

**AGREEMENT
BETWEEN
THE GOVERNMENT OF THE DEMOCRATIC
REPUBLIC OF THE CONGO
AND
THE ITURI PATRIOTIC RESISTANCE FORCE
(FRPI)**

PREAMBLE

Having regard to the Constitution, as modified by Law. No. 11/002 of 20 January 2011, on revising certain provisions of the Constitution of the Democratic Republic of the Congo of 18 February 2006;

Having regard to Organic Law. No. 11/012 of 11 August 2011 on the organisation and functioning of Armed Forces;

Having regard to Law No. 13/005 of 15 January 2013 on the military status of Armed Forces of the Democratic Republic of the Congo;

Having regard to the Universal Declaration of Human Rights of 10 December 1948;

Having regard to the African Charter on Human and Peoples' Rights of June 1981;

Having regard to the Framework Agreement for Peace, Security and Cooperation for the Democratic Republic of the Congo and the Region signed in Addis Ababa on 24 February 2013;

Having regard to Ordinance No.14/014 of 14 May 2014, modifying and supplementing Ordinance No. 09/051 of 29 June 2009 on institution, organization and functioning of a stabilization and reconstruction programme in areas affected by armed conflict, known as "STARTEC";

Having regard to Ordinance No. 19/056 of 20 May 2019, on nomination of a Prime Minister;

Having regard to Ordinance No. 19/077 of 2 August 2019, on nomination of Deputy Prime Ministers, Ministers of State, Ministers, Deputy Ministers and Vice-Ministers.

Having regard to Decree No. 04/092 of 16 October 2014 instituting the National Disarmament, Demobilisation and Reinsertion Programme in the Democratic Republic of the Congo;

Having conducted an indepth analysis, within the framework of the National Stabilisation and Reconstruction Program (STARTEC), of the origins and outcomes of the ongoing armed conflict in the Irumu Territory in Ituri Province;

Being eager to support appropriate responses to the root causes of said conflict and wishing to set in motion a long-term, negotiated peaceful solution.

Considering the various relevant resolutions of the United Nations Security Council on the security and humanitarian situation in the Democratic Republic of the Congo, as well as on the mandate of the United Nations Organisation Mission in the Democratic Republic of the Congo (MONUSCO);

Considering the solemn agreement of various actors who have facilitated the process through the “Pamoja Kwa Amani” project and expressing our gratitude to all of these actors for their efforts, especially STAREC, ISSSS, the National Oversight Mechanism, the NGO ACIAR, local Walendu Bindi leadership, various community leaders, representatives of civil organisations, religious leaders, feminist organisation, youth representatives, the administration of the Irumu Territory, the provincial government of Ituri and MONUSCO;

Considering the agreement of participants in the cohesive leadership session held in Bunia from 17 to 21 October 2017 to respect the relevant resolutions coming out of the Democratic Peace, Security and Development in South Irumu in Ituri Province Discussions, particularly those on demobilizing members of the FRPI;

Taking into account the specifications of 22 November 2017, submitted to the Government of the Democratic Republic of the Congo by the FRPI;

Considering the resolution which came out of the STAREC Oversight Committee meeting on 6 June 2018, validating the Joint Strategy and Plan of Action for demobilizing members of the FRPI;

Considering the resolutions which came out of the government meeting on 27 September 2018 on putting the Joint Strategy and Plan of Action for demobilization of the FRPI in motion;

Considering the resolutions of the steering committee of 12 December 2018 and 24 October 2019;

Having met in direct talks organised by provincial STAREC representatives and the MNS and Coordinator of the national NGO ACIAR, under the guidance of the Provincial Government of Ituri, with the technical and logistical support of MONUSCO;

Taking as witness the Congolese people and the international community;

We, the Representatives of the Government of the Democratic Republic of the Congo, on both national level and the Province of Ituri, and the Ituri Patriotic Resistance Force (FRPI) (hereinafter the “Parties”), agree as follows:

TITLE I: GUIDING PRINCIPLES

Article 1: Aim of the Agreement

The present Agreement aims to restore peace, security and stability in the Territory of Irumu and the surrounding areas.

