

5. The situation in Burundi

Decision of 21 May 2004 (4975th meeting): resolution 1545 (2004)

At its 4975th meeting,¹ on 21 May 2004, the Security Council included in its agenda the report of the Secretary-General on Burundi.² In his report, the Secretary-General observed that significant political progress had been made towards ending hostilities in Burundi and only one of the armed groups, Forces nationales de libération (Palipehutu-FNL) the Parti pour la libération du peuple hutu- Agathon Rwaso, remained outside the peace process. He noted that the African Union, with the support of troops provided by Ethiopia, Mozambique and South Africa, had made a significant impact on the peace process by deploying the African Mission in Burundi before the conclusion of a comprehensive ceasefire. He recalled that, in view of the serious financial and logistical difficulties it had encountered, the African Union had requested the assistance of the United Nations in taking over its peacekeeping presence in Burundi, a request which had been strongly supported by the Government. As a sustainable peace in Burundi was necessary for long-term stability in the Great Lakes region and would have a positive impact on the situation in the Democratic Republic of the Congo and the work of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), he recommended that the Council deploy a multidimensional United Nations peacekeeping operation to support the peace process in Burundi. He recalled that the elections were supposed to be held in less than eight months and he stressed that if the United Nations were going to expand its presence in the country, then much work would be required in a very short amount of time. That work would include the necessary acceleration of the disarmament, demobilization, reinsertion and reintegration process; the priority of bringing FNL into the peace process; and dealing with the question of national

reconciliation, particularly the core problems of impunity and the “horrendous abuses of human rights” that had been committed by all sides to the conflict.

The representatives of Burundi and the Chairperson of the African Union were invited to participate in the discussion. The Secretary-General was also present.

The President (Pakistan) drew the attention of the Council to a draft resolution;³ it was then put to the vote and adopted unanimously as resolution 1545 (2004) by which the Council, acting under Chapter VII of the Charter of the United Nations, *inter alia*:

Decided to authorize the deployment of a peacekeeping operation in Burundi called the United Nations Operation in Burundi (ONUB);

Decided that ONUB would be headed by the Special Representative of the Secretary-General who chaired the Implementation Monitoring Committee of the Arusha Agreement, and would initially be composed of existing African Mission in Burundi forces;

Decided further that ONUB should consist of a maximum of 5,650 military personnel, including 200 observers and 125 staff officers, up to 120 civilian police personnel, as well as the appropriate civilian personnel;

Requested the Secretary-General to conduct all the activities of the United Nations system in Burundi and to facilitate the coordination with other national, regional and international actors, in particular the African Union, of activities in support of the transition process, while ensuring that ONUB personnel gave special attention to issues related to gender equality, as well as to the specific needs of children;

Requested further the Secretary-General to conclude agreements with States neighbouring Burundi to enable ONUB forces to cross their respective borders in pursuit of armed combatants;

Urged the international financial institutions and the donor community to continue to contribute to the economic development of Burundi;

Decided that ONUB should carry out its mandate in close cooperation with the United Nations Organization Mission in the Democratic Republic of the Congo, in particular concerning monitoring and prevention of movements of combatants across the border between Burundi and the Democratic Republic of the Congo, as well as the implementation of the disarmament and demobilization programmes.

¹ During this period, in addition to the meetings covered in this section, the Council held a number of meetings in private with the troop-contributing countries to the United Nations Operation in Burundi (UNOB), pursuant to resolution 1353 (2001), annex II, sections A and B. The meetings were held on 24 November 2004 (5088th), 23 May 2005 (5182nd), 28 November 2005 (5310th), 27 June 2006 (5475th), and 21 December 2006 (5604th).
² S/2004/210 and Add.1.

³ S/2004/410.

Decision of 15 August 2004 (5021st meeting): statement by the President

At the 5021st meeting, on 15 August 2004, the President (Russian Federation) made a statement on behalf of the Council,⁴ by which the Council, *inter alia*:

Condemned with the utmost firmness the massacre of refugees from the Democratic Republic of the Congo which occurred on the territory of Burundi, in Gatumba, on 13 August 2004;

Requested the Special Representative of the Secretary-General for Burundi, in close contact with the Special Representative of the Secretary-General for the Democratic Republic of the Congo, to establish the facts and report on them to the Council as quickly as possible;

Called upon the authorities of Burundi and of the Democratic Republic of the Congo to cooperate actively so that the perpetrators and those responsible for those crimes be brought to justice without delay;

Called upon all States in the region to ensure that the territorial integrity of their neighbours was respected;

Recalled in this respect the Declaration on the principles of good-neighbourly relations and cooperation adopted in New York on 25 September 2003;

Requested ONUB and MONUC to offer their assistance to the Burundian and Congolese authorities with a view to facilitating the investigation and to strengthening the security of vulnerable populations.

