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English only

Conference Room Paper for the Country Specific Meeting on Burundi

I. Context

1. Countries emerging from conflict face immense challenges. While the international community provides significant assistance to these countries after the end of hostilities, this often recedes before peace becomes irreversible. The Peacebuilding Commission was created to address this gap in the international system's support between peace operations and longer-term development assistance. Established by the United Nations General Assembly and Security Council, the Commission is a new intergovernmental advisory body to help countries emerging from conflict consolidate peace and prevent the relapse into violence. At the request of the Security Council and the countries concerned, Burundi and Sierra Leone were selected as the first countries for consideration by the Peacebuilding Commission through the organization of country specific meetings.

2. At the meeting of the Organizational Committee on 13 July 2006 and the Informal Briefing of 19 July 2006, member states requested background papers for these country specific meetings. This paper is a resource document that provides an overview of the background of Burundi, existing strategic frameworks, critical peacebuilding issues and international support to Burundi. As a background paper, it aims to be informative, it does not present all the issues, nor does it analyse potential dynamics in the peacebuilding process.¹ The intention of the paper is to provide a basis for deliberations by members of the PBC on key priorities that require international support to keep the post-conflict peacebuilding process moving forward.

¹This paper does not outline the UN presence and role. ONUB replaced the African Mission in Burundi (AMIB) in June 2004 and is currently expected to complete its withdrawal, at the Government's request, by 31 December 2006. Pending a decision by the Security Council, the new integrated office, BINUB is currently expected to be established on 1 January 2007. The UN Country Team of funds, programmes and agencies are all active on the ground.

II. Background to Burundi

3. Since independence in 1962, Burundi has experienced several episodes of exceptional violence, military coups and civil war and as a result, it has remained in a state of chronic underdevelopment and extreme poverty. The military coup and mass killing of both Tutsi and Hutu following the assassination of the first democratically elected Hutu President, Melchior Ndadaye in 1993,² led to a civil war between Government forces and several rebel groups. While the history of events in Burundi is contested and remains a source of tension between the majority Hutu and minority Tutsi populations, by war's end, some 200,000-300,000 people were dead, there were 850,000 refugees and internally displaced persons, and GDP fell from US\$1.2 billion to US\$0.69 billion between 1991 and 2001. As a result, social indicators also severely declined with life expectancy dropping from 51 to 39 years, and the number of people living in extreme poverty rose to 68% of the population, and as high as 90% in some provinces.

4. The causes that generated violence throughout Burundi's history are also contested. The 2000 Arusha Peace and Reconciliation Agreement concluded that the conflict in Burundi was "fundamentally political, with extremely important ethnic dimensions; it stems from a struggle by the political class to accede to and/or remain in power."³ Through political manipulation, and the cumulative legacy of violence, ethnicity became more salient and the dominant lens through which conflict in Burundi is understood. However, in addition to ethnicity there are a number of other social divides in Burundi, such as region, clan, and class and the large divide between the urban elite and the agricultural poor who account for over 90% of the population. Additionally, women face intense societal and legal discrimination with widespread domestic violence, discriminatory inheritance laws and cultural barriers. These cleavages are reinforced by differential social, economic and political opportunities; the history of violence and culture of impunity, a dysfunctional justice system, poor governance, and institutional weakness. All of these myriad factors contributed to a deeply embedded sense of grievance, mistrust and fear within all communities in Burundi.

5. In 1996 Tanzania's President Julius Nyerere, launched and steered a regional peace initiative that had the support of the African Union and international community but not of the Burundi parties, particularly the Government at the time. Following President Nyerere's death in 1999, former South African President Nelson Mandela assumed the role of Facilitator and adopted a more forceful approach that resulted in the Arusha Agreement signed by the 19 negotiating parties on 28 August 2000. While the Arusha Agreement was a comprehensive and detailed peace agreement, it was also rejected by the two main armed groups, the CNDD-FDD⁴ and Palipehutu-FNL⁵, and the signatories themselves issued formal reservations after its

² His successor, Cyprien Ntaryamira, was also assassinated in the plane crash that killed the Rwandan President and triggered the genocide in Rwanda in 1994.

³ Arusha Peace and Reconciliation Agreement, Preamble, Protocol I

⁴ CNDD-FDD Conseil national pour la défense de la démocratie – Forces pour la défense de la démocratie

⁵ Palipehutu-FNL Parti pour la libération du peuple Hutu- Forces national pour la libération

signing. Also significantly, not one single woman was part of the teams participating in the Arusha negotiations, where the future of the country was debated.

