

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

P.O. Box: 3243, Addis Ababa, Ethiopia, Tel.: (251-11) 551 38 22 Fax: (251-11) 551 93 21
Email: situationroom@africa-union.org

PEACE AND SECURITY COUNCIL
515TH MEETING AT THE LEVEL OF THE
HEADS OF STATE AND GOVERNMENT
JOHANNESBURG, SOUTH AFRICA
14 JUNE 2015

PSC/AHG/3(DXV)

REPORT OF THE CHAIRPERSON OF THE COMMISSION
ON THE SITUATION IN BURUNDI

**REPORT OF THE CHAIRPERSON OF THE COMMISSION
ON THE SITUATION IN BURUNDI**

I. INTRODUCTION

1. The present report is submitted pursuant to communiqué PSC/PR/COMM (DVII), adopted by the Council at its 507th meeting, held on 14 May 2015. In that communiqué, Council requested the Commission to keep it regularly informed about the evolution of the situation to enable it to take the necessary measures.

2. The report provides an update on the evolution of the situation and of the international efforts aimed at finding a speedy solution to the present crisis. It concludes with observations on the way forward.

**II. EAC EXTRAORDINARY SUMMIT DECISIONS OF 13 MAY AND COUNCIL'S
COMMUNIQUÉ OF 14 MAY 2015**

3. Council will recall that its 507th meeting was held in the aftermath of the Extraordinary Summit of the East African Community (EAC), convened in Dar-es-Salaam, Tanzania, on 13 May 2015, and the coup attempt that took place the same day. In addition to the condemnation of the attempted coup d'état, the EAC Summit called for the postponement of the elections for a period not exceeding the constitutional mandate of the current authorities (26 August 2015 for the President of the Republic, 9 August 2015 for the Parliament and 8 July 2015 for the municipal councils) and the cessation of violence, in order to create conditions conducive to the organization of free, fair and credible elections. The Summit stressed that the region would not standby if the violence were to continue in Burundi.

4. Council, on its part, expressed deep concern about the evolution of the situation in Burundi, stressing that those developments could seriously undermine peace and security in the country, erode the significant gains made following the signing of the August 2000 Arusha Agreement and the Comprehensive Ceasefire Agreement of 2003, worsen the humanitarian situation and affect the stability of the region. Recalling the relevant AU instruments, particularly the African Charter on Democracy, Elections and Governance, Council endorsed the communiqué of the EAC Extraordinary Summit and the press statement that I issued on 13 May 2015, condemning both the attempt to seize power by force in Burundi.

5. Furthermore, Council reiterated its support for the sustained efforts of the EAC and endorsed the measures adopted by the Dar-es-Salaam Extraordinary Summit, especially the call for the postponement of the elections and the immediate cessation of violence, welcomed the dispatch to Bujumbura of a high-level AU mission, and expressed its appreciation for the efforts of the Special Envoy of the UN Secretary-General for the Great Lakes Region, as well as of other concerned international actors. Council reaffirmed that only dialogue and consensus, based on the respect of the Arusha Agreement and the

Constitution of Burundi, would pave the way for a lasting political solution that would consolidate and preserve peace, as well as deepen democracy and the rule of law. Council expressed its determination, if needed, to take the necessary measures against Burundian actors whose actions would lead to the perpetuation of violence and would impede the search for a political solution.

III. EVOLUTION OF THE SITUATION AND INTERNATIONAL EFFORTS

6. The period following the attempted coup d'état was marked by a cabinet reshuffle. After his return to Bujumbura, President Pierre Nkurunziza replaced the Ministers of Defense, of External Relations and of Trade.

7. In addition, and as a follow-up to the EAC Summit communiqué, the political dialogue, initiated by the UN Special Envoy, Said Djinnit, from 5 to 8 May 2015, resumed on 20 May 2015, under the facilitation of the UN, the AU, the EAC and the International Conference on the Great Lakes Region (ICGLR). The discussions focused on the following 5 points: i) appeasement measures and mutual commitments, ii) respect of the Constitution and the Arusha Agreement in the electoral process, iii) management of the electoral calendar, iv) guarantees and measures for peaceful elections v) protection of constitutional rights.

