated after World War Two when a Hutu elite formed, and in 1959, what began as attacks on Tutsi targets evolved into the Rwandan revolution. The Belgian colonials began a programme of promotion for Hutus and following elections in the mid-1960s, the Hutus took control of most constituencies. More than 336,000 Tutsis fled Rwanda during the revolution and a failed insurgency was launched in the late 1960s.

By the late 1980s, many former Tutsi refugees in Uganda had gained integral roles in the Ugandan National Army following the overthrow of Milton Obete by Yoweri Museveni. In 1990, a Tutsi faction within the Ugandan Army, the Rwandan Patriotic Front, led by Fred Rwigyema invaded Uganda. However, the RPF came in disarray following Rwigyema's death on the second day of the attack. This led another Tutsi officer from the Ugandan Army, Paul Kagame, to step in. The troops were reassembled and another campaign was launched in 1991. By 1992, the Arusha Accords were signed in Tanzania, providing for a power-sharing government. The war took a turn for the worst when on April 6, 1994, the plane of then-President Juvénal Habyarimana, a Hutu, was shot over Kigali killing everyone on board. The next day, the Rwandan Army, alongside civilians began killing Tutsi and moderate Hutu leaders, which marked the beginning of the 3-month long genocide of Tutsis in Rwanda, until the killing was ended in July 1994 when the RNF forced the interim government into exile. Approximately 2,000,000 Hutus also fled to the Democratic Republic of Congo, Burundi, Tanzania and Uganda.

Close

Rwandan Civil War (1990 - 1994)

Stage	Framework/substantive - partial
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Conflict nature	Government
Peace process	Rwanda-RPF process
Parties	Government of the Republic of Rwanda, Rwandese Patriotic Front
Third parties	For and on behalf of the Facilitator (United Republic of Tanzania): Benjamin Mkapa, Minister for Science, Technology and Higher Education. In the presence of the Representative of the Current Chairman of the OAU: Papa Louis Fall, Ambassador of Senegal to Ethiopia, Tanzania and the OUA In the presence of the Representative of the Secretary General of the OAU: Dr M. T. Mapuranga, Assistant Secretary General in charge of Political Affairs.
Description	This short agreement is centered around the Rule of Law, providing for principles for (I) national unity; (II) democracy ; (III) pluralism, (IV) human rights.

Agreement document	RW_920818_ProtocolOnRuleOfLLaw.pdf (opens in new tab) Download PDF
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Groups

Children/youth	No specific mention.
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.

Racial/ethnic/ national group	<p>Groups→Racial/ethnic/national group→Rhetorical Page 2, Chapter I National Unity, Article 2: National unity implies that the Rwandese people, as constituent elements of the Rwandese nation, are one and indivisible. It also implies the necessity to fight all obstacles to national unity, notably, ethnicism, regionalism, integrism and intolerance which subordinate the national interest to ethnic, regional, religious and personal interest.</p> <p>Groups→Racial/ethnic/national group→Anti-discrimination Page 2, Chapter I National Unity, Article 3: National unity entails the rejection of all exclusions and any form of discrimination based notably, on ethnicity, region, sex and religion. It also entails that all citizens have equal opportunity of access to all the political, economic and other advantages, which access must be guaranteed by the State.</p> <p>Groups→Racial/ethnic/national group→Substantive Page 4, Chapter II Democracy, Article 8: The two parties resolutely reject and undertake to fight: - political ideologies based on ethnicity, region, religion and intolerance which subordinate national Interest to the ethnic, regional, religious or personal interest.</p>
Religious groups	<p>Groups→Religious groups→Rhetorical Page 2, Chapter I National Unity, Article 2: National unity implies that the Rwandese people, as constituent elements of the Rwandese nation, are one and indivisible. It also implies the necessity to fight all obstacles to national unity, notably, ethnicism, regionalism, integrism and intolerance which subordinate the national interest to ethnic, regional, religious and personal interest.</p> <p>Groups→Religious groups→Anti-discrimination Page 2, Chapter I National Unity, Article 3: National unity entails the rejection of all exclusions and any form of discrimination based notably, on ethnicity, region, sex and religion. It also entails that all citizens have equal opportunity of access to all the political, economic and other advantages, which access must be guaranteed by the State.</p> <p>Groups→Religious groups→Substantive Page 4, Chapter II Democracy, Article 8: The two parties resolutely reject and undertake to fight: - political ideologies based on ethnicity, region, religion and intolerance which subordinate national Interest to the ethnic, regional, religious or personal interest.</p>
Indigenous people	No specific mention.
Other groups	No specific mention.