6. Nevertheless, the Arusha Agreement launched a transition period that was characterised by numerous delays and tension, and yet originally scheduled elections for 2004 were peacefully postponed until 2005. A power-sharing arrangement was also agreed that allowed President Pierre Buyoya from the Tutsi party UPRONA⁶ to lead the Government for the first 18 months of the transition period with a Hutu vice-president, Domitien Ndayizeye from the FRODEBU⁷ party. Ndayizeye then became president in April 2003 with a Tutsi vice-president for the remainder of the transition. On 16 November 2003, a Global Cease-fire Agreement between the transitional Government and CNDD-FDD was signed. It also established the principle of a 50-50% ethnic balance in the formation of the new National Defence Force (FDN) and the new Burundi Police Force. The FNL continued its military operations and claimed responsibility for the massacre of over 150 Congolese Banyamulenge refugees in Gatumba near the border with the Democratic Republic of Congo in August 2004.

7. With the exception of intermittent attacks by FNL troops and military operations in the provinces of Bujumbura Rurale, Bubanza, and Cibitoké, active conflict had mostly ceased throughout the country. But since electoral experiences in the past had produced mass killings, there was significant concern in the run-up to the series of elections in 2005. On 28 February 2005, a constitutional referendum was held with some 90% of the electorate voting to adopt the new constitution. Although there were some violent incidents, successive colline, communal, legislative and Senate elections were relatively peaceful. This was followed by the indirect election of the President by a two-thirds majority of the National Assembly and Senate. The elections were won by the CNDD-FDD party, headed by Pierre Nkurunziza who became president, while the traditional FRODEBU and UPRONA parties fared poorly.

8. While progress has been made, in view of “the complex and deep-seated origins of the conflict, the scope and scale of the changes mandated by the peace process, and the enormity of the challenges faced in all spheres,”⁸ building a lasting peace will remain an ongoing and complicated process. As the situation evolves, this process of change brings risks as well as opportunities keeping Burundi vulnerable to instability and a possible resumption of violence. The signing of the 7 September 2006 Comprehensive Ceasefire Agreement between the Government and FNL, brought the last remaining armed group into the peace process. The implementation of the Agreement particularly the demobilisation, disarmament and reintegration of FNL troops remains uncertain and coincides with the drawdown and withdrawal of ONUB by the end of 2006 at the Government’s request. Tensions in the political process following the arrest and detention of 8 key figures for an alleged coup plot, subsequently followed by the alleged torture and abuse of those detained are also rising.

⁶ UPRONA - Union pour le progrès national

⁷ FRODEBU - Front pour la démocratie au Burundi

⁸ Sixth Report of the Secretary-General on the United Nations Operation in Burundi, 21 March 2006, S/2006/163, p. 18, item 85.

9. At the same time, the overall context of poverty remains formidable. In the UNDP Human Development Index, Burundi ranked 169 out of 177 countries. According to UNHCR estimates, some 400,000 refugees remain in neighbouring countries (mostly in Tanzania) and 100,000 internally displaced persons have not returned home (which together account for almost 8% of the population), and thousands of vulnerable people live in a precarious situation. Burundi faces considerable challenges in building a durable peace. Sustained international attention to this process can support the Government of Burundi in its efforts to deal with these challenges if it is timely, focused and allows enough space for national actors to resolve their differences and build peace through the process as well as through specific activities and programmes.

III. Existing Strategic Frameworks

10. Since entering office, the Government has embarked on a series of planning and consultation processes for preparing development strategies to move Burundi from an emergency situation to more normal development circumstances. The following strategic frameworks were developed and finalised after lengthy and comprehensive consultations with stakeholders. While the Emergency Programme and UN Common Action Plan are completed, the other strategies are currently under revision and have not yet been formally approved by their respective partners. The development of strategic peacebuilding interventions must take into account these existing strategies that are based on extensive consultative processes in the country.

Programme d'Urgence 2006

The Government's **Emergency Programme** was prepared to address the urgent needs of the population to improve their living conditions while the finalisation of the full PRSP is pending. The Programme was designed on the basis of community, thematic and sectoral consultations that took place during the preparation of the PRSP.

The programme consists of 5 priority actions:

- (1) Assistance to the population who are victims of drought and famine
- (2) Improving education, schools and access to basic health services
- (3) Return and resettlement of refugees, displaced persons, and ex-combatants
- (4) Good governance and support to prisons
- (5) Budget and balance of payments support

These 5 action-areas are ordered according to the urgency of need from most to least urgent. The cost of the emergency programme is US\$ 168, 215, 650, with US\$20, 870, 000 for budget support and US\$ 147,345,650 for the rest.

PRSP

The Government finalised the complete **Poverty Reduction Strategy Paper** and is expected to submit it to the World Bank and IMF Executive Boards for endorsement in late 2006. The PRSP is premised on the assumption that poverty is a main factor in the persistence of conflict in Burundi and a peace consolidation strategy is included as part of the national development plan. It builds on the Interim PRSP from November 2003 and serves as the medium and long-term vision of development for Burundi. It is expected to cost US\$ 886 million.

