



# Security Council

Sixty-fourth year

*Provisional*

**6236**<sup>th</sup> meeting

Thursday, 10 December 2009, 10.50 a.m.  
New York

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<i>President:</i>	Mr. Kafando . . . . .	(Burkina Faso)
<i>Members:</i>	Austria . . . . .	Mr. Mayr-Harting
	China . . . . .	Mr. Liu Zhenmin
	Costa Rica . . . . .	Mr. Hernández-Milian
	Croatia . . . . .	Mr. Vilović
	France . . . . .	Mr. De Rivière
	Japan . . . . .	Mr. Takasu
	Libyan Arab Jamahiriya . . . . .	Mr. Dabbashi
	Mexico . . . . .	Mr. Heller
	Russian Federation . . . . .	Mr. Shcherbak
	Turkey . . . . .	Mr. Apakan
	Uganda . . . . .	Mr. Rugunda
	United Kingdom of Great Britain and Northern Ireland . . . . .	Mr. Quarrey
	United States of America . . . . .	Ms. Rice
	Viet Nam . . . . .	Mr. Hoang Chi Trung

## Agenda

The situation in Burundi

Sixth report of the Secretary-General on the United Nations Integrated Office  
in Burundi (S/2009/611)

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*The meeting was called to order at 10.55 a.m.*

### **Adoption of the agenda**

*The agenda was adopted.*

### **The situation in Burundi**

#### **Sixth report of the Secretary-General on the United Nations Integrated Office in Burundi (S/2009/611)**

**The President** (*spoke in French*): I should like to inform the Council that I have received a letter from the representative of Burundi, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

*At the invitation of the President, Mr. Nsanze (Burundi) took a seat at the Council table.*

**The President** (*spoke in French*): On behalf of the Council, I wish to extend a warm welcome to His Excellency Mr. Augustin Nsanze, Minister for Foreign Relations and International Cooperation of Burundi.

In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Youssef Mahmoud, Executive Representative of the Secretary-General and head of the United Nations Integrated Office in Burundi.

It is so decided.

I invite Mr. Mahmoud to take a seat at the Council table.

In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to His Excellency Mr. Peter Maurer, Permanent Representative of Switzerland and Chairperson of the country-specific configuration on Burundi of the Peacebuilding Commission.

It is so decided.

I invite Mr. Maurer to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

I wish to draw the attention of members to document S/2009/611, which contains the sixth report of the Secretary-General on the United Nations Integrated Office in Burundi.

At this meeting, the Security Council will hear briefings by Mr. Mahmoud and Mr. Maurer. I now give the floor to Mr. Mahmoud.

**Mr. Mahmoud:** It is an honour for me to speak on the occasion of the review of the sixth report (S/2009/611) of the Secretary-General on the United Nations Integrated Office in Burundi (BINUB). The report before the Council provides an account of the main advances over the past six months and the challenges that lie ahead for the Government and people of Burundi. It also describes the main activities of BINUB in support of the Government's peace consolidation efforts, in accordance with the mandate entrusted to it by the Council.

The report before the Council is self-explanatory. I shall therefore not summarize its main points. I would merely wish to bring to the Council's attention the most significant developments that have occurred since its publication, venturing some thoughts on their overall significance for peace consolidation in Burundi. As outlined in the report, the period under review has witnessed significant advances in the peace process and in the preparations for the 2010 elections, despite some enduring challenges.

As regards the peace process, members may recall that the mandate of the Partnership for Peace in Burundi, established in May under the chairmanship of Ambassador Dumisani Kumalo of South Africa, will come to an end at the end of this month, as will the Political Directorate that acted in its support.

On 20 November, the South African Facilitator, Mr. Charles Nqakula, presented his final report on the Burundi peace process to the leaders of the Regional Initiative for Peace in Arusha, Tanzania. At that meeting, he reaffirmed his country's decision to

withdraw on 31 December the last elements of the African Union (AU) Special Task Force, composed of South African soldiers, charged with the close protection of the top leaders of the Forces nationales de libération (FNL).

