

Country/ entity	Rwanda
Region	Africa (excl MENA)
Agreement name	Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Miscellaneous Issues and Final Provisions
Date	3 Aug 1993
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/ conflict level	Intrastate/intrastate conflict ( Rwandan Civil War (1990 - 1994) )
Stage	Framework/substantive - partial
Conflict nature	Government
Peace process	Rwanda-RPF process
Parties	Government of Rwanda and Rwandese Patriotic Front
Third parties	In the presence of the facilitator (United republic of Tanzania), Josphe C. Rwegasira, Minister for Foreign Affairs and International Cooperation. In the presence of the Representative of the Secretary General of the OAU, H.E. Dr. M. T. Mapuranga, Assistant Secretary General in charge of Political Affairs.
Description	This is a short agreement dealing with miscellaneous issues and final provisions; including (I) State Security Services; (II) Miscellaneous Provisions (Oath of key political actors, chairmanship of Transitional National Assembly, Removal and resignation and violation of the fundamental law of/by key political actors, ratification of International Instruments on Human Rights, deletion of ethnic references in public documents, etc.).

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Agreement document	<a href="#">RW_930803_ProtocolOnMiscellaneousIssuesAndFinalProvisions.pdf</a>    <a href="#">Download PDF</a>
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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	Groups→Racial/ethnic/national group→Substantive Page 9, Chapter II: Miscellaneous Provisions, Article 16: The Broad-Based Transitional Government shall, from the date of its assumption of office, delete from all official documents to be issued any reference to ethnic origin. Documents in use or not yet used shall be replaced by those not bearing any reference to ethnic origin.
Religious groups	No specific mention.
Indigenous people	No specific mention.
Other groups	No specific mention.
Refugees/ displaced persons	No specific mention.
Social class	No specific mention.

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## Gender

Women, girls and gender	No specific mention.
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Men and boys	No specific mention.
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LGBTI	No specific mention.
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Family	No specific mention.
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## State definition

Nature of state (general)	No specific mention.
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State configuration	No specific mention.
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Self determination	No specific mention.
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Referendum	No specific mention.
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State symbols	No specific mention.
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Independence/ secession	No specific mention.
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Accession/ unification	No specific mention.
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Border delimitation	No specific mention.
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Cross-border provision	No specific mention.
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## Governance

Political institutions (new or reformed)	<p>Governance→Political institutions (new or reformed)→General references Page 3-4, Chapter I: State Security Services, Section 2: State Security Services, Article 3: Principles. The State Security Services shall be guided by the following principles: ... 5. In exercising their duties, they shall be guided by the supreme interest of the State and the public good. They shall perform their duties in a non-partisan spirit and must act with absolute impartiality and neutrality vis-a-vis political parties.</p> <p>Governance→Political institutions (new or reformed)→Temporary new institutions Page 10-11, Chapter II: Miscellaneous Provisions, Article 22: Duration of the Transition Period. The duration of the Transition period shall be twenty two (22) months, effective from the date of establishment of the Broad-Based Transitional Government, with the possibility of one (1) extension if warranted by exceptional circumstances impeding the normal implementation of the programme of the Broad-Based Transitional Government. The length of the extension shall be determined by the Transitional National Assembly on the basis of a 3/5 majority vote. In this regard, the Broad-Based Transitional Government shall consider the need for an extension, three (3) months before the expiry of the Transition period, and shall make appropriate recommendations to the Transitional National Assembly, in consultation with third parties involved in the implementation of the Peace Agreement, namely the United Nations, the OAU and the Facilitator.</p>
Elections	No specific mention.
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.
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Constitution	Governance→Constitution→Constitutional reform/making Page 9, Chapter II: Miscellaneous Provisions, Article 17: Public Freedoms and Fundamental Rights. With regard to public freedoms and fundamental rights, the principles enshrined in the Universal Declaration of Human Rights of 10th December, 1948 shall take precedence over corresponding principles enshrined in the Constitution of the Republic of Rwanda, especially when the latter are contrary to the former.
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## **Power sharing**

Political power sharing	No specific mention.
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Territorial power sharing	No specific mention.
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Economic power sharing	No specific mention.
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Military  
power  
sharing

Power sharing→Military power sharing→Joint command structures  
Summary: Agreement in its entirety provides for military power sharing.