The PRSP reflects 6 fundamental objectives articulated by the government: re-establish the role of the state; strengthen capacity; attain economic growth of 6-7%; strengthen communities; affirm the role of women in development; and promote a new partnership with donors.

These objectives can be achieved through the 4 main themes of the PRSP:

- (1) Improvement of governance and security
- (2) Promotion of sustainable and equitable economic development
- (3) Development of human capital
- (4) Combating HIV/AIDs

The first theme groups together programmes to build a durable peace by

- (a) reinforcing security including enforcement of a global cease-fire; establishment of a demobilisation, disarmament and reintegration programme for ex-combatants; professionalization of the defence and security forces; disarmament of the civilian population and combating the proliferation of small arms;
- (b) promoting the rule of law, justice and the fight against impunity;
- (c) promoting reconciliation; land management; and equitable access to resources;
- (d) promoting good governance through strengthening political, administrative and economic governance and the fight against corruption

The second theme aims to build a strong economy by taking strategic action to energize economic growth; develop the private sector; diversify employment

opportunities and revenue through micro-credit and labour-intensive public works; rehabilitate and modernize infrastructure; and re-establish macro-economic stability.

The third theme seeks to re-establish social services in partnership with recipient communities. Priority sectors are health, education, potable water and sanitation, urbanisation and housing. It also addresses the needs of the most vulnerable in society including refugees, street children, orphans and the disabled.

UN Common Action Plan and Joint Roadmap

The **UN Common Action Plan** outlines the basis for the operations of the impending UN integrated office, BINUB. The short term priorities of the plan are aligned with the Government's Emergency Programme, and the medium and long-term priorities with the implementation of the PRSP. It is based on the 24 May 2006 Agreement between the Government and the UN on the post-ONUB presence in Burundi. The Government requested assistance from the integrated office in the areas of peace and democratic governance; continuation of security sector reform and disarmament of civilians; human rights, continuation of judiciary and penitentiary sector reform, and establishment of transitional justice mechanisms; information and communication and reconstruction and socio-economic development. The Government of Burundi and the UN prepared a **Joint Roadmap, January 2007-December 2008**, based on the UN Common Action Plan.

UNDAF

The **UN Development Assistance Framework** is the common strategic action plan developed by the UN Country Team in partnership with the Government of Burundi. The 2005-7 UNDAF's main priorities are:

- (1) peace, reconciliation and good governance
- (2) repatriation, reintegration and rehabilitation of sinistres and ex-combatants
- (3) fight against poverty and economic recovery
- (4) access to basic social services in health, water and sanitation and education
- (5) fight against HIV/AIDS, malaria and tuberculosis
- (6) population, environment and agriculture (food security)

The UNDAF is being revised and extended to 2008 to align it with the UN Common Action Plan and BINUB's mandate, as well as the final year of the PRSP.

11. These strategic frameworks overlap in a number of areas: peace and governance; the economy and economic growth; justice and the rule of law; and restoring basic services. This overlap clearly demonstrates how comprehensive and exhaustive the needs in Burundi are. At the same time, the fact that some of the strategies are in the midst of being finalised indicates that there is room for the Peacebuilding Commission to provide a peacebuilding perspective to these strategies or their implementation. This perspective might draw attention to dynamics that may encourage the use of violence as a means of accomplishing political objectives and the impact of the process of realising programmatic outputs, not just the outcomes of peacebuilding related activities.

IV. Consolidating Peace – Critical Issues

12. Despite progress in stabilising Burundi and the establishment of a democratically elected and multi-ethnic government, there are perceptions that peace in Burundi is fragile. The causes of violent conflict in Burundi are complex and deep-rooted, the cumulative legacies from violence and impunity have deeply entrenched distrust and fear in society, and the majority of Burundians live under very difficult conditions. Moreover, the capacities and resources to address the root causes and consequences from the armed conflict are extremely limited. Therefore, the challenges to the consolidation of peace are significant. However, it is unlikely that one single issue would precipitate violence, but that dynamics could be generated where issues overlap, enabling groups or leaders to seek their goals through violence rather than the political process. Burundi is still in the immediate post-conflict phase and the experience of peace is not long. Time is needed to build trust and confidence in leaders, in institutions and in the basic idea of living in a peaceful and stable Burundi.

Challenges in the Political Process and Governance⁹

13. Burundi was never a failed state. Its executive and administrative functions continued even though authority was limited, the provision of public services was severely impeded and citizens were not protected. However, the state in Burundi never served as an inclusive political community due to the capture of the state by the educated Tutsi elite, and the resulting violence from efforts to redress the ethnic balance in the state apparatus. Rebuilding confidence in the institutions of government depends on strengthening the capacity and authority of the state, but also building legitimate and effective state institutions representative of and accountable to all social groups. This begins with the Constitution which sets forth a minimum of 30% women's participation and 60-40% Hutu-Tutsi representation in all state institutions, 50-50% ethnic balance in the armed forces and national police and requires that political parties are also ethnically and regionally mixed. At least one of the vice-Presidents and 30% of the members of Government, Senate and National Assembly must be women.

