

Country/entity	Democratic Republic of Congo
Region	Africa (excl MENA)
Agreement name	Accord Politique pour la gestion consensuelle de la transition en République Démocratique du Congo
Date	19 Apr 2002
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict
Stage	Framework/substantive - partial
Conflict nature	Government
Peace process	DRC: Second Congo war process

Parties

Pour le gouvernement de la République Démocratique du Congo
Augustin Katumba Mwanke
Pour le Mouvement de Libération du Congo
Olivier Kamitatu Etsu
Pour le Rassemblement Congolais pour la Démocratie-Mouvement de Libération
Ernest Wamba dia Wamba
Mbusa Nyamwisi
Kambale Bahekwa
John Tibasima Atenyi
Pour le Rassemblement Congolais pour La Démocratie-National
Roger Lumbala
Dieudonné Kahasa
Pour les Mayi Mayi
Anselme Enerunga, porte parole du gén. Padiri
Yaka Swedy Kosco, pour le Comdt Dunia
Mbilizi Piko, pour le gén. Padiri
Elias Mulungula Hobigera, représ. du gén. Alunda
Kakule Sikuli Lafontaine, chef Mayi Mayi grand Nord
Raphaël Luhulu Lunghe, Comdt Grégoire Kayobo
Pour les Formations et organisations De l'Opposition politique
CODEP Raymond Tshibanda
UDRC Mokonda Bonza
UNADEF Soki Fuani Eyenga
FCI Badingaka Nicolas
FRUONAR Mulangala Médard
FSDD Marie Jeanne Nzola
PNCD Dr. Ngandu Lejabuliza
MPR fait privé Omari Lea Sisi
UNAFEC Kisimba Ngoy
PDSC André Bo-Boliko
ROM Patrice Aimé Sesanga
FSD/DC Eugène Diomi Ndongala
EGO et ROC Arthur Z'Ahidi Ngoma
MSDD Christophe Lutundula
FCN/CAD Gérard Kamanda
PIONNIERS Justin-Marie Bomboko
FPC Aziz Kumbi
DCF/N Venant Tshipasa
Opp. Pol.ext./ Afrique Prof. N.Y. Muyima
Pour les Forces Vives
Société Civile/Equateur Yves Mobando
Société Civile Jean Batoma
Société Civile/Katanga Déo Flwanakibulu Ngoy
Société Civile/Bandundu Sylvain Delma Mbo
Forces Vives/Sud Kivu Mwami Kabare
Forces Vives/FEC Athanase Matenda
Société Civile/Kinshasa Bahati Lukwebo
Société Civile/Maniema Bernard Tabezi Pene Magu
Société Civile/Sud Kivu Gervais Chirhalwirwa
Société Civile/Katanga-Kalemie Jean Manda Kansabala
Société Civile/Katanga Jacqueline Rumbu
Chef de délégation Soc.Civ. Katanga Mgr Ngoyi
Bâtonnier Moka Ngolo
L'Intersyndicale du Congo Steve Mbikayi
Société Civile/Equateur Gortruda Ekumbo Ekolo

Third parties	-
Description	This agreement addresses the structures and functioning of transitional institutions. Specifically it provides for the their mandates and compositions of the transitional government, the presidency, the national assembly, the Senate, the Courts and Tribunals, Armed Forces and a working group for the transitional constitution project.

Agreement document	CD_020419_AccordPolitiqueGestionConsensuelleTransition_tr.pdf (opens in new tab) Download PDF
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Agreement document (original language)	CD_020419_AccordPolitiqueGestionConsensuelleTransition_FR.pdf (opens in new tab)
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Groups

Children/youth	No specific mention.
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Disabled persons	No specific mention.
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Elderly/age	No specific mention.
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Migrant workers	No specific mention.
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Racial/ethnic/ national group	No specific mention.
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Religious groups	No specific mention.
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Indigenous people	No specific mention.
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Other groups	No specific mention.
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Refugees/displaced persons	No specific mention.
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Social class	No specific mention.
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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) Page 6, Article 18:
The present Agreement shall result in the reunification of all of the territories under the control of the belligerent elements and entities, namely the Government of the Republic of Congo, the Congo Liberation Movement, the Congolese Rally for Democracy, the Congolese Rally for Democracy-Liberation Movement, the Congolese Rally for National Democracy, and the Mai-Mai.