Refugees/displaced persons	Groups→Refugees/displaced persons→Rhetorical Page 2, Chapter I National Unity, Article 4: The two parties acknowledge that the national unity of the people of Rwanda cannot be achieved without a definitive solution to the problem of Rwandese refugees. They recognize that the return of the Rwandese refugees to their country is an inalienable right and represents a factor of peace, unity and national reconciliation. They undertake not to hinder the free exercise of this right by the refugees.
Social class	No specific mention.

Gender

Women, girls and gender	Page 2, Article 3: National unity entails the rejection of all exclusions and any form of discrimination based notably, on ethnicity, region, sex and religion. It also entails that all citizens have equal opportunity of access to all the political, economic and other advantages, which access must be guaranteed by the State.
Men and boys	No specific mention.
LGBTI	No specific mention.
Family	No specific mention.

State definition

Nature of state (general)

Page 3, Chapter II Democracy, Article 5:

Democracy is founded on the idea that sovereignty belongs to the people. It is expressed, notably, through regular, free, transparent and fair elections. Popular representation must be the authentic expression of the will of citizens.

Page 3 and 4, Chapter II Democracy, Article 6:

The two parties accept the universality as well as the implications of the following fundamental principles of democracy:

- sovereignty of the people;
- government based on the consent of the people expressed through regular, free, transparent and fair elections;
- separation of the legislative, the executive and the Judiciary powers;
- independence of the Judiciary;
- guarantee for the fundamental rights of the individual as provided for in the Universal Declaration of Human Rights as well as in the African Charter on Human and Peoples' Rights, among others, freedom of speech, enterprise and of political, social and economic association;
- laws and regulations based on the respect of fundamental human rights;
- equality before the law;
- respect of laws and regulations by all;
- Constitution which respects the principles enunciated above, organises the State powers and defines the powers and limitations of the institutions of the Republic;
- multipartism, social and economic pluralism.

Page 3 and 4, Chapter II Democracy, Article 7:

The two parties recognize that multipartism entails the legitimate existence of a democratic opposition and consider, as legitimate, the aspiration of any Rwandese citizen to accede to power through democratic process.

Page 5, Chapter III Pluralism, Article 13:

The two parties recognise that a democratic society is also founded on pluralism which is the expression of individual freedoms and must respect national unity and the fundamental rights of the citizen.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

**Independence/
secession** No specific mention.

**Accession/
unification** No specific mention.

Border delimitation No specific mention.

**Cross-border
provision** No specific mention.

Governance

**Political
institutions (new or
reformed)** Governance→Political institutions (new or reformed)→General references
Page 3 & 4, Chapter II Democracy, Article 6:
The two parties accept the universality as well as the implications of the following
fundamental principles of democracy:
[...]
- separation of the legislative, the executive and the Judiciary powers;
- independence of the Judiciary;
[...]
- multipartism, social and economic pluralism.

Elections Page 3, Chapter II Democracy, Article 5:
Democracy is founded on the idea that sovereignty belongs to the people. It is
expressed, notably, through regular, free, transparent and fair elections. Popular
representation must be the authentic expression of the will of citizens.