⁹ These issues are not presented in any particular order.

14. While the political landscape is more multi-polar, factional competition and confrontational discourse are undermining the political process. At different times, FRODEBU and UPRONA have threatened to walk out of Government, criticising the Government's policy of excluding political parties, its relations with the media and resolving political tensions. On 2 August 2006, the Government announced that six people had been arrested for plotting to overthrow the Government, including the former Vice-President Kadege. Domitien Ndayizeye, one of the Presidents during the transition period, was also subsequently arrested and detained. Allegations of torture and abuse by those detained (confirmed by ONUB in 3 cases), who also accuse the Government of fabricating the coup plot has created a sense of political tension. The resignation of the Vice-President, Alice Nzomukunda, citing corruption and human rights abuses as obstacles to governance, and the contested confirmation by Parliament of her replacement, have added to these tensions.

15. The Comprehensive Ceasefire Agreement between the Government and FNL is a turning point now that all armed groups are participating in the political process in Burundi for the first time. Thus far, the cease-fire which entered into force on 10 September has generally been respected by both sides. Integrating the leadership of FNL into the Government and of combatants into the armed forces, particularly the officer ranks, remain to be finalized within the framework of the Joint Verification and Monitoring Mechanism.

16. Peace is not only a condition; it is also a process whereby disputes and political competition are channelled through institutions, processes and mechanisms without the recourse to violence. This process is strengthened when all parties, all sections of society, and all Burundians participate in it, express commitment to it and have confidence that it will accommodate their concerns. Furthermore, the process is shaped by the experience of resolving differences and disputes, allowing enough room for debate, and building on mistakes and successes. Political tension is to be expected in countries emerging from conflict but a political impasse has emerged due to the uncertainty of how this political struggle can be peacefully resolved. The process of working through this current tension is integral to the consolidation of peace in Burundi.

Key initiatives taken by local, national and international actors

- The Government promulgated a law on anti-corruption. There are new accountability measures for Government officials, who are now required to declare their financial assets.
- The President signed a letter to the President of the World Bank, requesting technical assistance for the formulation and implementation of a national governance strategy.
- Civil society organizations held consultations on the contribution of civil society in building lasting peace.

- ONUB, the European Commission, the World Bank, UNDP and other donors have provided assistance to Parliament, to local governments, and communal administrators to improve the administrative capacity of the state.

Outstanding questions related to consolidating peace

1. Are mechanisms and processes for resolving political tensions in place, and how can they be strengthened and supported?
2. What would deepen and reinforce peace in Burundi? What would limit the potential for mass mobilization towards violence?
3. How can the institutions of government become fully independent and separated from the role of political parties?
4. How can a viable political system be strengthened in Burundi that engages all segments of society?
5. To what extent are civil society activity, political engagement and dialogue focused on Bujumbura or do they reach local and rural communities in other provinces?
6. What measures would build trust in the political system and in civil society?

The security sector

17. Peace and security in Burundi are foremost dependent on successful demobilization, disarmament, and reintegration of combatants and reform of the security sector. These are daunting challenges due to the legacy of the proliferation of armed groups, the role of the Burundi Armed Forces in the conflict, and a heavily armed civilian population. The DDR process commenced in December 2004 and so far over 20,000 combatants have been demobilized, including some 3,000 child soldiers. The disbanding of civilian elements has also progressed with 26,041 militia elements, 17,378 *gardiens de la paix* and 8,663 *militants combatants* receiving recognition of service benefits. With the support of the World Bank through the Multi-country Demobilization and Reintegration Programme, 96% of former combatants received reinsertion allowances for the first 18 months following their demobilization.¹⁰ However, longer term reintegration assistance in the form of vocational training, apprenticeships and micro projects has been delayed and a limited number have benefited. Given the difficult socio-economic environment, reintegration of combatants into local communities will add to social tensions.¹¹ Additionally, some 2000-5000 FNL combatants need to be demobilised and reintegrated into communities or join the Burundi Armed Forces.

¹⁰ Sixth Report of the Secretary-General on the United Nations Operation in Burundi, 21 March 2006, S/2006/163, p6, item 26.

¹¹ Fifth Report of the Secretary-General on the United Nations Operation in Burundi, 21 November 2005, S/2005/728, p. 6, item

18. Transforming the armed forces and the police into independent, professional and cohesive institutions that are capable of performing internal and external responsibilities and serve as symbols of national unity is a critical area in consolidating peace. Throughout most of Burundi's history, the armed forces were dominated by one ethnic group and were instrumental in arbitrary killings, as well as other human rights abuses. The transition period however saw the successful integration of all armed groups into the new Forces de défense nationale (FDN). The Government expects the target of a 25,000 strong force to be reached by December 2006 and through reform, the FDN has become less politicized, observes a 50-50 ethnic balance and does not pose the kind of threat to stability that it once did. However, further reform and training are needed including adopting and implementing a national plan for the reform of the security sector.