Decision of 1 December 2004 (5093rd meeting): resolution 1577 (2004)

At its 5093rd meeting,⁵ on 1 December 2004, the Council included in its agenda the second report of the Secretary-General on the United Nations Operation in Burundi (ONUB).⁶ In his report, the Secretary-General observed that steady progress had been observed in the peace process, and major developments had been seen in the decision by the majority of Burundian parties to extend the transitional period under the existing arrangements for at least six months, the adoption of a clear electoral calendar and the adoption of a post-transition constitution to be put to a popular referendum. He expressed concern about, *inter alia*, the

major political and social tensions; the delay in adopting key legislation; the continuing refusal of FNL to join the peace process; the extent of human rights violations; and the culture of impunity. He stressed the need to urgently engender regional cooperation and welcomed the forthcoming summit of the International Conference on the Great Lakes. The Secretary-General also reported to the Council about the report on the joint investigation by ONUB and the Office of the United Nations High Commissioner for Human Rights⁷ into the massacre on 13 August of 152 Congolese refugees at the Gatumba refugee camp near the border to the Democratic Republic of the Congo. He noted that despite the extensive investigation, there was no clear evidence of who had organized the atrocity, although investigators believed that FNL had participated in the attack, but was likely not alone. A national investigation was still ongoing.

Statements were made by the representatives of France, Germany, Spain, the United Kingdom and the United States.⁸

The representatives of France, Germany, Spain and the United Kingdom advocated for breaking the cycle of human rights violations and impunity in Burundi. These speakers welcomed the intention of the Government of Burundi to refer the Gatumba massacre to the International Criminal Court following its own internal investigations, and welcomed the support of the Council for the efforts being made by States to end impunity, which included efforts made in cooperation with international institutions and tribunals, notably the International Criminal Court.⁹

The representative of the United States reiterated that it was the policy of the Government of the United States to ensure that its citizens, including members of its armed forces participating in peace operations, were protected from criminal prosecutions or other assertion of jurisdiction of the International Criminal Court. He added that his delegation supported the resolution based on the understanding that it in no way directed, encouraged or authorized ONUB to cooperate with or support the Court, and that it did not change the

⁴ S/PRST/2004/30.

⁵ At the 5042nd meeting, held in private on 23 September 2004, the members of the Council heard a briefing and had a constructive exchange of views with the President of Burundi.

⁶ S/2004/902, submitted pursuant to resolution 1545 (2004).

⁷ S/2004/821.

⁸ The representative of Burundi was invited to participate in the meeting but did not make a statement.

⁹ S/PV.5093, p. 2 (France); pp. 3-4 (Germany); p. 4 (United Kingdom); and pp. 4-5 (Spain).

existing mandate of ONUB regarding the investigation of violations of humanitarian law.¹⁰

The President (Algeria) drew the attention of the Council to a draft resolution;¹¹ it was adopted unanimously as resolution 1577 (2004), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided that the mandate of ONUB, as defined in its resolution 1545 (2004), should be extended until 1 June 2005;

Urged all the Governments and parties concerned in the region to denounce the use of and incitement to violence, to condemn unequivocally violations of human rights and of international humanitarian law, and actively to cooperate with ONUB and MONUC and with efforts of States aimed at ending impunity;

Requested ONUB and MONUC to continue to provide their assistance, within their mandate, to the Burundian and Congolese authorities, with a view to facilitating the completion of the investigation into the Gatumba massacre and to strengthening the security of vulnerable populations;

Requested the Secretary-General to keep it informed on a regular basis of developments in the situation in Burundi, the implementation of the Arusha Agreement, the execution of the ONUB mandate and the action taken by the Burundian authorities following the Council's recommendations in the fight against impunity, and to submit a report on these developments every three months.

**Decision of 14 March 2005 (5141st meeting):
statement by the President**

At its 5141st meeting, on 14 March 2005, the Council included in its agenda the third report of the Secretary-General on ONUB.¹² In his report, the Secretary-General observed that the six-month extension of the transitional period that had begun on 1 November had allowed the Burundian parties to advance the peace process despite some delays in the electoral calendar. The Transitional Government had passed a number of important laws, including one establishing a National Truth and Reconciliation Commission. He also noted other progress, including the imminent referendum on a new constitution, the preparation for elections, and the commencement of the demobilization, disarmament and reintegration process. He expressed concern about considerable

political tensions in the country, as well as the extent of human rights violations and the culture of impunity. He also underlined the importance of continuing the same level of regional and international engagement to ensure the sustainability of peace after the elections.

The representative of Burundi was invited to participate in the discussion. The President (Brazil) made a statement on behalf of the Council,¹³ by which the Council, *inter alia*:

Welcomed the approval by the Burundian people of the post-transitional Constitution, through the referendum of 28 February 2005 whose final results had just been declared;

Called upon all Burundians to remain committed to the course of national reconciliation, for further steps remained to be taken;

Invited in particular the political leadership in the country to work together towards the common goal of holding, expeditiously, local and national elections that were free and fair;

Encouraged the donor community to continue providing its assistance to that end.

