

**CEASEFIRE AGREEMENT BETWEEN THE TRANSITIONAL GOVERNMENT OF BURUNDI AND THE NATIONAL COUNCIL FOR THE DEFENCE OF DEMOCRACY-FORCES FOR THE DEFENCE OF DEMOCRACY (CNDD-FDD)**

1. The issues that were in part of the Preamble have been transferred to the Annexure for further negotiations. However, negotiation on these issues will not constitute pre-conditions for the implementation of the ceasefire.

2. The discussions and clarifications that have been transferred to the Annexure were provided in the context of the Arusha Peace and Reconciliation Agreement for Burundi.

**ARTICLE I**

1. A Ceasfire is hereby established throughout the territory of the Republic of Burundi, between the belligerents as defined. The ceasefire shall enter into force by 30<sup>th</sup> December 2002. The first 14 days from date of signature of the Ceasefire Agreement will be designated to allow the belligerents to communicate with their rank and file the decision to stop fighting. By 30<sup>th</sup> December 2002, the combatants would have commenced their movement towards assembly areas.

2. The truce, i.e. the cessation of fighting shall enter into force within seventy two hours (72) after the signing of a Ceasefire Agreement.

3. The present Ceasefire Agreement is the last stage of the peace process, which is the culmination of the Arusha Peace and Reconciliation Agreement for Burundi signed on 28 August 2000 at the conclusion of the political negotiations.

## ARTICLE II

1. The Ceasefire agreement will imply:
  - 1.1 The suspension of supplies of ammunition and weaponry.
  - 1.2 To ban the distribution of lethal logistical supplies to or from any of the forces.
  - 1.3 Upon signing the Ceasefire Agreement, the parties shall address the issue of war/political prisoners.
  - 1.4 The withdrawal of all foreign troops following the findings of the Commission of Inquiry that will investigate their existence, both within the Burundi Armed Forces and within the ranks of the CNDD-FDD.
  - 1.5 A ban on any mine-laying operations or the hindering of operations to remove mines.
  - 1.6 Cessation of all propaganda between the parties, incitation of ethnic hatred both within and outside the country.
  - 1.7 Cessation of all acts of violence against the civilian population; acts of revenge: summary executions; torture; harassment; detention and persecution of civilians on the basis of ethnic origin; religious beliefs; and or political affiliation; arming of civilians; use of child soldiers; sexual violence; sponsoring or promotion of terrorists or genocidal ideologies.
  - 1.8 Cessation of all attacks by air, land and lake, as well as all acts of sabotage.
  - 1.9 Cessation of any actions likely to impede the normal implementation of the peace process.

### **ARTICLE III**

1. The verification and control of the ceasefire shall be conducted by a African Mission. This process will be preceded by the establishment of the Joint Liaison Teams that will function at national, provincial and local levels.
2. The African Mission shall set up the organs and machinery required for the control and verification of the ceasefire. It shall draft its own rules of procedure.

### **ARTICLE IV**

1. The Joint Liaison Teams will be composed of representatives of all signatories and the African Mission. The Joint Liaison Teams will be responsible to the African Mission through the Joint Commission for the Ceasefire (JCC).
2. The Joint Liaison Teams amongst other roles will share information and facilitate communication between parties in order to reduce the likelihood of the violations of the Ceasefire Agreement, to clarify alleged violations of the agreement and thereby assist in building confidence amongst signatories and help create trust in the peace process.
3. The duties and tasks of the Joint Liaison Teams will be established by an internal rule of order that will define the attributes, way of functioning, rights and general duties of this structure.

### **ARTICLE V**

1. The Joint Commission for the Ceasefire composed of appointed representatives of all belligerents; the African Mission shall be established immediately upon signing the Ceasefire Agreement.

2. The Joint Commission for the Ceasefire shall hold its inaugural meeting as soon as possible and shall be based in Bujumbura. Its duties and tasks shall be defined within the IMC.

## **ARTICLE VI**

1. The signatories of the present agreement accept the following principles whose modalities of implementation specified in the Arusha Peace and Reconciliation Agreement for Burundi states:

- 1.1 Establishment of the rule of law based on national unity, democracy, pluralism and respect for human rights.
- 1.2 Formation of a national army consisting of Government forces and combatants of the armed political parties.
- 1.3 Establishment of power sharing within the framework of a broad-based Transitional Government.

