

9 July 2015

To: Members of the Peacebuilding Commission, Burundi Configuration

Subject: **Chair's visit to Burundi, 1 – 3 July 2015**

Dear colleagues,

In my capacity as Chair of the Burundi Configuration of the UN Peacebuilding Commission, I visited Burundi from 1 to 3 July 2015. This was my 13th and last trip to the country before moving to my next diplomatic assignment. While originally planned as a protocol farewell visit, the objective focused on urgent peacebuilding challenges created by the crisis in Burundi following the President's announced intention to run for a third term in office.

Shortly before my arrival, the legislative elections had taken place on 29 June. Against the backdrop of a highly volatile environment due to a sharply polarized society, the run up to these elections was marked by increasingly violent demonstrations and the opposition's boycott of the electoral process, while international dialogue efforts continue struggling to conciliate tensions. During my visit, none of the members of the Joint International Facilitation Team (JIFT) dispatched by the AU/EAC/UN/ICGRL were in the country. However, I met with a broad range of interlocutors in Bujumbura. These included the Ministers of Foreign Affairs and Interior; the former Minister of Foreign Affairs, the second Vice President of the CNDD-FDD; the President of the National Human Rights Independent Commission (CNIDH); various representatives of youth groups affiliated to a cross-section of political parties; senior political opposition figures; civil society; media; the diplomatic corps and PBF projects implementing partners. I also met the acting Chief of MENUB, the Head of the OHCHR Office and the United Nations Resident Coordinator. However, the planned meeting with the President Nkurunziza was cancelled because the President was touring the country.

In all my discussions, I conveyed the PBC's great concern over the current situation and the fear of a potential deterioration into violence, which could undo the progress and stability achieved in recent years. At the same time, I assured all my interlocutors of the firm intent and commitment of continuity of the PBC's political accompaniment in addressing the peacebuilding challenges in Burundi, many of which have been exposed during the current crisis.

After an initial assessment of the situation following the legislative elections on 29 June and reviewing the perspectives for the period until the presidential elections on 15 July, I urged all concerned parties to seize opportunities to engage in genuine and frank dialogue to respond to the crisis. I focused the discussions on seeking views concerning possible options for political



solutions and returning to a more stable situation without preconditioning positions. The following are some of the main observations and findings of my visit as they relate to the stakes of the electoral process.

### *The electoral process*

According to government authorities and CNDD-FDD party officials, the legislative elections of 29 June were not only successful, but showed strong popular support for President Nkurunziza's additional term aspirations. They only acknowledged that minor security incidents had taken place prior to and during the vote and assessed that a repeat of the opposition's decision in the 2010 elections to boycott demonstrated their poor record in running for office, even on a levelled political playing field. They furthermore opined that the opposition has been highly disruptive of governance and respect for the rule of law by inciting recurrent violence against the country's security forces.

The Government's view of the electoral process contrasts with statements of various international partners and organizations according to which the conditions for free, fair, open and inclusive elections were not met. Such were in fact the conclusions of the International Facilitation Team composed of the UN, AU, EAC and ICGLR, of MENUB and of the EU, among others. Notwithstanding, the authorities seem committed to continue with the presidential elections.

Several civil society, media and opposition representatives described the Government's unflinching position, closure of political space and associated abuses by the security forces as untenable. They decried the Government's and the ruling party's manipulation of their powers, and the irregularities of the legislative elections more specifically. This included a political campaign plagued by interference and curtailment to the rights of free speech, assembly and more worryingly, to the right to life of opponents. In the current context, where shootings and grenade attacks have become a daily occurrence, they said the security forces were acting with total impunity and repressing any expression of political dissent. Many interlocutors gave the example of an incident which occurred on 1 July in the Mutakura district of Bujumbura, where police, following an attack on a police vehicle that injured one officer, allegedly conducted house-to-house searches, and summarily executed seven family members. If these allegations are true, they constitute a grave violation of fundamental human rights. For these reasons, I call upon the competent authorities to investigate the incident rapidly, thoroughly and impartially, and bring the perpetrators to justice if they have violated the law. If such events go unchecked, there is a real danger that indiscriminate brutality becomes normality and a downward spiral of violence starts.

