

DAR ES SALAAM

AGREEMENT OF PRINCIPLES

TOWARDS LASTING PEACE,

SECURITY AND STABILITY IN

BURUNDI

DAR ES SALAAM

18 JUNE 2006

CONTENTS

	<u>Page</u>
DAR ES SALAAM AGREEMENT FOR THE ATTAINMENT OF LASTING PEACE, SECURITY AND STABILITY IN BURUNDI	1
PREAMBLE	1
Article I: The History of Burundi and the Ethnic Question	2
Article II: Provisional Immunity for the members of the Palipehutu-FNL and its Transformation into a Political Party	3
Article III: Repatriation of Refugees and Return of the Displaced and Regrouped Persons	3
Article IV: Defence and Security Forces	4
Article V: Guarantors of the Process	4
Article VI: Non-Engagement in attacks	4
Article VII: Annexures	4
Article VIII: Commencement of this Agreement	4
Article IX: Language of this Agreement	5
Signatory Parties	6
Co-Signatory Parties	7

DAR ES SALAAM AGREEMENT OF PRINCIPLES TOWARDS LASTING PEACE, SECURITY AND STABILITY IN BURUNDI

We, the representatives of:

The Government of the Republic of Burundi
Acting in terms of the Constitution of the Country

And

The Palipehutu-FNL

(Hereinafter referred to as “The Parties”)

Having participated in the talks facilitated by the Minister of Safety and Security of the Republic of South Africa, His Excellency Chahs NQAKULA, in terms of the mandate of the Regional Initiative for Peace in Burundi;

Realizing that the search for peace has become of capital importance for our country to enjoy freedom, democracy, justice and peace, and for Burundi to be respected in the international community;

Determined to overcome our differences in all their forms of manifestation to promote our aspirations for unity and the consolidation of the common good for all the Burundi people;

In the presence of

- H.E. Jakaya Mrisho Kikwete, Deputy Chairperson of the Regional Initiative on the Burundi Peace Process,
- H.E. Charles Nqakula, Facilitator
- H.E. Thabo Mbeki, President of the Republic of South Africa

- H.E. Ambassador Mamdou Bah, Representative of the Chairperson of the African Union Commission.
- H.E. Ambassador Nureldin Satti, Special Representative of the United Nations Secretary General Kofi Anan.
- H.E. Pierre Nkurunziza, President of the Republic of Burundi.

Do hereby declare and commit ourselves to be bound by the provisions of the Dar Es Salaam Agreement of Principles towards Lasting Peace, Security and Stability in Burundi (hereinafter referred to as “the Agreement”).

ARTICLE I

THE HISTORY OF BURUNDI AND THE ETHNIC QUESTION

1. In the history of Burundi, the ethnic question has been recognized as being one of the mainsprings of the conflict that the country has endured for so long. It is therefore important to put an end to this state of affairs, to rewrite and take into consideration the history of the country. It has also proven important to put in place mechanisms to ensure that the mistakes of the past are never repeated.
2. A commission of experts with the mandate to rewrite the history of Burundi shall be created. These experts shall consult all the components of Burundi society.
3. The Truth and Reconciliation Commission shall be called the Truth, Forgiveness and Reconciliation Commission. Its mission shall be to establish the facts regarding the dark period of our history and to identify the responsibility of the different individuals with a view to forgiveness and reconciliation among the Burundi. It should reflect the broadest representation of the Burundi society in its political, social, ethnic, religious and gender aspects.
4. Popular consultations shall be organized from grassroots level to the top. Its establishment, the plan of its composition, its missions and functioning will be consecrated by national legislation.

5. The Palipehutu-FNL proposes to the Burundi people that the consultations should lead to a social contract.

ARTICLE II

PROVISIONAL IMMUNITY FOR THE MEMBERS OF THE PALIPEHUTU-FNL AND ITS TRANSFORMATION INTO A POLITICAL PARTY

1. From the start of the effective implementation of the ceasefire, the members of the Palipehutu-FNL shall enjoy provisions immunity. A procedure for the release of political prisoners and prisoners of war shall also start.
2. After the effective separation of the political branch and the military branch, the Palipehutu-FNL could request to be accredited as a political party in accordance with the law.

