

14 April 2015

To: Members of the Peacebuilding Commission, Burundi Configuration

Subject: **Chair's visit to Burundi, 31 March – 03 April 2015**

Dear colleagues,

In my capacity as Chair of the Burundi Configuration of the UN Peacebuilding Commission, I visited Burundi from 31 March to 03 April 2015 to pursue the PBC's engagement with Burundi. My discussions with the Government, national stakeholders and international partners focused on the elections of 2015 and on the post-2015 peacebuilding agenda.

I met with the President of the Republic, the Second Vice President, the Minister of Foreign Affairs, the Minister of Interior, the Army Chief of Staff, the General Inspector of Police, the leadership of the newly created Truth and Reconciliation Commission, i.e. the President, the Deputy President and the Secretary General, the President of the Independent National Human Rights Commission (CNIDH), the President of the Independent National Electoral Commission (CENI), the Permanent Secretary of the National Committee for Aid Coordination. I also met the Country Representatives of the World Bank, the International Monetary Fund and the African Development Bank, Representatives of the international community, Special Envoy Cassam Uteem, the Head of the UN Electoral Mission for Burundi (MENUMB), together with his senior staff, the Resident Coordinator and the UNCT. Finally, I continued my practice to hold exchanges with various representatives of Burundian society such as the Archbishop of Bujumbura, leaders of political parties and various political actors, representatives of civil society organizations, human rights organizations, and media professionals. I wish to share hereby the main points and conclusions of my visit.

Political situation

The overall political background to my visit was dominated by the different processes related to the preparation of the elections scheduled between May and August 2015. During my last visit in December 2014, the front page included the speculations around an additional term for President Nkurunziza, and the tensions between the Government and the opposition parties, in particular disagreements between the electoral body, CENI, and the opposition political parties and actors around key aspects of the preparations for the elections. During this visit, I found that this controversy had spread into the ruling party CNDD – FDD thereby creating internal divisions.



While the technical work of the CENI is generally well under way, the issue of an additional presidential term, commonly referred to as “third mandate”, continues to polarise Burundians and to reinforce fears for risks of violence during the electoral period.

Key cadres of the CNDD – FDD, some of whom also hold important functions in the Government, have openly expressed their opposition against an additional term for President Nkurunziza, through a letter signed by many party representatives days before my visit. This “movement” gained momentum in March and it was preceded by a note which the then Head of the Intelligence Service had issued, advising against an additional presidential term, after “he had analysed views of the main international and regional partners of Burundi”. Since then, the Head of the Intelligence Service has been replaced, some Government officials who have signed the letter have been demoted and the leadership of the party has replaced representatives within the party. I was told that some have been or were being relieved from their functions within the Government. I even received information that some were being harassed and threatened, including a death threat. On the other hand, I was informed about the strong reaction of some constituencies within the party which are in favor of an additional term; former combatants and members of the party’s youth movement Imbonerakure have stated that nothing would stand in the way of a further presidential term. This prospect of confrontation between those who are against an additional term and those who support it carries significant risks of widespread violence. The opposition to an additional term, which has been clearly stated by stakeholders external to the CNDD-FDD, has taken a larger and surprising proportion with this internal movement.

In the view of the President himself, the leaders of the CNDD-FDD and Government officials, this internal opposition is insignificant, and it appears that President Nkurunziza will most likely seek his party’s nomination for a further term. I was told that the quest for another presidential term for the incumbent is in line with the Constitution, that the issue appears to be more political than legal and therefore the solution to any crisis related to this presidential term should be political, involving dialogue and the actual elections. Given the position already stated against a further term, both within and outside the ruling party, many interlocutors in Bujumbura believe that the announcement of President Nkurunziza’s candidacy for an additional presidential term will exacerbate existing tensions, followed by demonstrations with high risks of violence. I made a strong call for civic consciousness, national unity and the need to put the country’s interests first. I strongly urged key authorities I met, i.e. the President, the Minister of Interior, the Army Chief of Staff, the Inspector General of Police, and the leaders of political parties, on the absolute necessity to avoid violence. I recalled the primary responsibility of the Burundian Government, which has the monopoly of force, underscored that the international community will not accept the use of violence, and warned of strong reactions by the international community, including possible sanctions in case of violent/deadly confrontations.