I urged all national stakeholders to adopt a cautious approach and avoid acts of violence in the lead-up to the presidential elections. I also called for the need to continue dialogue after the elections with a view to creating a political space where all Burundians could express themselves freely, fairly and openly on their country's future in a spirit of cohesion and reconciliation, even if such dialogue may seem difficult to achieve under present circumstances. While opposition interlocutors signaled general openness for dialogue, their initial reaction rejected any possibility



of a “Government of Unity” following these flawed elections, as they felt that this would legitimize the Government and would constitute an act of "treason" toward their supporters.

*Joint Facilitation Team and the national dialogue options:*

I discussed the impact of the dialogue process facilitated by the JIFT with his interlocutors and recommended that all sides should consider re-evaluating their positions regarding the electoral process as well as their demands toward their political opponents. I suggested that they prioritize the creation of a climate of peace, respect and tolerance for everyone. In this regard, I exhorted all sectors of society to remain involved in efforts to resolve the political crisis, with the support of regional organizations, and draw on national dialogue initiatives pre-dating the current crisis.

The conditions for successful dialogue will include a firm commitment from all to avoid further deterioration of the country's governance and the rule of law, and prevent descent into a protracted conflict. An important initial step should include confidence-building measures to re-establish trust among national stakeholders and establishing guiding principles for dialogue, such as adherence to the terms of the Arusha Agreements, the national Constitution and national and international law.

In my conversations I underscored that every effort must be made to re-establish basic human rights guarantees, such as freedom of the media, of human rights defenders and civil society activists, but also engage in a thorough disarmament of civilians and facilitate the safe return of displaced and refugee populations. The dialogue among the political parties must address the issues at hand, but should also broaden its scope to include wider issues underpinning longer-term social *malaise* with Burundi's system of governance, which the current situation has revealed. I strongly advocated in favor of the continuation of the JIFT's efforts and made a plea to all stakeholders to use this mechanism wisely as an opportunity to channel grievances. In this regard, I underscored the importance of seeking consensus and crafting discussions around converging points related to nation building. In that regard, I recalled the important role that the PBC can play in supporting the JIFT and in maintaining a strong engagement of the international community.

In my discussion with representatives of the government and the ruling party I cautioned about the risks if the country were to drift toward international isolation, if international cooperation were to remain severed due to the ongoing climate of instability, and reluctance by national stakeholders to commit to long-term dialogue efforts. This would greatly affect Burundi's socio-economic stability.

*Concluding Remarks*

Since this will be my final report as Configuration Chair, I would like to offer some concluding remarks:

When I began my mandate in July 2010, Burundi just came out of elections. In the assessment of the international community these elections happened in an overall satisfactory manner although the opposition had boycotted them. In the ensuing years, the government repeatedly vowed to



improve the electoral process of 2015, and the PBC has invested considerable time and effort to support Burundi towards that goal. Elections are indeed important as a critical tool allowing the population to express itself peacefully and democratically on the political orientation of their country and freely choose the leadership to that effect. Free, fair, open, transparent and credible 2015 elections would have allowed Burundi to make a crucial step towards closing the chapter of fragility and opening a new one dedicated to socio-economic development. As President Nkurunziza said, Burundi wanted to be treated as “normal development country”.