On 30 November, the Partnership for Peace held its third formal meeting in Bujumbura and decided, as part of its exit strategy, to entrust the FNL close protection to a joint Government-FNL unit to be selected from the national defence and security forces. Work has already begun to put this joint unit in place, with the help of BINUB and the outgoing Special Task Force. Other residual tasks of the peace process were also discussed at the 30 November meeting. They include the assignment of the remaining Government posts to the FNL and the release of additional political and war prisoners. These were also entrusted to the Government and the FNL to finalize.

Another new development related to the peace process was the FNL party general congress, held on 29 November. The congress confirmed its Chairperson, Agathon Rwasa, as leader of the party and officially designated him the FNL presidential candidate for the 2010 elections.

Still under the heading of recent developments, I wish to inform the Council that on 23 November, the Burundi configuration of the Peacebuilding Commission (PBC) held an informal meeting at which the Government of Burundi presented its national strategy for the socio-economic reintegration at the community level of demobilized soldiers, adults associated with former political armed movements, returnees, displaced persons and other conflict-affected groups. This is an important step in the right direction. Every effort must be made to ensure the sustainable reintegration of these groups in order to prevent them, as stated in the Secretary-General's report, from becoming an added source of concern. It is my hope that under the dynamic leadership of the Burundi configuration Chair, Ambassador Peter Maurer, this strategy will benefit from the meaningful support of the wider membership of the PBC, as well as that of other international partners.

As indicated in the Secretary-General's report, the elections have become a major focus for Burundian political actors. Despite the positive developments in the electoral preparations outlined in the report, one of several immediate challenges is the funding of the

electoral process. The pledges made so far by international partners have yet to be disbursed in a timely manner. An amount of \$3 million still needs to be urgently mobilized before the end of December to help the National Independent Electoral Commission to attend to the most pressing tasks under its mandate. I wish to thank all those countries who have already made firm pledges or signed memorandums of understanding with the United Nations Development Programme (UNDP).

Another election-related challenge is the significant number of potential voters who cannot afford the administrative costs related to acquiring a national identity card. I recently received a letter from the Minister of the Interior requesting financial and material support for issuing and distributing those cards. BINUB and UNDP are currently looking into the practical modalities for such support as a matter of urgency. A rapid response would help alleviate the concerns of some political parties, who allege that the cards were being distributed in a way that favours the ruling party. Recent public statements by government officials, including the Minister of the Interior, have refuted those allegations.

In response to a repeated request by President Nkurunziza, BINUB is exploring, along with regional and subregional organizations both in Africa and outside the continent, the possibility of their sending to Burundi long-term observers who would come a few months before the elections and stay for several weeks after. We are working with the Independent National Electoral Commission and the Ministry of the Interior on how best to implement the President's request.

In a related development, and in order to help ensure that women played their rightful roles in the upcoming elections, BINUB and other national and international partners have helped the Independent National Electoral Commission to develop a gender-sensitive strategy to enable women to be informed voters and motivated candidates. That strategy and the related sensitization activities were launched earlier this week.

In that connection, we have prepared for Council members, as per our past practice, a separate note on the contributions, over the past six months, of BINUB and the United Nations system at large in the implementation of resolution 1325 (2000). I believe that note has already been distributed.

As to the concern raised in the Secretary-General's report (S/2009/611) on the intimidation activities of youth groups associated with certain political parties, I wish to report that President Nkurunziza and the Minister of the Interior, in separate statements on 17 and 18 November, urged political leaders to put an end to those potentially destabilizing practices. While it seems those statements have been heeded, the situation bears continuous scrutiny by the Minister of the Interior and all political parties and civil society organizations.

As noted in the Secretary-General's report, overall, Burundi is making commendable progress despite the remaining challenges that afflict most countries emerging from conflict. BINUB, if its mandate is renewed, will continue to support the Government and the people of Burundi in meeting those challenges.

In concluding, I wish to emphasize the critical role that socio-economic development can play in consolidating peace. I therefore urge development partners to redouble their efforts to help Burundi meet its anti-poverty goals and develop the main sectors that can generate growth.

**The President** (*spoke in French*): I thank Mr. Mahmoud for his presentation. I now give the floor to Ambassador Peter Maurer.