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.

**Political
institutions (new or
reformed)**

Governance→Political institutions (new or reformed)→Temporary new institutions

Page 2, Article 1:

During the transition,

Mr Joseph KABILA shall be President of the Republic, Head of State.

Mr Jean-Pierre BEMBA shall be Prime Minister. The Prime Minister shall be the Head of Government and president of the Council of Ministers.

The President of the National Assembly shall come from the Congolese Rally for Democracy.

The President of the Senate shall come from the unarmed political Opposition.

The citizen institutions, namely the Independent Electoral Commission, the High Media Authority, the Truth and Reconciliation Commission, the National Observatory for Human Rights, the Commission for Ethics and the Fight Against Corruption, shall be presided over by representatives of Civil Society/Social Forces.

Except in cases of treason, misappropriation or corruption, the President of the Republic, the President of the National Assembly, the Prime Minister, and the President of the Senate shall remain in post throughout the transition period.

Page 2, Article 2:

The transitional institutions in the Democratic Republic of Congo are:

the President of the Republic;

the National Assembly;

the Senate;

the Government;

the Courts and Tribunals.

Page 3, Article 6:

The Prime Minister shall be the head of the transitional government.

He shall chair the Council of Ministers.

At the government's request the President of the Republic may chair the Council of Ministers.

In exceptional situations, after consultation and at the invitation of the President of the Republic, the Prime Minister may convene the Council of Ministers in a meeting chaired by the President of the Republic.

The Prime Minister shall exercise regulatory power by means of decrees debated in the Council of Ministers.

The acts enacted by this Council shall be countersigned, where necessary, by the Minister in charge of their implementation.

Page 3-4, Article 7:

In order to establish the Transitional Government, the elements and entities in the Inter-Congolese Dialogue, namely the Government of the Democratic Republic of Congo, the Congo Liberation Movement, the Congolese Rally for Democracy, the political opposition, the Social Forces, the Congolese Rally for Democracy-Liberation Movement, the Congolese Rally for National Democracy, and the Mai-Mai, shall present their candidate lists to the Prime Minister.

The Prime Minister has the power to refuse a candidate in consultation with the concerned component, in which case the latter shall propose another candidate. For Ministries in particular areas of collaboration, the President of the Republic may refuse candidates proposed for these functions in consultation with those Ministries.

Page 4, Article 8:

The government shall develop national policy, as defined in the Inter-Congolese Dialogue.

It shall work with the civil service, the national police force and civilian security services.

It shall be fully responsible for managing State business and shall be answerable for this

Elections	No specific mention.
Electoral commission	<p>Page 2, Article 1: During the transition,</p> <p>...</p> <p>The citizen institutions, namely the Independent Electoral Commission, the High Media Authority, the Truth and Reconciliation Commission, the National Observatory for Human Rights, the Commission for Ethics and the Fight Against Corruption, shall be presided over by representatives of Civil Society/Social Forces.</p>
Political parties reform	No specific mention.
Civil society	<p>Page 2, Article 1: During the transition,</p> <p>...</p> <p>The citizen institutions, namely the Independent Electoral Commission, the High Media Authority, the Truth and Reconciliation Commission, the National Observatory for Human Rights, the Commission for Ethics and the Fight Against Corruption, shall be presided over by representatives of Civil Society/Social Forces.</p>
Traditional/ religious leaders	No specific mention.

**Public
administration**

Page 2, Article 3:

The President of the Republic shall be the guarantor of national unity and of the Republic's territorial integrity.

...

He shall appoint and dismiss (with the Prime Minister's countersignature) Deputy Prime Ministers, Ministers and Deputy Ministers.

On the advice of the Council of Ministers he shall appoint and dismiss (with the Prime Minister's countersignature), the Republic's senior civil servants, army officers, senior and regular police officers, the leaders of public enterprises and those responsible for State services.

Page 3, Article 8:

The government shall develop national policy, as defined in the Inter-Congolese Dialogue.

It shall work with the civil service, the national police force and services of civilian security.

Constitution

Governance→Constitution→Constitutional reform/making

Page 3, Article 4:

Appointments and dismissals proposed by the Prime Minister to the President of the Republic shall be made within 7 (SEVEN) days unless specified otherwise by the President of the Republic.

This agreed timescale shall be included in the transitional constitution.

Page 5, Article 12:

...