Page 3, Chapter II Democracy, Article 6:
The two parties accept the universality as well as the implications of the following
fundamental principles of democracy:
[...]
- government based on the consent of the people expressed through regular, free,
transparent and fair elections;

Page 4-5, Chapter II Democracy, Article 10:
Elections shall be organised in such a way that transparency is guaranteed and fraud
eliminated through the establishment of efficient supervision mechanisms including, If
the need arises, enlisting the assistance of International Observers.
The prior and full explanation of the citizens' rights and civic duties including the Issues
at stake in the elections

**Electoral
commission** No specific mention.

**Political parties
reform** No specific mention.

Civil society No specific mention.

**Traditional/
religious leaders** No specific mention.

**Public
administration**

No specific mention.

Constitution

Governance→Constitution→Constitutional reform/making

Page 5-6, Chapter IV Human Rights, Article 14:

The two parties recognise the universal nature of human rights and should express concern when these rights are violated anywhere and by anybody.

They also recognise that the International Community would be justified in expressing concern in the event that these rights are violated by anybody on Rwandese territory.

These rights should be guaranteed by the Constitution and the laws of the Republic of Rwanda.

Power sharing

**Political power
sharing**

No specific mention.

**Territorial power
sharing**

No specific mention.

**Economic power
sharing**

No specific mention.

**Military power
sharing**

No specific mention.

Human rights and equality

Human rights/RoL general

Page 1-2, Preamble:

Considering that the Rule of Law implies that nobody, including the authorities, is above the law and that the laws must respect the fundamental rights of the citizens;
Reaffirming that the Rule of Law does not mean merely a formal legality which assures regularity and consistency in the achievement and enforcement of democratic order, and which is first and foremost and fundamentally characterised by Justice based on the recognition and full acceptance of the supreme value of the human personality and guaranteed by institutions providing a framework for its fullest expression;
Convinced that the Rule of Law:

- is the best guarantee of national unity, the respect of the fundamental freedoms and rights of the individual;
- is a concrete manifestation of democracy;
- is a concrete manifestation of democracy; hinges on National Unity, Democracy, Pluralism and Respect for human rights:

Page 2, Chapter I National Unity, Article 1:

National unity must be based on equality of all citizens before the law, equal opportunities in all fields including the economic field and respect for fundamental rights as stipulated, notably, in the Universal Declaration of Human Rights and in the African Charter on Human and Peoples' Rights.

Page 3 and 4, Chapter II Democracy, Article 6:

The two parties accept the universality as well as the implications of the following fundamental principles of democracy:

[...]

- laws and regulations based on the respect of fundamental human rights;

[...]

- respect of laws and regulations by all;

Page 5, Chapter II Democracy, Article 12:

To this end, the two parties note that a political process has been initiated by the Rwandese people to ensure the progress of democracy and reaffirm the need to build together a society founded on the Rule of Law as stipulated in the present Protocol.

Page 5, Chapter III: Pluralism, Article 13:

The two parties recognise that a democratic society is also founded on pluralism which is the expression of individual freedoms and must respect national unity and the fundamental rights of the citizen.

Bill of rights/similar Page 5-6, Chapter IV Human Rights, Article 14:

The two parties recognise the universal nature of human rights and should express concern when these rights are violated anywhere and by anybody.

They also recognise that the International Community would be justified in expressing concern in the event that these rights are violated by anybody on Rwandese territory. These rights should be guaranteed by the Constitution and the laws of the Republic of Rwanda.

**Treaty
incorporation**

Page 2, Chapter I National Unity, Article 1:
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**Civil and political
rights**

Human rights and equality→Civil and political rights→Equality
Page 2, Chapter I National Unity, Article 1:
National unity must be based on equality of all citizens before the law, equal opportunities in all fields including the economic field and respect for fundamental rights as stipulated, notably, in the Universal Declaration of Human Rights and in the African Charter on Human and Peoples' Rights.

Page 2, Chapter I National Unity, Article 2:
National unity implies that the Rwandese people, as constituent elements of the Rwandese nation, are one and indivisible. It also implies the necessity to fight all obstacles
to national unity, notably, ethnicism, regionalism, integristism and intolerance which subordinate the national interest to ethnic, regional, religious and personal interest.

