

ANNEX III

**PROTOCOL OF AGREEMENT BETWEEN THE GOVERNMENT OF THE
REPUBLIC OF RWANDA AND THE RWANDESE PATRIOTIC FRONT ON
THE RULE OF LAW**

PREAMBLE:

The Government of the Republic of Rwanda and the Rwandese Patriotic Front,

Reaffirming that the Rule of Law, the principle of the establishment of which was agreed upon by the signatories of the present Protocol of Agreement, in accordance with Article V of the N'sele Agreement, as amended in Gbadolite, on the 16th of September, 1991 and in Arusha on the 12th of July, 1992, shall characterize the political life in our country:

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;

b
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;

- hinges on National Unity, Democracy, Pluralism and Respect for human rights;

Have agreed as follows:

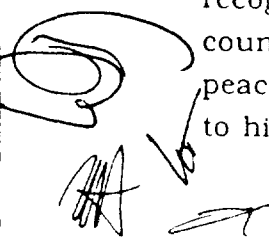
CHAPTER I. NATIONAL UNITY

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.

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.

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.

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.

b₂


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.

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;

B
2



- 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.

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.

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.

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.

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



is their inalienable right as a way of avoiding any form of political manipulation.

ARTICLE 11: The two parties accept to promote, in national political life, a democratic culture based on the principles enunciated above.

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.

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.

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.

ARTICLE 15: 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.

The investigation work of the Commission shall not be limited in time.

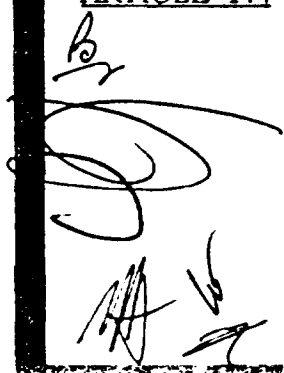
The Commission shall be provided with the necessary means, especially legal means, to efficiently accomplish its mission. It shall utilise its findings to:

- a) sensitize and educate the population about human rights;
- b) institute legal proceedings, where necessary.

ARTICLE 16: The two parties also agree to establish an International Commission of Enquiry to investigate human rights violations committed during the war.

CONCLUSION

ARTICLE 17: The two parties concur that national unity, democracy and peace are invaluable and solemnly undertake to do everything possible so as to preserve these values in the interest of the present and future Rwandese generations.

B


Done at Arusha, the 18th day of August, 1992 in French and English, the French version being the original.

For and on behalf of the Government
of the Republic of Rwanda



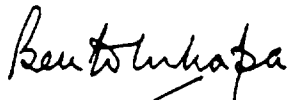
NGULINZIRA Boniface
Minister of Foreign Affairs and
Cooperation

For and on behalf of
the Rwandese Patriotic Front



BIZIMUNGU Pasteur
Member of the Executive
Committee and Commissioner
for Information and Documentation

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 OAU

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