Despite progress on the normative level, such as the new electoral code and the code of conduct, the political landscape leading up to the elections of 2015 did not in practice create a levelled-playing field where all political parties would have had an equal and fair chance to participate in the political competition. My previous reports highlighted the issues and shortcomings such as threats against or intimidation of political opponents, and the role of the Imbonerakure in that regard, obstacles to convening political rallies or campaigns, violence and arbitrary arrests. The tensions in Burundi increased further with the announcement of President Nkurunziza to ask for another mandate, an issue which has since divided the society deeply and sharply. It had, however, the effect of rallying an otherwise fragmented and weakened opposition behind the categorical refusal of this candidacy. As mentioned above, a majority of international observers concluded that the conditions for free, fair, open, transparent and credible elections were not met. Regardless of these objections the Government of Burundi pursued with its electoral calendar.

The presidential elections are scheduled to take place in July, and, barring last-minute surprises, President Nkurunziza is likely to be re-elected despite criticism expressed both nationally and internationally.

I am afraid that frustration of many about a perceived failing democratic system may increase. If stakeholders feel excluded from participating in the decision-making or shaping of the country, and no peaceful avenues are in view to change the course of events, desperation will raise and, along with it, the inclination to adopt un-democratic or violent actions to assert themselves. Such a development would be highly regrettable and must be avoided by all means.

To prevent such a scenario, national actors, with strong support and close accompaniment by international partners, namely by the African region and sub-regions, must overcome the present polarized environment, characterized by hardliner’s entrenched positions and the muting of moderate voices on both sides of the spectrum. There is a risk that if the confrontation continues and both sides refuse to make concessions, a protracted low to medium intensity conflict with sporadic spikes in violence or even rebellion attempts could become the new norm, while Burundi fades away as an international priority. It is therefore imperative that the international community not only speaks with a common voice, but impresses a sense of urgency to call upon the nations’ leaders to adopt a road map to end the crisis. A fine balance must be found to adopt a firm and principled stance with regard to the violence and human rights abuses committed, while ensuring the provision of incentives to all stakeholders for their participation in a constructive long-term dialogue upon which the fabric of society can be rebuilt. The threat of sanctions by the



international community should be weighed carefully, since these could have the counter- effect of hardening positions and closing the window of opportunity for constructive dialogue.

As one of the poorest countries of the world, Burundi urgently needs socio-economic development, and the Configuration would have hoped to focus its attention on this priority. The population is rightfully claiming a peace dividend. Especially the youth needs to see a perspective for leading a life in dignity. The basis for such development would be a strong viable private business sector. Burundi needs it not only for its socio-economic wellbeing, but also for its long-term political stability. In a country without a private sector to speak of, employment depends too often on the public domain, and being ousted from political power often equals losing the means living. But Burundi will have difficulty attracting sufficient private investments required to achieve tangible economic progress without sustainable peace and stability based on democratic principles, fundamental human rights and freedoms, rule of law and good governance.

Burundi has come a long way and made considerable progress over the last years, but most recently, it seems to have lost its way. The recent elections have left a bitter aftertaste and mistrust instead of paving the way towards stability and prosperity. With the help of international partners, Burundians will have to overcome this crisis through an open and inclusive dialogue. I see no viable alternative to it. The dialogue, which needs to continue and intensify over the coming weeks and months, should create the basis for a comprehensive process where all relevant stakeholders, whether represented in parliament or not, were to take an active part in 1) reestablishing confidence and trust, and 2) defining the format and the content of a forward-looking political masterplan for the coming years. The recommendations of the EAC and the AU constitute an excellent starting point of what could eventually form a national compact or covenant. Once established, its implementation should be regularly monitored in an inclusive and participatory national review and follow-up mechanism, with the support and accompaniment of the relevant international organizations. Including personalities of opposition parties into the government could constitute an additional element to broaden political ownership in the execution of agreed policies.

The people of Burundi deserve a peaceful, prosperous life in harmony and national unity, and I sincerely wish that the country overcomes its present crisis for a brighter future. I thank the government of Burundi for the confidence it gave me, its hospitality and its disposition for dialogue over the past years. My gratitude also goes to the members of the Burundi Configuration for their strong support as well as to the UN Secretariat, PBSO and UN staff both in New York and in Burundi for their valuable assistance.

Paul R. Seger, Chair

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