Page 4,

Article 5: Participation of the Rwandese Patriotic Front in the State Security Services.

The Broad-Based Transitional Government shall create new posts in the State Security Services within three months after the setting up of the Broad-Based Transitional Government. The RPF shall be effectively represented at all levels of the departments (External Security, Internal Security Services, Immigration and Emigration), particularly at the level of Director and Deputy Director of the Departments and within the organ responsible for the Coordination of State Security Services.

Power sharing→Military power sharing→Proportionality

Pages 1-2,

Article 2: Structure

The current structure of the State Security Services shall be maintained. They shall consist of the following:

- External Security under the Ministry of Defence;
- Internal Intelligence Service under the Prime Minister's Office;
- Immigration and Emigration Service under the Ministry of Interior and Communal Development.

Article 3: Principles

The State Security Services shall be guided by the following principles:

1. They shall serve the Government and shall be subjected to its authority.
2. They must confine their activities to the gathering of intelligence relevant to the missions entrusted to

them. They shall have no power of arrest, such power shall be vested in the relevant authorities, (Public

Prosecution Department, the National Gendarmerie and the Communal Police).

3. They must abide by the law and must conform to the letter and spirit of the International Conventions

to which the Republic of Rwanda is a party.

4. They must respect the civic rights of citizens as well as fundamental freedoms.

5. In exercising their duties, they shall be guided by the supreme interest of the State and the public

good. They shall perform their duties in a non-partisan spirit and must act with absolute impartiality and neutrality vis-a-vis political parties.

Article 4: Coordination of Intelligence Services

An Organ responsible for the coordination of all intelligence gathered by various State Intelligence Services shall be established within the Prime Minister's Office.

The Chart indicating the coordination of all these Services is attached to the Protocol as an Annex.

The Broad-based Transitional Government shall set up a Commission to carry out a comprehensive study of the problems pertaining to State Security and propose the best way of organizing the Intelligence Services in the country.

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## Human rights and equality

Human rights/RoL general	<p>Page 2, Chapter I: State Security Services, Section 1: Communal Police, Prisons Services, and the Public Prosecution Department, Article 1: Within the framework of implementing the Government's Programme outlined in Article 23 of the Protocol of Agreement of 30th October, 1992, the Broad-Based Transitional Government shall undertake the following activities with regard to the Security Services:</p> <p>[...]</p> <p>B. Prisons Services</p> <p>[...]</p> <p>3. Evaluate and improve on prison services, in conformity with Article 23 G.3 of the Protocol of Agreement of 30th October, 1992, and taking into consideration the principles underlying the Rule of Law.</p> <p>Page 2, Chapter I: State Security Services, Section 1: Communal Police, Prisons Services, and the Public Prosecution Department, Article 1:</p> <p>Page 3-4, Chapter I: State Security Services, Section 2: State Security Services, Article 3: Principles.</p> <p>The State Security Services shall be guided by the following principles:</p> <p>...</p> <p>4. They must respect the civic rights of citizens as well as fundamental freedoms.</p>
Bill of rights/similar	No specific mention.

Treaty incorporation	<p>Page 3, Chapter I: State Security Services, Section 2: State Security Services, Article 3: Principles. The State Security Services shall be guided by the following principles: [...] 3. They must abide by the law and must conform to the letter and spirit of the International Conventions to which the Republic of Rwanda is a party.</p> <p>Page 8, Chapter II: Miscellaneous Provisions, Article 15: Ratification of International Instruments on Human Rights. The Broad-Based Transitional Government shall ratify all International Conventions, Agreements and Treaties on Human Rights, which Rwanda has not yet ratified. It shall waive all reservations entered by Rwanda when it adhered to some of those International instruments.</p> <p>Page 9, Chapter II: Miscellaneous Provisions, Article 17: Public Freedoms and Fundamental Rights. With regard to public freedoms and fundamental rights, the principles enshrined in the Universal Declaration of Human Rights of 10th December, 1948 shall take precedence over corresponding principles enshrined in the Constitution of the Republic of Rwanda, especially when the latter are contrary to the former.</p>
Civil and political rights	No specific mention.
Socio- economic rights	No specific mention.