19. The Burundi National Police Force also needs to be transformed into an adequately resourced, structured and trained force to assume responsibility for ensuring law and order, resolving community disputes and dealing with rising criminality. In early 2005, the transitional Government and ONUB jointly elaborated a "Concept for the Integration of the Burundi National Police," which establishes a process and identifies the responsibilities of the different actors in the integration and transformation of the National Police and provides a basic framework within which donors can determine the level and nature of their assistance. Thus far, 20,000 officers have been integrated into the national police, 1,012 of which are women, a new organizational rank structure has been adopted and an integrated leadership appointed.

20. The security apparatus has been an instrumental actor in armed conflict in Burundi. The transformation of the security sector into a legitimate institution of the state that serves the public and is not involved in political struggles is one element in preventing the return to violence. Significant resources and training are needed to effect this critical change. Another key element is ensuring that the civilian population is not remobilized by leaders who choose to abandon the political process by using violence to achieve their goals.

Key initiatives taken by national, local and international actors

- The Government launched a campaign for the disarmament of the civilian population on 13 April 2006.
- Members of the Technical Commission on Disarmament of the Civilian Population and Combating the Proliferation of light and small weapons have been nominated by the Government, including representatives from civil society, the Church, and the media.
- The Government is working with ONUB and UNDP on an overall strategy for the disarmament of the civilian population within the context of the April initiative.
- The Multi-Country Demobilisation and Reintegration Programme (MDRP) is a multi-agency programme that supports the demobilization and reintegration of an estimated

450,000 ex-combatants in 7 countries of the greater Great Lakes region. Funding amounts to \$400 million, approximately \$74 million is committed to Burundi.

- ONUB has provided practical support, technical advice and training to the police as well as technical advice to the armed forces; equipment, training and other assistance also provided by other donors.

Outstanding questions related to consolidating peace

1. Is reform of the police a national exercise that applies equally across all provinces and groups, in terms of recruitment, training, and deployment?
2. Are the processes of political and security sector reform mutually supporting or do they run the risk of contradicting each other?
3. What is the potential capacity for remobilizing former combatants by political groups? Are there contradictions in strengthening the accountability of leaders to the general population and at the same time preventing the manipulation of the population by leaders?
4. What could be the most effective coordination mechanism for integrating SSR support?

Economic and social recovery

21. While Burundi's economy achieved annual growth rates of 4% before 1993, the civil war reversed this trend and led to negative growth for the rest of the decade. The decline in coffee and tea prices, Burundi's main exports, compounded by the embargo imposed by neighbouring countries from 1996 to 1999, high inflation, and higher external debt payments led to a failing economy. This was accompanied by a population explosion that reduced Burundi's per capita income to a low of \$83 per person in 2004.¹² Access to economic and social opportunities in Burundi is accentuated by ethnic, regional and class identity. And like other underdeveloped African nations, the economy is closely intertwined with the state which meant that through their historical control of the state, the Tutsi elite dominated the economy and was positioned to benefit from privatisation policies.

22. The re-establishment of sustainable livelihoods and economic growth underpin the commitment to peace amongst the general population. However, this must be achieved in an equitable way that benefits all Burundians and also redresses imbalances that have been institutionalised over the course of Burundi's history. Economic growth has improved to about 6%, but needs to be sustained for many years to raise income levels. The dominant sector of the economy is agriculture, with smaller mining, agricultural processing and services sectors. As a result, the economy is highly dependent on the fluctuation of commodity prices, particularly coffee which accounts for 50% of GDP and 85% of export earnings. Due to poor

¹² Poverty Reduction Strategy Paper, p. 6.

rains, coffee production in 2006 is expected to be below 2005 levels but should recover next year, while the Government is liberalizing the coffee sector to increase production, productivity and competitiveness. The introduction of free and universal access to primary education for the 2005-2006 school year and limited free maternity care and health care for children under 5, as well as a 15% salary increase for all civil servants has put a strain on the national budget. Burundi's debt burden is high with foreign debt representing 204% of GDP in 2004 and debt service at US\$64 million per year.

23. Economic recovery is closely linked to the rehabilitation of society. Some 90% of the population depend on subsistence farming, yet 68% of the population are food vulnerable. Burundi also has a high incidence rate for HIV/AIDs, which decimates human and social capital. Another key aspect relates to the return of refugees and reintegration of displaced person. The rate of return has been slower than expected, with only 24,500 refugees returning home between January and the end of September 2006.¹³ A large scale return would put enormous pressure on an already fragile environment and heighten the risks for increased disputes over property. The return and reintegration of refugees and displaced persons is indispensable for national reconciliation and the further consolidation of peace. The growth of the rural population and traditional inheritance practices that divide land into smaller and smaller parcels are increasing pressure on already scarce resources and creating the possibility of innumerable land conflicts at the local level. Women are especially disadvantaged in terms of land inheritance, particularly widows, which in effect condemns women to poverty.

