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Ceasefire Agreement

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Ceasefire Agreement

Preamble

We the Parties to this Agreement;

Considering Article 52 of the UN Charter on regional arrangements for dealing with matters relating to the maintenance of international peace and security as are appropriate for regional action;

Reaffirming the provisions of Article 3 of the OAU Charter which, inter alia, guarantee all Member States the right to their sovereignty and territorial integrity;

Reaffirming further Resolution AHG/16/1 adopted by the OAU Assembly of Heads of State and Government in 1964 in Cairo, Egypt, on territorial integrity and the inviolability of national boundaries as inherited at independence.

Recalling the Pretoria Summit Communiqué dated 23rd August, 1998 re-affirming that all ethnic groups and nationalities whose people and territory constituted what became Congo (now DRC) at independence must enjoy equal rights and protection under the law as citizens.

Determined to ensure the respect, by all Parties signatory to this Agreement, for the Geneva Conventions of 1949 and the Additional Protocols of 1977, and the Convention on the Prevention and Punishment of the Crime of Genocide of 1948, as reiterated at the Entebbe Regional Summit of 25 March, 1998;

Determined further to put to an immediate halt to any assistance, collaboration or giving of sanctuary to negative forces bent on destabilising neighbouring countries;

Emphasising the need to ensure that the principles of good neighbourliness and non-interference in the internal affairs of other countries are respected;

Concerned about the conflict in the Democratic Republic of Congo and its negative impact on the country and other countries in the Great Lakes Region;

Reiterating the call made at the Second Victoria Falls Summit held from 7 to 8 September, 1998, as contained in the Joint Communiqué of the Summit, for the immediate cessation of hostilities;

Cognisant of the fact that addressing the security concerns of the DRC and neighbouring countries is central and would contribute to the peace process;

Recalling the mandate, contained in the Victoria Falls II Joint Communiqué, given to the Ministers of Defence and other officials working in close cooperation with the OAU and the UN to establish the modalities for effecting an immediate ceasefire and put in place a mechanism for monitoring compliance with the ceasefire provisions;

Recalling the United Nations Security Council Resolution 1234 of 9 April, 1999 and all other Resolutions and Decisions on the DRC since 2 August, 1998.

Recalling further the Summit meetings of Victoria Falls I and II, Pretoria, Durban, Port Louis, Nairobi, Windhoek, Dodoma and the Lusaka and Gaborone Ministerial peace efforts on the DRC conflict;

Recalling further the Peace Agreement signed on 18 April, 1999 at Sirte (Libya);

Recognising that the conflict in the DRC has both internal and external dimensions that require intra-Congolese political negotiations and commitment of the Parties to the implementation of this Agreement to resolve;

Taking note of the commitment of the Congolese Government, the RCD, the MLC and all other Congolese political and civil organisations to hold an all inclusive National Dialogue aimed at realising national reconciliation and a new political dispensation in the DRC;

Hereby Agree as Follows:

Article I

The Cease-Fire

1. The Parties agree to a cease-fire among all their forces in the DRC.
2. The cease-fire shall mean:
 - a. the cessation of hostilities between all the belligerent forces in the DRC, as provided for in this Cease-fire Agreement (hereinafter referred to as "the Agreement");
 - b. the effective cessation of hostilities, military movements and reinforcements, as well as hostile actions, including hostile propaganda;
 - c. a cessation of hostilities within 24 hours of the signing of the Cease-fire agreement;
3. The Ceasefire shall entail the cessation of:
 - a. all air, land, and sea attacks as well as all actions of sabotage;
 - b. attempts to occupy new ground positions and the movement of military forces and resources from one area to another, without prior agreement between the parties;
 - c. all acts of violence against the civilian population by respecting and protecting human rights. The acts of violence include summary executions, torture, harassment, detention and execution of civilians based on their ethnic origin; propaganda inciting ethnic and tribal hatred; arming civilians; recruitment and use of child soldiers; sexual violence; training and use of terrorists; massacres, downing of civilian aircraft; and bombing the civilian population;
 - d. supplies of ammunition and weaponry and other war-related stores to the field;

e. any other actions that may impede the normal evolution of the cease-fire process.