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## Rights related issues

Citizenship	<p>Rights related issues→Citizenship→Citizens, specific rights Page 3-4, Chapter I: State Security Services, Section 2: State Security Services, Article 3: Principles. The State Security Services shall be guided by the following principles: ... 4. They must respect the civic rights of citizens as well as fundamental freedoms.</p>
Democracy	No specific mention.



Detention procedures	No specific mention.
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Media and communication	No specific mention.
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Mobility/ access	No specific mention.
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Protection measures	No specific mention.
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Other	No specific mention.
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## **Rights institutions**

NHRI	No specific mention.
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Regional or international human rights institutions	No specific mention.
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## Justice sector reform

Criminal justice and emergency law	<p>Justice sector reform→Criminal justice and emergency law→Criminal Justice System reform</p> <p>Page 2, Chapter I: State Security Services, Section 1: Communal Police, Prisons Services, and the Public Prosecution Department, Article 1:</p> <p>Within the framework of implementing the Government's Programme outlined in Article 23 of the Protocol of Agreement of 30th October, 1992, the Broad-Based Transitional Government shall undertake the following activities with regard to the Security Services:</p> <p>[...]</p> <p>C. PUBLIC PROSECUTION DEPARTMENT.</p> <ol style="list-style-type: none"><li>1. Undertake an extensive reform of the Public Prosecution Department and open it to all the Rwandese Nationals.</li><li>2. Make a distinction between the Jurisdiction of the Public Prosecution Department and of other services charged with criminal investigations.</li><li>3. Seek technical cooperation for the Public Prosecution Department.</li></ol>
State of emergency provisions	<p>No specific mention.</p>

Judiciary  
and courts

Page 5, Chapter II: Miscellaneous Provisions, Article 6:  
Oath of Office by the President of the Republic.  
[Summary] President of the Republic reads the following oath before the Constitutional Court.

Page 5-6, Chapter II: Miscellaneous Provisions, Article 7:  
Oath of Office of the Prime Minister, Ministers, Secretaries of State and Deputies of the Transitional National Assembly.  
[Summary] The Prime Minister, Ministers, Secretaries of State and Deputies of the Transitional National Assembly shall read the stated oath in front of the Constitutional Court.

Page 6, Chapter II: Miscellaneous Provisions, Article 8:  
Oath of Office of the Presiding judge and Deputy Presiding Judges of the Supreme Court.  
[Summary] The Presiding judge and Deputy Presiding Judges of the Supreme Court shall take oath of Office before the Constitutional Court.

Page 6, Chapter II: Miscellaneous Provisions, Article 9:  
Chairmanship of the first Session of the Transitional National Assembly.  
The first Session of the Transitional National Assembly shall be chaired by the President of the Republic. In the event of the latter's inability to perform the function, it shall be chaired by the Presiding Judge of the Constitutional Court.

Page 7, Chapter II: Miscellaneous Provisions, Article 10:  
Removal of a Deputy of the Transitional National Assembly.  
A Deputy of the Transitional National Assembly shall be removed by the Supreme Court which shall, in turn, inform the Transitional National Assembly and the Broad-Based Transitional Government.

Page 10, Chapter II: Miscellaneous Provisions, Article 21:  
Jurisdiction, Organization and Functioning of the Supreme Council of Magistracy  
An organic law shall determine the Jurisdiction, organization and functioning of the Supreme Council of Magistrates.

Prisons and detention	<p>Page 2, Chapter I: State Security Services, Section 1: Communal Police, Prisons Services, and the Public Prosecution Department, Article 1: Within the framework of implementing the Government's Programme outlined in Article 23 of the Protocol of Agreement of 30th October, 1992, the Broad-Based Transitional Government shall undertake the following activities with regard to the Security Services:</p> <p>[...]</p> <p>B. Prisons Services</p> <ol style="list-style-type: none"> <li>1. Update the legal provisions and regulations governing prison warders and Guards.</li> <li>2. Improve and enhance the level of training of prison warders and Guards, by providing them with training best suited to prisons services.</li> <li>3. Evaluate and improve on prison services, in conformity with Article 23 G.3 of the Protocol of Agreement of 30th October, 1992, and taking into consideration the principles underlying the Rule of Law.</li> </ol>
Traditional Laws	No specific mention.

