Security Council
Sixty-seventh year

6799th meeting
Thursday, 5 July 2012, 10.25 a.m.
New York

President: Mr. Osorio ........................................... (Colombia)

Members:
Azerbaijan ........................................... Mr. Mehdiyev
China .............................................. Mr. Yang Tao
France ............................................ Mr. Briens
Germany .......................................... Mr. Berger
Guatemala ........................................ Mr. Rosenthal
India ............................................... Mr. Kumar
Morocco .......................................... Mr. Loulichki
Pakistan .......................................... Mr. Tarar
Portugal ........................................... Mr. Moraes Cabral
Russian Federation ................................. Mr. Zhukov
South Africa .................................... Mr. Sangqu
Togo ................................................ Mr. Menan
United Kingdom of Great Britain and Northern Ireland ..... Ms. Hendrie
United States of America ........................ Mr. DeLaurentis

Agenda

The situation in Burundi

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The meeting was called to order at 10.25 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Burundi

The President (spoke in Spanish): In accordance with rule 37 of the Council’s provisional rules of procedure, I invite the representative of Burundi to participate in this meeting.

Under rule 39 of the Council’s provisional rules of procedure, I invite Ms. Karin Landgren, Special Representative of the Secretary-General and Head of the United Nations Office in Burundi.

In accordance with rule 39 of the Council’s provisional rules of procedure, I invite Mr. Paul Seger, Chairperson of the peacebuilding configuration for Burundi and Permanent Representative of Switzerland, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I now give the floor to Ms. Landgren.

Ms. Landgren (spoke in French): Resolution 2027 (2011) of last December noted Burundi’s progress towards peace, stability and development, and charged the United Nations Office in Burundi (BNUB) and its partners with supporting further consolidation. Since my last briefing (see S/PV.6677), Burundi has continued to advance strategies for critical sectors, notably by adopting its new poverty reduction strategy and beginning to implement its strategy for good governance and the fight against corruption. The country has remained free of large-scale violence, and the Government has strengthened security throughout the territory. The country continues, however, to experience a disturbing underlying climate of impunity and extrajudicial killings. At the same time, there have been some encouraging contacts between the Government and the extra-parliamentary opposition.

As this will be my final briefing to the Council on Burundi, I intend to focus particularly on matters that merit attentive management by Burundi’s leadership in the coming months if the country is to fulfil its promise of stability, democracy and development. One is the importance of political dialogue; others fall broadly under the rubric of accountability in the political and financial spheres, including freedom of expression and assembly, addressing the human rights abuses of the past and the present, and enhancing public financial management. I will also look ahead and address the issue of the United Nations transition, taking account of the benchmarks circulated to the Council in May 2012.

As the Council is aware, the United Nations has continued to encourage the normalization of relations among all political parties and groups. Looking ahead to the 2015 elections, the need for political parties to function with full freedom takes on fresh urgency. The United Nations has documented several cases in which political parties have been prevented from going about their everyday activities, especially in the provinces outside of Bujumbura. A legal obligation to give advance notice of public meetings would be seen by local administrators and the police as a requirement to permit political parties to call meetings.

The extrajudicial executions of several political party members in 2011 and the January 2012 arrest in Tanzania of Alexis Sinduhije, head of the Movement for Solidarity and Development party, also had a dampening effect on parties outside the ruling coalition. Arrested at the request of the Burundian authorities, Mr. Sinduhije was released after 13 days. More recently, opposition parties have contested the new law on the workings and organization of political parties, establishing new conditions for the registration of all parties. Its entry into force has been deferred.

Since the end of March there have been a number of direct contacts between members of the Conseil national pour la défense de la démocratie-Forces nationales pour la défense de la démocratie and the extra-parliamentary opposition. Especially notable are the 28 May meeting in Caux, Switzerland, organized by the non-governmental organization (NGO) Initiative and Change, and a workshop in the National Assembly on draft legislation on the status of opposition parties, held 28 March in Bujumbura. That increased engagement has led in general to a more moderate tone on all sides. Heads of extra-parliamentary opposition groups have firmly denied accusations by the Group of Experts on the Democratic Republic of the Congo in its final report in December 2011 (S/2011/738, enclosure) that they were complicit in attempts to galvanize a new insurgency.

The Government has reiterated its willingness to accept the return of extra-parliamentary figures...
the security forces. Human rights violations persist, including extrajudicial executions, torture and the excessive use of force, as does impunity for such crimes. As the Council will recall, the United Nations documented 61 extrajudicial executions in the course of 2011. Of the 61 cases, perpetrators in 10 cases have been sentenced. In five of those 10 cases, victims were members of the police or Government officials. Of the remaining 51 cases, nine are still in court, while in seven others the authorities claim to have insufficient evidence to open a case file. No action has been taken in the other 35 cases.