**Decision of 23 May 2005 (5184th meeting):
statement by the President**

At the 5184th meeting, on 23 May 2005, the representative of Burundi was invited to participate in the discussion. The President (Denmark) made a statement on behalf of the Council,¹⁴ by which the Council, *inter alia*:

Took note with satisfaction of the declaration of 15 May 2005 made by the President of Burundi and by the leader of Palipehutu-FNL, in particular the commitment by both parties to immediately cease hostilities, agree within a month on a permanent ceasefire, and negotiate without disturbing the electoral process;

Shared the understanding that this declaration was a first step that should allow FNL to be rapidly integrated, in a negotiated manner, into the transitional process currently in progress in Burundi;

Commended the efforts of States of the Regional Initiative, as well as those made by the Special Representative of the Secretary-General, to bring the peace and national reconciliation process in Burundi to a successful conclusion;

Reiterated that bringing an end to the climate of impunity in Burundi and the Great Lakes region was essential to that process and urged all Burundian parties to exert greater efforts

¹⁰ *Ibid.*, p. 3.

¹¹ S/2004/930.

¹² S/2005/149, submitted pursuant to resolution 1577 (2004).

¹³ S/PRST/2005/13.

¹⁴ S/PRST/2005/19.

to ensure success of the transition, national reconciliation and stability of the country in the longer term.

**Decision of 31 May 2005 (5193rd meeting):
resolution 1602 (2005)**

At its 5193rd meeting, on 31 May 2005, the Council included in its agenda the fourth report of the Secretary-General on ONUB.¹⁵ In his report, the Secretary-General observed that while there had been important advances, progress in the peace process had been slow, resulting in a further extension of the transitional period, and the process of reform had not yet become irreversible. What was required was the necessary political will of the Burundian parties to conclude the transitional process and to ensure that the electoral calendar was adhered to and that elections were carried out in a peaceful environment. He joined the Heads of State of the Regional Initiative in endorsing the efforts of the Government of the United Republic of Tanzania to facilitate an agreement with FNL. He expressed concern about the continuing political tensions, atmosphere of impunity and the devastating debt burden. He pointed out the contribution of ONUB to the progress achieved in the peace process and recommended the extension of its mandate.

The representative of Burundi was invited to participate in the discussion. The President (Denmark) drew the attention of the Council to a draft resolution;¹⁶ it was adopted unanimously as resolution 1602 (2005), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to extend the mandate of ONUB until 1 December 2005;

Called upon all Burundian parties to exert greater efforts to ensure success of the transition, national reconciliation and stability of the country in the longer term, in particular by refraining from any actions which might affect the cohesion of the Arusha Agreement process;

Requested the Secretary-General to continue to keep it informed in his reports on the situation in Burundi of actions taken in the fight against impunity.

**Decision of 20 June 2005 (5207th meeting):
resolution 1606 (2005)**

At its 5203rd meeting, on 15 June 2005, the Council included in its agenda a letter dated 11 March 2005 from the Secretary-General addressed to the President of the Security Council, transmitting the report of the assessment mission on the establishment of an international judicial commission of inquiry for Burundi.¹⁷ In the report, the assessment mission recommended the establishment of a twin mechanism: a non-judicial accountability mechanism in the form of a truth commission, and a judicial accountability mechanism in the form of a special chamber within the court system of Burundi. It also pointed out that the United Nations could no longer engage in establishing commissions of inquiry and then disregard their recommendations without seriously undermining the credibility of the Organization in promoting justice and the rule of law. It proposed, *inter alia*, a comprehensive approach to the pursuit of truth and justice by the United Nations; the engagement of the Secretary-General in negotiations with the Government of Burundi on the practical implementation of the proposals; and a broad-based, genuine and transparent process of consultation with a range of national actors and civil society to incorporate the views of the people of Burundi.

The Council then heard briefings by the Assistant Secretary-General for Legal Affairs and the Minister of Justice of Burundi, following which all Council members made statements.

The Assistant Secretary-General for Legal Affairs noted the background to the request for the establishment of an international judicial commission of inquiry, which included the four other international commissions established between 1993 and 1995, three of which had been at the request of the Council. All of those four commissions had been limited to the events of 1993, the coup d'état, the assassination of the President and the massacres that followed, but had not addressed the cycle of inter-ethnic killings that went back to the 1960s. Therefore, he stressed that the demands for the establishment of a commission of inquiry whose temporal jurisdiction extended over four decades of Burundi's recent history were an appeal for fairness in establishing and recounting the historical truth and putting the 1993 massacres in a broad historical perspective. He detailed, *inter alia*, the proposed mandate and composition of the truth

¹⁵ S/2005/328.

¹⁶ S/2005/345.