24. Social tensions that cannot be expressed peacefully can potentially escalate into communal violence. When such tensions exist in a context of unchanging poverty, people have little stake in peace, and violence appears as a viable option for improving living conditions. Without improvement in the basic living conditions of the general population, Burundi's poor will remain susceptible to manipulation by those who seek to exploit them to attain their own political ends.

Key initiatives taken by national, local and international actors

- Burundi met the HIPC decision point in 2005 and was granted interim debt relief.
- The Government's economic policy was supported by the IMF's endorsement of a US\$ 102 million poverty reduction and growth facility (PRGF) from 2004-2007.
- The US Government approved Burundi to benefit from the American Growth Opportunity Act in 2006.
- The Government established a National Commission on Land and Property to peacefully resolve and prevent land ownership conflicts in 2006.

¹³ UNHCR estimates.

Outstanding questions related to consolidating peace

1. Is the expansion of economic and social opportunities equitable? Is there equitable distribution of the benefits of economic growth across the country?
2. Does economic reform encourage monopolistic behaviour? To what extent are the economic and political spheres separate or intertwined?
3. How can social resistance to political manipulation be strengthened?
4. What policies will be required to ensure the successful reintegration of displaced persons into Burundi society?

Transitional Justice and Human Rights

25. War crimes, crimes against humanity and serious human rights violations are common throughout Burundi's history. Although summary executions, torture, rape, arbitrary arrests and detentions in the context of the military operations between the FDN and FNL continue to be reported, the number of human rights violations has decreased since the signing of the Comprehensive Ceasefire Agreement. Investigations have proceeded, with some prosecutions, while the President has also stated that those responsible in the FDN would be held accountable. The high prevalence of violence against women and children also remains a serious concern. Steps have been taken to address the issue of political prisoners and prison overcrowding, including a presidential decree conditionally releasing all prisoners detained for more than 2 years without charge and issuing provisional immunity to some political prisoners.

26. The absence of accountability and justice has sustained a culture of impunity, which itself was a key factor in the recurrence of conflict in Burundi. This needs to be redressed through the reform and strengthening of the justice system to guarantee the protection of human rights, to hold accountable the perpetrators of human rights violations and to ensure the strengthening of the rule of law. Since many of the violations have taken place in the context of armed conflict, there is a need to incorporate and strengthen the human rights training for security forces and to sensitize civilian officials responsible for the protection of human rights. The establishment of a national human rights commission with the appropriate mandate, independence and resources to promote respect for human rights, and a national human rights action plan will help to address some of these problems.

27. As a central pillar of the state, an effective, transparent and accessible justice system is essential to sustaining peace because it resolves conflicts, provides an impartial arbiter that upholds the laws of the land, and applies and enforces laws without discrimination. The justice system in Burundi has not served these functions and “[n]otwithstanding the constitutional provisions on the independence of the judiciary, its perception among the population at large is

that of a partial ethnically biased and politically dependent judiciary.”¹⁴ In 2004, there were just 60 defence attorneys in Burundi, most of them based in Bujumbura. The reform of the higher courts led to the collective promotion of 70 Hutu judges, but few other steps were taken to rectify the system’s ethnic imbalance. Judges and prosecutors continue to work under very poor conditions of service, although salaries were recently increased.¹⁵ The development and implementation of a comprehensive legal and judicial reform strategy to ensure the independence and efficacy of the judicial system, with reform of the penitentiary system, are needed.

28. Past crimes and reconciling with the past in Burundi remains a critical challenge and if left unresolved could be a factor leading to instability. Protocol I of the Arusha Agreement called for the creation of a National Truth and Reconciliation Commission “to investigate, propose measures to promote reconciliation and forgiveness, pass laws granting amnesty, and clarifying the history of Burundi. Protocol II requested “the establishment of an International Judicial Commission of Inquiry which will investigate acts of genocide, war crimes and other crimes against humanity and report thereon to the Security Council of the United Nations.”