8. The dialogue made it possible to reach a consensus regarding the postponement of elections and the need to restore the broadcasting capacities of the private radios and televisions. It also enabled in-depth exchange of views on the creation of an environment conducive to the organisation of elections, particularly through steps to secure the electoral process, the disarmament of civilians, the protection of political personalities and the return of refugees. However, the parties could not agree on the points relating to the suspension of demonstrations and the withdrawal of President Pierre Nkurunziza's candidacy to the forthcoming presidential election.

9. The dialogue was interrupted following the assassination, on 23 May 2015, of Zedi Feruzi, Chairman of the party "*Union pour la Paix et le Développement - UPD*" (Union for Peace and Development). That act was condemned by the Government of Burundi in a communiqué issued on 24 May 2015 and read out by the Secretary-General and Spokesperson of the Government. The Government indicated that it had instructed the appropriate judicial organs to carry out a speedy investigation to identify the authors and motive of the assassination.

10. The international community, including the United Nations, also condemned the assassination. In a press statement issued on 24 May 2015, I strongly condemned that murder, as well as the grenade criminal attack at the Bujumbura central market, on 22 May 2015, that left two dead and several wounded. I urged the Burundian parties to show renewed determination to find a political and consensual solution to the crisis, create the necessary conditions for the organization of truly free and fair elections and preserve the gains made thanks to the Arusha Agreement.

11. At its Summit held on 25 May 2015, the Economic Community of Central African States (ECCAS) considered the situation in Burundi. In its final communiqué, the Summit condemned the attempted coup d'état and the assassination of opposition member Zedi Feruzi, and called upon the parties to favor dialogue in order to find a peaceful solution to the conflict. The Summit expressed support for the sub regional and international initiatives aimed at ending the crisis and decided to appoint former Chadian President Goukouni Weddeye as the ECCAS Special Envoy for the Great Lakes, especially Burundi.

12. In the meantime, the ICGLR Heads of State and Government considered the situation in Burundi on 18 May 2015, in Luanda. Having strongly condemned the attempted coup d'état in Burundi, they urged the Government of Burundi to strive towards the speedy restoration of a peaceful and secure environment to encourage the return of the refugees and called upon it to postpone the elections and involve all the stakeholders in the efforts to create an environment conducive to a peaceful, credible, free and fair electoral process. They urged all the parties to put to an end to the violence and requested the Government to respect the constitutional rights of the Burundian people and the obligations arising from the ICGLR Pact on Security, Stability and Development in the Great Lakes Region and the Protocol on Democracy and Good Governance.

13. Thanks to the efforts of the UN Special Envoy, the dialogue between the Burundian actors resumed in Bujumbura on 28 May 2015, before being suspended, again, following the emergence of new differences between the parties on the issues relating to the political rights and obligations guaranteed by the Constitution. In particular, the discussions faltered on the issue of ending demonstrations against the candidacy of President Nkurunziza to the forthcoming presidential election, the release of detained protestors and the withdrawal of the arrest warrants against some political and civil society leaders. In response to the request of the opposition and the civil society for the release of protestors, the Government demanded that first demonstrations be ended immediately.

14. On 31 May 2015, the EAC convened another Extraordinary Summit on the situation in Burundi, in which I participated. The Summit expressed its solidarity with the people of Burundi following the acts of violence in Bujumbura and in other parts of the country, resulting in the death of several persons, the flow of refugees to the neighbouring countries, the destruction of property and the paralysis of economic activities in some parts of the country. The Summit welcomed the restoration of constitutional order in Burundi after the failed coup d'état of 13 May 2015 and expressed its concern over the continuing political impasse in Burundi. The Summit called for the postponement of the elections for a period of at least one and a half months, during which the EAC, through its current Chairman, would hold consultations with all Burundian parties on the way forward. The Summit appealed to all the Burundian parties to put an end to violence, requested the urgent disarmament of all youth groups affiliated to political parties and encouraged the Government of Burundi to create conditions conducive to the return of refugees. The Summit called upon the AU, the UN and other partners to cooperate with the EAC, in order to attain these objectives.

15. On 1 June 2015, the Vice-Chairman and the Commissioner in charge of Administration and Finance of the Independent National Electoral Commission (INEC) resigned from their posts, stating that *“the prevailing political and security situation does not provide the necessary conditions”* for the holding of free, fair and credible elections. According to Article 11 of the Decree n°100/76 of 12 March 2012 on the organization and functioning of this institution, the decisions of the INEC require, at least, three-quarters of the votes of its Commissioners, i.e. four out of five votes. However, a presidential decree dated 30 May 2015 and made public on 10 June 2015 has introduced changes to the decisions-making process of the INEC. The new article 11 of this decree stipulates that *“the INEC makes its decisions by consensus or, otherwise, by a majority of three fifth of its membership”*. In addition, the INEC should replace the representatives of the Catholic Church who had suspended their participation in the provincial and communal chapters of the INEC, on 26 May 2015.