**Mr. Maurer** (*spoke in French*): I would like to thank you, Mr. President, for the invitation to address the Council at today's meeting in my capacity as Chair of the Peacebuilding Commission's country-specific configuration for Burundi. I would also thank the Secretary-General for his report (S/2009/611), which addresses the pertinent aspects of peacebuilding in Burundi in a comprehensive and balanced way.

Burundi has come a long way since the end of the civil war that ravaged the country for more than a decade. All the political actors recognize today that a return to arms is not an option, that it must be avoided at all costs and that it would destroy the country's hard-won opportunities to return the country to the path to sustainable development.

I am also pleased to note the lively political debate and the professed willingness of all parties to resist the temptations of petty politicking. Indeed, party politics or individual political purposes must not be

allowed to jeopardize fundamentals such as the elections and the integrity of the electoral process.

Burundi is entering a crucial stage of peacebuilding. Elections will be held at all levels of government in 2010, and they will enable us to assess the progress achieved. If the elections are carried out in a free, fair and peaceful manner and lead to universally accepted results, the peace process will be made more durable. It will then become possible to focus even further on the underlying causes of conflict and poverty. However, if the opposite happens, the peace process will be jeopardized, new wounds will be opened and the old ones will be more difficult to heal.

It is therefore imperative that an environment conducive to free, fair and peaceful elections be created. The prospects for this are encouraging. The necessary legal framework is in place and the preparatory process is almost on track. In addition, the legitimacy of the Independent National Electoral Commission is broadly accepted. Its independence is indeed crucial to its ability to fulfil its role as a guarantor of free and fair elections. Finally, a promising start has been made on drawing up a national strategy for the socio-economic reintegration of vulnerable groups. However, significant challenges remain.

First, there is still widespread fear of violence. Many of the interlocutors I met during my most recent stay in Burundi mentioned instances of intimidation, limitations of civil rights, threats or even physical attacks. Many times, groups of youths were identified as the perpetrators of such acts. Under no circumstances should the political debate — no matter how lively it is — lead to violence.

Despite the success of the Government's disarmament programme, too many small arms remain in circulation. All the political parties should commit themselves to participating peacefully in the election process and avoiding provocative acts. As Chair of the country-specific configuration on Burundi, I believe that one of the configuration's priorities will be to closely monitor the security conditions in which the elections will be held and the implementation of the Government's zero-tolerance policy.

Secondly, there are fears concerning the deterioration of trust between the opposition and the ruling party. Although a formal mechanism has been established, the ruling party is accused of being

increasingly reluctant to engage in dialogue. It is crucial that all parties reach political consensus in their pursuit of power. That is the only way to successfully address the root causes of the conflict. In my opinion, encouraging such a dialogue must be another priority for the country-specific configuration on Burundi.

There have been substantial achievements in peacebuilding. However, the Burundian authorities must remain fully committed to this process. In the same vein, it is essential that the international community not leave the people of Burundi to face their fate alone during this decisive phase. International support must be maintained. That support takes various forms. The first of these ways will be financial support for organizing the elections. In that regard, I regret that — as indicated by the Secretary-General in his report — of the total \$43 million needed, only \$2.7 million in funds is available as of now for the financing of the elections.

Long-term electoral observation is a second form of support that the international community could provide. During my recent visit to Burundi, I noted a preference for electoral observation by regional and subregional entities. It is an encouraging sign that the African Union appears willing to become involved. Following up on that issue will be a matter of priority for the country-specific configuration on Burundi.

A third form of assistance is investing in long-term economic development. Donors are generally reluctant to become involved in development cooperation in post-conflict contexts, and international investors tend to hold back until situations are fully stabilized. That is understandable, but immediate assistance and investment would contribute greatly to further stabilizing Burundi. Another important role of the country-specific configuration on Burundi is therefore to encourage local entrepreneurship and international investment.

I very much appreciate the Council's invitation to speak today. I suggest that we continue to hold regular exchanges of view between the Council and the Peacebuilding Commission in the coming months. Furthermore, it would be greatly appreciated if the Council were willing to consider consulting systematically with the Peacebuilding Commission in the preparation of Council documents regarding Burundi.

