

ANNEX IV

PROTOCOL OF AGREEMENT ON POWER-SHARING WITHIN THE
FRAMEWORK OF A BROAD-BASED
TRANSITIONAL GOVERNMENT BETWEEN THE GOVERNMENT OF THE
REPUBLIC OF RWANDA AND THE RWANDESE PATRIOTIC FRONT

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

Agree on the following provisions which are an integral part of the Protocol of Agreement on Power-sharing:

CHAPTER 1: GENERAL PRINCIPLES

ARTICLE 1:

The two parties reaffirm the acceptance of the principle of power-sharing within the framework of a Broad-Based Transitional Government, in conformity with Article V.3. of the N'sele Ceasefire Agreement, as amended at GBADOLITE on 16th September, 1991 and at ARUSHA on 12th July, 1992. The modalities of implementation of this principle are the object of the present Protocol of Agreement on Power-sharing.

ARTICLE 2:

The two parties agree that those modalities shall consist of:

- (a) the maintenance of the current structure of the Coalition Government with appropriate adjustments to be mutually agreed upon in this Protocol, with a view to making room for the participation of the RPF and other political forces in the country;
- (b) appropriate adjustments to be mutually agreed upon in this Protocol, to be made at the level of the State powers with a view to enabling the RPF and other political forces in the country to participate in and make for the efficient

management of the transition, in compliance with the principle of separation of powers.

CHAPTER II: TRANSITIONAL INSTITUTIONS

Article 3: During the Transitional Period, the State institutions shall be:

- (i) The Presidency of the Republic;
- (ii) The Broad-Based Transitional Government;
- (iii) The Transitional National Assembly;
- (iv) The Institutions of the Judiciary.

CHAPTER III: THE EXECUTIVE POWER

Article 4: The Executive power shall be exercised collectively through decisions taken in Cabinet meetings, by the President of the Republic and by the Government.

SECTION 1: THE PRESIDENT OF THE REPUBLIC AND HEAD OF STATE

Article 5: Upon the signing of the Peace Agreement, the incumbent President of the Republic and Head of State shall remain in office until the outcome of elections to be held at the end of the Transitional Period.

Article 6: As Head of State, the President of the Republic shall have the following prerogatives:

- (a) He shall nominate the Prime Minister and other members of the Cabinet within three days following their appointment by the relevant bodies. After this period, the Prime Minister shall assume office and appoint other Members of the Cabinet.

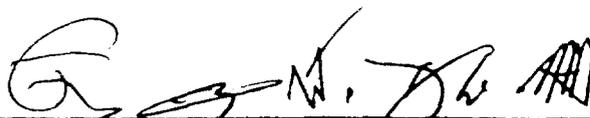


Modalities for the appointment of the Prime Minister and other Members of the Cabinet shall be provided for in this Peace Agreement;

- (b) He shall nominate and accredit Ambassadors, Plenipotentiaries and Extraordinary Envoys abroad, after their appointment by the Cabinet. He shall receive credentials of Ambassadors and Extraordinary Envoys from abroad, after their approval by the Cabinet;
- (c) He shall represent the Rwandese State in its relations with other States;
- (d) He shall sanction and promulgate, without any right of veto, bills passed by the National Assembly and Orders in Council adopted in the Cabinet meetings within ten days following the date of receipt of the ruling on their constitutionality. After this period, Orders in Council shall be sanctioned and promulgated by the Prime Minister, and the bills shall be sanctioned and promulgated by the Speaker of the Transitional National Assembly;
- (e) He shall declare war and sign armistice upon the decision of the Cabinet and after authorization by the National Assembly. To this end, he shall bear the title of Commander-in -Chief of the Armed Forces. The Army and other security forces shall be accountable to the Cabinet, in accordance with the modalities specified in the Peace Agreement.

Article 7:

The President of the Republic shall have the right to include any issue of national interest on the agenda of Cabinet meetings.



Article 8:

The President of the Republic may, if he so wishes, attend meetings of the Cabinet. In this case, he shall chair the Cabinet meetings.

Article 9:

Executive Orders by the President of the Republic, shall be discussed and adopted by the Cabinet. Since the President of the Republic shall have the right to be involved in decision-making in the Cabinet, he shall have no right of veto on decisions regularly taken by the Cabinet, in particular, draft Presidential Orders when these are submitted to him by the Prime Minister for signature. This signature officializing the Presidential Orders adopted in the Cabinet, shall be effected within ten days following the day of receipt of the said Orders at the Presidency of the Republic. After this period, the decision shall come into force by way of a Prime Ministerial Order.

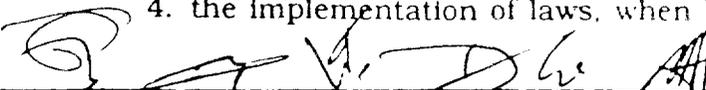
Article 10:

Legal Acts by the President of the Republic shall be countersigned by the Prime Minister and by relevant Ministers and Secretaries of State.