¹⁷ S/2005/158.

commission as well as the proposed legal basis under Burundian law and composition of the special chamber. He also called for international funding to the accountability mechanism and suggested the Council to mandate the Secretary-General to engage in negotiations with the Government of Burundi on the practical implementation of these proposals.¹⁸

The representative of Burundi expressed support for the recommendations of the assessment mission, which had met the dual concerns of the political negotiators in Arusha and of the people of Burundi as a whole to establish the truth, and to bring the guilty to justice and punish them. However, he maintained that the version of the truth commission did not “highlight sufficiently the aspect of reconciliation”. He, therefore, requested that the Security Council give priority to the ongoing discussions on national reconciliation as well as to specify the financing modalities for the twin mechanism. There was also a need to undertake a broad-based consultation involving all sectors of society in order to sound out the people of Burundi and encourage them to support the new truth and justice mechanisms.¹⁹

The majority of the speakers endorsed the recommendations of the assessment mission and supported the Security Council authorizing the Secretary-General to begin negotiations with the Government of Burundi to implement those recommendations. Most of the representatives welcomed the determination of the Government of Burundi to eradicate the culture of impunity. Some speakers also underlined the importance of the contribution of the Great Lakes region countries to the peace process in Burundi.

At its 5207th meeting, on 20 June 2005, the Council again included in its agenda the letter dated 11 March 2005 from the Secretary-General transmitting the report of the assessment mission.²⁰ The representative of Burundi was invited to participate in the discussion. The President (France) drew attention to a draft resolution;²¹ it was then adopted unanimously as resolution 1606 (2005), by which the Council, *inter alia*:

Requested the Secretary-General to initiate negotiations with the Government and consultations with all Burundian parties concerned on how to implement his recommendations, and to report to the Council by 30 September 2005 on details of implementation, including costs, structures and time frame;

Decided to remain seized of the matter.

Decision of 30 August 2005 (5252nd meeting): statement by the President

At the 5252nd meeting, on 30 August 2005, the representative of Burundi was invited to participate in the discussion. The President (Japan) made a statement on behalf of the Council,²² by which the Council, *inter alia*:

Acknowledged the election of Pierre Nkurunziza as President of the Republic of Burundi, on 19 August 2005;

Paid tribute to the spirit of peace and dialogue demonstrated by the Burundian people throughout the transitional period, and commended them for their encouraging participation in the electoral process;

Called on all parties to respect the will of the Burundian people, the elected Government and the commitments agreed during the transitional process;

Encouraged the new authorities to continue on the course of stability and national reconciliation and to promote social concord;

Reaffirmed in this regard that it was essential to bring an end to the climate of impunity;

Commended the critical contribution of the Regional Initiative for Peace in Burundi, the African Union and the United Nations Operation in Burundi made to the peace process;

Called upon all international partners of Burundi, including the States of the Regional Initiative and the main donors, to remain committed, and encouraged them to agree with the Burundian authorities on the most appropriate framework to coordinate their support to reforms currently under way and to the consolidation of peace.

Decision of 22 September 2005 (5268th meeting): statement by the President

At its 5268th meeting, on 22 September 2005, the Council included in its agenda the special report of the Secretary-General on ONUB.²³ In his report, the Secretary-General welcomed the successful conduct of the national elections, the inauguration of a democratically elected President and the conclusion of

¹⁸ S/PV.5203, pp. 2-4.

¹⁹ *Ibid.*, pp. 5-6.

²⁰ S/2005/158.

²¹ S/2005/396.

²² S/PRST/2005/41.

²³ S/2005/586.

the transitional process. He congratulated the new President of Burundi on his election and encouraged him to continue to adhere to the principles of ethnic and political inclusivity. He maintained that despite the promising contacts between the Transitional Government and FNL, negotiations had not produced tangible results. He pointed out the significant challenges to the new Government, particularly the restoration of peace and stability as well as the need for continuing negotiations with FNL to conclude a comprehensive ceasefire. Finally, he recommended the early establishment of an international support mechanism as a partners' forum for Burundi. He stated that he would provide recommendations on the size and mandate of ONUB in the post-transitional phase by 15 November, but he did not anticipate an immediate reduction in the mission's military strength, although the civilian component would undergo necessary adjustments.

The representative of Burundi was invited to participate in the discussion. The President (Philippines) made a statement on behalf of the Council,²⁴ by which the Council, *inter alia*:

Took note of the Secretary-General's proposal to establish a partners' forum as an international support mechanism; also took note of the declaration adopted on 13 September 2005 in New York during the summit on Burundi;

Welcomed the decision to establish a forum of Burundi's partners and encouraged the Special Representative of the Secretary-General to conclude discussions with all concerned partners in order to establish the forum as soon as possible;

Reiterated its call to the donor community to pursue bilateral and multilateral efforts to support the country.