That continuing impunity reflects challenges faced by the judicial system as a whole, including a lack of independence and significant capacity gaps. In the first six months of 2012, the United Nations has documented 13 cases of extrajudicial killings — a high number, but a reduction from 2011. Most were apparently perpetrated by members of the police, including six victims killed in alleged prison escapes. Documented instances of torture have dropped from 36 cases in 2011 to 11 cases since the beginning of 2012.

On 22 May, the verdict was handed down in the trial for the murder of Ernest Manirumva, the late Vice-President of the anti-corruption NGO Observatoire de lutte contre la corruption et les malversations économiques. Mr. Manirumva was killed while investigating several sensitive cases, including allegations of large-scale police corruption and illegal weapons purchases. While 14 individuals received lengthy prison terms, in this case, as in the case of the Gatumba massacre, seemingly important lines of inquiry — possibly pertaining to high-ranking officials — were not followed during the investigation.

While there remain long-term challenges to the rule of law in Burundi, the judicial system has registered some progress since my last briefing. The Ministry of Justice adopted its 2011-2015 strategic plan, which focuses on enhancing the independence of the judiciary, improving access to justice and strengthening criminal justice. The Ministry is also finalizing a new code of penal procedure, including guidelines for prosecutors, and BNUB and partners continue to support the professionalization of magistrates. For BNUB, such support forms part of a comprehensive United Nations strategy on the reform of the justice sector in Burundi, which prioritizes the independence of the judiciary and the accountability of magistrates.
BNUB and partners continue to provide technical assistance in respect of prison overcrowding and pre-trial detention. Pre-trial detention has been reduced from 52 per cent of all detainees in 2011 to 45 per cent in 2012, up to 31 May. On 25 June, President Nkurunziza issued a decree pardoning certain categories of prisoners and commuting to life imprisonment death sentences passed before the death penalty was abolished in 2009. Those measures have the potential to reduce the prison population significantly and to provide immediate relief from prison overcrowding. Preparatory work has begun for a national conference on justice, supported by BNUB, and we anticipate an inclusive and transparent national debate.

The Council will recall that Burundi’s commitment to creating transitional justice mechanisms received a boost in 2011, when the Government set up a technical committee that produced a draft law and a proposed budget in October and foresaw the work of the truth and reconciliation commission beginning in January 2012. By letter of 19 December, the Secretariat provided comments on the draft law, highlighting changes required to bring it in line both with international norms and standards and with the expectations of the Burundian people, expressed through the 2009 national consultations process.

We remain confident that Burundi will fulfil the commitments made at Arusha in 2000 and reiterated many times since. Critical issues include the exclusion from amnesty of those guilty of grave human rights violations or war crimes, the eventual composition and inclusiveness of the truth and reconciliation commission, the establishment of a special tribunal and its relation to the commission, and the protection of victims and witnesses. President Nkurunziza subsequently indicated that the commission would be set up before the end of 2012. In April, the Government offered to share with the United Nations a revised draft law prior to its consideration by the Council of Ministers. On 8 June, the First Vice-President told the international community that the issue would be taken up in the second half of 2012 and that a law is under consideration.

Strengthened public administration is both a goal and a requirement for Burundi to consolidate peace and democracy and accelerate equitable economic development. The Government has stated its intention to erase Burundi from the list of the world’s poorest countries by 2020 and to have zero tolerance for corruption.

In 2011 Burundi moved up by eight places to number 169 in the world rankings for ease of doing business. The Burundi Revenue Office contributed broader and more efficient tax collection, outperforming revenue expectations by nearly 20 per cent. The Office recently came under severe pressure, including interrogations of its staff and, according to reports, a mid-May document from the National Intelligence Service accusing its leadership, Burundi’s donor partners, and even the Second Vice-President, of acting in a manner hostile to the interests of the Government. The President subsequently expressed confidence in the Revenue Office and the Second Vice-President, two offices that I and many partners regard as central to Burundi’s reform efforts.

Measures have also been taken towards the implementation of the Strategy for Good Governance and the Fight against Corruption, adopted in October 2011. The Ministry of Good Governance intends to assign inspectors to work within the ministries and will, with the Ministry of Justice, establish a consultative mechanism to follow up sensitive corruption files. The two ministries have already set up a committee to revise the 2006 law on the prevention and fight against corruption and related offences, including a review of the burden of proof when corruption is suspected.