Article 11:

In pursuance of the decisions of the Cabinet and in conformity with the procedure defined under Article 9 of the present Protocol, the President of the Republic shall sign Presidential Orders with regard to the following:

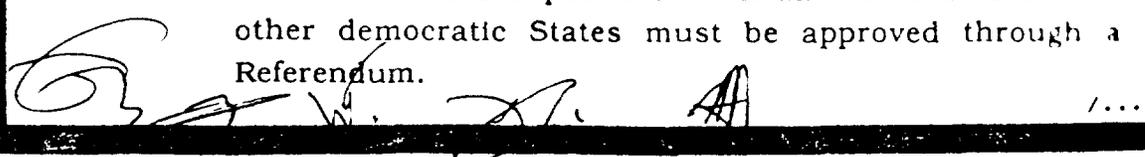
1. the prerogative of mercy;
2. the minting of currency;
3. Award of the National Orders;
4. the implementation of laws, when he is so required;



5. the appointment and termination of services of the following senior civil servants:

- * the Principal Private Secretary to the President of the Republic;
- * the Chancellor for National Orders;
- * the Governor of the National Bank of Rwanda;
- * the Rector of the National University of Rwanda;
- * Ambassadors;
- * the Secretary to the Cabinet;
- * the Personal Secretary to the President of the Republic
- * Advisors in the Presidency of the Republic;
- * Principal Private Secretaries in Ministries;
- * Advisors in Ministries;
- * Head of the Prosecution Department at the Supreme Court;

6. Ratification of International Treaties, Conventions and Agreements. However, Peace Treaties, Treaties of Alliance, Treaties which may entail altering national borders or affect the rights of sovereignty, Treaties on the association of the Republic with one or several other States, as well as Treaties, Conventions and Agreements with financial implications not catered for in the budget, shall be implemented only after their approval by way of a law. The federation of the Republic of Rwanda with one or several other democratic States must be approved through a Referendum.

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Article 12:

The President of the Republic shall address messages to the Nation, the content of which shall be decided upon by the Cabinet.

SECTION 2: The Broad-based Transitional Government

Article 13:

The current structure of the Government, namely, the number and appellation of Ministries shall remain unchanged. However, a Secretariat of State in the Prime Minister's Office in charge of Social Rehabilitation and Integration shall be established.

It shall be responsible for:

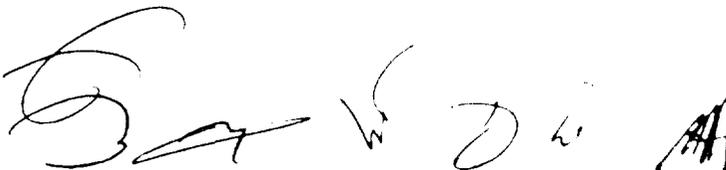
1. Repatriation and social and economic reintegration of the Rwandese refugees who may wish to go back home;
2. A Post-War Rehabilitation Programme as defined under Item 23.D of the present Protocol.

Article 14:

The political parties participating in the Coalition Government established on 16th April, 1992 as well as the Rwandese Patriotic Front shall have the responsibility to set up the Broad-Based Transitional Government. They shall decide, by consensus, on the other political formations which may participate in that Government.

Article 15:

The Government shall be composed of the Prime Minister, the Deputy Prime Minister, Ministers and Secretaries of State.



Sub-section 1: The Powers of the Government:

Article 16:

The Government shall be responsible for the management of the country. It shall determine and implement national policy. In so doing, the Government shall:

1. Be responsible for the implementation of laws and regulations;
2. Negotiate and conclude international Treaties, Conventions and Agreements;
3. Discuss and adopt draft bills and present them to the National Assembly;
4. Discuss and adopt Orders in Council, in situations of emergency or when the National Assembly is unable to seat, and transmit them to the President of the Republic for promulgation;
5. Appoint and dismiss civil servants.
6. Discuss and adopt Presidential, Prime Ministerial and Ministerial Statutory Orders on the implementation of laws.

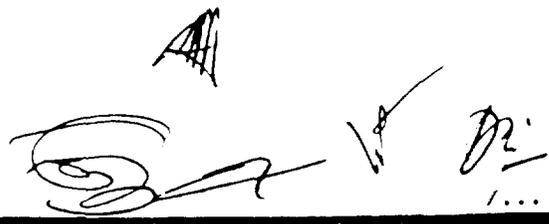
Article 17:

The Government shall be the guarantor of national sovereignty and national unity.

Sub-section 2: The Prime Minister

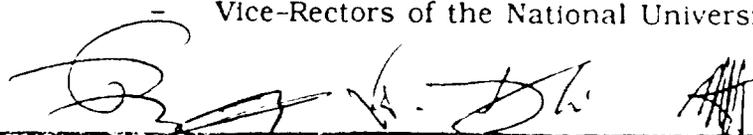
Article 18:

The Prime Minister shall:

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1. In accordance with the Peace Agreement and in consultation with the political forces, prepare the Government programme;
2. In conformity with the modalities provided for in the Peace Agreement, select the other members of the Cabinet;
3. Present the Government programme and the Ministerial team responsible for its implementation to the National Assembly;
4. Lead Government business, convene and chair Cabinet Meetings. He shall prepare the agenda for cabinet meetings, in consultation with the other members of the Government. The Prime Minister shall communicate the agenda to the President of the Republic and to the other members of the Government, at least two days before the date of the meeting.
5. Determine the functions of the Ministers and Secretaries of State as well as the nature and extent of powers of the services under them.
The Ministers and Secretaries of State shall be delegated powers by the Prime Minister for the management of the duties of their departments. The Prime Minister shall determine the extent of this delegation of power.
6. In pursuance of the decisions of the Cabinet, sign Prime Ministerial Orders for the appointment and termination of services of the following senior civil servants:
 - the Principal Private Secretary to the Prime Minister;
 - Deputy Governors of the National Bank of Rwanda;
 - Vice-Rectors of the National University of Rwanda;



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- Advisers and "Chefs de Service" in the Prime Minister's Office;
- the "Préfets de Préfecture" [District Commissioners].
- Director in Public Enterprises;
- Directors General in the Ministries;
- Planning and Coordination Officers in Public Enterprises;
- Directors in Public Enterprises and Representatives of the Government in Parastatals;
- Directors and Heads of Division in the Ministries;
- "Sous-Préfets"[Assistant District Commissioners];
- Bourgmestres [County Administrators];
- Deputy Directors of Public Prosecution at the Supreme Court;
- Head of the Prosecution Department of the Courts of Appeal;
- Deputy Directors of the Courts of Appeal;
- Head of the Prosecution Department at the Courts of First Instance;
- Assistant State Attorneys.