**The President** (*spoke in French*): I thank Ambassador Maurer for his briefing.

I now give the floor to His Excellency Mr. Augustin Nsanze, Minister for External Relations and International Cooperation of Burundi.

**Mr. Nsanze** (Burundi) (*spoke in French*): On the occasion of the presentation of the sixth report of the Secretary-General on the United Nations Integrated Office in Burundi (S/2009/611), allow me, first of all, on behalf of the Government of the Republic of Burundi, to thank the Secretary-General for the steadfast support that the United Nations is continuing to provide to Burundi in its effort to consolidate peace at last and relaunch development.

With regard to the sixth report on the United Nations Integrated Office in Burundi, my Government appreciates the fact that the report acknowledges the additional progress that has been made since the fifth report (S/2009/270) in most of the areas that are likely to contribute to stabilizing the country in a lasting way. Among other things — and without attempting to give an exhaustive list — I should like to mention the approval of the Forces nationales de libération (FNL) and the Mouvement pour la solidarité et la démocratie (MSD) as new political parties, the establishment of independent provincial electoral commissions, the signing of agreements with the United Nations Development Programme (UNDP) on electoral assistance projects and the decree by the Minister of the Interior establishing the Permanent Forum for Dialogue among political parties. In addition, a revised electoral code has been promulgated, and a new law has been put in place to regulate the carrying of weapons by civilians in Burundi. The Parliament has also adopted a law amending the functions of the National Commission for Land and Other Assets. In cooperation with UNDP, the Government has also just completed its preparations for the national strategy for the sustainable reintegration of ex-combatants and persons affected by the conflict. The Government of Burundi would also like to take this opportunity to inform the Security Council that the draft revised law on communes and the draft law on an ombudsman will be adopted by Parliament during the session that is now under way.

Moreover, the Government of Burundi is pleased with the obvious progress that has been made in the work of Parliament in reforming the public and

territorial administration, combating corruption, professionalizing the defence and security services and in carrying out the disarmament, demobilization and reintegration process. We also welcome the observations contained in the Secretary-General's report with regard to the advances in the national consultations on a transitional justice mechanism, which have now been expanded to include Burundians living abroad, and the fight against the proliferation of small arms and light weapons.

The Government is especially grateful to the drafters of the report for having pointed out that there is no evidence of the presence in Burundi of armed members of the Forces démocratiques de libération du Rwanda (FDLR). That is no small detail, given the lies about our country — of which all of us are aware — that the experts of the sanctions Committee established pursuant to resolution 1533 (2004) on the Democratic Republic of the Congo have recently propagated in that connection. Nevertheless, the existence of a clandestine movement among Burundi's population that are sympathetic to certain rebel movements in the eastern part of that country — which take advantage of the porousness of the borders — does not bode well for future peace in region. That should be a matter of concern to the Security Council.

With regard to our concerns, the member countries of the Economic Community of the Great Lake Countries have just established a commission comprised of ministers for defence and security that will serve as a forum for dialogue between Burundi, Rwanda and the Democratic Republic of the Congo. Along the same lines, the governors of border provinces in all three countries have agreed to strengthen border control, both on the ground and on lake borders. Those steps will strengthen the already existing Tripartite Plus mechanism. However, it would also be useful for the Department of Political Affairs — which already provides support for the implementation of the Pact on Security, Stability and Development in the Great Lakes region — to confine its analyses within the scope of its mandate to prevent conflicts.

The Government of Burundi would also like to commend the recommendations of the assessment mission on security needs for the upcoming elections. In that regard, the Government would like specifically to request sufficient and adequate transportation means to facilitate the movement of police units, who will

provide security for the voting, as well as to distribute elections materials throughout the country with as little delay as possible. Our experience in 2005 demonstrates that it is preferable to purchase such equipment, as opposed to leasing it.