The Government is aware of the risk of violence and they reassured me that the Police was prepared to manage demonstrations and control crowds peacefully. The Minister of Interior



downplayed the atmosphere of fear and pledged the Government's commitment to ensure law and order and to respect people's rights. The Police and the Army assured me that they would exercise professionalism, restraint and respect of human rights in managing demonstrations. Violent elements among opposition circles and CNDD-FDD activists (young "Imbonerakure", former combatants) will constitute the most uncontrollable factor and challenge to security. The Government advised the international community to monitor carefully the responsibilities in case of violence, given the temptation of the opposition to use violence. The Minister of Interior told me that we should avoid promoting violence; I relayed this call in my meetings with the political parties, warning against any recourse to violence.

Despite this concerning picture, I was encouraged by the technical preparations of the elections. The mechanics of the electoral operations seem to be going smoothly and different areas of concern that were raised in December during my last visit seem to have found solutions, also thanks to the flexibility of the CENI. The President of the CENI provided an update that seems to suggest that the operational activities are on schedule. Following the completion of the computer-based voter registration, the provisional electoral lists were published from 16-20 March 2015 to allow citizens and political parties to verify these lists and introduce appeals related to missing names and other errors of registration such as double identification. Furthermore, and in response to a request by political parties, the CENI partially reopened the registration process from 21-23 March 2015, which allowed over 160,000 new voters to register, which now total 3.8 million. A second review of the voters' register will be done, with a view to have the finalised voters' register by mid-April. On 30 March, the CENI was scheduled to receive names of candidates for the first round of communal elections scheduled for 26 May 2015; and on 30 April, it will receive names of candidates for presidential elections, scheduled for 26 June. I was told by all political stakeholders that the CENI is more open, more inclusive in its activities and more flexible in its approach. The Minister of Interior pledged further flexibility with regard to the formalities for the political parties to present their candidates. For instance, candidates will be provided with the possibility to present their administrative papers, normally required by the electoral law before their candidacy is validated, after they have been elected. Pending issues include the funding gap and the type of ink to mark/identify citizens who have completed their vote. The president of the CENI told me that out of the total budget of the electoral basket fund that amounts to US\$ 29 million, the outstanding gap amounts to US\$ 9 million. While I wish to plea PBC members to consider this funding gap as a matter of priority, I also note that the CENI reassured me that the elections would be completed even if this gap is not filled. I also suggested that partners who wish to consider additional contributions may use it to sustain engagement with the CENI and ensure that outstanding issues around the elections are addressed. The other issue brought to my attention is the possibility to use invisible [ultra violet] ink to prevent vote rigging. I was told that the current plan is to use the regular indelible ink, and that the invisible ink was more expensive and had not been very much tested in Africa. Some political parties mentioned this measure with some insistence. The reaction of opposition parties to the "ink issue" were a reminder of the



residual feelings of mistrust towards the CENI and the fairness of the electoral process as a whole. UNDP suggested that if there is consensus around the invisible ink as a confidence building measure, the issue could be re-examined, keeping in mind the logistical and budget implications.

