

AFRICAN UNION
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PEACE AND SECURITY COUNCIL
565TH MEETING

ADDIS ABABA, ETHIOPIA
17 DECEMBER 2015

PSC/PR/COMM.(DLXV)

COMMUNIQUE

COMMUNIQUÉ

The Peace and Security Council of the African Union (AU), at its 565th meeting held on 17 December 2015, adopted the following decision on the situation in Burundi:

Council,

1. **Takes note** of the briefing by the Commission on the evolution of the situation in Burundi. Council **also takes note** of the statements made by the representative of Burundi, as well as by those of the East African Standby Force (EASF), Uganda, as the Mediator designated by the East African Community (EAC), and Nigeria;
2. **Reaffirms** its previous pronouncements on the situation in Burundi, including communiqués PSC/PR/COMM.(DLI) and PSC/PR/COMM.(DLVII) adopted at its 551st and 557th meetings, held on 17 October and 13 November 2015, respectively, as well as the AU's commitment to the scrupulous respect of the letter and spirit of the August 2000 Arusha Peace and Reconciliation Agreement, which constitutes the cornerstone of peace, security and stability in Burundi and of which the AU and members of the region are Guarantors, along with other members of the international community;
3. **Reiterates the AU's deep concern** over the current political stalemate in Burundi, as well as over the increasing insecurity and violence in the country and the attendant serious humanitarian consequences, including internal displacement of populations and refugee flows towards neighboring countries;
4. **Reaffirms the AU's strong condemnation** of all acts of violence, committed by whomsoever, and the persistence of impunity, as well as of the inflammatory statements made by Burundian political leaders. Council **strongly condemns** the attacks carried out recently against military barracks in Bujumbura and in Bujumbura Rural and **reiterates** its total rejection of the use of violence in the pursuit of political objectives. Council **further strongly condemns** the killings perpetrated in the aftermath of the attacks on the military barracks, and **stresses** that the authors and sponsors of the attacks and the reprisals shall be held accountable. Council **demands** that all parties immediately end all attacks, violations of human rights and other abuses;
5. **Notes** the preliminary findings of the fact-finding mission dispatched to Burundi by the African Commission on Human and Peoples' Rights (ACHPR), pursuant to paragraph 11 (iii) of communiqué PSC/PR/COMM.(DLVII), which noted violations of human rights and other ongoing abuses, including arbitrary killings and targeted assassinations, arbitrary arrests and detentions, acts of torture, suspension and arbitrary closure of some civil society organizations and media, and **looks forward** to the submission of the report of the fact-finding mission;
6. **Reiterates** the AU's determination to ensure that the perpetrators of acts of violence and atrocities, as well as all those aggravating the situation through inflammatory statements, are held accountable;

7. **Stresses once again** that only a genuine and truly inclusive dialogue, based on the respect of the Arusha Agreement and the Constitution of Burundi, will allow the Burundian stakeholders to overcome the serious difficulties facing their country, as well as strengthen social cohesion, democracy and the rule of law. Council **renews its appreciation** to President Yoweri Museveni of Uganda, the Mediator appointed by the EAC, for his ongoing efforts towards the imminent commencement of the inter-Burundian dialogue. Council **reaffirms** the centrality of the regional process, as the only one that would make possible the conduct of inclusive talks bringing together all Burundian stakeholders;

8. **Welcomes** the measures taken by the Commission as part of the implementation of its relevant communiqués on the situation in Burundi, including the generation of additional human rights observers and military experts, to bring their strength to 100, in conformity with paragraph 9 (ii) of communiqué PSC/PR/COMM.(DLXV), the support provided to the mediation led by Uganda and the mobilization of the international community to facilitate a coordinated action in support of the search for a peaceful solution to the current crisis. Council **notes with satisfaction** the dispatching by the ACHPR of a fact-finding mission to Burundi;

9. **Further welcomes** the growing mobilization of the international community towards the search for a peaceful solution to the crisis facing Burundi and the support provided to the African-led efforts, including the adoption by the United Nations (UN) Security Council, on 12 November 2015, of resolution 2248 (2015), in which the Council welcomed communiqué PSC/PR/COMM.(DLI) and the proposed next steps adopted on that occasion, looking forward to their full implementation, and noted the decision of the AU to impose targeted sanctions, including travel bans and asset freezes, against all the Burundian stakeholders whose actions and statements contribute to the perpetuation of violence and impede the search for a solution;

10. **Notes** that, in spite of all the efforts made to date, the situation in Burundi continues to deteriorate and that there is a real risk of the situation degenerating into widespread violence, with catastrophic consequences for Burundi and the entire region. Council **underlines** that it shall not allow such a development to happen;