The great majority of Burundians continue to live in conditions of extreme socio-economic difficulty, and the country has been grappling with the impact of persistent shocks stemming from the high prices of food and petroleum products, in addition to a sharp decline in budget support. Food insecurity persists in many parts of the country, producing chronic malnutrition among children. An overwhelming reliance on agriculture, coupled with a high birth rate, creates extraordinary pressures on land and other resources. This year, an estimated 35,400 refugees are expected to return to Burundi from Tanzania.

The National Commission on Land and other Issues, the national body responsible for handling land disputes, continues to address difficult cases and to have its findings contested. Balancing the interests of those who return and of those who stayed behind is delicate and, at times, incendiary.

Solutions include developing alternative livelihoods beyond subsistence agriculture and strengthening
education at all levels, including vocational training for youth. These solutions are reflected in Burundi’s second-generation poverty reduction strategy, validated by the Government and its international partners in February 2012. The strategy addresses peacebuilding as well as development priorities, reducing the stress of multiple planning frameworks on a system with limited capacity. A development partners conference is planned for late October and will be supported by the United Nations and other partners.

In May, the Secretary-General communicated to the Council benchmarks for the eventual transition from a special political mission — BNUB — to a regular United Nations country team, as requested by resolutions 1959 (2010) and 2027 (2011). Those benchmarks and their associated indicators were devised through discussion and consultation with the Government of Burundi, as well as with the broader United Nations country team in Burundi and the United Nations Integrated Task Force on Burundi here in New York.

Consistent with best practice, those include indicators related to Burundi’s broad progress in peace consolidation and indicators related to progress in accomplishing the BNUB mandate. Within those indicators, which seek to capture the range of endeavours relevant to stability, BNUB anticipates further refining those relating to its own role and to that of the country team. Ideally, those benchmarks offer a long-range framework for discussions with the Government of Burundi. Within six months, BNUB anticipates providing baseline data and assessments, with observations on timing and trends for each issue and on BNUB’s role, where appropriate.

Burundi labours under the heavy historical memory of what Burundians call the dark years. It is less than 20 years since political and ethnic violence roiled the country, and less than a decade since civil war still raged. The Burundian people have had the courage to make hard compromises. As a result, Burundi in 2012, celebrating its 50 years of independence, looks immeasurably different.

But Burundi in 2012 is also at a crossroads. Determination will be required in continuing to develop democratic institutions that are trusted by the public as legitimate and authoritative. There are challenges in discarding old attitudes that label dissenters as enemies. Parallel and extra-legal measures of repression continue to undermine the rule of law. Powerful pockets of resistance to transitional justice have emerged. Corruption, if allowed to persist, risks undermining the very institutions that will advance Burundi’s development. But Burundi can look with pride to successes in its recent past, including its integrated army, which now deploys six battalions to the African Union force in Somalia. In a recent nationwide opinion survey, the army scored a confidence rating of 79.3 per cent.

Freedom of expression in Burundi comes at a price, but it exists, nonetheless, to a degree rare in many other countries emerging from conflict. It merits nurturing as a strength and an asset. This is a moment for decisive and confident leadership. The people of Burundi have the right to make peace with their past and to craft a brighter future, accompanied by international partners.

It should no longer surprise us that war-torn countries do not put away their weapons and blossom instantly as plural and stable democracies with functioning institutions, accountable Governments, responsive parliaments, rights-respecting security forces and tolerant populations. As last year’s [itals] World Development Report [end itals] concluded, peace consolidation must be pursued and assessed on a generational time scale. In the meantime, this fragile, beautiful and courageous country has traveled a long and difficult distance along the road of peace consolidation in little over a decade.

As I conclude my assignment to Burundi, I wish to extend my warmest thanks to all BNUB’s interlocutors and, particularly here in New York, the former and current Burundian Permanent Representatives Ambassador Zacharie Gahutu and Ambassador Herménégilde Niyonzima, for their collaborative spirit and their generosity in imparting knowledge about Burundi. I also thank former Under-Secretary-General for Political Affairs Lynn Pascoe, all my colleagues and Ambassador Paul Seger of the Peacebuilding Commission. I convey all my good wishes to my successor, Mr. Parfait Onanga-Anyanga.

The President (spoke in Spanish): I thank Ms. Landgren for her comprehensive briefing on the situation in Burundi and on the development and prospects of the peacebuilding process. As she indicated, this is her last briefing as Special Representative of the Secretary-General in Burundi. On behalf of the Council, I wish to thank her for her effectiveness, dedication and the seriousness with which she always
presented her reports and kept the Council updated on the situation in that country, which all of us hope will continue to make progress.

