

03 June 2014

To: Members of the Peacebuilding Commission, Burundi Configuration

Subject: **Chair's visit to Burundi and to other stakeholders, 21 – 31 May 2014**

Dear colleagues,

In my capacity as Chair of the Burundi Configuration of the UN Peacebuilding Commission, I undertook a visit to Brussels, Paris, Bujumbura, Kigali and Arusha from 21 to 31 May 2014 as part of the PBC's regular engagement and more specifically to engage key international and regional partners of Burundi in support of the next phase of peacebuilding in Burundi, including the electoral year of 2015 and the implementation of PRSP-II and related engagements made at Geneva Conference on 29-30 October 2012 and subsequent sectoral meetings.

In Brussels, I had meetings with the Belgian Foreign Ministry and the EU Special Envoy for the Great Lakes Region. In Paris, I met officials at the Foreign Ministry. In Burundi, I was received by President Nkurunziza; I also met the second Vice President Ruffyikiri, the Minister of Interior, representatives of political parties, civil society, the President of the Independent National Human Rights Commission (CNIDH), the President of the National Committee for the Coordination of Aid (CNCA), representatives of the African Development Bank, the IMF and the World Bank, representatives of the international community, as well as SRSR Parfait Onanga-Anyanga together with BNUB senior staff and the UNCT. In Kigali, I met the Foreign Minister Mushikiwabo, the Ambassador of the UK, and a representative of a regional Human Rights civil society organization, LDGL [Ligue des Droits de l'Homme dans la Region des Grands Lacs]. In Arusha, I met the Secretary-general of the East African Community, Ambassador Richard Sezibera

My visit to Burundi as well as to important partners of the country in Europe and in Africa took place in the context of two different, but connected transitions which are relevant from a peacebuilding perspective:

Firstly, the country will be transiting into a new legislature with the elections coming up in 2015. The success of these elections will be an important stepping stone towards sustainable peace and development. Peaceful, free, fair, inclusive and open elections will be key for future economic and

social development of Burundi as they will send the signal to potential donors and investors that an important threshold of political stability and democracy has been reached. Conversely, elections without fair participation of all political parties and respect of constitutional provisions risk to result in lack of legitimacy, instability and increased political violence thereby hampering the economic and social development of the country.

The other transition concerns the phasing out of BNUB by the end of 2014 and the way in which the UN will interact with Burundi thereafter. The transition plan established jointly between the UN and the Government of Burundi provides that UN agencies, under the coordination of the Country Team, will take over some of the functions of BNUB, *inter alia* in the areas of good governance, rule of law and human rights. Besides, the Security Council, in its resolution 2137, expects the PBC Burundi Configuration and international partners to continue their support. However, the PBC alone cannot replace the political accompaniment provided by the continuous presence of BNUB. In short, while the UN will continue engaging with Burundi, the relationship will change. In view of various transitions, the support of important partners, bilateral and multilateral, will be key. This is especially true for the neighboring countries, sub regional and regional organizations such as the EAC, the ICGLR or the AU. They have a keen interest in peace, stability, democracy and socio-economic development in Burundi.

Therefore, my meetings focused on exchanging views with my interlocutors on the situation in Burundi and on discussing the opportunities for the Government to lead further progress, and for international, regional and local partners to further engage with the Government and to improve the coherence of policies and initiatives. In that context I discussed and sought feedback on the idea of a roundtable between Burundi and major partners.

Despite some positive and encouraging developments, the political landscape in Burundi has been further impregnated, since my last visit in January 2014, by an atmosphere of lacking trust and increased tensions between the Government and the political parties on one hand, and, to a certain extent, between the Government and its international partners on the other. Yet, Burundi has taken some relevant steps in the political arena, which are seen as positive signs for the 2015 elections and have the potential to improve trust: The National Assembly unanimously adopted a new electoral code for the 2015 elections on 25 April. It is largely based on the consensus reached by political parties and actors in Kayanza in May 2013, and key opposition leaders welcomed the new electoral code and expressed hope that it would be implemented and lead to greater openness and constructive interaction with the government. During the second workshop on the implementation of the Roadmap that took place on 20 May, participants agreed on a set of principles, which will serve as a code of conduct for political parties and actors for the 2015 elections. All parties agree that the revised electoral code and the code of conduct for the elections of 2015 are positive steps.