The political opposition, already weakened by its withdrawal from the elections of 2010, has become further divided and weakened since. While the ruling party tactically contributed to the fragility of opposition parties, they themselves didn't do any serious work to develop sound and attractive political programs. The only thing that seems to unite and galvanise the opposition is their refusal of an additional presidential mandate and on-going disputes against the Electoral Commission. The Minister of Interior promised to respect their political space; he assesses the current atmosphere between his Ministry, political parties and the CENI as good. He regrets though that those political parties have a number of weaknesses and that they are hiding behind the issue of the additional presidential term instead of preparing for the actual elections. Both the Minister and the President of the CENI told me that opposition political parties are not actively engaged with the first poll, i.e. the communal elections and for the National Assembly, despite their importance in the whole electoral process. I met the political parties together, both the ruling party and the opposition. None of them articulated a political agenda or a constructive view on the current issues, instead they spent most of the time expressing extreme views on the prospect of another presidential term and accusing each other of fueling violence.

The initial idea of opposition parties to build coalitions and present a common candidate for the presidential elections doesn't seem to work. There is no emerging leader of the opposition around whom the others would rally. While Burundi can claim a large number of political parties as a sign of democracy, many of them remain weak in terms of policy discourse, ideological orientation, political agenda and internal organisation. I have now learned that a multi-party environment and elections should be complemented by other objectives, including a good accountability system and political parties that are able to propose agendas that address the socio-economic preoccupations of citizens. This is an area that should be further explored between the elections of 2015 and 2020.

Security situation

During my visit, I met senior officials in the security sector to get an update on the overall security situation and in particular discuss specific security challenges related to the elections. As in most sectors in Burundi, there are facts and rumors/speculations, which often overlap. I was told that the Army is in control of the security of the country; the Government army had defeated the four incursions/attacks that happened in 2014, all of them from the Democratic Republic of Congo.



The most significant attack took place at the end of December 2014. It was largely covered by national and international media and monitored by human rights activists, and it has been the subject of much controversy and speculation. What is known is that during the night of 29 December 2014 about 200 combatants crossed from the DRC into Cibitoke province and that clashes and fights with the Burundian army took place during the week of 29 December, lasting for about 4-5 days. What is not yet known or revealed is the identity of the attackers. What is known is that many of these combatants were killed, but the circumstances in which they were killed remain subject of much speculation. Investigations conducted by the BBC and Human Rights Watch (HRW) concluded that there had been extra-judiciary executions, with a number of assailants killed after they had surrendered. The Government of Burundi has categorically rejected the HRW report and subsequently asked the Deputy Attorney-General to lead a one-month commission of inquiry to investigate these allegations. I was told that the mandate of the ad hoc commission had been extended for another month. The Army Chief of Staff noted the practice of rumors about security issues. He expressed his regrets that the media had not responded to the many invitations by the army to visit the military positions and report more objectively on military activities and security incidents.

With regards to the more common armed banditry incidents, the Army Chief of Staff reassured me that the Police was in charge and that the Army would lend a hand to the Police when needed. While reiterating that the function of managing public demonstrations was devoted to the Police, he expressed his wish that the demonstrations would be peaceful, noting that some actors had threatened to damage properties and business shops during the demonstrations.

Both senior officials of the security institutions are aware of the risks of violence demonstrations might involve. I asked how the Police was prepared to respond in a non-violent and de-escalating manner to mass manifestations and was told that it was able to manage situations of violence that might occur during the electoral period. They are planning for different scenarios, have conducted different types of training for the policemen and keep contacts with the population and the civilian authorities as a way to prevent escalation. They also advised to pay a particular attention to situations of provocation by some people during the demonstrations. Again, I insisted on the importance of a non-violent approach and cautioned against the use of lethal weapons to avoid the spilling of blood.

During my visit, I received reports of about 800 Burundians who had fled the country to seek refuge in Rwanda, fearing for their security after many of them indicated that they had been threatened by local militias either because they did not support an additional presidential term or because they supported some opposition political parties.

Some of my interlocutors noted that on 24 February President Nkurunziza had replaced all provincial police commissioners and their deputies. There were of course different interpretations of this decision, but since I didn't have any background on this, I simply took note of this fact,



hoping that the reshuffle had been done with the objective to ensure the peaceful security of the elections.