Page 2, Chapter I National Unity, Article 3:
National unity entails the rejection of all exclusions and any form of discrimination based notably, on ethnicity, region, sex and religion. It also entails that all citizens have equal opportunity of access to all the political, economic and other advantages, which access must be guaranteed by the State.

Human rights and equality→Civil and political rights→Freedom of association

Page 3-4, Article 6:

The two parties accept the universality as well as the implications of the following fundamental principles of democracy:

...

- guarantee for the fundamental rights of the individual as provided for in the Universal Declaration of Human Rights as well as in the African Charter on Human and Peoples' Rights, among others, freedom of speech, enterprise and of political, social and economic association;

Human rights and equality→Civil and political rights→Thought, opinion, conscience and religion

Page 3-4, Article 6:

The two parties accept the universality as well as the implications of the following fundamental principles of democracy:

...

- guarantee for the fundamental rights of the individual as provided for in the Universal Declaration of Human Rights as well as in the African Charter on Human and Peoples' Rights, among others, freedom of speech, enterprise and of political, social and economic association;

**Socio-economic
rights**

No specific mention.

Rights related issues

Citizenship

Rights related issues→Citizenship→Citizens, specific rights

Page 1, Preamble:

...

Considering that the Rule of Law implies that nobody, including the authorities, is above the law and that the laws must respect the fundamental rights of the citizens;

Page 2, Chapter I: National Unity, Article 1:

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Page 4, Chapter II: Democracy, Article 7:

The two parties recognize that multipartism entails the legitimate existence of a democratic opposition and consider, as legitimate, the aspiration of any Rwandese citizen to accede to power through democratic process.

Page 5, Chapter II: Democracy, Article 12:

The broad-based transitional government provided for in Article V of the N'sele Agreement, as amended in Gbadolite on 16th September, 1991 and in Arusha on 12th July, 1992, shall lead the country to a democratic system as defined above.

To this end, the two parties note that a political process has been initiated by the Rwandese people to ensure the progress of democracy and reaffirm the need to build together a society founded on the Rule of Law as stipulated in the present Protocol.

Page 5, Chapter III: Pluralism, Article 13:

The two parties recognise that a democratic society is also founded on pluralism which is the expression of individual freedoms and must respect national unity and the fundamental rights of the citizen.

Democracy

Page 1-2, Preamble:

...

Reaffirming that the Rule of Law does not mean merely a formal legality which assures regularity and consistency in the achievement and enforcement of democratic order, and which is first and foremost and fundamentally characterised by Justice based on the recognition and full acceptance of the supreme value of the human personality and guaranteed by institutions providing a framework for its fullest expression;

Convinced that the Rule of Law:

...

- is a concrete manifestation of democracy; hinges on National Unity, Democracy, Pluralism and Respect for human rights:

Page 3, Article 5:

Democracy is founded on the idea that sovereignty belongs to the people. It is expressed, notably, through regular, free, transparent and fair elections. Popular representation must be the authentic expression of the will of citizens.

Page 3-4, Article 6:

The two parties accept the universality as well as the implications of the following fundamental principles of democracy:

- sovereignty of the people;
- government based on the consent of the people expressed through regular, free, transparent and fair elections;
- separation of the legislative, the executive and the Judiciary powers;
- independence of the Judiciary;
- guarantee for the fundamental rights of the individual as provided for in the Universal Declaration of Human Rights as well as in the African Charter on Human and Peoples' Rights, among others, freedom of speech, enterprise and of political, social and economic association;
- laws and regulations based on the respect of Constitution which respects the principles enunciated above, organises the State powers and defines the powers and limitations of the institutions of the Republic;
- multipartism, social and economic pluralism.

Page 4, Article 7:

The two parties recognize that multipartism entails the legitimate existence of a democratic opposition and consider, as legitimate, the aspiration of any Rwandese citizen to accede to power through democratic process.