Other steps undertaken during this period received divergent appreciations. These include particularly the bills on the Truth and Reconciliation Commission (TRC) and on the establishment of a special tribunal on land disputes, adopted by the National Assembly on 17 April. The Government sees the TRC as the last component of the implementation of the Arusha Agreement. The TRC will examine the period from Burundi's independence in 1962 until 2008, when the last armed group joined the peace process. Since political parties, civil society and international partners had regretted that bill did not include key recommendations made during the national consultations on transitional justice throughout 2009 and 2010 as well as by the UN, I advised President Nkurunziza to take the necessary steps that broad based participation of all parts of Burundi society will be ascertained in the implementation of the TRC process. He has reassured me that the selection process of the commissioners will respect the representation of the different segments of the Burundian society; he mentioned that the selection process would be the same that was used for the National Independent Human Rights Commission. It will be composed of Burundians only, 11 commissioners out of which four women, and it will be established for four years, renewable only once. It remains to be seen how the TRC will perform, in the meantime the overall concern expressed is the focus on forgiveness at the expense of constructing a memory and fighting impunity. Regarding the land issue, I refer to the comments made in my earlier reports. While nobody questions the principle of restitution for victims of forceful evictions due to Burundi's past conflicts, the establishment of the special tribunal was received by members of the civil society with skepticism. Land issues rank high in the order of priority of Burundi society and are politically sensitive. The special tribunal has therefore a great responsibility and must work in full independence, justice and fairness. This must be reflected in its composition, its procedures and its decisions.

The third category of political developments includes events that are overall assessed by most observers as difficult and divisive. These include the continuation of political violence, further tensions among political parties, as well as restrictions in political space. From January to 23rd May 2014, BNUB documented 60 violent incidents involving Imbonerakure, out of which 44 targeted members of the opposition political parties. There are indications that Imbonerakure acted at times with knowledge and least implicit collaboration of officials. When I brought up the matter again with both the President and the Vice-President they reassured me that the Imbonerakure as an organization doesn't practice violence, and that the justice treats individual misbehaviors.

Allegations of weapons distribution to Imbonerakure in April as well as of paramilitary training in the Congolese neighborhood have led to speculations and malaises between the Government and its partners. The authorities have reacted by declaring "persona non grata" the head of security of BNUB after a UN cable on the arming of the Imbonerakure had been leaked, and by arresting human rights activist Pierre Claver Mbonimpa on charges of threatening State security following

his report on paramilitary training. ~~From a peacebuilding perspective~~In my view, the better option would be to address these allegations serenely through transparent and independent investigations. I was however encouraged to hear that the leadership of CNDD-FDD had deployed efforts to keep Imbonerakure under control.

While the opposition parties complain about the political violence and harassment of their leaders/members, the Government believes that the current fever around the elections is a common feature of elections that is not particular to Burundi. The UPRONA crisis contributed to further exacerbate the political tensions, especially the violence involving youth wings associated with political parties. The President, the Vice-President and the Minister of Interior all reassured me that the elections of 2015 would be peaceful, taking place in a more stable environment than back in 2005 and 2010. The Minister of Interior welcomes the UN Electoral Observer Mission, including a more comprehensive role of accompanying the elections and going beyond the merely technical aspects, including during the pre-election phase and campaigning. The Government also welcomes capacity building initiatives for leaders of political parties in different subjects, including the role of elections in a democratic country, the meaning of peaceful political competition, how to manage the elections and its results, and how to avoid incendiary messages and behaviors. I salute the renewed commitment of all political parties I met to participate in the 2015 elections, including those who boycotted the 2010 polls. In addition, I encourage them go beyond the desire to participate and to win an election. They should build their political parties around a vision and a political program, and structure their parties as modern organizations, so that a party doesn't revolve around its founder or its Chair. In the interest of further institutionalizing democracy I would like to advocate for this type of capacity building to be provided by international NGO's, with the consent of the Government of Burundi.

I wish to acknowledge and welcome the response of international and regional partners to the current developments in Burundi. ~~Concerned with maintaining stability and containing risks of violence~~ As interlocutors in Europe, Burundi, Rwanda and Arusha informed me during my roundtrip, most of them several have sent emissaries and messages to Burundi. Some discussed the situation of Burundi within their national institutions; and some have in return received emissaries from the Government of Burundi.

~~Ambassador Boubacar Diarra, Representative of the Chairperson of the African Union for the Great Lakes Region, took the lead and called for the re-establishment of dialogue between UPRONA and the government on 24 February. He underscored that guarantors of the Arusha Agreement, including the AU, the UN and the US, were closely monitoring the developments in Burundi. The UNSG met the first Vice President of Burundi in Kigali in the margin of the commemoration of the genocide in Rwanda on 7 April. Ambassador Samantha Power, Permanent Representative of the USA to the UN, travelled to Burundi, where she met President Nkurunziza on 8 April. The UN~~