## **ARTICLE VII**

1. The Force Technical Agreement (FTA) is detailed in the annexes and are an integral part of this agreement.

Done at Arusha on 2 December 2002.

## **SIGNATORY PARTIES**

For the Transitional Government of Burundi

Signed by Pierre Buyoya, President of the Transitional Government of Burundi

For the CDD-FDD

Signed by Pierre Nkurunziza, Legal Representative

## **GUARANTOR**

Signed by H.E. Yoweri Kaguta Museveni, President of the Republic of Uganda  
(Chairman of the Regional Initiative)

H.E. Benjamin Mkapa, President of the United Republic of Tanzania  
(Vice Chairman of the Regional Initiative)

[Note: Space for signature, but unsigned as Mkapa was not present.]

## **WITNESSES**

Signed by H.E. Jacob Zuma  
Facilitator of the Burundi Ceasefire Negotiations

Ambassador Berhanu Dinka  
Special Representative of the United Nations Secretary General in Burundi  
[Note: Space of signature, but unsigned as Dinka was not present.]

Signed by Ambassador Bah  
Special Representative of the African Union to Burundi

***[Annexes continue below]***

## **ANNEXURE TO THE CEASEFIRE AGREEMENT ON BURUNDI**

The annexure forms part of the Ceasefire Agreement.

### **A. STAGES FOR A CEASEFIRE**

The Ceasefire Agreement will be implemented in two stages as follows:

#### **1. Stage One**

##### **1.1 Phase One**

1.1.1 Signing of a comprehensive Ceasefire Agreement.

1.1.2 Declaration of cessation of hostilities.

1.1.3 Establishment of Joint Commission for the Ceasefire Agreement and the Joint Liaison Teams, one of which shall specially be responsible for the Technical Agreement of the forces for new Burundian defence and security forces.

1.1.4 Deployment of African Mission.

1.1.5 The establishment of a neutral and negotiated Commission of Inquiry to investigate the presence of foreign troops in Burundi and the existence of foreign elements within the CNDD-FDD as well as the presence of Burundi forces in foreign countries.

Withdrawal of these forces if ascertained to exist.

- 1.1.6 The belligerents shall move to Assembly Areas with their arms under the supervision of an African Mission. The CNDD-FDD fighters to be cantoned in the zones that will be determined by the JMC.
- 1.1.7 The Burundi Armed Forces and other combatants will be confined in other areas to be agreed upon. Military observers of an African Mission will monitor the heavy equipment of the Burundi army so as to allay the fears of the former fighters of the opposition. Heavy equipment includes: tanks, infantry fighting vehicles, artillery pieces of caliber larger than 82mm mortar, aircrafts, etc.
- 1.1.8 For purposes of addressing the current security situation in Burundi, certain elements of the Burundian Armed Forces will be exempted from the application of 1.1.7 in order to perform necessary security tasks.
- 1.1.9 The Transitional Government of Burundi and the CNDD-FDD will constitute joint military units prior to the establishment of the new army, in order to perform certain tasks.
- 1.1.10 An international monitoring mechanism will be established to constantly monitor the security situation in Eastern Congo in partnership with the Democratic Republic of Congo in order to avoid “Negative forces” adversely impacting on the situation inside Burundi.
- 1.1.11 A mixed Commission will be established to monitor the security situation in Burundi, as well as in the region and act appropriately.
- 1.1.12 The CNDD-FDD will take part in the power sharing arrangements of the Transitional Government of Burundi. The details will be negotiated amongst the parties concerned.

1.1.13 Upon signing the Ceasefire Agreement the parties shall address the issue of war/political prisoners.

1.1.14 The Transitional Government of Burundi and the African Mission will address the welfare of the assembled combatants and all those participating in the integration process and work out packages for those that will not be absorbed in the integration exercise of the new Burundi Army. Particular attention to be paid to the combatants and civilians who were crippled and maimed by the war.

1.1.15 The integration exercise will affect the Burundi Armed Forces, the police and intelligence services as provided in the Arusha Agreement.