Article II

Security Concerns

4. On the coming into force of this Agreement the Parties commit themselves to immediately address the security concerns of the DRC and her neighbouring countries.

Article III

Principles of the Agreement

5. The provisions of paragraph 3 (e) do not preclude the supply of food, clothing and medical support for the military forces in the field.
6. The cease-fire shall guarantee the free movement of persons and goods throughout the national territory of the Democratic Republic of Congo.
7. On the coming into force of the Agreement, the Parties shall release persons detained or taken hostage and shall give them the latitude to relocate to any provinces within the DRC or country where their security will be guaranteed.
8. The Parties to the Agreement commit themselves to exchange prisoners of war and release any other persons detained as a result of the war.
9. The Parties shall allow immediate and unhindered access to the International Committee of the Red Cross (ICRC) and Red Crescent for the purpose of arranging the release of prisoners of war and other persons detained as a result of the war as well as the recovery of the dead and the treatment of the wounded.
10. The Parties shall facilitate humanitarian assistance through the opening up of humanitarian corridors and creation of conditions conducive to the provision of urgent humanitarian assistance to displaced persons, refugees and other affected persons.
11. a. The United Nations Security Council, acting under Chapter VII of the UN Charter and in collaboration with the OAU, shall be requested to constitute, facilitate and deploy an appropriate peacekeeping force in the DRC to ensure implementation of this Agreement; and taking into account the peculiar situation of the DRC, mandate the peacekeeping force to track down all armed groups in the DRC. In this respect, the UN Security Council shall provide the requisite mandate for the peace-keeping force.

b. The Parties shall constitute a Joint Military Commission (JMC) which shall, together with the UN/OAU Observer group be responsible for executing, immediately after the coming into force of this Agreement, peace-keeping operations until the deployment of the UN peace-keeping force. Its composition and mandate shall be as stipulated in Chapter 7 of Annex 'A' of this Agreement.
12. The final withdrawal of all foreign forces from the national territory of the DRC shall be carried out in accordance with the Calendar in Annex B of this Agreement and a withdrawal schedule to be prepared by the UN, the OAU and the JMC.

13. The laying of mines of whatever type shall be prohibited.
14. There shall be immediate disengagement of forces in the areas where they are in direct contact.
15. Nothing in the Agreement shall in any way undermine the sovereignty and territorial integrity of the Democratic Republic of Congo.
16. The Parties re-affirm that all ethnic groups and nationalities whose people and territory constituted what became Congo (now DRC) at independence must enjoy equal rights and protection under the law as citizens.
17. The Parties to the Agreement shall take all necessary measures aimed at securing the normalisation of the situation along the international borders of the Democratic Republic of Congo, including the control of illicit trafficking of arms and the infiltration of armed groups.
18. In accordance with the terms of the Agreement and upon conclusion of the Inter-Congolese political negotiations, state administration shall be re-established throughout the national territory of the Democratic Republic of Congo.
19. On the coming into force of the Agreement, the Government of the DRC, the armed opposition, namely, the RCD and MLC as well as the unarmed opposition shall enter into an open national dialogue. These inter-Congolese political negotiations involving *les forces vives* shall lead to a new political dispensation and national reconciliation in the DRC. The inter-Congolese political negotiations shall be under the aegis of a neutral facilitator to be agreed upon by the Congolese parties. All the Parties commit themselves to supporting this dialogue and shall ensure that the inter-Congolese political negotiations are conducted in accordance with the provisions of Chapter 5 of Annex 'A'.
20. In accordance with the terms of the Agreement and upon the conclusion of the national dialogue, there shall be a mechanism for the formation of a national, restructured and integrated army, including the forces of the Congolese Parties who are signatories to this Agreement, on the basis of negotiations between the Government of the Democratic Republic of Congo and the RCD and MLC.
21. The Parties affirm the need to address the security concerns of the DRC and her neighbouring countries.
22. There shall be a mechanism for disarming militias and armed groups, including the genocidal forces. In this context, all Parties commit themselves to the process of locating, identifying, disarming and assembling all members of armed groups in the DRC. Countries of origin of members of the armed groups, commit themselves to taking all the necessary measures to facilitate their repatriation. Such measures may include the granting of amnesty in countries where such a measure has been deemed beneficial. It shall, however, not apply in the case of suspects of the crime of genocide. The Parties assume full responsibility of ensuring that armed groups operating alongside their troops or on the territory under their control, comply with the processes leading to the dismantling of those groups in particular.
23. The Parties shall ensure the implementation of the terms of the Agreement and its Annexes 'A' and 'B' which form an integral part of the Agreement.