The Senate shall be responsible for:

...

carrying out preparatory work on the constitution which will govern the country after the transition;

Power sharing

Political power sharing

Power sharing→Political power sharing→Executive coalition

State level

Page 2, Article 1:

During the transition,

Mr Joseph KABILA shall be President of the Republic, Head of State.

Mr Jean-Pierre BEMBA shall be Prime Minister. The Prime Minister shall be the Head of Government and president of the Council of Ministers.

...

Except in cases of treason, misappropriation or corruption, the President of the Republic, the President of the National Assembly, the Prime Minister, and the President of the Senate shall remain in post throughout the transition period.

Power sharing→Political power sharing→Proportionality in legislature

State level

Page 2, Article 1:

...

The President of the National Assembly shall come from the Congolese Rally for Democracy.

The President of the Senate shall come from the unarmed political Opposition.

Page 4-5, Article 11:

The National Assembly shall be fully representative of the national territory.

It shall consist of 425 members designated by the components and entities of the Inter-Congolese Dialogue.

Members of the National Assembly shall be called "Deputies".

They shall have a national mandate.

The Office of the National Assembly shall include:

a President;

two deputy Presidents;

a secretary-rapporteur;

a deputy secretary-rapporteur;

No component or entity of the Inter-Congolese Dialogue may have more than one member in the Office of the National Assembly.

The National Assembly shall develop laws and oversee government business.

Page 5, Article 12:

The Senate shall be representative of the provinces and the city of Kinshasa. It shall consist of 65 members.

No component or entity may designate more than one member per province.

...

No element or entity may have more than one member in the Office of the Senate.

Power sharing→Political power sharing→Other proportionality

State level

Page 2, Article 1:

...

The citizen institutions, namely the Independent Electoral Commission, the High Media Authority, the Truth and Reconciliation Commission, the National Observatory for Human Rights, the Commission for Ethics and the Fight Against Corruption, shall be presided over by representatives of Civil Society/Social Forces.

Page 6, Article 17:

A working group representing all of the elements and entities shall be established to develop the transitional constitution project.

Power sharing→Political power sharing→Form of 'veto' or communal majority

State level

Page 2, Article 3:

Territorial power sharing	No specific mention.
Economic power sharing	No specific mention.
Military power sharing	<p>Power sharing→Military power sharing→Merger of forces</p> <p>Page 5, Article 13:</p> <p>The parties agree that following the Inter-Congolese Dialogue, a mechanism to form a restructured and integrated National Army shall be established, including the Armed Forces of the Government of the National Republic of Congo, the Armed Forces of the Congolese Assembly for Democracy and the Armed Forces of the Congo Liberation Movement, in accordance with point 20 of item 3 of the principles of the Lusaka Agreement.</p> <p>The mechanism for establishing the new Congolese Army shall include the Officers of the Armed Forces of the Government of the National Republic of Congo, the Officers of the Armed Forces of the Congolese Assembly for Democracy and the Officers of the Armed Forces of the Congolese Liberation Movement.</p> <p>With a view to peace, unity and national reconciliation, the above mechanism should include the armed forces of the RCD/ML, of the RCD/N and the Mai-Mai, using procedures to be defined by the political transitional institutions determined by the National Dialogue.</p> <p>The mechanism shall be under the authority of the political transitional institutions determined by the National Dialogue.</p> <p>Power sharing→Military power sharing→Joint command structures</p> <p>...</p> <p>Page 5, Article 13:</p> <p>The mechanism for establishing the new Congolese Army shall include the Officers of the Armed Forces of the Government of the National Republic of Congo, the Officers of the Armed Forces of the Congolese Assembly for Democracy and the Officers of the Armed Forces of the Congolese Liberation Movement.</p> <p>Page 6, Article 16:</p> <p>The President of the Republic, the Prime Minister, the President of the Parliament and of the Senate shall undertake to ensure their common security and to establish an atmosphere of mutual confidence in the greater interest of the Congolese people.</p> <p>To this end, the Minister of Defence, the Chief of Staff, the Chief of Staff of the ground forces and other members of the integrated forces to be established, shall come from the belligerent components and entities.</p>

Human rights and equality

Human rights/RoL general Page 2, Article 1:
During the transition,
...
The citizen institutions, namely the Independent Electoral Commission, the High Media Authority, the Truth and Reconciliation Commission, the National Observatory for Human Rights, the Commission for Ethics and the Fight Against Corruption, shall be presided over by representatives of Civil Society/Social Forces.