It is signed in strict observation of the rules of international law, human rights and international humanitarian law.

The Parties agree to execute the terms of this Agreement in good faith.

TITLE II: HANDLING OF ISSUES AROUND ARMED CONFLICT

Article 2: Ceasefire

The parties agree that signature of this Agreement constitutes an act of ceasefire, effective immediately.

The FRPI agree to gather their members at the accommodation area in the fifteen (15) days following signature of this Agreement.

The Government agrees to facilitate the gathering of FRPI members and their subsequent transfer to the accommodation area.

The ceasefire involves the following for the Parties:

1. Total and immediate cease
 - a. Of hostilities between the FARDC and the FRPI in any way in Irumu Territory and surrounding areas;
 - b. Of any act of violence;
 - c. Of any new recruitment by the FRPI.
2. Refrain from any action which threatens peace and security, specifically:
 - Any attack and any act of provocation or sabotage;
 - Any suggestion or any declaration which promotes resuming hostilities;
 - Any attempt to occupy new positions on the ground or to move forces or military equipment from one place to another;
 - Supply of arms, munitions and other tools of war;
 - Any act of violence, extortion, discrimination or exclusion of civilian populations, particularly women, children and other vulnerable persons.
 - Any action likely to hinder the process of installing peace and security in South Irumu and the surrounding areas.
3. Free movement of people and goods as well as removal of unauthorized road barriers.

The FRPI assures the government of the Republic that there are no children among its ranks, at the time of signing the present agreement and that it will comply with any necessary checks.

Article 3: Disarmament, Demobilisation, Reinsertion and Reintegration

Upon signature of this Agreement, the FRPI will cease to exist as an armed group and agree to transform into a political party in accordance with applicable legislation. The government will facilitate this process, particularly insofar as filing of statutes for this formation, prepared by the FRPI, and administrative authorization, pursuant to current regulations.

The FRPI agrees to enter into this disarmament, demobilization, reintegration and reintegration process, which will be implemented by the Government with the support of its partners, notably MONUSCO.

The Government agrees to:

1. Implement the DDR process in Ituri;
2. Taking into account the imperatives of peace, integrate FRPI members into Defense Forces, which shall make such a request and, after verification on a case by case basis of the strengths and abilities according to the criteria set out by law, this shall include the awarding of ranks.
3. Taking the appropriate steps to enrol FRPI members who request integration into Defense Forces and who do not meet competency criteria in a special training programme, in order to help them satisfy these criteria.

4. Taking into account FRPI civilian personnel during the DDR process.

The Parties agree that these actions will be accompanied by the following, in particular:

- Communication according to the timeline put in place by the DDR Technical Committee, of lists of skills and weapons, as well as their locations, beginning from the time of signature of this Agreement.
- Setting out a timeline for gradual transfer of FRPI members to the accommodation site (2nd phase);
- Demobilisation and social and economic reintegration.

The Parties commit to these steps with full respect for budding DDR activities, including integration into defense and security forces, demobilization, reinsertion and reintegration into the community within the framework of definitive return to civilian life.

Article 4: Return of displaced persons and refugees.

The Parties agree to put in place the necessary conditions to encourage the return and reintegration of displaced persons within the country and repatriation of refugees, in partnership with humanitarian organisations.

Article 5: Amnesty and release of prisoners

The Government agrees to present a bill to Parliament proposing an amendment to law No. 014/006 of 11 February 2014 on amnesty for acts of insurrection, war and political infractions to extend its scope of application to 2020. This will be done during the first session of Parliament in 2020.

The Government agrees to examine the case of FRPI officers still under arrest in order to take appropriate steps, including their release.

War crimes, crimes against humanity, serious human rights violations, rape, sexual violence and genocide are excluded from the scope of application of the amnesty law and any other measure described by the previous paragraph.

Article 6: Restoration of the authority of the State

The government agrees to restore the authority of the State in the zones once occupied by the FPRI by redeploying defense and security forces, territorial and legal administration.

