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AGREEMENT FOR REFORM AND CIVIL CONCORD

PREAMBLE

We, representatives

- of the Government of the Republic of Djibouti on one hand,
- of the FRUD-Armé (*Front pour la Restauration de l'Unité et de la Démocratie*) on the other hand, hereinafter called "The two Parties",
- Mindful of the fact that Peace, Equality, the primacy of Law, harmonious development, National Unity and Reconciliation constitute the foremost aspirations of the Djiboutian people.
- Faithful to the letter and the spirit of the Framework Agreement for Reform and Civil Concord, signed by the two Parties on 7 February, 2000 in Paris.
- In accordance with the relevant provisions of Chapter VI of the Peace Accord of 26 December, 1994 between the Government of the Republic of Djibouti and one part of the FRUD.
- Determined to launch the Djiboutian nation onto the road of a fair and lasting Peace.
- Considering the work recorded in the minutes of the four commissions which were established in April 2000 by the two Parties in order to finalize the provisions of the Framework Agreement already mentioned.
- Reaffirming our commitment to build a political order and a governmental system inspired by the realities of our country and based on the values of justice, democratic pluralism, good governance, respect of fundamental freedoms and rights, tolerance and understanding between the different components of the national community.

We declare that in solidarity we are bound by all the provisions of the present Agreement for Reform and Civil Concord, hereinafter called the Agreement.

CHAPTER I – GENERAL PROVISIONS

Article 1:

- a) The two parties undertake to be bound by all the provisions in the present Agreement:
- b) The annexes comprise:
 - (i) Law text:
 1. Amendments of the law on freedom of communication (articles: 4, 60 and 63).
 2. A law on the decentralization and status of the regions.

- (ii) Minutes from the Commissions.
- (iii) Lists:
 1. List of civilian victims;
 2. List of FRUD victims;
 3. List of FRUD cadres and combatants to be integrated and/or demobilized;
 4. List of officials and contracted employees having lost their job because of the conflict or because of their political commitment;
 5. List of soldiers, *gendarmes* and policemen struck off the register because of the conflict;
 6. List of civilians having lost their belongings during the conflict.

Article 2:

On the Causes of the Conflict.

- a. The two Parties agree that no lasting peace can be obtained without the clear consciousness of the origins of the civil conflict which has torn the country apart.
- b. The conflict for which it is necessary to find appropriate remedies had its roots in the serious lack of democratic culture.

Article 3:

On Solutions and Remedies.

The two Parties undertake to respect the principles and to carry out the general measures below.

- a. It is above all necessary to guarantee security for everybody through the struggle against the impunity of the perpetrators of crimes of all sorts, of extortions and robbery, and through the demobilizing of the FRUD combatants. It will be necessary to establish defence forces as well as security and police forces which are genuinely national and representative of all the components of the national community, in order to avoid any aberration in the future which might be harmful to the Unity and the Nation (CHAPTER II).
- b. The remedies of the consequences caused by the conflict demand the implementation of a vast programme of rehabilitation and reconstruction of the zones mainly affected by the war by compensating the civilian victims and restoring public infrastructure (CHAPTER III).
- c. The solutions of the deep causes of the conflict necessitate the genuine exercise of rights and freedoms by the adoption and carrying out of democratic reforms with the aim of establishing in practice an institutional environment promoting a pacified political life and favouring equal access for all citizens without any possible distinction to civilian and military jobs as well as to all public policies aiming at an economic, cultural and social development of the country (CHAPTER IV).
- d. Furthermore these solutions demand the establishment of a real decentralization which is able to guarantee the participation of all citizens in public affairs and in the coming of true local democracy (CHAPTER V).

- e. In accordance with the relevant provisions of the Framework Agreement of 7 February, 2000, the two Parties undertake to jointly conduct the implementation of the articles of the present Agreement within the framework of a programme and a time-table defined by the Parties (CHAPTER VI).

CHAPTER II – CIVIL PEACE AND SECURITY

Article 4:

On Civil Concord.

The two Parties undertake to promote the establishment of a culture of peace in order to fully implement national brotherhood and reconciliation so that the tragedies of the past may not recur.

Article 5:

On Disarmament and Demobilization.