Upon delegation of power by the Cabinet,

- (a) the Minister responsible for the Civil Service shall sign Ministerial Orders with regard to appointments and termination of services of Civil Servants from the rank of Chief Clerk or equivalent and lower-level posts.

- (b) The Minister of Justice shall sign Ministerial Orders for the appointment and termination of services of judicial staff other than magistrates.
- (c) In Public Enterprises, senior staff shall be appointed by the Board of Directors and the rest of the staff by the relevant Director.
- 7. Countersign, after their promulgation by the President of the Republic, bills passed by the National Assembly as well as Statutory Orders in Council adopted by the Cabinet.
- 8. By way of Orders decided upon during cabinet meetings, implement laws and regulations when he is required to do so.
- 9. Address messages to the Nation, whose content shall be decided upon by the Cabinet.
- 10. May, under exceptional circumstances, after a decision taken by the Cabinet and on consultation with the Bureau of the National Assembly and the Supreme Court, declare a State of Siege or a State of Emergency.

Article 19:

Legal acts by the Prime Minister shall be countersigned by the relevant Ministers and Secretaries of State.

Sub-section 3: Functions of the Deputy Prime Minister

Article 20:

The Deputy Prime Minister shall:

- 1. Upon formal delegation of power, replace the Prime Minister in the event of his absence or hindrance.



2. Act as Prime Minister when the post falls vacant, until a new Prime Minister is appointed, following modalities provided for in the Peace Agreement.
3. In addition, hold a Ministerial Portfolio.

Sub-section 4: Mode of Decision-Making within the Government

Article 21

Prior to the deliberations, the Cabinet meeting shall adopt its agenda.

Cabinet decisions shall be taken by consensus. Where consensus is not reached, the issue at hand shall be returned to the relevant Minister for further study.

Consensus on the issue shall once again be required subsequent discussions, and if no consensus is reached, a decision shall be taken on the basis of a partial consensus of a 2/3 of the members of the Government present.

For the following issues, however, consensus shall be mandatory:

- amendment to the Peace Agreement;
- declaration of war;
- exercise of the prerogative of mercy and mitigation of sentence;
- defence and security matters.

Article 22

For each Cabinet Meeting, minutes and a summary of decisions shall be written. The summary shall be approved and signed by members who attended the said meeting.

Sub-section 5: Outline of the Broad-based Transitional Government Programme

Article 23:

The Broad-based Transitional Government shall implement the programme comprising the following:

A. Democracy

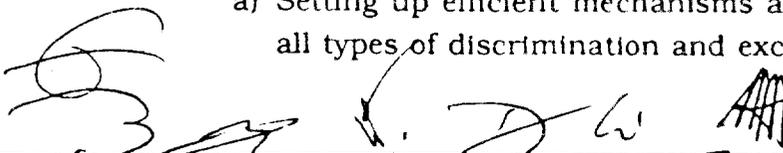
1. Consolidate the democratic process by establishing the necessary mechanisms for the implementation of the provisions of the Protocol on the Rule of Law.
2. Prepare and organise general elections to be held at the end of the Transition Period.

B. Defence and Security

1. Consolidate peace by taking the necessary measures for the eradication of the causes of war, especially those stemming from the non-respect of National Unity, Human Rights and Democracy.
2. Ensure internal and external security.
3. Take the necessary measures for guaranteeing the security of all the people and their property.
4. Organise defence and security institutions.

C. National Unity and National Reconciliation

1. Restore national unity, in particular and as a matter of urgency by:
 - a) Setting up efficient mechanisms aimed at eliminating all types of discrimination and exclusion;



b) Working out appropriate legislation in this regard;

c) Establishing a recruitment system for senior government posts, for all other posts, and for admission to schools, based on fair competition giving equal opportunity to all citizens.

2. Organise a national debate on National Unity and National Reconciliation.

D. Post-war Rehabilitation Programme

1. Provide humanitarian assistance, especially through the supply of foodstuffs, seeds and some building materials in a bid to contribute in the resettlement of those displaced as a result of the war and social strife encountered since the outbreak of the war, in their original property.

2. Rehabilitate and rebuild the areas devastated by war and social strife encountered since the outbreak of war, especially through mine-clearance and rebuilding of socio-educational and administrative facilities.

3. Set up a programme of assistance to the victims of war (both civilian and military) and of social strife encountered since the outbreak of the war, to the physically handicapped, orphans, widows and widowers.

4. Set up appropriate programmes for the economic and social integration of the demobilised military personnel.

E. Repatriation and Reintegration of Refugees

Repatriate and reintegrate all Rwandese refugees who may wish to go back home, following the modalities specified in the Peace Agreement.



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F. The Economy

1. Stimulate the economy by, as a priority, orienting economic programmes towards the disadvantaged regions and social strata.
2. Review the country's priorities with the aim of promoting food security (application of selected seeds and fertilizers, storage, etc.)
3. Diversify export products.
4. Encourage small and medium scale industries.
5. Draw up and apply strategies for better utilization of the country's resources (natural and human).

G. National Ethics

1. Establish a mechanism for guaranteeing a professional code of ethics, integrity and patriotism.
2. Establish a system for the eradication of all forms of corruption.
3. Evaluate and clean up all the State administrative institutions.