ARTICLE III

REPATRIATION OF REFUGEES AND RETURN OF THE DISPLACED AND REGROUPED PERSONS

1. It would be necessary to create an environment that is favourable to the repatriation of refugees and the return to their homes of the people who were regrouped and who were displaced.
2. The Regional Initiative for Peace in Burundi, the AU and the UN shall ensure that no repatriated person shall be the target of persecution. The parties agree to call on the host countries to ensure that the repatriation of the Burundi refugees takes place in accordance with the relevant international laws to avoid forced repatriation.

ARTICLE IV

DEFENCE AND SECURITY FORCES

1. The overarching principle guiding the Defence and Security Forces shall be to act, at all times, in a manner that fosters national reconciliation and unity.
2. The Defence and Security Forces shall always be subject to the national agenda in Burundi for democracy, peace, justice, reconciliation, security, stability, development and prosperity.

ARTICLE V

The Regional Initiative shall remain the guarantors of this process.

ARTICLE VI

Having agreed to all the foregoing principles, the Parties agree to stop hostilities and commit to engage in serious discussions aimed at reaching a comprehensive ceasefire within a period of two weeks.

ARTICLE VII

Annexures marked “A” and “B” attached hereto constitute part of this agreement.

ARTICLE VIII

This Agreement shall come into force on the date of its signature.

ARTICLE IX

This Agreement is drawn up in French and English and shall be translated into Kirundi and Kiswahili. The French text shall take precedence and shall be filed with the Offices of the Secretary General of the United Nations, the Secretary General of the African Union Commission and the Parties.

CO-SIGNATORIES

H.E. Charles NQAKULA, Facilitator,

.....

H.E. Jakaya Mrisho KIKWETE, Deputy Chairperson, Regional Initiative,

.....

H.E. Thabo MBEKI, President of the Republic of South Africa,

.....

H.E. Ambassador Mamadou BAH, Representative of the Chairperson of the African Union
Commission,

.....

H.E. Ambassador Nureldin SATTI, Acting Special Representative of the United Nations
Secretary General in Burundi.

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ANNEXURE “A”

CHAPTER 1: THE HISTORY OF BURUNDI AND THE ETHNIC QUESTION

In the history of Burundi, the ethnic question has been recognized as being one of the mainsprings of the conflict that the country has endured for so long. It is therefore important to put an end to this state of affairs, to rewrite and take into consideration the history of the country. It has also prove important to put in place mechanisms to ensure that the mistakes of the past are never repeated.

ARTICLE I

A commission of experts with the mandate to rewrite the history of Burundi shall be created. These experts shall consult all the components of Burundi society.

ARTICLE 2

The Truth and Reconciliation Commission shall be called the Truth, Forgiveness and Reconciliation Commission.

Its mission shall be to establish the facts regarding the dark periods on our history and to identify the responsibility of the different individuals with a view to forgiveness and reconciliation among the Barundi. It should reflect the broadest representation of the Burundi society in its political, social, ethnic, religious and gender aspects.

Popular consultations shall be organized from grassroots level to the top. Its establishment, the plan of its composition, its missions and functioning will be consecrated by national legislation.

The Palipehutu-FNL proposes to the Burundi people that the consultations should lead to a social contract.

CHAPTER 2: PROVISIONAL IMMUNITY OF THE MEMBERS OF THE PALIPEHUTU-FNL AND ITS TRANSFORMATION INTO A POLITICAL PARTY

ARTICLE 3

From the start of the effective implementation of the ceasefire, the members of the Palipehutu-FNL shall enjoy provisional immunity.

A procedure for the release of political prisoners and prisoners of war shall also start.

ARTICLE 4

After the effective separation of the political branch and the military branch, the Palipehutu-FNL could request to be accredited as a political party in accordance with the law.

CHAPTER 3: THE REPATRIATION OF REFUGEES AND THE RETURN OF DISPLACED AND REGROUPED PEOPLE

ARTICLE 5

It would be necessary to create an environment that is favourable to the repatriation of refugees and the return of the people who were regrouped and who were displaced from their homes.