Other progress has been made, even though the report does not refer to it. With regard to combating corruption, the decision by the Government of Burundi to place Burundi's revenue office under the control of an international expert for the first five years is a resounding illustration of the Government's political will to clean up the collection of taxes. The establishment of a value-added tax seeks to do the same thing. Through the country, the project to provide support for anti-corruption efforts has made it possible to hold awareness-raising workshops in every commune for local anti-corruption committees on the negative consequences of this scourge. Lastly, the fact that the World Bank has admitted Burundi into the Heavily Indebted Poor Countries Debt Initiative is further proof of the fact that the Government has improved the management of public finances.

In terms of security, it is incomprehensible that Burundi remains under security phase III even though ex-combatants of the last rebel movement have been disarmed and there has been significant success in the disarmament of the civilian population. The Government of Burundi deplors, obviously, the isolated acts of murder and assassination related to certain accounts settlements or quarrels over land ownership issues, as well as looting. While that type of insecurity exists almost everywhere, the role of ringleaders intending to discredit the Government must not be discounted in the case of Burundi.

The report discusses demonstrations by former BINUB staff, yet unfortunately it omitted the fact that that question was submitted to the competent sections of the Secretariat for resolution, while knowing full well that even the national legislation does not permit an employee to work more than six months without a contract.

If it is compared to a number of other countries that are not even at war yet where a murder occurs every hour, Burundi's security situation is far from justifying its remaining under security phase III. That is obvious and could not be understood otherwise, since even the United Nations system has called for a

five-year support programme for Burundi, believing that the country is now peaceful.

The World Bank followed suit by organizing the first meeting of the Burundi Consultative Group on 26 and 27 October to help the country attract foreign investment. In the same vein, other developmental partners such as Switzerland and Japan have decided to resume projects within the country. And at the same time that the Partnership for Peace in Burundi was deciding to end its activities, it agreed that the African Union would withdraw South African troops because there was no further reason for their presence in Burundi.

Although the omissions we just listed could be attributed to forgetfulness, the same cannot be said for the recurring gratuitous assertions or incomplete information. The first such concerns the administrative posts that were promised to the FNL, which were mentioned in the report. Yet, as the Government representative explained at the last session of the Partnership for Peace in Burundi, the country's authorities were still waiting for FNL candidates who fit the profiles of the proposed posts.

The second is the reaction of the opposition parties to the establishment of the electoral department and to the congress of the FNL dissidents. Not only did the Minister of the Interior reaffirm the independence of the Independent National Electoral Commission, but he pointed out that the department was established to facilitate any necessary contacts between the Commission and the territorial administration.

As for dissidents within the FNL, allow me to recall that that party is not the first to undergo a partition. In this case it is the third split in the history of that former armed political movement. Earlier splits engendered the FNL-Icanzo and the Parti pour la libération du peuple hutu (PALIPE)-Agakiza. Trying to identify, at any cost, the hand of the party in power in the new schism is simplistic and unjust.

The Government has already taken in hand the issue of the youth wing of the Conseil national pour la défense de la démocratie-Forces nationales pour la défense de la démocratie (CNDD-FDD). At a meeting of provincial governors, the Interior Minister formally banned any political behaviour that does not respect the freedom and rights of others. That does not mean those young people must cease their activities as a party-affiliated league. Furthermore, youth and

women's leagues exist within all of the political parties and should not cause undue worry.

As for the rule of law, Burundi's Constitution and specific laws guarantee all civil and political freedoms. However, enjoyment of those freedoms is subject to respect for the law and to certain regulations, in order to guarantee public order. The few restrictions existing here and there have resulted from misunderstandings in interpreting provisions in the laws or statutory texts. The Government reiterates that, given its responsibility for public security, it will never authorize the convening of meetings that are not in accordance with the law.

The Government also shares a certain number of the concerns expressed in the report on, among other issues, human rights and the situation of women and children. However, the Government believes that it is unfair when a certain opinion indicates that the Government is doing nothing to improve the situation in various areas.

The Government has established, or is in the process of establishing, appropriate mechanisms everywhere. The process of establishing the national independent human rights commission is under way. The new version of the commission, which incorporates the Paris principles, has been analysed by the Council of Ministers, which asked the Minister in charge of the matter to clarify certain concepts. The draft will soon return to the Council of Ministers for a final analysis before it is submitted to Parliament for adoption.