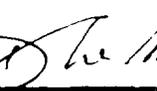
CHAPTER IV: SPECIALISED COMMISSIONS

Article 24:

In addition to the Commissions already agreed upon in the previous Agreements, the following broad-based specialised Commissions shall be established:

A. COMMISSION FOR NATIONAL UNITY AND NATIONAL RECONCILIATION

This commission, which reports to the Government, shall be responsible for:

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1. Preparing a national debate on national unity and national reconciliation.
2. Prepare and distribute information aimed at educating the population and achieving national unity and national reconciliation.

B. LEGAL AND CONSTITUTIONAL COMMISSION

This Commission shall be responsible for:

- 1) Drawing up a list of adaptations of national legislation to the provisions of the Peace Agreement, in particular those provisions relating to the Rule of Law.
- 2) Prepare a preliminary draft of the Constitution which shall govern the country after the Transitional Period.

C. ELECTORAL COMMISSION

This Commission shall be responsible for the preparation and organisation of local, legislative and presidential elections.

CHAPTER V: THE JUDICIARY

SECTION 1: General Principles

Article 25:

1. The powers of the Judiciary shall be exercised by Courts, Tribunals and other Jurisdictions. The Judiciary is independent of the Legislature and the Executive.

Justice shall be rendered on the territory of the Republic in the name of the people.

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SECTION 2: Jurisdictions

Article 26:

The following ordinary jurisdictions shall be recognized:

Canton Courts, Courts of First Instance, Courts of Appeal and the Supreme Court.

The following Military Jurisdictions shall also be recognized:

Court Martials and the Military Court.

The law may establish any other specialized Courts. However, no special Courts may, be established.

SECTION 3: The Supreme Court

Article 27:

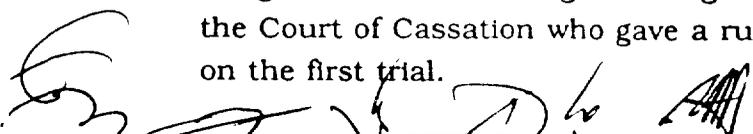
The Supreme Court shall particular exercise the following functions:

- (a) direct and coordinate the activities of the Courts and Tribunals of the Republic. It shall be the guarantor of the independence of the Judiciary. To this effect, it shall be responsible for the professional code of ethics;
- (b) ensure the constitutionality of laws and Orders in Council. In so doing, it shall ensure their constitutionality before promulgation;
- (c) give a ruling on the petition for annullment of regulations, orders and decisions issued by administrative authorities;

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- (d) ensure the regularity of popular consultations;
- (e) provide, upon request, legal opinions on the regularity of draft Presidential, Prime Ministerial and Ministerial orders as well as on other draft public administration regulations;
- (f) give the authentic interpretation on customary practice in case written law is silent thereon;
- (g) give a ruling on appeals to the Court of Cassation to have a new trial ordered and on transfer of cases from one Court to another;
- (h) arbitrate on institutional conflicts between various State organs;
- (i) judge the Accounts of all Public Institutions;
- (j) have criminal jurisdiction over the President of the Republic, the Speaker of the National Assembly, the Presiding Judge of the Supreme Court, the Prime Minister, the Deputy Prime Minister, Ministers, Secretaries of State, the Deputy-Presiding Judges of the Supreme Court, Deputies in the National Assembly, the Presiding Judges of the Courts of Appeal, the Public Prosecutors and Deputy Directors of the Supreme Court and of the Courts of Appeal.

On first trial, the above-listed officials shall be tried by the Court of Cassation. On appeal, they shall be judged by the Supreme Court, in the presence of all the jurisdictional sections, with at least eleven Judges without including the Judges of the Bench of the Court of Cassation who gave a ruling on the case on the first trial.



Article 28:

The Supreme Court shall comprise the following five sections:

- (a) The Department of Courts and Tribunals;
- (b) The Court of Cassation;
- (c) The Constitutional Court;
- (d) The Council of State;
- (e) The Public Accounts Court.

Article 29:

The Supreme Court shall be chaired by a Presiding Judge assisted by five Deputy Presiding Judges. The Presiding Judge and the Deputy Presiding Judges shall be selected by the National Assembly from a list presented by the Government based on two candidates for each post. Each Deputy Presiding Judge shall also be Head of one of the sections of the Supreme Court.

The services of the Presiding Judge and Deputy Presiding Judges of the Supreme Court shall be terminated by the National Assembly voting by a 2/3 majority, either upon its initiative, or upon the proposal of the Government. The instruments of appointment and termination of the services of the Presiding Judge and Deputy Presiding Judges shall be signed by the President of the Republic.

Article 30:

Candidates for the post of Presiding Judge and Deputy Presiding Judges of the Supreme Court must meet the following requirements:

1. Hold at least a University Degree in Law.

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2. Give proof of at least five years' practical experience in the field of Law.

Article 31:

Judges of the Supreme Court, of the Court of Appeal as well as the Presiding Judges of the Courts of first instance must hold at least a Degree in Law or equivalent.

Article 32:

Upon the decision of the Supreme Council of the Magistrates, the Presiding Judge of the Supreme Court shall sign the Instruments of appointment and termination of services of Judges of the Bench.

Article 33:

An organic law shall determine the powers, the organisation and the rules of procedure of the Supreme Court. Pending the adoption of the said law, the legislation in force relating to the powers, organisation and the rules of procedure of these Courts shall remain in force.

SECTION 5: Relationship between the Supreme Court and the Government

Article 34:

The Government shall delegate one or several Commissioners to one or all sections of the Supreme Court to represent it and to avail any required information.

The Government Commissioners shall participate in discussions on matters for which they have been designated but as non-voting members.

Article 35:

The implementation of the decisions by the Supreme Court, as well as the financial management of, and other administrative measures

concerning the Supreme Court shall be vested in the Government. However, the law organizing of the Supreme Court shall define the administrative measures coming under its jurisdiction.

