

Country/entity	Rwanda
Region	Africa (excl MENA)
Agreement name	Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Miscellaneous Issues and Final Provisions
Date	3 Aug 1993
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict

Rwandan Civil War (1990 - 1994)

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

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

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

Close
Rwandan Civil War (1990 - 1994)

Stage Framework/substantive - partial

Conflict nature	Government
Peace process	Rwanda-RPF process
Parties	Government of Rwanda and Rwandese Patriotic Front
Third parties	In the presence of the facilitator (United republic of Tanzania), Jospheh C. Rwegasira, Minister for Foreign Affairs and International Cooperation. In the presence of the Representative of the Secretary General of the OAU, H.E. Dr. M. T. Mapuranga, Assistant Secretary General in charge of Political Affairs.
Description	This is a short agreement dealing with miscellaneous issues and final provisions; including (I) State Security Services; (II) Miscellaneous Provisions (Oath of key political actors, chairmanship of Transitional National Assembly, Removal and resignation and violation of the fundamental law of/by key political actors, ratification of International Instruments on Human Rights, deletion of ethnic references in public documents, etc.).

Agreement document	RW_930803_ProtocolOnMiscellaneousIssuesAndFinalProvisions.pdf (opens in new tab) Download PDF
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Groups

Children/youth No specific mention.

Disabled persons No specific mention.

Elderly/age No specific mention.

Migrant workers No specific mention.

**Racial/ethnic/
national group** Groups→Racial/ethnic/national group→Substantive
Page 9, Chapter II: Miscellaneous Provisions, Article 16:
The Broad-Based Transitional Government shall, from the date of its assumption of
office, delete from all official documents to be issued any reference to ethnic origin.
Documents in use or not yet used shall be replaced by those not bearing any reference to
ethnic origin.

Religious groups No specific mention.

Indigenous people No specific mention.

Other groups No specific mention.

**Refugees/displaced
persons** No specific mention.

Social class No specific mention.

Gender

**Women, girls and
gender** No specific mention.

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/ secession No specific mention.

Accession/ unification No specific mention.

Border delimitation No specific mention.

Cross-border provision No specific mention.

Governance

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

Power sharing

Political power sharing No specific mention.

Territorial power sharing No specific mention.

Economic power sharing

No specific mention.

Military power sharing

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

Page 4,

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

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

Power sharing→Military power sharing→Proportionality

Pages 1-2,

Article 2: Structure

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

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

Article 3: Principles

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

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

Article 4: Coordination of Intelligence Services

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

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

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

Human rights and equality

Human rights/RoL general Page 2, Chapter I: State Security Services, Section 1: Communal Police, Prisons Services, and the Public Prosecution Department, Article 1:
 Within the framework of implementing the Government's Programme outlined in Article 23 of the Protocol of Agreement of 30th October, 1992, the Broad-Based Transitional Government shall undertake the following activities with regard to the Security Services:
 [...]
 B. Prisons Services
 [...]
 3. Evaluate and improve on prison services, in conformity with Article 23 G.3 of the Protocol of Agreement of 30th October, 1992, and taking into consideration the principles underlying the Rule of Law.

Page 2, Chapter I: State Security Services, Section 1: Communal Police, Prisons Services, and the Public Prosecution Department, Article 1:

Page 3-4, Chapter I: State Security Services, Section 2: State Security Services, Article 3: Principles.
 The State Security Services shall be guided by the following principles:
 ...
 4. They must respect the civic rights of citizens as well as fundamental freedoms.

Bill of rights/similar No specific mention.

Treaty incorporation Page 3, Chapter I: State Security Services, Section 2: State Security Services, Article 3: Principles.
 The State Security Services shall be guided by the following principles:
 [...]
 3. They must abide by the law and must conform to the letter and spirit of the International Conventions to which the Republic of Rwanda is a party.

Page 8, Chapter II: Miscellaneous Provisions, Article 15:
 Ratification of International Instruments on Human Rights.
 The Broad-Based Transitional Government shall ratify all International Conventions, Agreements and Treaties on Human Rights, which Rwanda has not yet ratified. It shall waive all reservations entered by Rwanda when it adhered to some of those International instruments.