~~Security Council held three briefings within a period of eight weeks. A number of international and regional partners issued statements, and their reaction became stronger following allegations that the Government was arming the youth wing of the ruling party, Imbonerakure. The Group of Special Envoys to the Great Lakes Region issued a joint statement, calling for a stop of the violence. The International Contact Group on the Great Lakes discussed Burundi on 23 April.~~ Besides these political manifestations, institutional donors (WB, AfB, IMF) informed me that they follow the developments in Burundi with considerable concern. Although they do not involve themselves in political matters, they are getting worried about their investments and possibilities of further disbursements. International partners I have met with either in Burundi and abroad agreed commented that the situation warranted sustained high-level attention, as well as strong and unified messaging from the international community, and an assessment of what the best ways of leveraging positive change might be. In my meetings with the leadership of the country, I underscored that this sustained attention of Burundi's partners translates both concerns of seeing the tensions escalating and the country sliding back into widespread violence and a keen interest to see Burundi succeed in its transition towards stability and prosperity. I also explained to the authorities that the attention of the international community should not be regarded negatively, but rather as a sign of care and friendship for Burundi which is underscored by the scale and the scope of the cooperation investment which major partners have made in the country.

I was particularly heartened by strong commitment from neighboring countries and from regional partners and others to sustain political engagement with Burundi, especially following BNUB departure. Everybody agreed that stability and prosperity was key for the region and that the upcoming elections played an important role in that regard. As a consequence, many partners are committed to accompanying the elections of 2015; the EU, the AU and the EAC will be sending electoral observer missions. I suggested that coordination of the different election observer missions/initiatives would be key; there is room for the UN electoral observer mission to help coordinating the different missions. There was also agreement that all these missions should come in early and that the scope of their work should go beyond operational and technical tasks associated to the elections.

Regarding socio-economic issues, the second Vice President shared with me his concerns about the slowdown of some development projects that were having an impact on the economic activity. While I didn't get all the technicalities of the figures he shared with me, the overall picture seems to be grim and translates risks of shortage of cash in key services. The IMF shared similar concerns; they will be deploying a review mission the first week of June to discuss with the Government the actions required.

As Burundi partners respond to the challenges of the moment, I was under the impression that donors refrain from considering conditionality or sanctions for the time being, although some

expressed impatience about lack of progress. In my conversations, I suggested a forward looking and engaging approach, incentive-based and guided by mutual accountability. Such an approach could be summarized as follows: While development partners would keep supporting the country and its population in its fight against poverty, a more determined and vigorous implementation of the reforms, to which Burundi has voluntarily committed in the Geneva, would open perspectives for more sustained and increased assistance; and the impact would be a more developed Burundi. In other words, it is advisable for Burundi to look beyond the elections of 2015 and to start laying the foundations for the economic agenda after the current PRSP, in 2016.

There was also a wide consensus on the idea of a roundtable to follow up on the Geneva Conference of 2012. I explained to Burundi and partners that such a roundtable may be an opportunity to recreate an atmosphere of mutual trust and confidence, which allows Burundi to get back on track with the support of its major partners. Besides taking stock of Geneva and its follow-up, the event could also be an opportunity to look way ahead 2015. In order to allow for an open, frank and amicable dialogue, the roundtable should be informal in nature and limited in participation to major partners of Burundi. It is therefore not the idea to organize a “Geneva 2” conference. According to the principle of national ownership, the event should take place under the leadership of Burundi in Bujumbura either in early September or late October. The roundtable should ideally concluded by a joint statement, reaffirming and renewing the mutual commitments. Assuming that the elections go well and the transition of BNUB to Country Team passes smoothly, we could use the roundtable to initiate a blueprint for Burundi's further development over the next years to come. Such perspectives would hopefully create an additional incentive for open, inclusive and peaceful political space as well as for furthering an institutional and governance environment that promotes investments in Burundi's future. I agreed with the Second Vice President that I would contribute a draft concept note, from which the Government will initiate the preparation of the round table.

In the meantime, it is my hope that the Government will do what is in its power to prevent further violence and send the right signals, that the opposition will refrain from provocation and incendiary language, and that development partners will keep an open line of communication with the Government. As the country goes through an important and delicate milestone, it is important to be aware of two risks: minimization of the dangers and over dramatization. Our common short-term objective is to achieve peaceful, free, fair, open and inclusive elections for 2015. At the same time, the Government should pursue the objective of economic governance, in support of the medium-term objective, the economic development of Burundi.

It will take a collective effort from all of us – major donors, neighboring and regional countries, the East African Community, the African Union and others – to continue to accompany Burundi on its

path to peace consolidation. I will pursue my efforts to engage all of you, with a particular attention to regional actors, following the interest my visit to the region generated.

In closing, I wish to thank once again the Government of Burundi for its hospitality and for the spirit of trust and dialogue, the SRSG and his Office for facilitating so efficiently my visit, as well as PBSO for its continued support. I also express my gratitude to the European Union, Belgium, France, Rwanda and the EAC for receiving me and expressing their support for Burundi and the work of the PBC.

Paul R. Seger, Chair

Peacebuilding Commission – Burundi Configuration