Decision of 30 November 2005 (5311th meeting): resolution 1641 (2005)

At its 5311th meeting, on 30 November 2005, the Council included in its agenda the fifth report of the Secretary-General on ONUB.²⁵ In his report, the Secretary-General observed that, despite the achievements made, the overall situation in Burundi remained very fragile. He maintained that the immediate and most urgent priority was to ensure that the armed conflict with FNL was brought to an end and suggested that the Council and the region might wish

to give due consideration to the use of targeted measures against those among the FNL leaders who continued to obstruct a peaceful solution. He informed Council members about, *inter alia*, security sector reform; the disarmament, demobilization and reintegration process; the economic and social crisis; United Nations assistance in the establishment of the truth and reconciliation commission and special chamber; and the humanitarian situation. On the question of the pace of the withdrawal for ONUB, he cautioned against a hasty or premature international disengagement and stressed the need to ensure that the recent gains achieved by the Burundian people were not jeopardized.

The President (Russian Federation) drew the attention of the Council to a draft resolution²⁶ and a letter dated 23 November 2005 from the representative of Burundi addressed to the President of the Security Council.²⁷ The Council heard a briefing by the Foreign Minister of Burundi.

The representative of Burundi affirmed that, with respect to security, there was peace throughout the country except for a few pockets, but he noted that FNL had refused to engage in talks to join all of the other people of Burundi on the path to reconstruction and development. He detailed the security and economic situation of the country and stressed the urgent need to financially strengthen multilateral agencies, including United Nations agencies, so that they could shift from humanitarian support to development support. He affirmed that a joint analysis by the Government of Burundi and ONUB had led to a decision to recommend a gradual disengagement, in an orderly manner, beginning on 1 January 2006. Finally, he recommended that the next mandate of ONUB focus on monitoring the borders between Burundi and the Democratic Republic of the Congo; support for the disarmament, demobilization and reintegration process and reform of the security sector; and support for human rights, transitional justice and demining.²⁸

²⁶ S/2005/741.

²⁷ S/2005/736, transmitting the report of the Government of Burundi on the evolution of the mandate of ONUB, in which the Government summarized the conclusion of the talks between the Government of Burundi and ONUB concerning the modalities for the gradual withdrawal of the ONUB forces and other areas of cooperation.

²⁸ S/PV.5311, pp. 2-4.

²⁴ S/PRST/2005/43.

²⁵ S/2005/728, submitted pursuant to resolution 1602 (2005).

The draft resolution was put to the vote and adopted unanimously as resolution 1641 (2005) by which the Council, acting under Chapter VII of the Charter, *inter alia*, decided to extend the mandate of ONUB until 15 January 2006 and to remain actively seized of the matter.

**Decision of 21 December 2005 (5341st meeting):
resolution 1650 (2005)**

At its 5341st meeting, on 21 December 2005, the Council again included in its agenda the fifth report of the Secretary-General on ONUB.²⁹ The representative of Burundi was invited to participate in the discussion. The President (United Kingdom) again drew the attention of the Council to the letter dated 23 November 2005 from the representative of Burundi,³⁰ and to a draft resolution.³¹ The draft resolution was then adopted unanimously as resolution 1650 (2005), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to extend the mandate of ONUB until 1 July 2006;

Authorized the temporary redeployment of military and civilian police personnel among ONUB and MONUC and requested in this regard the Secretary-General to begin consultations with the countries contributing military and civilian police personnel to those missions;

Underlined that any personnel redeployed should continue to be counted against the authorized ceiling on military and civilian personnel of the mission from which they were being transferred, and that any such transfer should not have the effect of extending the deployment of personnel after the expiration of the mandate of their original mission, unless the Council decided otherwise;

Urged the Government to complete the implementation of the programme of disarmament, demobilization and reintegration;

Urged the international partners for the development of Burundi, including the concerned bodies of the United Nations, to continue to provide their support for the reconstruction of the country, particularly through an active participation in the donors conference to be organized in early 2006;

Decided to remain actively seized of the matter.

**Decision of 23 March 2006 (5394th meeting):
statement by the President**

At its 5394th meeting, on 23 March 2006, the Council included in its agenda the sixth report of the Secretary-General on ONUB.³² In his report, the Secretary-General observed that the Government had focused its initial steps on enhancing longer-term prospects for the people of Burundi, and had put forward an ambitious legislative programme. Nonetheless, he cautioned that the country still faced acute humanitarian and social crises and an extremely fragile security and economic situation. He expressed the view that a multifaceted approach was needed to resolve the long-standing FNL question. He encouraged the leaders of the Regional Peace Initiative for Burundi and of the facilitation of the Burundi peace process to reinvigorate their support for the peace process to bring it to a conclusion. He underlined that the plan to withdraw ONUB from Burundi by 31 December 2006 had been developed in consultation with the Government, following its specific and strong request for the early disengagement of the United Nations peacekeeping presence.