24. The definitions of common terms used are at Annex 'C'.

25. The Agreement shall take effect 24 hours after signature.

26. The Agreement may be amended by agreement of the Parties and any such amendment shall be in writing and shall be signed by them in the same way as the Agreement.

In Witness Whereof the duly authorised representatives of the Parties have signed the Agreement in the English, French and Portuguese languages, all texts being equally authentic.

Done; at Lusaka (Zambia) on This ____ Day of _____

For the Republic of Angola;

For the Democratic Republic of Congo;

For the Republic of Namibia;

For the Republic of Rwanda;

For the Republic of Uganda;

For the Republic of Zimbabwe;

For the Congolese Rally for Democracy (RCD);

For the Movement For the Liberation of the Congo (MLC);

As Witnesses:-

For the Republic of Zambia;

For the Organisation of African Unity;

For the United Nations;

For the Southern African Development Community

Annex 'A' to the Cease-Fire Agreement:

Modalities for the Implementation of the Cease-Fire Agreement in the Democratic Republic of Congo

Chapter I

Cessation of Hostilities

1.1 The Parties, shall announce a cessation of hostilities, to be effective 24 hours after the signing of the Cease Fire Agreement. The announcement of cessation of hostilities shall be disseminated by the parties through command channels, and it shall concurrently be communicated to the civil population via print and electronic media.

1.2 Until the deployment of United Nations/Organisation of African Unity (UN/OAU) observers, the cessation of hostilities shall be regulated and monitored by the Parties through the Joint Military Commission. With the deployment of UN/OAU observers, the responsibility of verification, control and monitoring of the cessation of hostilities and subsequent disengagement shall be reported through UN/OAU.

1.3 Any violation of the cessation of hostilities and subsequent events shall be reported to the Joint Military Commission and to the UN/OAU mechanisms through the agreed chain of command for investigation and action as necessary.

Chapter 2

Disengagement

2.1 The disengagement of forces shall mean the immediate breaking of tactical contact between the opposing Military Forces of the Parties to this Agreement at places where they are in direct contact by the effective date and time of the Cease-Fire Agreement.

2.2 Where immediate disengagement is not possible, a framework and sequence of disengagement is to be agreed by all Parties through the Joint Military Commission UN and OAU.

2.3 Immediate disengagement at the initiative of all military units shall be limited to the effective range of direct fire weapons. Further disengagement to pull all weapons out of range, shall be conducted under the guidance of the Joint Military Commission/UN and OAU.

2.4. Wherever disengagement by movement is impossible or impractical, alternative solutions requiring that weapons are rendered safe shall be designed by the Joint Military Commission/UN and OAU.

Chapter 3

Release of Hostages and Exchange of Prisoners of War

3.1 Upon the cease-fire taking effect, all Parties shall provide ICRC/Red Crescent with relevant information concerning their prisoners of war or persons detained because of the war. They shall

subsequently accord every assistance to the ICRC/Red Crescent representatives to enable them to visit the prisoners and detainees and verify any details and ascertain their condition and status.

3.2 On the coming into force of the Agreement, the Parties shall release persons detained because of the war or taken hostage within three days of the signing of the Cease-fire Agreement and the ICRC/Red Crescent shall give them all the necessary assistance including relocation to any provinces within the DRC or any other country where their security will be guaranteed.

Chapter 4

Orderly Withdrawal of all Foreign Forces

4.1 The final orderly withdrawal of all foreign forces from the national territory of the Democratic Republic of Congo shall be in accordance with Annex 'B' of this Agreement.

4.2 The Joint Military Commission/OAU and UN shall draw up a definitive schedule for the orderly withdrawal of all foreign forces from the Democratic Republic of Congo.

Chapter 5

National Dialogue and Reconciliation

5.1 On the coming into force of the Cease-fire Agreement in the DRC, the Parties agree to do their utmost to facilitate the inter-Congolese political negotiations which should lead to a new political dispensation in the Democratic Republic of Congo.