Article 36:

In matters relating to the organization of the Judiciary, the Supreme Court may submit to the Government any reform proposals which, in its opinion are is of general interest.

SECTION 6: The Supreme Council of Magistrates

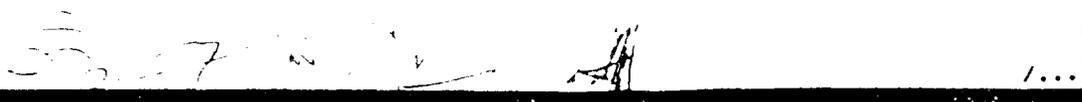
Article 37:

The Supreme Court of Council of the Magistrates shall comprise:

- The Presiding Judge of the Supreme Court as Chairman;
- the Deputy-Presiding Judges of the Supreme Court;
- two Judges of the Bench of the Supreme Court;
- a Judge of the Bench from each Court of Appeal;
- a Judge of the Bench from Courts of First Instance under the Jurisdiction of each Court of Appeal;
- a Magistrate of Canton Court under the Jurisdiction of each Court of Appeal.

The Government Commissioners to the Department of Courts and Tribunals shall attend meetings of the Supreme Council of Magistrates as non-voting members.

The Council shall elect from its members a Vice-Chairman and a Rapporteur.

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Article 38

With the exception of the Presiding Judge and the Deputy-Presiding Judges of the Supreme Court, members of the Supreme Council of Magistrates shall be elected by their peers of the same level of Jurisdiction.

Applications shall be submitted to the Supreme Court at least one month before the date of elections. Each candidate shall give proof of at least five years' practical experience in the field of Law.

Elections shall be organized by the Supreme Court.

Article 39:

The Supreme Council of the Magistrates shall have the following powers:

- (a) Decide on the appointment and termination of services and, in general, the administration of the career of Judges of the Bench other than the Presiding Judge and Deputy-Presiding Judges of the Supreme Court.
- (b) Give advisory opinion upon its own initiative or upon request, on any proposal relating to the judicial staff regulations within its jurisdictions.
- (c) Give advisory opinion, upon its own initiative or upon request, on any matter concerning the administration of Justice.

CHAPTER VI: OTHER AREAS OF AGREEMENT

Article 40:

The initiative of laws shall be vested in the Cabinet and the National Assembly.

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Ministers, Secretaries of State, the Assistant Presiding Judges of the Supreme Court and Deputies, shall be individual.

However, they shall not be subjected to custody. They may appear before justice through their proxies. They shall be judged by the Supreme Court.

Deputies shall not be prosecuted or sued as a result of opinions expressed or votes cast in the exercise of their duties.

Article 46:

As a matter of urgency and priority, the Broad-based Transitional Government shall rid the administrative apparatus of all incompetent elements as well as authorities who were involved in the social strife or whose activities are an obstacle to the democratic process and to national reconciliation.

In any case, all local authorities (Bourgmestres, [County Administrators], Sous-Préfets [Assistant District Commissioners], Préfets de Préfecture [District Commissioners]) shall have been either replaced or confirmed within three months after the establishment of the Broad-based Transitional Government.



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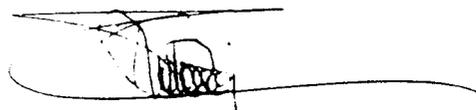
Done at Arusha, on this 30th day of October, 1992 in French and English, the French text being the original.

For the Rwandese Government



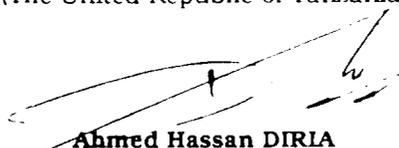
NGULINZIRA Boniface
Minister of Foreign Affairs and
Cooperation

For the Rwandese Patriotic Front



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

In the presence of Representative of Facilitator
(The United Republic of Tanzania)



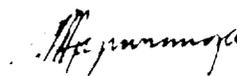
Ahmed Hassan DIRIA
Minister for Foreign Affairs and International Cooperation

In the presence of Representative of
Chairman of the OAU



Papa Louis FALL
Ambassador of Senegal to Ethiopia and
Tanzania, Representative to OAU

In the presence of Representative of
Secretary General of OAU



Dr. M.T. MAPURANGA
Secrétaire Général Adjoint,
charge des Affaires Politiques.



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PROTOCOL OF AGREEMENT BETWEEN THE GOVERNMENT OF THE
REPUBLIC OF RWANDA AND THE RWANDESE PATRIOTIC FRONT ON
POWER-SHARING WITHIN THE FRAMEWORK OF A BROAD-BASED
TRANSITIONAL GOVERNMENT

(CONTINUATION OF THE PROTOCOL OF AGREEMENT
SIGNED ON 30TH OCTOBER, 1992)

The Government of the Republic of Rwanda on the one hand, and the Rwandese
Patriotic Front on the other;

Agree on the following provisions which are an integral part of the Protocol of
Agreement on Power-Sharing:

CHAPTER VII: NEW AREAS OF AGREEMENT

SECTION 1: Provisions relating to the Executive Power

Sub-Section 1: Replacement of the President of the Republic during the Transitional
Period

Article 47: In the event of a temporary impediment or incapacity of the President of the
Republic to carry out his duties, the Speaker of the Transitional National
Assembly shall assume the interim until the incumbent President resumes
office.

Article 48: In the event of resignation or death, permanent impediment or
incapacitation of the President of the Republic:

1. The office shall be declared vacant by the Supreme Court upon request by
the Broad-Based Transitional Government.

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2. The interim Presidency shall be assumed by the Speaker of the Transitional
National Assembly.