1.1.16 The Transitional Government of Burundi will ensure that new integrated units consisting of the Burundi Armed Forces and the combatants of the fighting groups will be created according to the agreed procedures.

1.1.17 Upon signature of the Ceasefire Agreement and upon the promulgation by the Transitional Government of Burundi, the CNDD-FDD will become a political party under a new law governing political parties.

1.1.18 The Ceasefire Agreement between the Transitional Government of Burundi and the CNDD-FDD shall be effective within 14 days of signature.

1.1.19 The Facilitation of the Burundi process will ensure that all outstanding political and security issues are resolved in the intervening period.

## 1.2 Phase Two

1.2.1 Implementation of Disarmament, Demobilization and Reintegration programmes.



1.2.2 De-mining and destruction of excess weapons.

## 2. Stage Two

### 2.1 Phase One

2.1.1 Reform and establishment of the new Burundian defence and security forces structure.

2.1.2 Selection of personnel for the new defence and security forces of Burundi.

2.1.3 Professional training of the leadership core.

2.1.4 Training of the soldiers.

### 2.2 Phase Two

2.2.1 Inauguration of the new defence and security forces of Burundi

## **B. OBLIGATIONS**

### 1. Obligations on all the parties.

1.1 In preparing to sign the ceasefire, parties will put in place the expectations and the mechanisms required to be able to effect immediately the provisions of the ceasefire. Parties undertake to ensure that the contents and implications of the ceasefire are transmitted to the rank and file of their organizations.

- 1.2 At the time of the ceasefire, the parties shall cease all acts of violence and public campaigning against all other parties, including use of the media or any other public forum for inflammatory purposes or in any other manner.
- 1.3 Parties remain responsible for the command and control of their organizations throughout the ceasefire and subsequent processes. Parties will recognize the authority of the Implementation Monitoring Committee (IMC) and act in accordance with its directives.
- 1.4 The parties recognize and agree that they will respect the arrangement of the Ceasefire Agreement and comply with it.
- 1.5 Parties agree to participate in and to cooperate with the Joint Liaison Teams and any other ceasefire monitoring and verification mechanisms established under the Ceasefire Agreement.
- 1.6 Parties will before moving to disengagement areas ensure that mine fields and booby traps are reported, marked or rendered safe.
- 1.7 In moving to disengagement areas the forces of all parties will transport all their weapons with them.
- 1.8 The disengagement areas and transit routes will be delimited and agreed by the parties during the ceasefire negotiations.
- 1.9 From the time the ceasefire takes effect parties will agree not to:
  - 1.9.1 Recruit additional forces.
  - 1.9.2 Re-supply, stockpile reserves or acquire additional combat material, weaponry and or ammunitions that could be used for future operations.

1.9.3 Conduct flights that could be constructed as aerial reconnaissance.

1.9.4 Take reprisal actions or intimidation for past support of or participation in operations of any party.

[Not: Numbering-numbering in original document.]

1.10 The Parties shall hand over the certified list of their combatants, weapons and equipment inventory to the African Mission.

1.11 The parties shall declare disposition and location of their forces and all military equipment to the African Mission.

1.12 The parties shall indicate on maps the areas where mine fields have been laid.

1.13 The parties shall nominate their members to the ceasefire commission and the Joint Liaison Teams at the time of signing the Ceasefire Agreement.

1.14 The parties shall ensure that all foreign armed elements within their ranks are declared and surrendered to the African Mission and do not form part of the certified list for integration purposes.

## **2. ADDITIONAL OBLIGATIONS ON THE TRANSITIONAL GOVERNMENT OF BURUNDI**

2.1 At the time the signing of the Ceasefire Agreement the Transitional Government of Burundi will provide the African Mission with implementation plans and programs for disarming and disbanding all militias. These programs are to include the collection of all weaponry, munitions, communication equipments and

any other lethal equipment through surrender to these weapons to the authorities as well as the disarmament, demobilization and reintegration programs.

2.2 The implementation of these programs will commence immediately upon signature of the Ceasefire Agreement. All weapons collected will be handed over into the custody of the African Mission for immediate destruction.