11. **Reaffirms**, in this context, its determination to fully assume its responsibilities, having in mind the relevant provisions of the Protocol Relating to the Establishment of the Peace and Security Council, in particular those relating to early response to contain crisis situations so as to prevent them from developing into full-blown conflict (article 4-b), respect for the rule of law, fundamental human rights and freedoms, the sanctity of human life and international humanitarian law (article 4-c), the anticipation and prevention of policies that may lead to crimes against humanity (article 7-1a); and the mandate of the African Standby Force (ASF), including preventive deployment in order to prevent a dispute or a conflict from escalating, an ongoing violent conflict from spreading to neighboring areas and States, and the resurgence of violence after parties to a conflict have reached an agreement (article 13-3d);

12. **Recalls** that, in the Statement of Commitment to Peace and Security in Africa [PSC/AHG/ST.(X)], issued at the Solemn Launching of the Peace and Security Council, on 25 May 2004, in Addis Ababa, the Heads of State and Government of the Member States of the Peace and Security Council undertook to ensure that Africa shall, at all times, move first in a timely manner to address conflicts on the continent and expressed their determination not to shrink from decisive

actions to overcome the challenges confronting the continent, stressing that, henceforth, there shall be no conflict on the continent that will be considered to be out of bounds for the AU and that where grave abuses of human rights and crimes against humanity occur, Council must be the first to condemn and to take swift action, consistent with the letter and spirit of the AU Constitutive Act and other relevant instruments to which the Member States have subscribed;

13. **Decides**, in the light of the foregoing, to take the following measures:

a) *Deployment of an African Mission - Council :*

- (i) **Decides**, on the basis of the preparatory work undertaken within the framework of the contingency planning carried out by the Commission in pursuance of the relevant provisions of communiqué PSC/PR/COMM.(DVII) adopted at its 507th meeting held on 14 May 2015, as well as of communiqués PSC/PR/COMM.(DLI) and PSC/PR/COMM.(DLVII), to authorize the deployment of an African Prevention and Protection Mission in Burundi (MAPROBU), for an initial period of six months renewable;
- (ii) **Also decides** that MAPROBU is mandated to: (a) prevent any deterioration of the security situation, monitor its evolution and report developments on the ground; (b) contribute, within its capacity and in its areas of deployment, to the protection of civilian populations under imminent threat; (c) contribute to the creation of the necessary conditions for the successful holding of the inter-Burundian dialogue and to the preservation of the gains made through the Arusha Agreement for Peace and Reconciliation in Burundi; (d) facilitate, in collaboration, as appropriate, with other international actors, the implementation of any agreement the Burundian parties would reach, including, but not limited to, the disarmament of militias and other illegal groups, the protection of political personalities and other actors whose security would be threatened; and (e) protection of AU personnel, assets and installations;
- (iii) **Further decides** that MAPROBU shall have an initial strength of up to 5,000 military personnel and police, including formed police units, with an appropriate civilian component, shall integrate the human rights observers and military experts deployed to Burundi in pursuance of the relevant decisions of Council, and that it shall be placed under the authority of the Special Representative of the Chairperson of the Commission. Council **requests** the Chairperson of the Commission to immediately undertake consultations with Member States, including the countries of the region in the framework of the EASF, to generate the troops and police elements needed to quickly reach the authorized strength;
- (iv) **Requests** the Chairperson of the Commission, in collaboration with the EASF and with the support of the UN and other international partners, to take the necessary steps for the urgent development of the concept of operation of MAPROBU and other mission documents, as well as the estimated budget for the deployment of MAPROBU, it being understood that should the situation so require, Council stands ready to increase the initial authorized strength;

- (v) **Requests** Member States to provide the financial and other support required towards the effective deployment of MAPROBU; and
- (vi) **Urges** the international partners to provide the necessary technical, financial and logistical support to facilitate the early deployment of MAPROBU and the effective implementation of its mandate. In particular, Council **urges** the UN Security Council, in view of its primary responsibility for the maintenance of international peace and security, to support the deployment of MAPROBU and authorize the urgent establishment, in its favor, of a logistical support package funded by assessed contributions to the UN budget. Council **requests** the Chairperson of the Commission to take all necessary initiatives to facilitate the urgent mobilization of international assistance and to report to Council within a period of seven (7) days on the evolution of efforts to reach out to international partners, particularly the UN Security Council;