Page 9, Chapter II: Miscellaneous Provisions, Article 17:
 Public Freedoms and Fundamental Rights.
 With regard to public freedoms and fundamental rights, the principles enshrined in the Universal Declaration of Human Rights of 10th December, 1948 shall take precedence over corresponding principles enshrined in the Constitution of the Republic of Rwanda, especially when the latter are contrary to the former.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship	Rights related issues→Citizenship→Citizens, specific rights Page 3-4, Chapter I: State Security Services, Section 2: State Security Services, Article 3: Principles. The State Security Services shall be guided by the following principles: ... 4. They must respect the civic rights of citizens as well as fundamental freedoms.
Democracy	No specific mention.
Detention procedures	No specific mention.
Media and communication	No specific mention.
Mobility/access	No specific mention.
Protection measures	No specific mention.
Other	No specific mention.

Rights institutions

NHRI	No specific mention.
Regional or international human rights institutions	No specific mention.

Justice sector reform

Criminal justice and emergency law Justice sector reform→Criminal justice and emergency law→Criminal Justice System reform

Page 2, Chapter I: State Security Services, Section 1: Communal Police, Prisons Services, and the Public Prosecution Department, Article 1:

Within the framework of implementing the Government's Programme outlined in Article 23 of the Protocol of Agreement of 30th October, 1992, the Broad-Based Transitional Government shall undertake the following activities with regard to the Security Services: [...]

C. PUBLIC PROSECUTION DEPARTMENT.

1. Undertake an extensive reform of the Public Prosecution Department and open it to all the Rwandese Nationals.
2. Make a distinction between the Jurisdiction of the Public Prosecution Department and of other services charged with criminal investigations.
3. Seek technical cooperation for the Public Prosecution Department.

State of emergency provisions No specific mention.

Judiciary and courts

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

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

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

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

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

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

Prisons and detention

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

B. Prisons Services

1. Update the legal provisions and regulations governing prison warders and Guards.
2. Improve and enhance the level of training of prison warders and Guards, by providing them with training best suited to prisons services.
3. Evaluate and improve on prison services, in conformity with Article 23 G.3 of the Protocol of Agreement of 30th October, 1992, and taking into consideration the principles underlying the Rule of Law.

Traditional Laws

No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

Pastoralist/nomadism rights No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

Water or riparian rights or access No specific mention.

Security sector

Security Guarantees

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

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

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

Page 4, Chapter I: State Security Services, Section 2: State Security Services, Article 4: Coordination of Intelligence Services.

[...]

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

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

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

Ceasefire

No specific mention.

Police

Page 1-2, Chapter I: State Security Services, Section 1: Communal Police, Prisons Services, and the Public Prosecution Department, Article 1:

Within the framework of implementing the Government's Programme outlined in Article 23 of the Protocol of Agreement of 30th October, 1992, the Broad-Based Transitional Government shall undertake the following activities with regard to the Security Services:

A. Communal Police

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

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

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

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

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

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

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

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

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

Page 12, Annexe (Annex): Diagramme de la Coordination des Renseignements relatifs a la surete de l'Etat (Diagram of information Coordination in regards with State Security).

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

Transitional justice

Transitional justice general	<p>Page 3, Untitled Preamble: Resolved to eradicate and put a definite end to all the root causes which gave rise to the war;</p>
Amnesty/pardon	No specific mention.

Courts No specific mention.

Mechanism No specific mention.

Prisoner release No specific mention.

Vetting No specific mention.

Victims No specific mention.

Missing persons No specific mention.

Reparations No specific mention.

Reconciliation No specific mention.

Implementation

UN signatory No specific mention.

Other international signatory In the presence of the facilitator (United republic of Tanzania), Joseph C. Rwegasira, Minister for Foreign Affairs and International Cooperation.
In the presence of the Representative of the Secretary General of the OAU, H.E. Dr. M. T. Mapuranga, Assistant Secretary General in charge of Political Affairs.

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism Page 9, Chapter II: Miscellaneous Provisions, Article 18:
Authentic Interpretation of the Peace Agreement
It shall be the duty of the Transitional National Assembly to make an authentic interpretation of the Peace Agreement.
The Transitional National Assembly shall consult the Joint Political-Military Commission referred to in Article IV of the N'sele Ceasefire Agreement as amended at Gbadolite 16th September, 1991 and at Arusha 12th July, 1992. It may consult the Facilitator or any other person it deems competent.
In this regard, the Transitional National Assembly shall take a decision on the basis of a 3/5 majority vote of its members.

Page 9-10, Chapter II: Miscellaneous Provisions, Article 19:
Amendment of the Peace Agreement.
Proposals for the amendment of the Peace Agreement may be made by the Broad-Based Transitional Government and the Transitional National Assembly.
Where the proposal emanates from the Government, it must be adopted by the Transitional National Assembly on the basis of a 3/5 majority vote of its members.
Where the proposal emanates from the Deputies, it must be adopted by the Transitional National Assembly on the basis of consensus.