2.3 The Transitional Government will undertake to sign a status of forces agreement with the African Peace Mission that provides inter alia for:

2.3.1 Legal protection for members of the operation.

2.3.2 Access to the radio spectrum of Burundi.

2.3.3 Unhindered use of air space.

2.4 The government will also provide the names of all individuals who are known to hold weapons officially and undertake to collect all weapons issued illegally.

## **C. INTEGRATION AND TRAINING OF THE NEW BURUNDI NATIONAL DEFENCE AND SECURITY FORCES**

1.1 Structure

1.1.1 The parties will design and agree on a new national system for defence and security of Burundi.

1.1.2 The parties will agree on the role, the missions and structures of the new Burundi National Defence and security forces.

1.1.3 The parties will agree on the organization, strength and composition of the new Burundi National Defence and Security Forces.

## 1.2 Training

1.2.1 Each element of the force selected to constitute the new Burundi National Defence and Security Forces shall undergo training for the purposes of standardizing skills, techniques, procedures and regulations for the purpose of achieving harmonious integration of servicemen.

1.2.2 Training will be carried out in selected training institutions or camps selected for that purpose.

1.2.3 Training of the leadership core or for any other specialized purpose may be conducted in or outside Burundi.

1.2.4 For the purpose of building own capacity, the leadership core of the new defence and security forces of Burundi will have to be trained as instructors or specialists in various technical and specialized fields.

1.2.5 The parties will agree on the selection of the countries to assist in the formation and training of the new Burundi National Defence and Security Forces.

- 9.1 Means the non-observance of any of the points mentioned above.
- 10. Violation of the Ceasefire Agreement.
  - 10.1 The non-observance of the spirit and the letter of any provision of the Agreement
- 11. The Joint Liaison Teams
  - 11.1 Teams established from the parties to the conflict led by observers to share information and facilitate communication between parties at a working level and help to reduce the likelihood of violations of the ceasefire, thereby clarifying alleged violations of the Agreement and assist in building public and signatory party confidence in the peace process.
- 12. Cessation of hostilities.
  - 12.1 Decision of the belligerents to cease on a temporary basis all military, military-like and any other actions that can be constructed as hostile towards other signatories and/or civilian population. It does not involve disengagement of forces or disarmament. A cessation of hostilities is to come into immediate effect upon its signing or proclamation. It is a step leading to a definite Ceasefire Agreement.
- 13. DDR Programmes.
  - 13.1 Programmes that are based on beliefs that demobilization and reintegration will not occur in a spontaneous manner and that if not in place may derail or affect the achievements of a peace process. They are normally divided into short, medium and long-term programmes and generally focus on movement from a state of conflict to one of peace and of regular civil life. These programmes generally

deal with food issues and are aimed at substantial provisions for daily life until long-term orientated programmes can reach self-sustenance.

14. Integration.

- 14.1 It is the process through which various groups and/or individuals of military units are joined in order form a new entity. This process is to be executed at all levels of the force structure.

## **ANNEXURE 2**

1. The parties here by agree to continue to engage and negotiate with each other on the following issues:

- 1.1 The return to constitutional legitimacy.
- 1.2 Issues relating to post-war management.
- 1.3 The transitional period and its leaders.
- 1.4 The welfare of the combatants after the ceasefire.
- 1.5 The location of the combatants.
- 1.6 Motivations that led the various groups to take up arms.
- 1.7 Issues relating to the return to constitutional legitimacy.
- 1.8 Issues relating to defence and security.
- 1.9 Issues relating to justice.
- 1.10 Issues relating to ceasefire.
- 1.11 Transitional reconstruction.
- 1.12 National reconstruction.
- 1.13 National reconciliation.



1.14 Reform of public service.

1.15 Democracy and good governance.

Done at [blank] on [blank]

### **SIGNATORY PARTIES**

For the Transitional Government of Burundi

Signed by Pierre Buyoya, President of the Transitional Government of Burundi

For the CDD-FDD

Signed by Pierre Nkurunziza, Legal Representative

### **GUARANTOR**

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Facilitator of the Burundi Ceasefire Negotiations

Ambassador Berhanu Dinka

Special Representative of the United Nations Secretary General in Burundi

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Signed by Ambassador Bah

Special Representative of the African Union to Burundi