Page 4, Article 8:

The two parties resolutely reject and undertake to fight:

- political ideologies based on ethnicity, region, religion and intolerance which subordinate national Interest to the ethnic, regional, religious or personal interest;
- any form of coup d'etat as being contrary to the democratic system as described above.

Page 4, Article 9:

In order to promote and consolidate the democratic system as described above, the two parties undertake to work for social, economic and cultural development of the country and to fight hunger, ignorance, poverty and disease.

Page 4-5, Article 10:

Elections shall be organised in such a way that transparency is guaranteed and fraud eliminated through the establishment of efficient supervision mechanisms including, if the need arises, enlisting the assistance of International Observers.

The prior and full explanation of the citizens' rights and civic duties including the issues

Detention procedures	No specific mention.
Media and communication	No specific mention.
Mobility/access	No specific mention.
Protection measures	No specific mention.
Other	<p>Page 3 and 4, Chapter II Democracy, Article 6:</p> <p>The two parties accept the universality as well as the implications of the following fundamental principles of democracy:</p> <p>[...]</p> <ul style="list-style-type: none"> - guarantee for the fundamental rights of the individual as provided for in the Universal Declaration of Human Rights as well as in the African Charter on Human and Peoples' Rights, among others, freedom of speech, enterprise and of political, social and economic association; - laws and regulations based on the respect of fundamental human rights; - equality before the law; - respect of laws and regulations by all;

Rights institutions

NHRI	<p>Rights institutions→NHRI→New or fundamentally revised NHRI</p> <p>Page 6, Chapter IV Democracy, Article 15:</p> <p>The two parties agree that a National Commission on Human Rights shall be established. This institution shall be independent and shall investigate human rights violations committed by anybody on Rwandese territory, in particular, by organs of the State and individuals in their capacity as agents of the State or of various organisations.</p> <p>The Investigation work of the Commission shall not be limited in time.</p> <p>The Commission shall be provided with the necessary means, especially legal means, to efficiently accomplish its mission. It shall utilise Its findings to:</p> <ul style="list-style-type: none"> a) sensitize and educate the population about human rights; b) institute legal proceedings, where necessary.
Regional or international human rights institutions	No specific mention.

Justice sector reform

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Judiciary and courts No specific mention.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development
Page 4, Chapter II Democracy, Article 9:
In order to promote and consolidate the democratic system as described above, the two parties undertake to work for social, economic and cultural development of the country and to fight hunger, ignorance, poverty and disease.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

Pastoralist/nomadism rights No specific mention.

Cultural heritage	No specific mention.
Environment	No specific mention.
Water or riparian rights or access	No specific mention.

Security sector

Security Guarantees	No specific mention.
Ceasefire	No specific mention.
Police	No specific mention.
Armed forces	No specific mention.
DDR	No specific mention.
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	No specific mention.
Withdrawal of foreign forces	No specific mention.
Corruption	No specific mention.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general	No specific mention.
Amnesty/pardon	No specific mention.
Courts	No specific mention.
Mechanism	Page 6, Chapter IV Democracy, Article 16: The two parties also agree to establish an International Commission of Enquiry to investigate human rights violations committed during the war.
Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	No specific mention.

Implementation

UN signatory	No specific mention.
Other international signatory	For and on behalf of the Facilitator (United Republic of Tanzania): Benjamin Mkapa, Minister for Science, Technology and Higher Education. In the presence of the Representative of the Current Chairman of the OAU: Papa Louis Fall, Ambassador of Senegal to Ethiopia, Tanzania and the OUA In the presence of the Representative of the Secretary General of the OAU: Dr M. T. Mapuranga, Assistant Secretary General in charge of Political Affairs.
Referendum for agreement	No specific mention.
International mission/force/similar	No specific mention.
Enforcement mechanism	No specific mention.

Related cases No specific mention.

Source On file with author. Also see: UN Peacemaker. Available at: <https://peacemaker.un.org/rwanda-ruleoflaw-protocol92> (Accessed 15 January 2020).