3. The replacement of the President of the Republic shall be conducted in the
following manner:

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- a) The party of the former President of the Republic shall present two candidates to the Bureau of the Transitional National Assembly within three (3) weeks of the declaration of the vacancy.
- b) Within the fourth week, the election of the President of the Republic shall be conducted in a joint session of the Broad-Based Transitional Government and the Transitional National Assembly. The respective members of the two institutions shall elect the President of the Republic by secret ballot and by an absolute majority. The election shall be supervised by the Speaker of the Transitional National Assembly.
- c) If the Party of the former President of the Republic, for one reason or another, is not willing to present a candidate or cannot present any candidate, or if the President of the Republic has resigned from his party in the meantime, each political force represented in the Transitional National Assembly may submit one (1) candidate within six (6) weeks after the declaration of the vacancy. The election shall be conducted during the seventh week, at the latest, following the modalities provided for in point (b) above.
- d) If the vacancy is declared three (3) months or less before the expiry of the transitional period, the Speaker of the Transitional National Assembly shall assume the interim Presidency of the Republic until the end of the Transition.

Article 49: The candidate to the Presidency of the Republic should be at least thirty five (35) years of age. Once elected, the President cannot perform any military or other remunerative activity.

Article 50: The new President of the Republic shall be sworn in within eight (8) days after his election, by the Presiding Judge of the Supreme Court, before the National Transitional Assembly.

Sub-Section 2: Appointment of the Prime Minister, Ministers and Secretaries of State

Article 51: The candidate for the post of Prime Minister shall be presented by the political formation designated to that effect. He shall be presented to the

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two parties to the negotiations for approval. He should be known before the signing of the Peace Agreement.

Article 52: The Prime Minister shall, in consultation with each political force called upon to participate in the Government, select candidates for the portfolios distributed among the various political forces. He shall present them to the President of the Republic for appointment as well as to the Transitional National Assembly, in accordance with Article 18, paragraph 3 of the Protocol of Agreement signed on 30th October, 1992.

Sub-Section 3: Replacement of the Prime Minister, Ministers and Secretaries of State

Article 53: The vacancy of the post of Prime Minister shall be declared by the Supreme Court upon request by the Broad-Based Transitional Government. The political force of the former Prime Minister shall submit a candidate within fifteen (15) days of the declaration of the vacancy. Political formations participating in the Broad-Based Transitional Government shall, under the coordination of the Deputy Prime Minister, hold consultations for the approval of the candidate. Once a consensus is reached, the Deputy Prime Minister shall present the candidate to the President of the Republic for appointment within three (3) days.

Article 54: The Prime Minister, in consultation with the political force of the Minister or Secretary of State to be replaced, shall present a candidate to the President of the Republic for appointment.

Sub-Section 4: Distribution of Ministerial Portfolios within the Broad-Based Transitional Government

Article 55: In accordance with the provisions of Article 14 of the Protocol of Agreement signed on 30th October, 1992, the numerical distribution of the portfolios among political forces called upon to participate in the Broad-Based Transitional Government shall be as follows:

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- MRND: 5 portfolios
- RPF: 5 portfolios
- MDR: 4 portfolios (including the post of Prime Minister)

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- PSD: 3 portfolios
- PL: 3 portfolios
- PDC: 1 portfolio

Article 56: The nominative distribution of portfolios shall be as follows:

- MRND:
1. Ministry of Defence;
 2. Ministry of Higher Education, Scientific Research and Culture;
 3. Ministry of Public Service;
 4. Ministry of Planning;
 5. Ministry of Family Affairs and Promotion of the Status of Women.

- RPF:
1. Ministry of Interior and Communal Development;
 2. Ministry of Transport and Communications;
 3. Ministry of Health;
 4. Ministry of Youth and Associative Movement;
 5. Secretariat of State for Rehabilitation and Social Integration.

- MDR:
1. Prime Minister;
 2. Ministry of Foreign Affairs and Cooperation;
 3. Ministry of Primary and Secondary Education;
 4. Ministry of Information

- PSD:
1. Ministry of Finance;
 2. Ministry of Public Works and Energy;
 3. Ministry of Agriculture and Livestock Development.

- PL:
1. Ministry of Justice;
 2. Ministry of Commerce, Industry and Cottage Industry;
 3. Ministry of Labour and Social Affairs.



- PDC: Ministry of Environment and Tourism

Article 57: The two parties further agree that:

-with reference to Article 5 of the Protocol of Agreement signed on 30th October, 1992, the Presidency of the Republic shall go to the MRND party



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-one of the holders of the five (5) ministries allocated to the RPF shall bear the title of Deputy Prime Minister in accordance with Article 20, paragraph 3 of the Protocol of Agreement signed on 30th October, 1992.

Article 58: In case one of the political forces called upon to participate in the Broad-Based Transitional Government as provided for under Article 14 of the Protocol of Agreement signed on 30th October, 1992, defaults, the portfolios which had been allocated to that force shall be distributed among the remaining political forces. The possibility of opening to political forces other than those mentioned under Articles 55 and 56 above shall be agreed upon by consensus in accordance with Article 14 cited above.

Article 59: Permanent impediment rendering the President of the Republic, Ministers and Secretaries of State incapable of carrying out their duties shall be declared by the Supreme Court following their resignation, death or physical incapacitation certified by a medical commission established by the Government for that purpose, and also following dismissal as a result of final sentencing for criminal offences.

SECTION 2: TRANSITIONAL NATIONAL ASSEMBLY

Article 60: The Transitional National Assembly shall, except in the case as provided for in Article 63 of this Protocol of Agreement, be normally composed of seventy (70) members called "Deputies to the Transitional National Assembly". The "Deputies" shall be appointed by their own political forces and their mandate shall cover the whole Transitional Period. The Transitional National Assembly shall make its own rules of procedure.