Socio-economic situation

As per usual practice, I also met with representatives of the international financial institutions, the World Bank, the International Monetary Fund and the African Development Bank. Overall, they noted sustained progress in macro-economic stability over the last decade, together with satisfactory performances in 2014, which include increased revenue mobilization.

Two weeks before my visit, the IMF had approved the conclusions of the sixth review of its 3-year program with Burundi [note: program supported by the Extended Credit Facility (ECF) arrangement]. In doing so, the IMF decided to extend the current program by one more year [mainly because of the elections] and to increase the resources allocated to the program. The IMF Representative noted with concern the situation of oil shortage in the country that had been going on since mid-March. It appears that this was not a real shortage, but rather a temporary withholding of oil products at the pump, without a full explanation of the rationale¹.

The World Bank Representative indicated that its program with Burundi had made significant progress, in particular in the mining sector, including the now available mining code, the coffee sector, including successful privatization over the last 8 years, the energy sector with Jiji and Mulembwe well under way and budget support. Overall, the WB program in Burundi has been performing well. However, if Burundi doesn't manage to conclude elections successfully, the new situation could jeopardise the prospect of private investment and the minimum objective of an economic growth of 4%. Working with the optimistic scenario, i.e successfully concluded elections, the WB is planning to focus on a number of priority sectors: 1) within the economic sectors, improve the agricultural productivity, including coffee, food products, fish, continue the investment in energy and infrastructures, and accompany the urbanization process, together with job creation, focusing on opportunities and value chains that would release the pressure on land; 2) within the social sectors, target the extremely poor groups, including through safety net

¹ While this issue was not fully discussed during my visit, I had received reports that a fuel shortage was affecting Burundians' lives, in particular drivers and motorbikes' owners, who were not able to work and earn their daily incomes, as well as passengers who depend on transportation to run their small business or go to work. The Minister in charge of trade had indicated earlier in March that fuel importers had been unable to import gasoline because they had failed to get loans from the Central Bank, BRB in order to get hard currencies required by international markets of oil products. The Minister said that fuel importers owed more than 20 million US\$ to the Central Bank. Later on 19 March, she indicated that the Central Bank had announced payment of arrears oil importers owed to oil suppliers at Dar-es-Salaam, reassuring that this payment of arrears would partially solve the issue of gasoline scarcity.



programs using labor intensive schemes, and health. The WB would also continue to support good governance and budget support.

Both the WB and the AfDB have started detecting signs of a down slowing of the performance of programs over the last couple of months. The World Bank told me that until the CNDD-FDD crisis, they had managed to work with a handful of technocrats within the different Departments and advance the reforms and the main projects supported by the WB, including coffee and energy. Now that some of these civil servants are being removed, the WB is feeling and fearing a negative impact on institutional performance and reforms. For instance, affected by the CNDD-FDD crisis the draft law on public-private partnership is blocked within the Parliament. The AfDB told us that the disbursement rate of important projects had decreased over the last 3 months. The Representative of the AfDB noted signs of social tension, which had been exacerbated by the recent crisis over “oil shortage”. Both institutions are concerned by the impact of the current developments on key social sectors/projects. The WB mentions particularly its health program, so far hailed as a success story, that is now suffering mainly because of the weak management capacity of the Ministry of Finances. The WB warns that if the health and food sectors were to be seriously impacted by the current developments, the country would be at high risks.

All financial institutions underscored that the holding of good elections would allow Burundi to focus on key sectors with a view of strengthening economic growth. They noted that investors would need security and stability in the country.