5.2 In order to arrive at a new political dispensation and national reconciliation arising from the inter-Congolese political negotiations, the Parties agree upon the implementation of the following principles:

- i. the inter-Congolese political negotiations process shall include beside the Congolese parties, namely the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy and the Movement for the Liberation of Congo, the political opposition as well as representatives of the *forces vives*;
- ii. all the participants in the inter-Congolese political negotiations shall enjoy equal status;
- iii. all the resolutions adopted by the inter-Congolese political negotiations shall be binding on all the participants;

5.3 The Parties agree that the Organisation of African Unity shall assist the Democratic Republic of Congo in organising the inter-Congolese political negotiations under the aegis of a neutral facilitator chosen by the Parties by virtue of his/her moral authority, his/her international credibility and his/her experience.

5.4 For the success of the all inclusive inter-Congolese political negotiations leading to national reconciliation, the facilitator shall be responsible for:

- i. making the necessary contacts pertaining to the organisation of the inter-Congolese political negotiations within an environment which will cater for the security of all participants;
- ii. organising, in conjunction with the Congolese Parties, consultations with a view to inviting all the major organisations and groups of the recognised representative political opposition as well as the main representatives of the *forces vives*;
- iii. conducting, in accordance with the timetable, the discussions leading to the establishment of a new political dispensation in the Democratic Republic of Congo.

5.5 Without prejudice to other points that may be raised by the participants, the Congolese Parties shall agree:-

- i. the timetable and the rules of procedure of the inter-Congolese political negotiations;
- ii. The formation of a new Congolese National army whose soldiers shall originate from the Congolese Armed Forces, the armed forces of the RCD and the armed forces of the MLC;
- iii. the new political dispensation in the DRC, in particular the institutions to be established for good governance purposes in the DRC;
- iv. the process of free, democratic and transparent elections in the DRC;
- v. the draft of the Constitution which shall govern the DRC after the holding of the elections;

5.6 The calendar of the inter-Congolese political negotiations shall be as follows:

- | | |
|--|-----------------|
| i. Selection of a facilitator | D-Day + 15 days |
| ii. Beginning of national dialogue | D-Day + 45 days |
| iii. Deadline for the close of national dialogue | D-Day + 90 days |
| iv. Establishment of new institutions | D-Day + 91 days |

Chapter 6

Re-Establishment of the State Administration Over the Territory of the Democratic Republic of Congo

6.1 In accordance with the terms of the Agreement and upon conclusion of the Inter-Congolese political negotiations, state administration shall be re-established throughout the national territory of the Democratic Republic of Congo.

6.2 On the coming into force of the Agreement, there shall be a consultative mechanism among the Congolese Parties which shall make it possible to carry out operations or actions throughout the national territory which are of general interest, more particularly in the fields of public health (e.g. national immigration campaign), education (e.g. marking of secondary school leavers examinations), migrations, movement of persons and goods.

Chapter 7

The Joint Military Commission

7.1. The Joint Military Commission shall be answerable to a Political Committee composed of the Ministers of Foreign Affairs and Defence or any other representative duly appointed by each Party.

7.2 The Joint Military Commission shall be a decision making body composed of two representatives from each Party under a neutral Chairman appointed by the OAU in consultation with the Parties.

7.3 The Joint Military Commission shall reach its decisions by consensus.

7.4 The mandate of the Joint Military Commission shall be to :-

- a. establish the location of Units at the time of the Cease-fire;
- b. facilitate liaison between the Parties for the purpose of the Cease-fire;
- c. assist in the disengagement of forces and the investigation of any cease-fire violations;
- d. verify all information, data and activities relating to military forces of the Parties;
- e. verify the disengagement of the military forces of the Parties where they are in direct contact;
- f. work out mechanisms for disarming armed groups;
- g. verify the disarmament and quartering of all armed groups;
- h. and verify the disarmament of all Congolese civilians who are illegally armed; and
- i. monitor and verify orderly withdrawal of all foreign forces.

7.5 The Parties commit themselves to providing the JMC with any relevant information on the organisation, equipment and locations of their forces, on the understanding that such information will be kept confidential.