The representative of Burundi was invited to participate in the discussion. The President (Argentina) made a statement on behalf of the Council,³³ by which the Council, *inter alia*:

Welcomed the statements recently made by the leader of the Forces nationales de libération, Agathon Rwasa, in Dar es Salaam, expressing his readiness to negotiate with a view to put a final end to violence;

Urged both parties to seize this opportunity for negotiations with a view to bringing peace to the whole country;

Encouraged the Burundian parties to continue on the course of the reforms agreed in Arusha, while maintaining the spirit of dialogue, consensus and inclusion which had made possible the success of the transition in their country;

Invited the States of the Regional Initiative to continue to work with the Burundian authorities on the consolidation of peace in the country and in the region;

Encouraged the international community — including the relevant United Nations agencies — to continue to support the Burundian authorities following the disengagement of ONUB in the long term.

²⁹ S/2005/728.

³⁰ S/2005/736.

³¹ S/2005/811.

³² S/2006/163.

³³ S/PRST/2006/12.

**Decision of 30 June 2006 (5479th meeting):
resolution 1692 (2006)**

At its 5479th meeting, on 30 June 2006, the Council included in its agenda the seventh report of the Secretary-General on ONUB.³⁴ In his report, the Secretary-General welcomed, *inter alia*, both the decision of FNL to negotiate without preconditions and the Government's decision to engage in talks with the armed group; the signing on 18 June of the Agreement on Principles towards Lasting Peace, Security and Stability in Burundi; and the agreement between the Government of Burundi and the United Nations on the priority peace consolidation areas. He also expressed concern about the increasing national and international criticism directed at the Government's approach towards opposition political parties and media. He, therefore, urged the Government of Burundi to ensure an inclusive and transparent approach to the political decision-making process as well as to uphold freedom of expression, and to remain open to dialogue with civil society, political parties and other stakeholders. Finally, he added that enhancing the capacity of the army and police was urgently required in order to minimize any security vacuum following the departure of the ONUB military contingents. Finally, he welcomed the agreement between the Government and the United Nations on the priority peace consolidation areas that would require continued United Nations support. He encouraged the Security Council to give due consideration to his recommendation to establish a United Nations integrated office in Burundi, which would signal a shift in the focus of United Nations engagement in the country to reflect the positive developments in the peace process. In the meantime, he recommended a final extension of the ONUB mandate until 31 December 2006.

The representative of Burundi was invited to participate in the discussion. The President (Denmark) drew the attention of the Council to a draft resolution;³⁵ it was then adopted unanimously as resolution 1692 (2006), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to extend the mandate of ONUB until 31 December 2006;

Decided to extend until 30 September 2006 the authorization to redeploy temporarily a maximum of one

³⁴ S/2006/429.

³⁵ S/2006/456.

infantry battalion, a military hospital and 50 military observers from ONUB to MONUC, in accordance with resolution 1669 (2006), with the intention of renewing such authorization according to future decisions by the Security Council concerning the renewal of the mandate of MONUC;

Welcomed the intention of the Secretary-General to establish an integrated office of the United Nations in Burundi.

**Decision of 25 October 2006 (5554th meeting):
resolution 1719 (2006)**

At its 5554th meeting, on 25 October 2006, the Council again included in its agenda the seventh report of the Secretary-General on ONUB and the addendum thereto.³⁶ In the addendum to the report, the Secretary-General outlined a mandate and structure for the proposed United Nations Integrated Office in Burundi (BINUB). He stated that the establishment of the office would enable the international community, through the United Nations, to play an important role in the next critical phase in strengthening national capacity to effectively address the root causes of conflict as well as in the promotion of socioeconomic development.

The representative of Burundi was invited to participate in the discussion. The President (Japan) drew the attention of the Council to a draft resolution;³⁷ it was then adopted unanimously as resolution 1719 (2006), by which the Council, *inter alia*:

Requested the Secretary-General to establish the United Nations Integrated Office in Burundi for an initial period of 12 months, commencing on 1 January 2007, to support the Government in its effort towards long-term peace and stability throughout the peace consolidation phase in Burundi;

Called upon the Government of Burundi and Palipehutu-FNL to expeditiously implement in good faith the Comprehensive Ceasefire Agreement which they signed at Dar es Salaam on 7 September 2006 and to pursue their efforts to resolve outstanding issues in a spirit of cooperation.

**Decision of 30 May 2007 (5686th meeting):
statement by the President**

At its 5686th meeting,³⁸ on 30 May 2007, the Council included in its agenda the first report of the

³⁶ S/2006/429 and Add.1.

³⁷ S/2006/839.

³⁸ At its 5678th meeting, held in private on 21 May 2007, the Council invited the Executive Representative of the Secretary-General for Burundi. The members of the Council heard a briefing by the representative of Norway

Secretary-General on BINUB.³⁹ In his report, the Secretary-General observed that ONUB had been terminated and BINUB formally established since his last report. He noted that the overall situation remained fragile, but that the Government had taken some positive steps, including the improvement of relations with the media and civil society; the commitment to improve the human rights situation and fight corruption; and the pledge by the ruling party's new leadership to work in an inclusive and cooperative spirit with all political parties. He welcomed, *inter alia*, the revival of the Economic Community of the Great Lakes Countries, Burundi's formal accession to the East African Community; and the engagement of the Government of Burundi with the Peacebuilding Commission. He also expressed concern about the lack of resources and limited capacities to meet the high expectations of the people of Burundi for immediate peace dividends, as well as the current impasse in implementing the comprehensive ceasefire agreement. He stated that the Government's commitment to moving the process forward and to accommodating FNL demands was commendable.