Article 61: All the political parties registered in Rwanda at the signing of this Protocol as well as the RPF shall be represented in the Transitional National Assembly, on condition that they adhere to and abide by the provisions of the Peace Agreement. To that effect, all these parties and the RPF should, prior to the establishment of the Broad-Based Transitional National Assembly and the Broad-Based Transitional Government, sign a Political Code of Ethics whose principles are spelt out in Article 80 of this Protocol.

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Since the RPF and the political parties participating in the current Coalition Government are automatically, directly or indirectly bound, as a result of the Protocol of Agreement on the Rule of Law signed by the two parties to the negotiations, the political parties which do not participate in the said Government should, from the time of the signing of the Protocol of Agreement on Power-Sharing, demonstrate their commitment to abide by the principles governing the Protocol of Agreement on the Rule of Law, to support the peace process and to avoid engaging in sectarian practices and in any form of violence. Such commitment shall constitute a prerequisite for their participation in the Transitional National Assembly and it is incumbent upon the two parties to the negotiations to see to it that such commitment is met.

Article 62: The numerical distribution of seats in the Transitional National Assembly among the political forces, subject to the implementation of the previous article, shall be as follows:

MRND	:	11 seats
RPF	:	11 seats
MDR	:	11 seats
PSD	:	11 seats
PL	:	11 seats
PDC	:	4 seats

The other registered parties shall have one (1) seat each.

Article 63: a) The maximum number of members of the Transitional National Assembly shall become the total number of seats of the remaining political forces if, for one reason or another, one or several political forces do not participate in the forming of the Transitional National Assembly, or withdraw from that assembly, provided that the total number is not reduced to less than two-thirds of the number stipulated under Article 60 of this Protocol of Agreement.

b) If one or several political forces do not participate, or cease to participate in the Transitional National Assembly, and the number of

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Deputies falls below that stipulated in the above paragraph, the remaining political forces participating in the Transitional National Assembly shall consult and agree on the modalities for the composition of the new National Assembly.

Article 64: A "Deputy" may resign. In this case, his political party shall replace him in consultation with the Bureau of the Transitional National Assembly.

Article 65: All compulsory mandates shall be null and void. The right of the "Deputies" to vote shall be individual.

Article 66: The first session of the Transitional National Assembly shall be devoted to administering the oath of the "Deputies" and to electing the Bureau of the Transitional National Assembly.

Article 67: The Bureau of the Transitional National Assembly shall be composed of the Speaker, the Deputy Speaker and a Secretary.

Article 68: The PSD and PL political parties shall each present one (1) candidate for the post of Speaker of the Transitional National Assembly. The political party that will not have taken the post of Speaker shall present two (2) candidates for the post of Deputy Speaker of the Transitional National Assembly.

The PDC and other political parties which do not hold any ministerial portfolio in the current Coalition Government shall each present one (1) candidate for the post of Secretary.

Voting for the above-mentioned posts shall be by secret ballot and on the basis of an absolute majority of the "Deputies" present.

Article 69: The Transitional National Assembly shall automatically hold, each year, three (3) ordinary sessions of three months each, followed each time by a one (1) month parliamentary leave. When circumstances may so require, the Transitional National Assembly shall hold extraordinary sessions.

The first ordinary session shall begin 15 days after the "Deputies" to the Transitional National Assembly have taken oath of office.



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The Transitional National Assembly shall be convened by the Speaker. It may be convened in extraordinary session upon the initiative of the President of the Republic, The Speaker, the Prime Minister or following the decision taken by its members on the basis of an absolute majority. When it is convened in extraordinary session, the Transitional National Assembly shall deal with only those issues that motivated its convening.

Whenever an ordinary or extraordinary session of the Assembly is convened, the agenda and venue shall be indicated. Before any proceedings, the Transitional National Assembly shall adopt its agenda and decide on the urgency of the matters to be discussed. A "Deputy" or the Prime Minister may request the urgent consideration of an item. When the request is made by the latter, the matter in question shall automatically be considered as urgent.

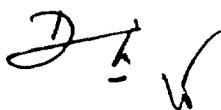
Article 70: The status of a Deputy shall be incompatible with the holding of a Ministerial portfolio and the exercise of any other remunerative activities.

Article 71: Members of the Transitional National Assembly who may be finally sentenced by Courts for criminal offences shall automatically lose their seats. In this case, they shall be replaced in accordance with the provisions of Article 62 of this Protocol.

Article 72: The legislative power shall be exercised by way of laws passed by "Deputies" in the Transitional National Assembly as well as by Orders in Council passed by the Broad-Based Transitional Government in cases of emergency or when the Transitional National Assembly is unable to convene.

Article 73: Ordinary laws shall be passed on the basis of an absolute majority of the Deputies present. Organic laws shall be passed on the basis of a 3/5 majority.

Article 74: For any lawful seating to be held, a quorum of 2/3 of the members of the Transitional National Assembly shall be required.







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Article 75: Sessions of the Transitional **National Assembly** shall be public; the minutes of the debates shall be published. However, upon request of the Speaker, of the Prime Minister or of one third of its members, the Assembly may, by an absolute majority, decide to sit in camera.

SECTION 3: Relationship between the Transitional National Assembly and the Broad-Based Transitional Government

Article 76: The Prime Minister, upon a decision of the Cabinet and after consultations with the Bureau of the Transitional National Assembly, may request the President of the Republic to dissolve the Transitional National Assembly. The dissolution cannot take place within the last three months of the Transition.

Article 77: Replacement of the members of the Transitional National Assembly shall be done as per the numerical distribution of seats referred to under Article 62 above.

The replacement of each of the members of the Bureau of the Transitional National Assembly shall be made by election in accordance with Article 68 of this Protocol of Agreement.