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy Page 5, Article 12:
...
The Senate shall be responsible for:
...
organising a forward-looking deliberation on the future of the country, and proposing ways to put in place a democratic and modern State following the transition, able to withstand the challenges of the future.

Detention procedures No specific mention.

Media and communication Rights related issues→Media and communication→Governance of media
Page 2, Article 1:
During the transition,
...
The citizen institutions, namely the Independent Electoral Commission, the High Media Authority, the Truth and Reconciliation Commission, the National Observatory for Human Rights, the Commission for Ethics and the Fight Against Corruption, shall be presided over by representatives of Civil Society/Social Forces.

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→Reform to specific laws
Article 5
The parties agree that the Superior Defence Council shall be responsible for the overall command of the Armed Forces.
... The composition and operation of the Superior Defence Council shall be determined by law, which shall determine its role and competencies in the following areas:
... the announcement of a state of emergency,

State of emergency provisions Page 3, Article 5,
The parties agree that the Superior Defence Council shall be responsible for the overall command of the Armed Forces.
... the announcement of a state of siege,
the announcement of a state of emergency,

Judiciary and courts Page 2, Article 2:
The transitional institutions in the Democratic Republic of Congo are:
...
the Courts and Tribunals.

Page 6, Article 14:
Following the appointment of the first President of the Supreme Court of Justice and the Procurator General of the Republic, the transitional institutions shall be established. The President of the Republic and the Prime Minister shall determine the procedures for this.

Prisons and detention No specific mention.

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 Page 2, Article 3:
The President of the Republic shall be the guarantor of national unity and of the Republic's territorial integrity.
...
He shall appoint and dismiss (with the Prime Minister's countersignature) Deputy Prime Ministers, Ministers and Deputy Ministers.
On the advice of the Council of Ministers he shall appoint and dismiss (with the Prime Minister's countersignature), the Republic's senior civil servants, army officers, senior and regular police officers, the leaders of public enterprises and those responsible for State services.

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 6, Article 15:

Appropriate security measures shall be put in place in the city of Kinshasa before the establishment of new institutions and their leaders.

Ceasefire

No specific mention.

Police

Page 2, Article 3:

The President of the Republic shall be the guarantor of national unity and of the Republic's territorial integrity.

...

He shall appoint and dismiss (with the Prime Minister's countersignature) Deputy Prime Ministers, Ministers and Deputy Ministers.

On the advice of the Council of Ministers he shall appoint and dismiss (with the Prime Minister's countersignature), the Republic's senior civil servants, army officers, senior and regular police officers, the leaders of public enterprises and those responsible for State services.

Page 3, Article 8:

The government shall develop national policy, as defined in the Inter-Congolese Dialogue.

It shall work with the civil service, the national police force and services of civilian security.

Armed forces

Page 2, Article 1:

During the transition,

...

The President of the Senate shall come from the unarmed political Opposition.

Page 2, Article 3:

The President of the Republic shall be the guarantor of national unity and of the Republic's territorial integrity.

...

He shall be the supreme commander of the armed forces.

...

He shall appoint and dismiss (with the Prime Minister's countersignature) Deputy Prime Ministers, Ministers and Deputy Ministers.

On the advice of the Council of Ministers he shall appoint and dismiss (with the Prime Minister's countersignature), the Republic's senior civil servants, army officers, senior and regular police officers, the leaders of public enterprises and those responsible for State services.

Page 2, Article 3:

The President of the Republic shall be the guarantor of national unity and of the Republic's territorial integrity.

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He shall be the supreme commander of the armed forces.

...

He shall appoint and dismiss (with the Prime Minister's countersignature) Deputy Prime Ministers, Ministers and Deputy Ministers.

On the advice of the Council of Ministers he shall appoint and dismiss (with the Prime Minister's countersignature), the Republic's senior civil servants, army officers, senior and regular police officers, the leaders of public enterprises and those responsible for State services.

Page 3, Article 5:

The parties agree that the Superior Defence Council shall be responsible for the overall command of the Armed Forces.

The Superior Defence Council shall be chaired by the President of the Republic.