29. On 27 December 2004, the law on the Composition, Organization and Functions of the National Truth and Reconciliation Commission was promulgated.¹⁶ Formal negotiations between the Government and the UN for establishing the Commission and Special Tribunal began in March 2006. However, progress has been slow.¹⁷ At Independence Day commemorations on 1 July 2006, President Nkurunziza publicly stated that reconciliation was a priority issue for the Government and that a TRC would be established soon. As stipulated in the Arusha Agreement, the Government also promulgated a law to establish a National Observatory for the Prevention and Eradication of the Crime of Genocide, War Crimes and Crimes Against Humanity, which was “conceived as an early warning mechanism and an oversight body of national processes likely to lead to inter-ethnic violence with a view to preventing the recurrence of genocide, war crimes, crimes against humanity and combating impunity.” The 45 members, however, have not yet been appointed.¹⁸

30. Peace is unlikely to be sustained in Burundi without reconciling with the past, but dealing with the past has often preceded outbursts of armed conflict. The manner in which the TRC and Special Tribunal are established and become operational can support the consolidation of peace, as much as the future findings and conclusions from them.

¹⁴ Report of the Assessment Mission on the establishment of an international judicial commission of inquiry for Burundi, 11 March 2005, S/2005/158, p. 16, item 47.

¹⁵ Fifth Report of the Secretary-General on the United Nations Operation in Burundi, 21 November 2005, S/2005/728, p.9, item. 39

¹⁶ *Op cit.*, Report of the assessment mission, p. 11, item 15.

¹⁷ The UN assessment mission recommended a Special Chamber within the Burundi court system, rather than an international tribunal.

¹⁸ *Op cit.*, Report of the assessment mission, p. 15, item 41b.

Key initiatives taken by national, local and international actors

- The Government prepared a working paper with recommendations on the establishment of a Truth and Reconciliation Commission and Special Tribunal in early 2006.
- With ONUB's support, the Ministry of Solidarity, Human Rights and Gender adopted a plan of action for the establishment of an independent national human rights commission
- ONUB in coordination with human rights partners (e.g., UNCT, international and national NGOs, civil society) conducted sensitization sessions/workshops on human rights issues, including sexual and gender-based violence
- ONUB conducted training seminars on human rights issues for uniformed personnel (police, military and corrections officers) and judicial officials
- UNICEF and ONUB supported child protection network to monitor and report human rights violations committed against children in armed conflict
- Annual human rights reports on Burundi are published by the human rights league "Ligue Iteka" since 1999.

Outstanding questions related to consolidating peace

1. Is the process of establishing the TRC and Special Tribunal contributing to the building of trust and confidence in the peace process, or is the process itself becoming a source of tension?
2. What kind of transitional justice mechanism based on international standards and the country context is needed in Burundi?
3. Is there consensus in Burundi on a policy and mechanism for transitional justice?
4. In light of the magnitude of the challenges in building a fair, transparent and effective and accessible justice system, what are the key priorities in the immediate, medium and long-terms? What are the benchmarks indicating progress both in terms of institutional development and ensuring an equitable, fair and responsive system that serves all communities in Burundi?

Regional instability

31. The Great Lakes region has been one of the most volatile regions on the African continent with the genocide in Rwanda, the civil war in the Democratic Republic of Congo, the 20 year insurgency by the Lord's Resistance Army in Uganda, and civil war in Burundi. Each armed conflict has had regional dimensions with neighbouring countries hosting refugees, as well as supporting armed rebel groups. There were reports of collaboration between the FNL and Congolese and other foreign armed forces, specifically in the massacre

of the Gatumba refugee camp. Lack of effective border security, cross-border looting, trafficking in arms and natural resources and other criminal activities are all threats to security and undermine the state.

32. Nevertheless, there are tentative signs of peace and a more stable region. The first round of presidential elections in DRC passed peacefully, although uncertainty surrounds the second round. The Government of Uganda and the LRA have reached a new agreement to end their long-standing armed conflict. While stability in neighbouring countries may not have a significant impact, instability has repeatedly had a detrimental effect on security in Burundi in terms of the movements of armed groups and possible mass refugee flows putting a further strain on local communities. Burundi also hosts some 50,000 refugees from DRC as well as Rwandans, and their return to their countries of origin or reintegration into local communities would also contribute to further stabilizing the country.

Key initiatives taken by national and international actors

- Dar-es-Salaam Declaration of Principles on Peace, Security, Democracy and Development in the Great Lakes Region signed in 2004, Committee established to translate principles into concrete action.
- Pact on Stability, Security and Development in the Great Lakes region is expected to be signed by heads of state in the region at a summit in Nairobi, 14-15 December 2006
- Burundi is expected to join the East African Community and participates on the Tripartite-Plus Joint Commission and the Burundi-Rwanda Joint Commission to discuss cross-border activities and strengthening cooperation on border security.
- The Regional Peace Initiative on Burundi has been supporting peace efforts in Burundi for more than a decade. As Facilitator of the peace process, the Government of South Africa has also played a pivotal role in peace efforts, most recently in facilitating the Comprehensive Ceasefire Agreement between the Government of Burundi and FNL.
- ONUB and MONUC liaise closely, sharing information, coordinating activities, coordinated border operations.
- The Security Council has undertaken 6 missions to Central Africa since 2000.