The President (United States) drew the attention of the Council to a letter dated 13 February 2007 from the representative of France,⁴⁰ and made a statement on behalf of the Council,⁴¹ by which the Council, *inter alia*:

Welcomed the establishment of the United Nations Integrated Office in Burundi and the support it provided to the peace consolidation process;

Urged the Government to intensify its efforts on all aspects of reform of the security sector and to address the issue of human rights abuses committed by members of the security services, including by bringing perpetrators to justice and encouraged international partners, including BINUB in accordance with its mandate, to increase their support for this endeavour;

Urged the Government to step up its efforts to combat impunity and to promote and protect human rights;

as the Vice-Chair of the Organizational Committee of the Peacebuilding Commission and a statement made by the representative of Burundi.

³⁹ S/2007/287.

⁴⁰ S/2007/92, transmitting the conclusions of the Security Council Working Group on Children and Armed Conflict with respect to the report of the Secretary-General on children and armed conflict in Burundi.

⁴¹ S/PRST/2007/16.

Welcomed the revival of the Economic Community of the Great Lakes Countries, the Great Lakes Conference process and the upcoming formal accession of Burundi to the East African Community.

Deliberations of 28 November 2007 (5786th meeting)

At its 5786th meeting, on 28 November 2007, the Council heard a briefing by the Minister of Safety and Security of South Africa and Facilitator of the Burundi Peace Process, following which all Council members made statements.

The Facilitator of the Burundi Peace Process informed the Council of the Comprehensive Peace Agreement that had been signed by the Government of Burundi and FNL, but said that a number of problems had emerged. He noted that a Joint Verification and Monitoring Mechanism had been established with the participation of FNL, which had later withdrawn. In June there had been a meeting between the President of Burundi and the head of FNL, in which a number of steps had been agreed, including the return of FNL to Burundi. However, there had been a split in FNL that had seen a number of combatants abandoning their positions and attempting to join the disarmament, demobilization and reintegration programme, as well as attacks on those trying to leave. He called for help on behalf of the African Union and the Regional Initiative from the international community and the United Nations for the process of disarmament, demobilization and reintegration, particularly of those FNL members who had already made themselves available, and to put pressure on the leadership of FNL to fully implement the ceasefire agreement.⁴²

Most speakers welcomed the establishment of a new National Unity Government on 14 November 2007 as well as the resumption of the work of the parliament. The majority of the representatives called for, *inter alia*, the full implementation of the Comprehensive Ceasefire Agreement, and for FNL to rejoin the peace process, specifically to retake their place within the Joint Verification and Monitoring Mechanism without delay or preconditions. Several speakers commended the efforts of the Government of South Africa, the Regional Peace Initiative, the Special African Union Task Force, the United Nations Integrated Office in Burundi, and the Facilitator of the

⁴² S/PV.5786, pp. 2-6.

Burundi Peace Process. A number of speakers expressed support for the draft statement to the press on Burundi prepared by the delegation of France.

The representative of South Africa called on the Security Council and the international community to act in unison in support of the Regional Peace Initiative and its programmes as well as on the international community to exert pressure on FNL to rejoin the peace process. He also pointed out that it was important that the process continued to receive the full support of the Security Council, in line with Chapter VIII of the Charter of the United Nations.⁴³

The representative of the Congo believed that the difficulties besetting the subregion were such that the risk of a new outbreak of violence would also have a collateral effect on neighbouring countries and could even undo the efforts of the international community there, including in the Democratic Republic of the Congo. As a result, echoed by the representative of China, he supported the appeal for facilitation assistance.⁴⁴

**Decision of 19 December 2007 (5809th meeting):
resolution 1791 (2007)**

At its 5793rd meeting, on 6 December 2007, the Council included in its agenda the second report of the Secretary-General on BINUB.⁴⁵ In his report, the Secretary-General observed that the political situation had deteriorated considerably during the previous period, due to a political crisis triggered by tensions in the ruling CNDD-FDD party and the detention of its former Chairman. The deterioration of the overall security situation and the continued human rights violations were also of concern. Nonetheless, the appointment of an inclusive Government on 14 November as well as the positive outcome of the dialogue between the President of Burundi and the Union pour le progrès national and the Front pour la démocratie au Burundi were encouraging developments in the peace consolidation process. He reiterated that it was imperative that FNL resume its participation in the Joint Verification and Monitoring Mechanism without delay or preconditions. He encouraged the Security Council and the African Union to explore additional ways to support the process and expressed the belief

that BINUB needed to play a more robust role in support of the peace process between the Government of Burundi and FNL, in full coordination with regional and international partners.