As for women's rights, the provision in the Penal Code for the repression of sexual and sexist violence has created an environment conducive to fighting those crimes. We must now make all national partners aware of the social importance of that struggle. Civil society is already involved in that area, and sensitivity training for the defence and security corps, as well as disarmament of the civilian population, should promote progress in the fight against sexual violence. But that success will be possible only if the families or relatives of the victims understand that silence, which supposedly protects their honour, in fact encourages impunity.

As for the protection of children, the Government has established a brigade in charge of protecting minors, but it does not yet have sufficient resources.

Here as well, efforts by the police and the judiciary must be complemented by civil society.

The report dwells on the insufficient judicial resources and so-called lack of independence. Besides the Government's choice to devote more than 15 per cent of the peacebuilding funds to the judiciary, the Government has also increased the budget devoted to that field to further motivate legal professionals. Peacebuilding funds have made it possible to renovate and to build several resident tribunals, to execute thousands of outstanding warrants and judgments and to equip the Special Anti-Corruption Court. In that regard, public opinion should bear in mind that the justice sector has been identified in the course of the Arusha negotiations as being dominated by a single ethnic group. That imbalance must be corrected before other reforms can be undertaken.

As for the killing of the Vice-President of the Observators for the Struggle against Corruption and Economic Embezzlement, the interrogation of the presumed guilty parties in custody is now under way. We hope that it will help the investigation to continue, which is to benefit from the contributions of the Federal Bureau of Investigation and INTERPOL, which are assisting Burundi in this case.

The Government of Burundi is once again forced to condemn certain irregularities with respect to form as well as certain errors in the report. The National Commission for Land and Other Assets was not established in the course of this semester, as the report claims in paragraph 13. The law adopted by the Parliament extended its mandate and identified its jurisdiction vis-à-vis other State bodies involved in the management of land disputes.

With respect to the issue addressed in paragraph 29, the so-called Ministry of Civil Service is properly called the Ministry of Public Service, Labour and Social Security. Similarly, in paragraph 55, the ministry referred to is in fact the Ministry of Agriculture and Livestock. The report should have pointed out that the Consultative Strategic Committee and the Technical Coordination Committee that coordinates electoral assistance initiatives are co-chaired by the Government. Further, the Political Forum of the Partners Coordination Group is not a monitoring body, but rather a forum for dialogue.

Finally, the Government of Burundi would like to share its understanding of the future mandate of BINUB. Given the stage we have reached on the road to peace, the Government of Burundi believes that

BINUB's future mandate should be limited to the following fields: assistance in the election cycle; support for democratic governance, by which we mean the capacity-building of Parliament, the ombudsman and the town councils and the operation of the Permanent Forum for Dialogue among accredited political parties; continuing peacebuilding, by which we mean support for the national independent human rights commission and for transitional justice; and, finally, raising awareness of the gender dimension in all public programmes.

A paragraph of the report refers to the absolute need to carry out the election process according to the principle of fairness, and our Government welcomes that recommendation. In this regard, I recall that the success of the process will depend in part on respect for the principle of fairness in the implementation of the BINUB mandate.

The Government of Burundi has observed that, for some time now, the principle of fairness highlighted in the report has, regrettably, not been upheld on the ground. The desire of some to incriminate the ruling party as if it did not have the same rights as the other political parties in the coming election, and to assert that, having been entrusted with the mission of organizing elections, the Independent National Electoral Commission's is mandated to replace the authority in charge of territorial administration, represent two good examples of the lack of respect for the principle of fairness. It would be unfortunate and greatly damaging for the United Nations-Burundian Government partnership if the latter partner asks for the replacement of the sitting representatives.

Before concluding my statement, I wish to thank the Regional Initiative, the African Union, the secretariat of the International Conference on the Great Lakes Region, the South African facilitation, the Peacebuilding Commission and all the special envoys for their contribution to progress in the peace process in Burundi. I should also like to thank the international community as a whole for its valuable contribution to the peace process in Burundi.

**The President** (*spoke in French*): There are no further speakers on my list. In accordance with the understanding reached in the Council's prior consultations, I now invite Council members to informal consultations to continue our discussion on the subject.

*The meeting rose at 11.40 a.m.*