I now give the floor to Mr. Seger.

**Mr. Seger (spoke in French):** I would like to thank you, Mr. President, for inviting me to address the Security Council in my capacity as Chair of the Burundi configuration of the Peacebuilding Commission.

First, I would like to congratulate the representative of Burundi on his country’s 50 years of independence, which it celebrated recently. We wish him all the best and a prosperous future for his country.

I should like to structure my remarks around three main points.

First, my most recent trip to Burundi in mid-April confirmed my view that overall the political situation has stabilized and that some degree of progress has been made towards strengthening peace. Today, the greatest concern for the people of Burundi is the socio-economic situation and rising prices.

Secondly, within the Peacebuilding Commission’s country-specific configuration on Burundi, we are compiling our conclusions and recommendations for the annual review of the outcome document, which defines the respective peacebuilding commitments of the Burundi Government and the configuration.

Thirdly, I would mention the Burundi development partners conference, which will take place on 29 and 30 October 2012 in Geneva for the purposes of supporting the second Growth and Poverty Reduction Strategy Framework.

As I have already sent a report to the Security Council on my most recent visit to Burundi in April, and as the Special Representative of the Secretary-General has just given a very comprehensive overview of the political and economic situation in the country, which I fully endorse, I will depart from my written notes to confirm that the general developments over the past few months give me hope. We must now maintain the still-fragile progress and support those who are seeking help in the preparation of peaceful and inclusive elections in 2015.

In that regard, the Burundi country-specific configuration of the Peacebuilding Commission (PBC) has continued to support as best it can the work of the United Nations Office in Burundi (BNUB), and the Special Representative of the Secretary-General in particular, in support of Burundi in its efforts to build peace.

Secondly, I would like to inform the Council that the Burundi configuration plans to adopt on 18 July its latest conclusions and recommendations, which will define the respective peacebuilding commitments for the next 12 months between the Government of Burundi and the configuration. The dual-track approach that we have used until now — involving political, institutional and socio-economic tracks — will be maintained. Since all aspects of peacebuilding will from now on be contained in the first of the four pillars of the new Growth and Poverty Reduction Strategy Framework, we have agreed that future reviews will be based on that monitoring and evaluation structure.

We call on the Government of Burundi to continue to promote political and institutional progress, in particular by engaging in active and inclusive dialogue with all political actors with a view to the 2015 elections. We furthermore encourage Burundi to take stronger measures against human rights violations, political violence and impunity, strengthen the National Independent Human Rights Commission, establish transitional justice mechanisms, intensify the fight against corruption, and implement the socio-economic reintegration programme. This will be the main thrust of the new shared framework.

The States members of the Burundi configuration undertake to continue to assist Burundi to generate support and mobilize resources to promote a culture of democracy, political dialogue, good governance, human rights and the rule of law. Furthermore, in the run-up to the partners conference, which we support and promote politically, we will maintain our efforts to develop close partnerships with all key peacebuilding players, such as the United Nations Development Programme (UNDP), the World Bank and the African Development Bank.

Thirdly, the Burundi development partners conference will be held on 29 and 30 October in Geneva for the purposes of generating financial support for the Growth and Poverty Reduction Strategy Framework. The conference is being organized under the supervision of the Office of the Second Vice-President and the Ministry of Finance. In our view, it is important at this point for the Government to define its Strategy priorities and determine a timeframe for its implementation. The substantive preparations and organization of the
Landgren, for her excellent work during the time we worked together. I wish her every success in her future post in Liberia. Once again, I personally rue her departure, but I also recognize the opportunities that her future work in Liberia will afford her.

I also wish to welcome the future Special Representative, Mr. Parfait Ononga-Anyanga, whom I see seated in the back of the Chamber today. I wish him every success in his new post, and I look forward to working closely with him.

The PBC is comprised of Member States, which makes it possible to exercise considerable influence within the United Nations, for example by transmitting important political messages. In the light of the complementary role of the PBC, it is deplorable that the country-specific configuration was not involved in or even informed about the setting of criteria for the transition of BNUB into a country team. In the future, I would be grateful if the configuration could be closely associated with the discussions that will take place on such a transition, which should, in my opinion, be done in close cooperation with the PBC.

Only a few days after celebrating the fiftieth anniversary of its independence, Burundi can look with pride upon its success and new-found stability. The ground is fertile for peacebuilding. We will follow the next steps with great interest, including the measures announced by the President of the Republic to implement transitional justice mechanisms and revise the electoral code and the Constitution.