b) *Inter-Burundian Dialogue - Council:*

- (i) **Welcomes** the steps taken by the Ugandan Mediation towards the imminent launch of the inter-Burundian dialogue, including the establishment of the Secretariat, preparation of a budget and consultations with the Burundian stakeholders and with the Commission, including the meeting between the Chairperson of the Commission, the Commissioner for Peace and Security and the Ugandan Minister of Defense, Facilitator of the dialogue, held in Addis Ababa on 27 November 2015, as well as the financial and technical support provided by the Commission towards the holding of the inter-Burundian dialogue;
- (ii) **Reaffirms** its earlier pronouncements on the need for the inter-Burundian dialogue to be truly inclusive, to address all issues on which the Burundian stakeholders disagree and the holding of the said dialogue outside Burundi, in a venue to be determined by the Mediation, in order to facilitate the participation, in the required conditions of security, of all Burundian stakeholders; and
- (iii) **Urges** Member States and the larger international community to provide the necessary financial and other support for the proper conduct and success of the inter-Burundian dialogue.

c) *Cooperation of the Burundian parties and sanctions – Council:*

- (i) **Requests** the Chairperson of the Commission, within a period of ten (10) days, to communicate to Council, for consideration and approval, a list of Burundian stakeholders to be targeted by the sanctions provided for in paragraph 12 of communiqué PSC/PR/COMM.(DLI) and in paragraph 9 (i) of communiqué PSC/PR/COMM.(DLVII), for the purposes of immediate subsequent transmission to Member States and to the larger international community;

- (ii) **Urges** the Government of Burundi to confirm, within 96 hours following the adoption of this communiqué, its acceptance of the deployment of MAPROBU and to cooperate fully with the Mission, with a view to facilitating the effective discharge of its mandate, pursuant to article 7(3) of the Protocol Relating to the Establishment of the Peace and Security Council, which stipulates that the Member States agree to accept and implement the decisions of the Peace and Security Council, in accordance with the AU Constitutive Act;
- (iii) **Urges** all Burundi stakeholders to cooperate fully with MAPROBU, in order to facilitate the deployment and execution of its mandate, on the understanding that any individual or entity who would impede the operations of MAPROBU shall be subjected to sanctions as provided for by the relevant communiqués of Council and other measures to be agreed upon; and
- (iv) **Expresses its determination** to take all appropriate measures against any party or actor, whomsoever, who would impede the implementation of the present decision. In this regard, Council **decides**, in the event of non-acceptance of the deployment of MAPROBU, to recommend to the Assembly of the Union, in accordance with the powers which are conferred to Council, jointly with the Chairperson of the Commission, under article 7 (e) of the Protocol Relating to the Establishment of the Peace and Security Council, the implementation of article 4 (h) of the Constitutive Act relating to intervention in a Member State in certain serious circumstances. Council **further decides** that, in such a situation, and on the basis of a communication from the Chairperson of the Commission confirming the non-acceptance of the deployment, Council shall recommend to the Assembly to take additional measures in conformity with the Constitutive Act. Council finally **decides** that all those whose action could jeopardize the inter-Burundian dialogue, including attacks by armed groups against governmental facilities and other targets, as well as refusal to respond to the invitation of the Mediator, shall be subjected to sanctions as provided for in the relevant decisions of Council and other measures to be agreed upon;

14. **Requests** all Member States to extend their full cooperation for the implementation of the present communiqué, bearing in mind their obligations as outlined by the Constitutive Act and the Protocol Relating to the Establishment of the Peace and Security Council of the AU, in particular article 7(2,3 and 4);

15. **Launches an appeal** to the international partners to extend their full support to the implementation of the provisions contained in the present communiqué. In particular, Council **requests** the UN Security Council to adopt, under Chapter VII of the UN Charter, a resolution in support of the present communiqué. Council **requests** the African members of the UN Security Council to actively support this communiqué and to work towards its endorsement by the Security Council. Council **looks forward** to the full support of Africa's partners who are members of the UN Security Council to this communiqué, which was adopted on the basis of a thorough analysis of the situation in Burundi and full awareness by the continent of the risks involved;

16. **Reiterates its call** for the mobilization of the necessary assistance to alleviate the suffering of the internally displaced persons and Burundian refugees in neighboring countries, and, **once again, requests** the Chairperson of the Commission to take the necessary initiatives to this effect. Council **renews its appreciation** to the neighboring countries hosting Burundian refugees, including Tanzania, Rwanda, the Democratic Republic of Congo and Uganda, and **appeals** to the international community to assist them;
17. **Requests** the Chairperson of the Commission to transmit this communiqué to all Member States, as well as to the UN Secretary-General and, through him, to the UN Security Council. Council **also requests** the Chairperson of the Commission to transmit the communiqué to other AU bilateral and multilateral partners and to solicit their support for the effective implementation of the decisions contained therein;
18. **Decides** to remain actively seized of the matter.