National reconciliation agenda

I met the President, the Vice President and the Secretary General of the newly created Truth and Reconciliation Commission, TRC. The Commission has 11 members. It was appointed for a term of 4 years [most likely to be extended by one additional year], and their work will cover the period from 1962 to 2008. They are currently getting organised, working on their strategic and operational plan. I was told that the main outcome of the Commission would be a report articulating recommendations and a programme for national reconciliation. The leadership of the TRC is aware of the complexity and magnitude of their mission, but they are determined and believe they can deliver. I noted that the TRC has been designed as a body independent from the Government and that they will not deal with issues related to justice. They may however make recommendations in this regard in their final report. The Commission has started to initiate partnerships with local and international organisations that have expertise in this area and/or have been working on the issue of national reconciliation in Burundi. The Commission counts on the support of partners and friends. The United Nations are the main partner of Burundi in this process. One important mechanism through which the international community will contribute to the work of the TRC is the “International Consultative Council”, which will include five non



Burundian personalities, with proved experience in transitional justice. The Government and the UN will work together to identify these five personalities after the elections. The leadership of the Commission asked me to be their “ambassador” and I hope that my successor and the PBC members will be able to accompany the TRC in this critical phase for peacebuilding in Burundi. I realized that there are many important and delicate subjects for which the reconciliation experiences of other countries will be crucial for Burundi.

Concluding remarks: where do we go from here?

I left Burundi concerned by the risks of violence, which I hope Burundians will avoid, putting national unity and gains achieved above personal interest as they go to the elections. The Head of MENUB, President Cassam Uteem, felt unwell during my visit and was evacuated to Nairobi. I wish him well and hope Burundians would take advantage of his wisdom and commitment and that they will rise above partisan and short-term gains in favor of national unity and a prospect of long-term prosperity. I hope that they realize that through personalities such as President Uteem, and before him President Mandela and President Nyerere, the world cares very much about peace in Burundi.

In an atmosphere that could invite pessimism, I suggest that the international community should sustain its engagement with Burundi and does all it can to prevent the escalation of violence. We should continue to support dialogue among Burundians, in particular between political parties. The charter of non-violence, initiated by President Uteem and recently signed by all Burundian political parties and actors is a key leverage tool. It is not binding but rather moral, and the fact that it is home grown and was not imposed from the outside makes it more relevant for Burundians and the UN. The PBF political dialogue project is finally ready for implementation and the UNCT seems determined to use it, together with the other projects on women and youth, to sustain dialogue and prevent violence. We should hope for the best, but still plan for the worst-case scenario. I am encouraged by the fact that the UN is taking the necessary humanitarian precautions by developing contingency plans. On the political front, I trust that Special Envoy Uteem will be supported by the entire UN system and that additional initiatives by international and regional organizations [EU, EAC, AU] will rally around his leadership. I hope he will recover quickly to sustain his engagement with the Government and political parties and coordinate international efforts.

With the assumption that the country will avoid a crisis and complete its elections in a satisfactory manner, we should start preparing the medium term agenda with Burundi. The Burundian authorities have agreed to continue engagement with the PBC beyond 2015. Possible agenda items for the PBC’s future engagement include the development of private investment. The Government has welcomed this particular area of work and my successor would partner with the



WB, the AfDB and other relevant institutions. I would also suggest that there is a need to do more professional work with the political parties, helping them to become real political platforms and develop sound political programs. I would argue that under this agenda item we could also do more to help women and youth to emerge as leaders in the political life of Burundi. Women and young people could bring a fresher perspective to the political life of Burundi. The medium and long-term agenda also includes supporting the work of the newly created Truth and Reconciliation Commission. The leadership of the Commission expressed a strong need for support by the international community. The High Commissioner for Human Rights is visiting Burundi from 12 to 15 April and I hope he will, besides addressing current issues, engage with the TRC and start planning OHCHR and UN support to this crucial body. The three priority areas are relevant to Burundi, whatever the outcome of the elections will be.

In conclusion, I would like to thank the Government of Burundi for its warm hospitality and facilitation of high-level meetings. My deep gratitude also goes to the Special Envoy Cassam Uteem, his Deputy and MENUB staff, the RC Agostinho Zacharias, the UNCT and his staff for their great advice and for successfully organizing my visit.

Paul R. Seger, Chair

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