I cannot conclude my statement without presenting my most sincere compliments to the Special Representative of the Secretary-General, Ms. Karin Landgren, for her excellent work during the time we worked together. I wish her every success in her future post in Liberia. Once again, I personally rue her departure, but I also recognize the opportunities that her future work in Liberia will afford her.

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exiled to neighbouring countries in the hundreds of thousands.

But since 2005, when the Security Council decided to take charge of the Burundi issue, for the first time an elected President has been able to complete his term. Today the refugee camps are emptying out; we are in an era of national reconciliation and reconstruction of the country. The Government of Burundi is deeply grateful. And when I thank the Security Council, I do not do so in words alone. In recognition of the international community’s efforts on behalf of Burundi, the Burundian Government, under the leadership of His Excellency Mr. Pierre Nkurunziza, President of the Republic, has decided to send troops to Somalia, Haiti, Darfur and anywhere else that the Council asks it to, in order to render to other peoples the services from which it has itself benefited.

The Council owes its success in Burundi to the quality of the men and women it sends there. Here, I would like to thank Secretary-General Ban Ki-moon for sending us Ms. Karin Landgren, a lady of unequaled brilliance, flawless integrity and extraordinary professionalism. As Ms. Landgren is preparing to leave Burundi, we wish her good luck in her new post and commend her instructive efforts, advice and persistence, which will continue to guide our determination to push on with the struggle to achieve good governance.

I take this opportunity to congratulate the new Special Representative of the Secretary-General in Burundi, Ambassador Parfait Onanga-Anyanga, another whose brilliance and human qualities are renowned in the United Nations system and by whose presence Burundians are honoured even before his arrival in the country. The Government of Burundi promises to be entirely at his disposal and to offer its full cooperation.

The Government of Burundi has made significant progress in virtually all sectors of the socio-economic and political life of the country. At the political and institutional levels, we have enacted a law on the organization and functioning of political parties; a standing forum for dialogue has been set up; the community administration code has been improved; a bill regulating the opposition is before Parliament that would promote dialogue between the opposition and the Government, discussions on amendments to the Constitution, the preparation of a new electoral code and the return of exiled political leaders as we move towards the electoral process for 2015.

Regarding good governance and the rule of law, we can point to the national good governance and anti-corruption strategy currently being implemented; the holding in 2010 of elections and the institutions that emerged from them; the effective implementation of a zero-tolerance policy for acts of corruption and economic fraud; the establishment and launch of the Burundi Revenue Office; the establishment and operationalization of an Ombudsman’s office; the establishment and launch of an independent human rights commission; the significant representation of women in various institutions — 50 per cent in the Senate, 43 per cent in the Government, and 40 per cent in the National Assembly; the publication of a report on the national consultations regarding the establishment of transitional judicial mechanisms; a drop in the prison population; and a revision of the criminal code including innovations relating to human rights violations, particularly the abolition of the death penalty, the elimination of amnesty and a statute of limitations for rape, acts of torture, war crimes, genocide and terrorism. The Government has not forgotten the vulnerable groups. It has supervised the return and resettlement of refugees and internally displaced persons. Its achievements in the area of peacebuilding are too numerous to mention.

But the remaining challenges are also numerous, particularly the fight against extreme poverty, which threatens to undermine our new peace. In a post-conflict country of extreme poverty, where the private sector is almost non-existent and the State is practically the only employer and provider of goods and services, the resurgence of armed conflict — driven by a thirst for power, riding roughshod over democratic elections, and resorting to such means as the establishment of armed rebel groups — is a possibility that it would be naïve to rule out. It can never be overstated that a country’s peace and stability are dependent on its capacity to enable its people to meet their basic needs.

The Government of Burundi is aware of the situation, which is why it recently developed a strategic framework for growth and the fight against poverty that it will soon present at the donor conference scheduled for 29 and 30 October in Geneva. I would like to sincerely thank Ambassador Paul Seger, Chair of the Burundi country configuration of the Peacebuilding Commission, who understands what is at stake for peace and stability in Burundi and has spared no effort to...
convince Governments and international organizations to help Burundi combat poverty.

Fighting poverty is the best way to prevent armed conflict around the world. That is why the socio-economic development of less developed countries should be on the Security Council’s agenda. It is also why my Government is asking the Council to involve itself resolutely and fully in ensuring the success of the next donor round table in Geneva.

The President (spoke in Spanish): There are no further speakers on my list.

I now invite Council members to informal consultations to continue our discussion of the subject.

The meeting rose at 11.10 a.m.