The composition and operation of the Superior Defence Council shall be determined by law, which shall determine its role and competencies in the following areas:

the establishment of a national army,

the command and engagement structure of the armed forces,

the appointment of key military personnel,

the appointment of senior and regular officers,

the order to engage troops,

the announcement of a state of siege,

the announcement of a state of emergency,

the declaration of war,

dealing with all matters relating to the National Defence.

Page 3, Article 8:

The government shall develop national policy, as defined in the Inter-Congolese Dialogue.

It shall work with the civil service, the national police force and services of civilian security.

DDR	No specific mention.
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	<p>Page 2, Article 1: During the transition, ... The President of the National Assembly shall come from the Congolese Rally for Democracy. The President of the Senate shall come from the unarmed political Opposition.</p> <p>Page 3, Article 7: In order to establish the Transitional Government, the elements and entities in the Inter-Congolese Dialogue, namely the Government of the Democratic Republic of Congo, the Congo Liberation Movement, the Congolese Rally for Democracy, the political opposition, the Social Forces, the Congolese Rally for Democracy-Liberation Movement, the Congolese Rally for National Democracy, and the Mai-Mai, shall present their candidate lists to the Prime Minister. The Prime Minister has the power to refuse a candidate in consultation with the concerned component, in which case the latter shall propose another candidate. For Ministries in particular areas of collaboration, the President of the Republic may refuse candidates proposed for these functions in consultation with those Ministries.</p> <p>Page 5, Article 13: The parties agree that following the Inter-Congolese Dialogue, a mechanism to form a restructured and integrated National Army shall be established, including the Armed Forces of the Government of the National Republic of Congo, the Armed Forces of the Congolese Assembly for Democracy and the Armed Forces of the Congo Liberation Movement, in accordance with point 20 of item 3 of the principles of the Lusaka Agreement. The mechanism for establishing the new Congolese Army shall include the Officers of the Armed Forces of the Government of the National Republic of Congo, the Officers of the Armed Forces of the Congolese Assembly for Democracy and the Officers of the Armed Forces of the Congolese Liberation Movement. With a view to peace, unity and national reconciliation, the above mechanism should include the armed forces of the RCD/ML, of the RCD/N and the Mai-Mai, using procedures to be defined by the political transitional institutions determined by the National Dialogue. The mechanism shall be under the authority of the political transitional institutions determined by the National Dialogue.</p> <p>Page 6, Article 18: The present Agreement shall result in the reunification of all of the territories under the control of the belligerent elements and entities, namely the Government of the Republic of Congo, the Congo Liberation Movement, the Congolese Rally for Democracy, the Congolese Rally for Democracy-Liberation Movement, the Congolese Rally for National Democracy, and the Mai-Mai.</p>

Withdrawal of foreign forces	No specific mention.
Corruption	<p>Page 2, Article 1: During the transition,</p> <p>...</p> <p>The citizen institutions, namely the Independent Electoral Commission, the High Media Authority, the Truth and Reconciliation Commission, the National Observatory for Human Rights, the Commission for Ethics and the Fight Against Corruption, shall be presided over by representatives of Civil Society/Social Forces.</p> <p>Except in cases of treason, misappropriation or corruption, the President of the Republic, the President of the National Assembly, the Prime Minister, and the President of the Senate shall remain in post throughout the transition period.</p>
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general No specific mention.

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 Page 2, Article 1:
During the transition,
...
The citizen institutions, namely the Independent Electoral Commission, the High Media Authority, the Truth and Reconciliation Commission, the National Observatory for Human Rights, the Commission for Ethics and the Fight Against Corruption, shall be presided over by representatives of Civil Society/Social Forces.

Page 5, Article 13:
The parties agree that following the Inter-Congolese Dialogue, a mechanism to form a restructured and integrated National Army shall be established, including the Armed Forces of the Government of the National Republic of Congo, the Armed Forces of the Congolese Assembly for Democracy and the Armed Forces of the Congo Liberation Movement, in accordance with point 20 of item 3 of the principles of the Lusaka Agreement.
...
With a view to peace, unity and national reconciliation, the above mechanism should include the armed forces of the RCD/ML, of the RCD/N and the Mai-Mai, using procedures to be defined by the political transitional institutions determined by the National Dialogue.
The mechanism shall be under the authority of the political transitional institutions determined by the National Dialogue.

Implementation

UN signatory No specific mention.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism No specific mention.

Related cases No specific mention.

Source <http://peacemaker.un.org/>