Chapter 8

United Nations Peace-Keeping Mandate

8.1 The UN in collaboration with the OAU shall constitute, facilitate and deploy an appropriate force in the DRC to ensure implementation of this Agreement.

8.2 The mandate of the UN force shall include peacekeeping and peace enforcement operations as outlined below:-

8.2.1 Peacekeeping:

- a. Work with the JMC/OAU in the implementation of this Agreement;
- b. Observe and monitor the cessation of hostilities;
- c. Investigate violations of the Cease-fire Agreement and take necessary measures to ensure compliance;
- d. Supervise disengagement of forces of the Parties as stipulated in chapter 2 of this Annex;
- e. Supervise the re-deployment of forces of the Parties to Defensive Positions in conflict zones in accordance with Chapter 11 of this Agreement;
- f. Provide and maintain humanitarian assistance to and protect displaced persons, refugees and other affected persons;
- g. Keep the Parties to the Cease-fire Agreement informed of its peace-keeping operations;
- h. Collect weapons from civilians and ensure that the weapons so collected are properly accounted for and adequately secured;
- i. In collaboration with JMC/OAU, schedule and supervise the withdrawal of all foreign forces;
- j. verify all information, data and activities relating to military forces of the Parties.

8.2.2 Peace Enforcement:

- a. Tracking down and disarming Armed Groups;
- b. Screening mass killers, perpetrators of crimes against humanity and other war criminals;
- c. Handing over "genocidaires" to the International Crimes Tribunal for Rwanda;
- d. Repatriation;
- e. Working out such measures (persuasive or coercive) as are appropriate for the attainment of the objectives of disarming, assembling, repatriation and reintegration into society of members of the Armed Groups.

8.3 Composition of the UN Peace-keeping forces shall be selected from countries acceptable to all the Parties.

8.4 The Joint Military Commission shall, immediately upon the coming into force of the Agreement, be responsible for executing peace-keeping operations until the deployment of the UN Peace-keeping force.

Chapter 9

Disarmament of Armed Groups

9.1 The JMC with the assistance of the UN/OAU shall work out mechanisms for the tracking, disarming, cantoning and documenting of all armed groups in the DRC, including ex-FAR, ADF, LRA, UNRF11, *Interhamwe*, FUNA, FDD, WNB, UNITA, and put in place measures for:

- a. handing over to the UN International Tribunal and national courts, mass killers and perpetrators of crimes against humanity; and
- b. handling of other war criminals.

9.2 The Parties together with the UN and other countries with security concerns, shall create conditions conducive to the attainment of the objective set out in 9.1 above, which conditions may include the granting of amnesty and political asylum, except for genocidaires. The Parties shall also encourage inter-community dialogue.

Chapter 10

Formation of a National Army

10.1 In accordance with the terms of the Agreement and following the inter-Congolese political negotiations, there shall be a mechanism taking into account, among others, the physical check of troops, the precise identification of troops, the precise identification of all elements with regard to their origin, date of their enlistment, the units to which they belong, as well as the identification of terrorists and the count of weapons of war distributed in the framework of irregular ("parallel") civil defence groups, for the formation of a national army, restructured and integrated, including the forces of the Congolese Parties signatories to the Agreement, on the basis of negotiations between the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy and the Movement for the Liberation of the Congo.

Chapter 11

Re-Deployment of Forces of the Parties to Defensive Positions in Conflict Zones

11.1 Following disengagement, all forces shall re-deploy to defensive positions.

11.2 The positions where units are located shall be identified and recorded by the JMC/OAU and UN.

11.3 Upon re-deployment to defensive positions, all forces shall provide relevant information on troop strength, armaments and weapons they hold in each location, to the JMC, OAU and UN mechanisms.

11.4 The JMC shall verify the reported data and information. All forces shall be restricted to the declared and recorded locations and all movements shall be authorised by the JMC, OAU and UN mechanisms. All forces shall remain in the declared and recorded locations until:

- a. in the case of foreign forces, withdrawal has started in accordance with JMC/OAU, UN withdrawal schedule; and
- b. in the case of FAC and RCD/MLC forces, in accordance with their negotiated agreement.