The Regional Initiative for Peace in Burundi, the AU and the UN shall ensure that no repatriated person shall be the target of persecution. The parties agree to call on the host countries to ensure that the repatriation of the Burundi refugees takes place in accordance with the relevant international laws to avoid a force repatriation.

ANNEXURE “B”

The ongoing transformation and modernization of the Defence and Security Forces shall be monitored and evaluated by the African Union working in consonance with the United Nations and other international for a. The Regional Initiative shall remain the guarantor of this process.

The current mechanisms for the oversight of the Defence and Security Forces shall be strengthened.

The overarching principle guiding the Defence and Security Forces shall be to act, at all times, in a manner to foster national reconciliation and unity.

The Palipehutu-FNL shall commit human resources to every level in the process of the transformation or ongoing reform and modernization of the Defence and Security Forces.

The transformation or ongoing reform and modernization of the Defence and Security Forces shall be subject to ongoing national dialogue by all people of Burundi to ensure that the Forces shall always be subject to the national agenda in Burundi for democracy, peace, justice, reconciliation, security, stability, development and prosperity.

JOINT COMUNIQUE ON THE 26TH REGIONAL SUMMIT ON BURUNDI

DAR-ES-SALLAM, 18TH JUNE 2006

The Summit of the Regional Peace Initiative on Burundi was held in Dar-Es-Salaam from 17 to 18 June 2006. The Regional Summit was attended by:

- His Excellency Jakaya Mrisho Kikwete, President of the United Republic of Tanzania and Deputy Chairperson of the Regional Initiative;
- His Excellency Thabo Mbeki, President of the Republic of South Africa;
- His Excellency Pierre Nkurunziza, President of the Republic of Burundi.
- His Excellency Lupando Mwape, Vice President of Republic of Zambia.
- The Right Honourable Bernard Makuza, Prime Minister of the Republic of Rwanda.
- Honourable A.M. Kirunda-Kivejinja, Deputy Prime Minister of the Republic of Uganda.
- Honourable Rphael Tuju, Minister of Foreign Affairs of the Republic of Kenya.
- His Excellency Charles Nqakula, Minister of Safety and Security of the Republic of South Africa and Facilitator of the Burundi Peace Process.
- His Excellency Ambassador Nureldin Satti, Acting Special Representative of the United Nations Secretary General.
- His Excellency Ambassador Mamadou Bah, Special Representative of the Chairperson of the Commission of the African Union.

The Summit received a report from the Facilitator on the progress made since the peace talks between the Government of Burundi and the Palipehutu-FNL started on 29th May 2006.

The Facilitator informed the Summit that the Government of Burundi and the Palipehutu=FNL have expressed succinct determination to overcome their differences in the quest for lasting peace, security and stability in Burundi.

He further reported that both parties to the negotiations have now agreed on the principles towards the lasting Peace, Security and Stability in Burundi. The parties firmly consider that

those principles constitute a solid foundation for further negotiations to finalize an agreement for a comprehensive ceasefire within two weeks.

The Summit welcomed the decision by the parties to stop hostilities and the commitment to continue with the negotiations leading to a comprehensive ceasefire agreement within two weeks.

The Heads of State noted with appreciation that both parties have committed themselves to be bound by the provisions of the Agreement of Principles towards lasting Peace, Security and Stability in Burundi. The Summit further endorsed the programme of the Facilitator to continue with negotiations and urged the two parties to ensure that they attain the objectives of principles of the Dar-Es-Salaam Agreement within the specified time frame.

The Heads of State further reaffirmed their commitment to guarantee full implementation of all the provisions of the Dar-Es-Salaam Agreement of principles and called on the international community to render their support to the process.

The Summit expressed warm appreciation to His Excellency President Jakaya Mrisho Kikwete, the Government and the People of the United Republic of Tanzania for the warm hospitality extended to them and their delegations during their stay in Dar-Es-Salaam.

Done at Dar-Es-Salaam on the 18th June, 2006.