The Council heard a briefing by the representative of Norway, Chairman of the Burundi configuration of the Peacebuilding Commission.⁴⁶

The Chairman informed Council members that the Peacebuilding Commission had concluded the development of a strategic framework for peacebuilding in Burundi and adopted a monitoring and tracking mechanism for that framework. He also recommended that the Council closely monitor the situation in Burundi, and that it consider, if necessary, taking appropriate action with a view to the effective implementation of the ceasefire by the set date.⁴⁷

At its 5809th meeting, on 19 December 2007, the Council again included in its agenda the second report of the Secretary-General on BINUB.⁴⁸

The representative of Burundi was invited to participate in the discussion. The President (Italy) drew the attention of the Council to a draft resolution;⁴⁹ it was then adopted unanimously as resolution 1791 (2007), by which the Council, inter alia:

Decided to extend until 31 December 2008 the mandate of BINUB as set out in resolution 1719 (2006);

Encouraged the authorities and political actors in Burundi to continue their dialogue;

Urged Palipehutu-FNL to return to the Joint Verification and Monitoring Mechanism without delay or preconditions and to immediately release all children associated with it;

Called on both parties to the Comprehensive Ceasefire Agreement to refrain from any action that might lead to a resumption of hostilities and to resolve outstanding issues in a spirit of cooperation;

⁴³ Ibid., p. 9.

⁴⁴ Ibid., p. 10 (Congo); and p. 12 (China).

⁴⁵ S/2007/682, submitted pursuant to resolution 1719 (2006).

⁴⁶ The representative of Burundi was invited to participate in the meeting but did not make a statement.

⁴⁷ S/PV.5793, pp. 2-3.

⁴⁸ S/2007/682.

⁴⁹ S/2007/740.

Encouraged the South African Facilitation, the Regional Peace Initiative, the African Union and other international partners to reinforce efforts in support of the early conclusion of the peace process between the Government of Burundi and Palipehutu-FNL;

Requested the Secretary-General, including through BINUB, to play a robust political role in support of the peace process;

Encouraged BINUB and the Facilitation to expedite their consultations on a common approach to deal with the issue of alleged FNL dissidents;

Encouraged the Government of Burundi to pursue its efforts regarding peace consolidation challenges.

6. The situation in Sierra Leone

Decision of 30 March 2004 (4938th meeting): resolution 1537 (2004)

At its 4938th meeting,¹ on 30 March 2004, the Security Council included in its agenda the report of the Secretary-General on the United Nations Mission in Sierra Leone (UNAMSIL) dated 19 March 2004.² In his report, the Secretary-General observed that the carefully calibrated exit strategy for UNAMSIL that had been approved by the Security Council after the national elections in 2002 had yielded significant benefits for the country. In particular, the extended presence of the Mission had created a stable security environment and given the Government the opportunity to consolidate the peace and promote national recovery. He noted several achievements that included the extension of State authority throughout the country, the completion of the disarmament, demobilization and reintegration programme, the successful launching of the Special Court, the completion of the work of the Truth and Reconciliation Commission and the successful resettlement of internally displaced persons and returnees. Progress had also been made in implementing the benchmarks

that were intended to build the capacity of the Government to assume responsibility for national security and recovery, and make it possible for UNAMSIL to begin disengaging without putting peace at risk. However, progress in many of those areas remained fragile, and the serious shortfalls facing the armed forces in logistics and infrastructure meant that it was not possible for the Government to assume effective responsibility for the country's external security by the time the UNAMSIL mandate was terminated in December. Therefore, on the basis of the findings of an interdepartmental assessment mission led by the Department of Peacekeeping Operations in Sierra Leone from 9 to 19 February 2004, the Secretary-General recommended the establishment of a residual United Nations peacekeeping operation in Sierra Leone after the termination of the mandate of UNAMSIL on 31 December 2004 to facilitate a seamless transition to the follow-on mission that would provide more time to complete key residual tasks of UNAMSIL, allow the Special Court to complete its work and give the country extra space to further stabilize and recover.

The representative of Sierra Leone was invited to participate in the discussion. The President (France) drew the attention of the Council to a draft resolution;³ it was put to the vote and adopted unanimously and without debate as resolution 1537 (2004), by which the Council, on the basis of the report of the Secretary-General, *inter alia*:

¹ During this period, in addition to the meetings covered in this chapter, the Council held a number of meetings in private with the troop-contributing countries to the United Nations Observer Mission in Sierra Leone (UNAMSIL), pursuant to resolution 1353 (2001), annex II, sections A and B. The meetings were held on 24 March 2004 (4932nd), 15 September 2004 (5035th), and 20 December 2005 (5333rd).

² S/2004/228, submitted pursuant to resolution 1492 (2003).

³ S/2004/256.