Chapter 12

Normalisation of the Security Situation Along the Common Borders Between the Democratic Republic of Congo and its Neighbours

12.1 Normalisation of the security situation along the common borders between the Democratic Republic of Congo and its neighbours requires each country:

- a. Not to arm, train, harbour on its territory, or render any form of support to subversive elements or armed opposition movements for the purpose of destabilising the others;
- b. To report all strange or hostile movements detected by either country along the common borders;
- c. To identify and evaluate border problems and cooperate in defining methods to peacefully solve them,
- d. To address the problem of armed groups in the Democratic Republic of Congo in accordance with the terms of the Agreement.

Chapter 13

Calendar for the Implementation of the Cease-Fire Agreement

The Calendar for the implementation of the Cease-fire Agreement is contained in annex B.

Annex 'B' To Cease-Fire Agreement:

Calendar for the Implementation of the Cease-Fire Agreement

Major Cease-fire Events	Proposed Calendar
1. Formal signing of the Cease-fire	D-Day
2. Announcement of and dissemination of information on cease-fire by all Parties	D-Day + 24 hours
3. Cessation of Hostilities, including cessation of Hostile Propaganda	D-Day + 24 hours
4. Release of hostages	D-Day + 3 days
5. Establishment of Joint Military Commission and Observer Groups	D-Day + 0 hours to D-Day + 7 days
6. Disengagement of Forces	D-Day + 14 days
7. Selection of a facilitator	D-Day + 15 days
8. Redeployment of the Forces of the Parties in the conflict Zones	D-Day +15 days to D-Day + 30 days
9. Provide information to the JMC, OAU, and UN Mechanism	D-Day + 21 days
10. Mobilisation of OAU Observers	D-Day + 30 days
11. Release/Exchange of Prisoners of War	D-Day +7 days to D-Day + 30 days

12. Beginning of National Dialogue	D-Day + 45 days
13. Deadline for the closure of the National Dialogue	D-Day + 90 days
14. Establishment of New Institutions	D-Day + 91 Days
15. Deployment of UN Peace Keeping Mission	D-Day + 120 days
16. Disarmament of Armed Groups	D-Day + 30 days to D-Day + 120 days
17. Orderly Withdrawal of all Foreign Forces	D-Day + 180 days
18. Verification and Monitoring	D-Day + 7 days to D-Day + 180 days (renewable)
19. Re-establishment of State Administration	D-Day + 90 days to D-Day + 270 days
20. Disarmament of Non-Military Personnel	D-Day + 360 days
21. Measures to normalise the security situation along the International borders	D-Day + 30 days to D-Day + 360 days

Annex 'C' to the Ceasefire Agreement

Definitions

"Armed groups", means forces other than Government forces, RCD and MLC that are not signatories to this agreement. They include ex-FAR, AFF, LRA, UNRF II, NALU Interahamwe militias, FUNA, FDD, WNBF, UNITA and any other forces.

"Forces of the Parties", means the forces of the signatories to the Agreement.

"Parties", means signatories to the Agreement.

"Great Lakes region", means the group of states within or bordering the Great Rift Valley system of East and Central Africa.

"National Dialogue", means the process involving all stakeholders in the inter-Congolese political negotiations with a view to installing a new political dispensation which will bring about national reconciliation and the early holding of free and fair democratic elections.

"Forces vives" means all the stakeholders representatives of the civil society such as the churches, Trade Unions etc.

"Cease-fire Agreement", means this document and its Annexes.

"Interahamwe" means armed militias who carried out genocide in Rwanda in 1994.

Abbreviations

ADF	Allied Democratic Forces
Ex-FAR	Former Rwandese Armed Forces
FDD	Forces for the Defence of Democracy in Burundi
FUNA	Former Uganda National Army
LRA	Lord's Resistance Army
UNRF II	Uganda National Rescue Front II

UN	United Nations Organisation
PAU	Organisation of African Unity
RCD	Congolese Rally for Democracy
MLC	Movement for the Liberation of Congo
SADC	Southern Africa Development Community
DRC	Democratic Republic of Congo
JMC	Joint Military Commission
ICRC	International Committee of the Red Cross/Red Crescent
FAC	Congolese Armed Forces
WNBF	West Nile Bank Front
UNITA	National Union for the Total Independence of Angola
NALU	National Army for the Liberation of Uganda

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