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## Socio-economic reconstruction

Development or socio-economic reconstruction	No specific mention.
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.
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## **Land, property and environment**

Land reform/ rights	No specific mention.
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Pastoralist/ nomadism rights	No specific mention.
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Cultural heritage	No specific mention.
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Environment	No specific mention.
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Water or riparian rights or access	No specific mention.
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## Security sector

Security Guarantees	<p>Page 3-4, Chapter I: State Security Services, Section 2: State Security Services, Article 3: Principles.</p> <p>The State Security Services shall be guided by the following principles:</p> <ol style="list-style-type: none"><li>1. They shall serve the Government and shall be subjected to its authority.</li><li>2. They must confine their activities to the gathering of intelligence relevant to the missions entrusted to them. They shall have no power of arrest, such power shall be vested in the relevant authorities, (Public Prosecution Department, the National Gendarmerie and the Communal Police).</li><li>3. They must abide by the law and must conform to the letter and spirit of the International Conventions to which the Republic of Rwanda is a party.</li><li>4. They must respect the civic rights of citizens as well as fundamental freedoms.</li><li>5. In exercising their duties, they shall be guided by the supreme interest of the State and the public good. They shall perform their duties in a non-partisan spirit and must act with absolute impartiality and neutrality vis-a-vis political parties.</li></ol> <p>Page 4, Chapter I: State Security Services, Section 2: State Security Services, Article 4: Coordination of Intelligence Services. [...]</p> <p>The Broad-based Transitional Government shall set up a Commission to carry out a comprehensive study of the problems pertaining to State Security and propose the best way of organizing the Intelligence Services in the country.</p> <p>Page 4, Chapter I: State Security Services, Section 2: State Security Services, Article 5: Participation of the Rwandese Patriotic Front in the State Security Services: Security Services within three months after the setting up of the Broad-Based Transitional Government. The RPF shall be effectively represented at all levels of the departments (External Security, Internal Security Services, Immigration and Emigration), particularly at the level of Director and Deputy Director of the Departments and within the organ responsible for the Coordination of State Security Services.</p>
Ceasefire	No specific mention.

## Police

Page 1-2, Chapter I: State Security Services, Section 1: Communal Police, Prisons Services, and the Public Prosecution Department, Article 1:  
Within the framework of implementing the Government's Programme outlined in Article 23 of the Protocol of Agreement of 30th October, 1992, the Broad-Based Transitional Government shall undertake the following activities with regard to the Security Services:

### A. Communal Police

1. Ensure that policemen are recruited on the basis of the security needs of the Commune, and that an optimal ratio is established between the strength of the Police force and the size of the population in the Commune, in accordance with standard criteria applicable throughout the country.
2. Improve and enhance the level of training of the Communal Police Force and adapt it to suit its specific tasks.
3. Provide assistance to the Communes in matters of security, especially by improving the service conditions of the Communal Police.
4. Define the modalities of collaboration between the Communal Police Force and other Security Organs.
5. Evaluate and improve on the performance of the Communal Police Force.

Page 3, Chapter I: State Security Services, Section 2: State Security Services, Article 2:

### Structure

The current structure of the State Security Services shall be maintained. They shall

consist of the following:

- External Security under the Ministry of Defence;
- Internal Intelligence Service under the Prime Minister's Office;
- Immigration and Emigration Service under the Ministry of Interior and Communal Development.

Page 3-4, Chapter I: State Security Services, Section 2: State Security Services, Article 3:

### Principles.

The State Security Services shall be guided by the following principles:

1. They shall serve the Government and shall be subjected to its authority.
2. They must confine their activities to the gathering of intelligence relevant to the missions entrusted to them. They shall have no power of arrest, such power shall be vested in the relevant authorities, (Public Prosecution Department, the National Gendarmerie and the Communal Police).
3. They must abide by the law and must conform to the letter and spirit of the International Conventions to which the Republic of Rwanda is a party.
4. They must respect the civic rights of citizens as well as fundamental freedoms.
5. In exercising their duties, they shall be guided by the supreme interest of the State and the public good. They shall perform their duties in a non-partisan spirit and must act with absolute impartiality and neutrality vis-a-vis political parties.