- a) When the exchange of prisoners, the cessation of hostilities, the mine clearance, and the establishment of dialogue have been tangibly achieved, the two Parties agree, at the latest within 7 days after the signing of this present Agreement, to proceed to disarmament and demobilization operations in successive phases:
 - 1) Regrouping of elements from the FRUD-Armé in: RIPTA and Waddi (Northern districts)
 - 2) Disarmament and demobilization of FRUD-Armé combatants will take place simultaneously at the regrouping points agreed upon.
 - 3) It is imperative that all the operations of disengagement, demobilization and disarmament are accomplished within a period of seven days.
- b) The governmental forces will return to their habitual position from before the conflict as soon as the operations enumerated above have come to an end. They must set about mine clearance before their withdrawal from their former encampments.
- c) The demobilized elements of the FRUD-Armé benefit from the integration into the corps of defence and security or from the insertion into social life or from compensation.
- d) For a successful implementation of these operations a mixed commission will be established. It will be charged with the complete identification of all combatants according to the enclosed form supplied by the Administration.

It will also be in charge of the physical census of the men and of their military armaments (in particular individual and collective weapons) and of the collection of such weapons.

Within this mixed commission a unit in charge of sanitary and medical operations will be established.

Article 6:

On Integration, Reintegration, Compensation, and Reinsertion.

- a) The transition from conflicts to a lasting peace requires disarmament and demobilization.
- b) All former officials or other contracted employees belonging to the FRUD-Armé will be rehabilitated and reintegrated in their rights.

For the settlement of the ex-soldiers, *ex-gendarmes* and ex-policemen finding themselves in the same situation; according to their respective status and age they may claim:

- Retirement;
- Recovery of forfeited annuities;
- Savings paid on release;
- Reimbursement of contributions.

The conditions for the granting of these rights will be specified subsequently through a statutory order.

- c) The two Parties agree to appeal to the international community for help in the process of demobilization and reinsertion for its financing within the framework of conflict prevention.

Article 7:

On Beneficiaries.

The next of kin of the FRUD victims will receive assistance.

External financial aid will be applied for in order to implement this programme within the framework of the strengthening of the peace process and the prevention of conflicts.

CHAPTER III – ON REHABILITATION AND RECONSTRUCTION

Article 8:

General Principles.

- a) Eager to contribute to the acceleration of the economic development of the country as well as its regional integration the two Parties undertake to do everything that is in their power in order to remedy the harmful effects of the conflict on the macro economical environment.
- b) Facing the enormity of the task of national reconstruction, the two Parties have agreed to grant this budget item a very special significance and to involve all the appropriate measures

having in view the rehabilitation of refugees and displaced persons, the compensation of individuals whose belongings have been destroyed during the conflict and the reconstruction of public infrastructure.

- c) The programme of rehabilitation and reconstruction which started several years ago will be continued until completion upon the whole territory affected by the armed conflict:
 - Through the restoration of the infrastructure;
 - Through the restoration of water supply;
 - The programme of building and rehabilitation of accommodation in Yoboki and Obock must be carried out within a reasonable period of time.

In parallel with the programmes which are presently being carried out, the restructuring of the Port of Obock will be undertaken, following the example of Tadjourah.

Within the same framework, the water supply project at Day which has already started on the initiative of the Djiboutian Government will be continued.

International financial support will be applied for with this end in view.

Article 9:

On Consequences for Civilians.

- a) The two Parties undertake to work for the restoration of the belongings of all the civilian war-affected persons and for their regaining of their old life.
- b) Compensation will be allocated to the civilian victims whose belongings have been destroyed or damaged by the war.
- c) International financial support will be applied for with this end in view.

CHAPTER IV – DEMOCRATIC REFORMS

Article 10:

On Nationality.

All persons whose membership of the Djiboutian community is verifiable in every way may claim Djiboutian citizenship. In order to make this possible the two Parties undertake to establish an ad-hoc committee responsible for the acceleration of the issuing of national identity cards to these persons.

Article 11:

On the Constitutional Council.

In view of the importance of the Constitutional Council which regulates political life and protects fundamental freedoms the two Parties agree to re-examine its composition and its status.

Article 12:

On the Multiparty System.

- a) The two Parties agree that at the expiry, on 3 September, 2002, of the period of implementation of the issue of a referendum concerning the limitation to four political parties, article 6 of the Constitution of September 1992 will *ipso facto* come into force.
- b) However, the FRUD-Armé, signatory of the Agreement, will be tolerated as a political party to carry on partisan activities.

Article 13:

On Public Freedoms.

- a) The two Parties undertake to respect the agreements ratified by the Republic of Djibouti and to do all they can to ensure that a genuine freedom to form Trades Unions may be established. All occupational groups are free to organize in unions and to defend their interests while respecting laws and regulations.
- b) The two Parties undertake to carry out effectively the protection of the fundamental rights such as proclaimed in the Universal Declaration of Human Rights and in the African Charter of Human Rights and Rights of Peoples, and contained in the Preamble of the Constitution of Djibouti of 15 September, 1992.

Article 14:

On the Freedom of the Press.