16. Following the EAC Summit of 31 May 2015, the Government indicated that it was willing to consider the recommendations made by the EAC Heads of State for a new postponement of the date of the elections. On 4 June 2015, the Government issued a communiqué announcing the postponement of the elections to a later date, pursuant to the recommendations of the EAC Summit. It should be recalled that, on 19 May 2015, the Government of Burundi had decided, upon proposal by the INEC, to postpone by 10 days, until 5 June 2015, the parliamentary elections then scheduled for 26 May 2015. The date of the presidential election, whose 1st round was scheduled for 26 June 2015 and the second round for 26 July 2015, was not changed.

17. The opposition, while regretting that the EAC Extraordinary Summit had avoided the issue of the third term, also subscribed to the logic of the postponement of the elections. Thus, on 2 June 2015, 17 opposition parties issued a statement in which they *“noted with interest the resolutions and recommendations made by the Summit”*, particularly on the postponement of elections, the promotion of dialogue, the return of refugees and the end to violence. Furthermore, the same political parties and civil society organizations indicated that they had written to the UN Secretary-General to recuse his Special Envoy as Facilitator of the political dialogue. In a communiqué issued by the Ministry of External Relations and International Cooperation, on 5 June 2015, the Government regretted the position taken by the opposition, stating that it may delay the process which had already made some progress.

18. In a statement dated 7 June 2015, eleven opposition political parties and organizations requested the EAC member countries and the region, the AU, the United Nations and the European Union (EU), as well as the Burundian actors, to consult in order to officially designate an international facilitation team for the dialogue, as well as its leader. This team would include senior international figures having closely followed the peace process in Burundi, which led to the signing of the Arusha Agreement.

19. During a meeting, held in Bujumbura, on 8 June 2015, in the presence of members of the Government, some political parties, representatives of the international community and financial partners of Burundi, the INEC proposed a new electoral calendar. The legislative

and municipal elections would be held on 26 June and the presidential election on 15 July 2015. The date of 24 July 2015 is suggested for the organisation of the election of Senators. Subsequently, the Government endorsed the proposals made by the INEC and announced a new electoral calendar. Opposition parties, on their part, rejected this new electoral calendar, considering that the INEC, reduced to 3 members instead of 5, had no authority to make such a proposal. Some of these opposition parties have called for a boycott of the elections.

20. During the same meeting, the Government pledged to take a number of measures to act on the recommendations of the Dar-es-Salaam EAC Summit of 31 May 2015. These measures are as follows: i) withdrawal of the arrest warrants issued against opposition and civil society leaders on condition that the demonstrations against the third term be stopped; ii) directive to the National Disarmament Commission to collect, within two weeks, all the arms held by the civilians; iii) protection of the opposition leaders; iv) reopening of the private media; v) consultations with the opposition to replace, as soon as possible, the two INEC Commissioners who had resigned, in conformity with the Arusha Agreement; vi) encouragement for the refugees to return to Burundi; and vii) finally, creation of conditions conducive to the holding of free, fair, democratic, peaceful, inclusive and credible elections.

IV. HUMANITARIAN, HUMAN RIGHTS AND SOCIO-ECONOMIC SITUATION

21. The situation of insecurity and fear, combined with the lack of information, as a result of the closing of private broadcasting stations, has forced into exile more than 110,000 Burundians, who are now in Tanzania (over 76,000), Rwanda (over 26,000) and the DRC (over 9000). The epidemic of cholera which broke out in the refugee camps in Tanzania has already killed dozens of people. The crisis has also worsened the plight of the most vulnerable segments of the population.

22. In a communiqué issued on 9 June 2015, the UN High Commissioner for Human Rights expressed alarm at the increasingly violent and threatening actions by a pro-Government militia, adding that “they could tip an already extremely tense situation over the edge”. He urged the authorities to take immediate and concrete measures to rein them in. He also called on opposition leaders to rein in any violent elements that may be forming on their side. He indicated that “while there have been very few acts of violence committed by opposition elements, there are signs of increasingly coercive efforts to push people into actively supporting the opposition”.