Article 78: The Transitional National Assembly shall be endowed with the following means of control over government activities:

- Oral Questioning
- Written Questioning
- Committee Hearing
- Commission of Inquiry
- Interpellation
- Motion of censure.

An organic law shall determine the conditions and procedure for this control.

Article 79: The Transitional National Assembly may question the conduct of the Broad-Based Transitional Government as well as that of a Minister or Secretary of State, by voting on a motion of censure against the Prime Minister or any other member of the Government.

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Such a motion is not admissible ~~until~~ ~~after~~ questioning and unless it is presented by at least one fifth of the members of the Transitional National Assembly in the case of a Minister or a Secretary of State, and by one third of the members in the case of the Government.

The motion of censure shall be adopted by secret ballot and by a 2/3 majority of the "Deputies" present.

The vote of a motion of censure against the Prime Minister shall entail his resignation and that of the Government. In this case the replacement of the Prime Minister shall be made in accordance with Article 53 of this Protocol of Agreement. The outgoing Government shall dispose of the day-to-day matters until a new Government is formed.

SECTION 4: Political Code of Ethics binding the political forces called upon to participate in the Transitional Institutions

Sub-Section 1: Fundamental Principles

Article 80: In a declaration signed by their authorised representatives, the political forces called upon to participate in the Transitional Institutions shall undertake to:

1. Support the Peace Agreement and work towards its successful implementation;
2. Promote national unity and national reconciliation of the Rwandese people.
3. Abstain from all sorts of violence and inciting violence, by written or verbal communication, or by any other means;
4. Reject and undertake to fight any political ideology or any act aimed at fostering discrimination based mainly on ethnic, regional, sexual or religious differences;
5. Promote and respect the rights and freedoms of the human person;
6. Promote political education among their members, in accordance with the fundamental principles of the Rule of Law.

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7. Work towards a system whereby the political power serves the interests of all the Rwandese people without any discrimination;
8. Respect the secularism of the Rwandese State;
9. Respect national sovereignty and the territorial integrity of the country

Article 81: The Commission on National Unity and National Reconciliation shall ensure that each political force respects the principles spelt out under Article 80 above.

Article 82: Any political force violating the provisions of Article 80 shall be liable to a sanction of exclusion from the Transitional Institutions, without prejudice to other legal or statutory provisions on the matter.

This measure shall be taken by the Supreme Court upon request of the Government, acting on the Commission's report.

The request to the Supreme Court shall be preceded by a warning by the Government to the political party concerned; when the warning has not been heeded.

Sub-Section 2: Additional Duties of the Commission for National Unity and National Reconciliation.

Article 83: The two parties agree that the Commission on National Unity and National Reconciliation, in addition to the duties specified under Article 24 A of the Protocol of Agreement signed on 30th October, 1992, shall see to it that each political force respects the principles spelt out in the Political Code of Ethics binding the political forces to participate in the Transitional Institutions

SECTION 5: MISCELLANEOUS PROVISIONS

Sub-Section 1: Modalities of Appointment within the Judiciary

Article 84: In order to maintain the independence of the Judiciary, posts in the Judiciary shall not be subjected to sharing among political forces. Therefore, applications for the posts of Presiding Judge and Deputy Presiding Judge of the Supreme Court, referred to under Article 30 of the Protocol of

Agreement signed on 30th October, 1992, shall be considered without any reference to political parties, in order to better ensure the neutrality of magistrates.

Article 85: The Supreme Council of Magistrates shall, in conjunction with the Broad-Based Transitional Government, take all necessary and adequate measures to facilitate the integration of competent, experienced or qualified Rwandese nationals who have not worked or evolved in the current legal system of Rwanda.

Sub-Section 2: Redeployment of the Deputies to the CND

Article 86: The Broad-Based Transitional Government shall take the necessary steps to find, to the extent possible, a new placement for the Deputies to the CND in their former sectors of activity. In so doing, the Broad-Based Transitional Government shall take into account the qualifications and experience of each "Deputy".

Sub-Section 3: Local Elections as a Solution to Social Tensions

Article 87: Local elections shall normally be held within six (6) months before the expiry of the transition. In the meantime, the replacement of local authorities shall be made through nomination. However, the Broad-Based Transitional Government shall decide on the opportune moment for organizing partial local elections if adequate security conditions allow for the holding of such elections and if it has the legal instruments to organize them.

Sub-Section 4: National Conference

Article 88: The National Conference shall consist of a general discussion to focus solely on national unity and national reconciliation, as provided for in Article 23.C.2 of the Protocol of Agreement signed on 30th October, 1992.

This discussion shall be prepared by the Commission on National Unity and National Reconciliation provided for under Article 24 of the Protocol of 30th October, 1992. The Commission shall report to the Broad-Based Transitional Government.

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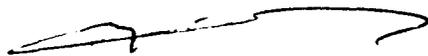
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Done at Arusha, this 9th day of the month of January, 1993, in the French and English languages, the French text being the original.

FOR THE GOVERNMENT OF THE
REPUBLIC OF RWANDA



NGULINZIRA Boniface,
Minister of Foreign Affairs and Cooperation

FOR THE RWANDESE PATRIOTIC
FRONT



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

In the presence of the Facilitator
(The United Republic of Tanzania)



Hon. Ahmed Hassan DIRIA
Minister for Foreign Affairs and International Cooperation

In the presence of the Representative of
the Current Chairman of the OAU



Papa Louis FALL,
Ambassador of Senegal to Ethiopia and
Representative to the OAU

For the Secretary General of the OAU



Dr. M. T. MAPURANGA,
Assistant Secretary General of the OAU,
in charge of Political Affairs

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