Article 7: Framework for reconciliation, resolution of local conflicts and transitional justice

The Parties agree to pursue the process for resolving local conflicts, for reconciliation, and pacification already initiated as part of the “Pamoja kwa Amani” project under the STAREC/ISSSS Programme and to put in place a transitional justice programme.

Article 8: Stabilisation and Reconstruction

The Government agrees to create favourable conditions for providing assistance with economic recovery projects and to design a specific stabilization and reconstruction strategy for the South-Irumu region and surrounding areas.

TITLE iii: TIMEINE FOR PERFORMING THE AGREEMENT

Article 9: Timeline

The Parties agree to perform the present Agreement according to the timeline set forth in Appendix 2.

TITLE IV: OVERSIGHT OF PERFORMANCE OF THE AGREEMENT

Article 10: Oversight Committee

The **Parties** agree to make the STAREC Programme Oversight Committee responsible for overseeing performance of tis Agreement at a national level, and the Joint Technical Committee on a provincial level. For all documents concerning the FRPI, the joint technical committee shall invite 3 FRPI representatives to its meetings during performance of the agreement.

On a local level, the Parties agree to put in place a joint local committee presided over by the Administrator for the Irumu Territory, composed of members of the local security committee, FRPI representatives, representatives of STAREC officers, representatives of civilian society, women’s and youth organisations, and MONUSCO.

The joint local committee is charged with ensuring coordination and oversight of performance of the Agreement at local level. In particular, the joint local committee is responsible for monitoring and verifying the agreement and reporting back to the STAREC Joint Technical Committee.

The Terms of reference on the functioning of the joint local committee shall be adopted by the Joint Technical Committee/Ituri and communicated to the STAREC Oversight Committee.

TITLE V: FINAL PROVISIONS

Article 11: Modifications

This Agreement may only be modified by the express agreement of the Parties.

Article 12: Appendices

The Appendices are an integral party of the present Agreement and have the same legal value as the other provisions in the body of this text. These are:

Appendix 1: Eligibility criteria and DDR operating principles

Appendix 2: Timeline for performing the Agreement

Appendix 3: List of abbreviations

Article 13: Effective date

The present Agreement is effective from the date of signature by the Parties.

Done in GETY, in four original copies, on 28 February 2020

(Four pages of signatories)

Appendix 1

Eligibility criteria and DDR operating principles

In accordance with the terms set forth in Article 2 and Appendix 2 of this Agreement, disarmament, demobilization, reinsertion and reintegration of members of the armed group FRPI (DDR Process) will be implemented in Ituri province, under the charge of the Government of the DR of the Congo, with the support of partners, including MONUSCO.

The DDDR process comprises:

- Disarmament and demobilization, the main goal of which is to improve security in the Irumu territory and to create conditions to effectively restore State authority, which will be done by: a) recovering and destroying FRPI arms and b) demobilization and return to civilian life of members of the armed group FRPI. This step begins with integration of eligible candidates into Defense and Security Forces, and reintegration into the community.
- The reinsertion of members of the armed group FRPI by projects to reduce community violence (rCV), aim to encourage their peaceful return and that of their families into their respective communities with short-term assistance.
- Reintegration of members of the armed group FRPI.

Regarding eligibility:

The various steps of the DDR Process will be taken into account, depending on their categories, after identification and verification by the DDR Provincial Technical Committee, based on the list of members of the armed group FRPI as well as the complete list of weapons provided by its leadership, using the following categories:

- Members of the armed group FRPI as well as structured non-State military bodies, with a chain of command, units, strength, combat, administrative and support functions, and arms.
- Dependents of the armed group FRPI members.
- Home communities of members of the armed group FRPI, according to the goals of each step of the DDDR Process.

In order to ensure the success of the DDR Process:

- On the issue of the ratio of arms per FRPI member: the parties agree that the FRPI shall present a definitive list of its members capped at 998 people who are *de facto* eligible for the process. Regarding this ratio, the parties agree to use national and international standards.
- Regarding members who do not meet these standards, DDR experts will find members to get them involved.
- The government agrees to encourage the transport of FrPI arms which are still at various locations.