23. Furthermore, the current situation has had an impact on the economic and social life of the Burundians, in particular for the people living in Bujumbura, the epicenter of the protests against the third term of the President of the Republic. Indeed, most schools and university campuses are closed because of violent demonstrations in the capital. Moreover, the local currency has depreciated, unemployment has increased and tax revenues have decreased, because of the closure of commercial centers and the slowdown of trade with the neighboring States of the region.

V. FOLLOW-UP TO THE RELEVANT COMMUNIQUÉS OF COUNCIL

24. In the communiqué adopted at its 507th meeting, Council requested the Commission to take all necessary steps to strengthen the AU Office in Bujumbura and expedite its consultations with the Government of Burundi for the early deployment of human rights observers and other civilian personnel to monitor the human rights situation on the ground, report violations of human rights and International Humanitarian Law and undertake activities to prevent and resolve conflicts at local level. Council called upon the Government of Burundi and all the other stakeholders to facilitate the deployment and ensure the safety of these civilian personnel.

25. As a follow-up to this decision, the Commission took the necessary steps to strengthen the AU Office in Bujumbura, to enable it to better monitor the situation and to provide the necessary support to the dialogue between the Burundian actors. Furthermore, the Commission liaised with the Burundian Government for the deployment of human rights observers and other civilian personnel. The Government of Burundi, in a note verbale dated 22 May 2015, indicated that the deployment of observers should be done in close cooperation with the Independent National Human Rights Commission, which coordinates this activity at the national level. In addition, the Government seems to favor the simultaneous deployment of human rights and election observers.

26. On 3 June 2015, I appointed Mr. Ibrahim Fall, former Minister of Foreign Affairs of Senegal and former senior UN official, as the AU Special Representative for the Great Lakes Region and Head of the AU Liaison Office in Burundi. In that capacity, Mr. Fall will not only have the responsibility, on behalf of the AU and in cooperation with the UN, to monitor the implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo (DRC) and the Region, but also to assist in resolving the crisis faced by Burundi. It should be noted that Mr. Fall was a member of the recent AU high-level mission to Burundi, led by former Prime Minister of Togo and former Secretary General of the OAU, Mr. Edem Kodjo. Within that framework, he actively participated in the political dialogue initiated between the Burundian actors. Upon his arrival in Bujumbura, my Special Representative met with the Special Envoy of the United Nations Secretary-General, as well as with other interlocutors, to exchange views on the political situation and the deadlocked inter-Burundian dialogue. He also met with the Burundian Minister of External Relations and International Cooperation.

VI. OBSERVATIONS

27. I am concerned about the situation in Burundi. No stone should be left unturned to resolve the crisis and avoid a negative development that could seriously undermine peace and security in that country and affect regional security and stability. Africa which, through the member countries of the Regional Initiative and the OAU, made sustained efforts to assist Burundi to bring to an end the deadly conflict it experienced in the mid-90s, has the duty to do everything in its power to help overcome the current challenges.

28. I reiterate my appeal to all the Burundian political stakeholders to uphold the supreme interest of their country at this crucial phase in its history. Only dialogue and consensus, based on the respect of the Arusha Agreement and the Constitution of Burundi, will make it possible to find a political and consensual solution to the crisis. I urge the Burundian parties to lend full cooperation to the efforts made to this end by the EAC, the ICGLR, the UN and the AU, with the support of the rest of the international community.

29. I would like to express, once again, the AU's deep appreciation to the EAC for its relentless efforts. The measures contained in the communiqués of the Extraordinary Summits of 13 and 31 May 2015 provide the basis for a consensual and lasting solution. The task ahead is to strive for the effective implementation of these measures. Council would greatly assist in this respect by agreeing on the required modalities and timetable. I urge all the bilateral and multilateral partners to lend their full support to the search for a lasting solution to the present political and security crisis.

30. I reiterate the AU's strong condemnation of the attempted coup d'état of 13 May 2015, as well as of all acts of violence in Burundi. I stress, once again, the need for the strict observance of human rights and fundamental freedoms. In this regard, the early deployment of human rights observers, as requested by Council, is of particular relevance. To this end, I look forward to the cooperation of all the stakeholders concerned. I express my appreciation to the countries hosting Burundian refugees for their generosity. I appeal to the international and national humanitarian organizations to mobilize the necessary support to help the refugees.