The Parties undertake to work for the ensuring of the freedom of the press in accordance with the organic law number 21/AN/92/2ème L du 15/09/92 as it was amended in its articles 4, 60 and 63 concerning the freedom of communication, which reconciles the right to information with the right to private life and to public order.

Article 15:

On the Equality of all Citizens.

- a) The two Parties reaffirm their attachment to the principle of the equality of all citizens such as it is defined by article 3 of the Constitution of September 1992.
- b) Fairly and with respect to acquired qualifications the civil and military institutions of the Republic will reflect, within their staff and hierarchy, the plurality of communities making up the Djiboutian people.

Article 16:

The control of electoral operations on the national level is ensured by a national independent electoral committee.

A decree will determine its functioning and its composition.

Article 17:

Right to Education.

- a) The two Parties subscribe to the wish, as it is affirmed in Chapter V of the Peace Accord of December 1994, of reinforced support to schools for children from the zones affected by the armed conflict.
- b) They recognize the necessity to continue these efforts in relation to educational matters directed towards the war-affected zones, by reopening the schools having been closed.

CHAPTER V – DECENTRALIZATION

Article 18:

On the Goals of the Decentralization.

The two Parties agree about the general goals of the decentralization on the following levels:

- 1) Political level = participation of the citizens by means of their locally elected in the administration and development of their community.
- 2) Administrative level = establishing of a more efficient administration as it will be closer to those administered.
- 3) Economical level = promote economic development poles outside the capital and reduce regional disparities.

Article 19:

On the State of Decentralization.

- a) The decentralization, ratified by the Constitution, is conceived in Djibouti as being an integral part of the process of democratization and modernization of administrative structures within the framework of institutional reforms.
- b) The two Parties agree that only a genuine decentralization can release the individual and collective energies which are capable of extracting the regions from their present state of desertion.

Article 20:

On the Legal Framework.

They adopt the decentralization law project annexed to the present Agreement as an organic law determining the legal framework of the decentralization.

Article 21:

On Levels of Decentralization.

- a) The two Parties agree on the levels of decentralization which are two in number, viz. the region and the municipality.
- b) The two Parties have accepted to first organize the regions and thereafter the municipalities. The 5 regions are: Ali-Sabieh, Arta, Dikhil, Obock and Tadjourah. The capital city will be granted a unique status.

Article 22:

National Committee of Decentralization.

- a) A committee for the organization of the decentralization made up of twelve (12) members, whereof 3 representatives from each signatory party of the above mentioned Framework Agreement for Reform and Civil Concord, is set up.

This committee is responsible for:

- Carrying into effect the decentralization;
- Monitoring the establishment of regional institutions and of the section of the judicial court specialized in administrative disputes and in the control of public spending;
- Participating in the definition of the contents of legislative and statutory texts planned for by the present Law and watching over their enforcement.

This steering committee will meet monthly under the collegiate chairmanship of a representative of each of the signatory parties of the Framework Agreement for Reform and Civil Concord until the measures necessary for the decentralization have been applied.

This committee establishes a quarterly public report covering its activities.

The mandate of this committee will last until regional communities have been effectively organized.

A decree will define the conditions and volumes of the financial grants approved by the central power for the decentralized regions. These grants must correspond with the real needs of each region and will be defined on the basis of objective criteria.

CHAPTER V – FINAL PROVISIONS

Article 23:

General Principles.

- a) The two Parties agree to include the Djiboutian people in the process of building a harmonious society in accordance with the principles expounded above.
- b) They agree to involve friendly countries and international organizations in the consolidation of Peace by asking them to provide financial and technical support.

Article 24:

On the Implementation.

- a) Upon the signing of the present Agreement the two Parties agree to work for its execution.
- b) The two signatory Parties of the present Agreement will jointly conduct the strict and genuine implementation of the totality of its contents and of all other measures undertaken within its framework or in relation to its goals.

Article 25:

On the Timetable.

- a) The procedures of demobilization defined in Article 6 of the present Agreement will start as soon as the present Agreement has been signed and must of necessity be accomplished within two weeks.
- b) The different methods of integration of elements of the FRUD, signatory of the present Agreement, within the National Army, the *Gendarmerie*, and the National Police Force as

well as within different services of the Administration will be determined eight (8) months after the signing of the present Agreement.

- c) The different methods of the reintegration which is defined in Article 6 of the present Agreement will be determined within a period of six (6) months after the signing of the present Agreement.

Djibouti, 12 May, 2001.

For :

The Government of the Republic
of Djibouti

Abdallah Abdillahi Miguil

Minister of the Interior

For:

FRUD-Armé

Ahmed Dini Ahmed

Leader of the FRUD-Armé