- The ratios of arms per member of the armed group FRPI shall be defined and applied during the disarmament phase according to applicable national and international standards.
- Upon signature of this Agreement, the Government shall set up a DDR Technical Committee responsible for creating a plan for disarmament and demobilization of the FRPI, in partnership with the FRPI and its partners.
- Within a period of ten (10) days following signature of this Agreement, the FRPI, through its leadership, shall provide the DDR Technical Committee with the following documents: a) its order of battle (ie. Diagram and positions on the grounds), b) a list of its assets c) composition and location of its arms following the framework provided by the DDR Technical Committee.

Read and approved, to be attached to the Agreement

Annex 2

Timeline for performing the Agreement

Period	Steps/Actions	Party responsible
	1. Release of children linked to the FRPI	
Before J	Assurance that no children are among the ranks of the FRPI.	FRPI Children Protection Agency (DDR Children) Joint local oversight committee
	2. Mobilisation of resources	
Before J	Availability of resources to support the process (pre-accommodation, accommodation, Disarmament, Demobilisation, etc.)	Central government, province and partners
	3. Ceasefire	
J	Signature of Agreement and Effective Date	
J	Communication of formal orders to cease hostilities	FARDC FRPI
J	Set up local Oversight Committee of the Agreement	Provincial government
	4. Pre-accommodation of FRPI members	
J to J+15	Gathering of all FRPI members at the Azita site	FRPI FARDC Joint local oversight committee
	5. Amnesty law and appropriate legal measures	
Start of 2020	Consideration of cases of FRPI officers under arrest	Ministries of Justice, Defense, Interior, Human Rights

March 2020	Submission and consideration of amnesty bill at Parliament during March 2020 parliamentary session	Ministries of Justices, Relation with the Parliament
	6. DDR	
J+10	Communication of plan (battle order, list of FRPI members and full list of arms)	FRPI DDR Technical Committee UEPNDDR Joint local oversight committee
Before J to J+14	Creation and approval of DDR operating plan	DDR Technical Committee UEPNDDR Joint local oversight committee Min. of Defense
Before J to J+30	Set-up of disarmament point and accommodation site	Min. of Defense Provincial Government MONUSCO
J+30 to J+90	Execution of DDR operations	Min. of Defense DDR technical committee UEPNDDR MONUSCO UNMAS Joint local oversight committee
J+1 month to J+6 months	Execution of reinsertion phase	UEPNDDR MONUSCO Partners DDR technical committee

		Joint local oversight committee
6 months to 24 months	Execution of reintegration phase	UEPNDDR Partners STAREC Joint local oversight committee
	7. Restoration of State authority	
Ongoing	Deployment of Defense and Security Forces, territorial and judicial administration	Ministries of: Interior Justice Defense
	8. Reconciliation, Conflict Management and Transitional Justice	
Underway	Pursue "Pamoja kwa Amani" project	STAREC
6 months	Put in place transitional justice programme	Min. of Human Rights STAREC Partners
	9. Agreement Oversight Mechanism	
From today	Establish joint local committee to oversee performance of the Agreement	CDS, CTC of STAREC and local Committee

Read and approved for attachment to the Agreement

ORDER

THE PRIME MINISTER,

- Having regard to Ordinance No. 19/056 of 20 May 2019 on appointment of a Prime Minister;
- Whereas during its 17th Meeting, held on 10 January 2020, the Council of Ministers adopted the draft Agreement to be concluded between the Government of the Republic and the Ituri Patriotic Resistance Force, “FRPI” for short;

AUTHORISES

Mr Jean Bamanisa Saidi, Governor of Ituri Province, to sign, in the name of and on behalf of the Government of the Republic, the Agreement with the Ituri Patriotic Resistance Force, during the signing ceremony planned for 29 February 2020 in Gety, in Ituri Province.

Done in Kinshasa, 27 February 2020

Sylvestre Ilunga Ilunkamba