Page 4, Chapter I: State Security Services, Section 2: State Security Services, Article 5: Participation of the Rwandese Patriotic Front in the State Security Services.

The Broad-Based Transitional Government shall create new posts in the State Security Services within 15 months after the setting up of the Broad-Based Transitional Government. The RPF shall be effectively represented at all levels of the Government (Executive, Legislative and Judiciary).

Armed forces	<p>Page 7, Chapter II: Miscellaneous Provisions, Article 11:</p> <p>Violation of the Fundamental Law by the President of the Republic.</p> <p>In the event of violation of the Fundamental Law by the President of the Republic, his indictment shall be decided by the Transitional National Assembly on the basis of a 2/3 majority vote of the members present and by secret ballot.</p> <p>However, prior to voting on the indictment, the Transitional National Assembly shall consult the Joint Political Military Commission (JPMC) referred to in Article IV of the Ceasefire Agreement as amended at Gbadolite 16th September, 1991 and at Arusha on 12th July, 1992. It may also consult the Facilitator. In case the indictment is confirmed to be appropriate, the President is answerable to the Constitutional Court which alone is competent to decide on his immediate resignation.</p>
DDR	No specific mention.
Intelligence services	<p>Page 4, Chapter I: State Security Services, Section 2: State Security Services, Article 4:</p> <p>Coordination of Intelligence Services.</p> <p>An Organ responsible for the coordination of all intelligence gathered by various State Intelligence Services shall be established within the Prime Minister's Office.</p> <p>The Chart indicating the coordination of all these Services is attached to the Protocol as an Annex.</p> <p>The Broad-based Transitional Government shall set up a Commission to carry out a comprehensive study of the problems pertaining to State Security and propose the best way of organizing the Intelligence Services in the country.</p>
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.

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## **Transitional justice**

Transitional justice general    Page 3, Untitled Preamble:  
Resolved to eradicate and put a definite end to all the root causes which gave rise to the war;

Amnesty/  
pardon            No specific mention.

Courts            No specific mention.

Mechanism      No specific mention.

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.

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## Implementation

UN signatory	No specific mention.
Other international signatory	<p>In the presence of the facilitator (United republic of Tanzania), Josphe C. Rwegasira, Minister for Foreign Affairs and International Cooperation.</p> <p>In the presence of the Representative of the Secretary General of the OAU, H.E. Dr. M. T. Mapuranga, Assistant Secretary General in charge of Political Affairs.</p>
Referendum for agreement	No specific mention.
International mission/force/similar	No specific mention.
Enforcement mechanism	<p>Page 9, Chapter II: Miscellaneous Provisions, Article 18:</p> <p>Authentic Interpretation of the Peace Agreement</p> <p>It shall be the duty of the Transitional National Assembly to make an authentic interpretation of the Peace Agreement.</p> <p>The Transitional National Assembly shall consult the Joint Political-Military Commission referred to in Article IV of the N'sele Ceasefire Agreement as ammended at Gbadolite 16th September, 1991 and at Arusha 12th July, 1992. It may consult the Facilitator or any another person it deems competent.</p> <p>In this regard, the Transitional National Assembly shall take a decision on the basis of a 3/5 majority vote of its the members.</p> <p>Page 9-10, Chapter II: Miscellaneous Provisions, Article 19:</p> <p>Ammendment of the Peace Agreement.</p> <p>Proposals for the amendment of the Peace Agreement may be made by the Broad-Based Transitional Government and the Transitional National Assembly.</p> <p>Where the proposal emanates from the Government, it must be adopted by the Transitional National Assembly on the basis of a 3/5 majority vote of its members.</p> <p>Where the proposal emanates from the Deputies, it must be adopted by the Transitional National Assembly on the basis of consensus.</p>
Related cases	No specific mention.
Source	<a href="http://peacemaker.un.org/">http://peacemaker.un.org/</a>