Outstanding questions related to consolidating peace

1. How can regional population movements be addressed and what sorts of solutions are needed to resolve longstanding refugee crises?

V. Sustaining International Support to the Peacebuilding Process

33. Given Burundi's limited sources of revenue, greater and more consistent international assistance is needed. However, donor assistance to Burundi has not always been sufficient or reliable. The national budget for 2006 totals \$417 million¹⁹, of which \$341 million is externally financed or 82%. The consolidated appeal for Burundi in 2006 requested \$123,012,389 (mid-year requirement) but has received only US\$30,729,677, or 25% of requirements.²⁰ During the February 2006 conference of development partners in Bujumbura where the Government presented its Emergency Programme 2006, \$170 million was pledged, of which \$50 million came from the EU to be funded through budgetary support, a trust fund and reallocation of existing financial commitments.

34. The Government also lacks the capacity to account for the amount of resources actually received, the outputs produced or the outcomes achieved. A National Committee for Aid Coordination (CNCA) was established by the Government but needs to be strengthened to effectively play a coordinating role. The Government had expressed concern about the role of the Burundi Partners Forum; while donors are concerned about the lack of priorities set by the Government. Trust needs to be enhanced between Burundi and the international community. How international support is provided is equally important with such support taking into account the impact on structural inequalities and the fact that change creates new winners and losers. Peace consolidation depends on how projects are designed, implemented and monitored, the building of social capital, increasing a society's resistance to conflict, broadening inter-group interactions, and inclusive decision-making processes.

Key initiatives taken by national, local and international actors

- A Government-led aid coordination structure Comité National de Coordination des Aides (CNCA) has been set up to monitor progress in connection with PRSP implementation, although technical committees have not yet been established.
- The Burundi Partners Forum, established on 13 September 2005 by a Summit convened by the Secretary-General, Regional Peace Initiative with the participation of the Government and stakeholders, is a framework for the exchange of views on the peace process and to maintain the coherence of diverse international actors.

Outstanding questions related to consolidating peace

1. What measures have been taken by the Government to track aid flows, what support is needed to establish effective mechanisms?
2. What measures are being taken by donors to meet their committed pledges and demonstrate full transparency of where donor assistance is reaching?

¹⁹ These are early 2006 figures; the budget has since been revised in July 2006.

²⁰ OCHA Mid-Year Review CAP 2006, Executive Summary, p. 1.

3. Are there overlaps, duplication or conflicts amongst international partners?
4. Do aid programmes take a conflict sensitive approach in order to avoid reinforcing structural cleavages?

VI. Conclusion

35. After more than a decade of violent conflict and repeated episodes of mass killings, security is being restored in Burundi and a nascent peace has been established. However, the complexity of the causes that led to the war and the enormity of rebuilding social, human and resource capital renders the consolidation of peace exceptionally challenging. Although not every issue can be addressed at once, it is important to identify the key priorities where progress can be made with the support of the PBC, and where lack of progress may obstruct the further consolidation of peace in Burundi. Based on this identification of urgent priorities, international political, financial and technical support should be mobilized in a strategic manner. The unique forum of the PBC, which brings together governments, IFIs, donors, the UN team on the ground, and the whole UN system, must seize this opportunity and mobilize international support to help Burundi strengthen the foundations for sustainable development and lasting peace.

BURUNDI FACT SHEET

COUNTRY STATISTICS	169	HDI Rank (out of 177 countries)
	657.2 million	GDP
	US\$ 83	GDP per capita
	4.8	GDP growth (annual %) ^a
	43.6 years	Life expectancy at birth
	7.2 million	Population
	58.4%	Population living below US\$ 1 a day 1990–2003 HDR
	89.2%	Population living below US\$ 2 a day 1990–2003 HDR
	46.2%	Population under age 15 (% of total)
	10%	Urban population
SOCIAL	3.9	Public expenditure on education as % of GDP 2000–2002
	59.3	Adult literacy rate (% ages 15+) ^a
	0.6	Public health expenditure (% of GDP)
	5	Physicians (per 100,000 people)
	68	Population undernourished (% of total)
	6.0 [4.1–8.8 range]	HIV prevalence (% of population ages 15–49)
	-1.8	Per capita food production (avg. annual growth rate 1990–2003) ^c
DEBT	1.3 billion	Long-term debt (DOD,)
	50.8	Total debt service (% of exports of goods, services and income)
DEVELOPMENT ASSISTANCE	224.2 million	Official development assistance (ODA) (net disbursements)
	US\$ 31.3	ODA per capita
	EC, US, IDA	Top 3 donors ^b
	21	% of total ODA provided by top donor ^b

All figures are in US dollars.

Sources: Human Development Report 2005, ^a The World Bank Burundi Data Profile April 2006, ^b OECD Monitoring Resource Flows to Fragile States 2005 Report, ^c FAO Compendium of Food and Agriculture Indicators 2005