



## Security Council

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### Report of the Secretary-General on Burundi

#### I. Introduction

1. In its presidential statement of 22 December 2003 (S/PRST/2003/30), the Security Council welcomed the recent progress made in the peace process in Burundi and requested me to undertake, as soon as I deemed it convenient, the appropriate preparatory work and assessment on how the United Nations might provide the most efficient support for the full implementation of the Arusha Agreement on Peace and Reconciliation in Burundi of 28 August 2000.

2. Accordingly, I fielded a multidisciplinary assessment mission to Burundi from 16 to 27 February. The mission was led by Behrooz Sadry, my Deputy Special Representative for the Democratic Republic of the Congo, and included representatives of the Department of Peacekeeping Operations, the Department of Political Affairs, the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Human Rights, the Department of Public Information, the Office of Central Support Services, and the Office of the United Nations Security Coordinator. It worked closely with stakeholders on the ground, including the United Nations agencies, and the diplomatic and humanitarian community. The European Union and European Commission sent a team to Burundi to work with the assessment mission in areas of mutual interest, in particular security sector reform. The Government of Japan also sent a team to Burundi to review with the assessment mission areas where the United Nations and Japan could cooperate in bringing peace to the country.

3. The assessment mission worked closely with my Special Representative for Burundi, Berhanu Dinka, and other colleagues of the United Nations Office in Burundi (UNOB), as well as with the Special Representative of the African Union in Burundi, Mamadou Bah, the Force Commander of the African Mission in Burundi (AMIB), Major General Siphon Binda (South Africa), and other African Union and AMIB colleagues. The mission met, inter alia, with the President and Vice-President of the Transitional Government, Domitien Ndayizeye and Alphonse-Marie Kadege, respectively, as well as with the Ministers for Good Governance; Defence; External Relations and Cooperation; the Interior; Public Security; Repatriation, Reinsertion and Reinstallation; Human Rights, Institutional Reforms and Relations with Parliament; and Justice, as well as the Presidents of the Senate and National Assembly, and the newly appointed integrated military Joint Chiefs of Staff. The mission also met with the leaders of the signatory parties to the Arusha Agreement,

the heads of the armed parties and political movements, and the leaders of the other political parties, and civil society.

## **II. Findings of the mission**

### **A. Political situation**

4. The Arusha Agreement serves as the basis for the transitional process in Burundi, and reflects a number of extensive protocols that address the root causes of the conflict. On 28 August 2000, after intense negotiation among the parties, the Government of Burundi and the majority of the Hutu and Tutsi political parties signed the Agreement, some with reservations, and without a ceasefire having been agreed with some of the armed groups.

5. As noted in my last report on Burundi, dated 4 December 2003 (S/2003/1146), most of the armed political parties and movements have now joined the peace process. Ceasefire agreements were signed by the Transitional Government with CNDD-FDD (Jean Bosco Ndayikengurukiye) and PALIPEHUTU-FNL (Alain Mugabarabona) on 7 October 2002 and with CNDD-FDD (Pierre Nkurunziza) on 2 December 2002. In accordance with those agreements, CNDD-FDD (Ndayikengurukiye) and PALIPEHUTU-FNL (Mugabarabona) joined the government, each with one ministerial post and four seats in the National Assembly.

6. Fighting continued however with the largest armed group, CNDD-FDD (Nkurunziza). On 27 January 2003, after further talks, the Transitional Government and CNDD-FDD (Nkurunziza) signed a joint declaration on the implementation of the ceasefire of 2 December. Additional discussions thereafter led to the signing on 8 October 2003, of a protocol to address political, defence and security power-sharing issues (the Pretoria Protocol) and, on 2 November 2003, of a second Pretoria Protocol on outstanding issues and a Forces Technical Agreement. Those agreements are reflected in the Global Ceasefire Agreement of 16 November 2003. Accordingly, Pierre Nkurunziza has taken up his post as Minister of State for Good Governance and State Inspection. The other three ministerial posts allocated to his movement have also been filled. The group has further named the individuals to fill the 15 seats in the Transitional Assembly designated for it.

7. To date, FNL (Agathon Rwasa) remains the only armed movement outside the peace process. The group reportedly continues to reject the Arusha Agreement on the grounds that it is a power-sharing deal between political elites and neither addresses the plight of the disenfranchised nor brings them into the process. The Transitional Government, on the other hand, has maintained that negotiations with the movement should be conducted on the basis of the Arusha peace process.

8. It will be recalled that, in an effort to address the concerns of FNL (Rwasa), my Special Representative for Burundi organized meetings between its representatives and Tutsi personalities in Nairobi from 30 November to 1 December 2003. Those informal discussions were followed by a meeting, the first of its kind, between President Ndayizeye and a high-level delegation of the armed movement, which was held in the Netherlands from 18 to 21 January 2004. Citing ongoing hostilities, however, FNL (Rwasa) has since cancelled all further meetings with the

Government. In the meantime, the deadline for joining the process imposed on FNL (Rwasa) on 16 November by the Regional Peace Initiative expired on 16 February.

9. Fighting between FNL (Rwasa) and joint Burundian Armed Forces (FAB)/CNDD-FDD (Nkurunziza) elements has continued, the Government refusing to end military action until FNL (Rwasa) agrees to negotiate with it, and the latter refusing to do so until the Government ends military action against it. At the same time, members of the international community continue to facilitate discussions among those concerned with a view to finding a mutually agreeable means of bringing FNL (Rwasa) into the process. The assessment mission reported that both sides seem ready to open discussions if the right framework can be found.

10. Despite these difficulties, the assessment mission found that significant progress has been made in achieving a comprehensive and all-inclusive peace process since the inauguration of the Transitional Government on 1 November 2001. The parties seem to have come to an understanding that continued armed hostilities would not enable them to reach their political objectives. While they are demonstrating the political will necessary to see through the peace process, further efforts are nevertheless required to ensure true political openness, consensus-building and public outreach. The assessment mission welcomed the meeting on 23 February called by the President with the political parties to discuss the electoral process (see para. 51). Such efforts need to be extended to the smaller armed groups, which have voiced frustration at not being included in ongoing discussions between FAB and CNDD-FDD (Nkurunziza) on planning for disarmament and security sector reform.

11. At the same time, a number of political parties met by the mission expressed concern at what they termed a “monopoly” of the peace process by FRODEBU and UPRONA. They considered that they did not have equal opportunities to conduct their political activities and raised concern at restrictions on their freedom of opinion and expression. It must also be noted, that women are poorly represented in the Transitional Government.

## **B. Military situation**

12. While the ceasefire is generally holding and major military operations have ceased throughout most of the country, as noted above, joint operations conducted by FAB and CNDD-FDD (Nkurunziza) against FNL (Rwasa) continue. FNL (Rwasa) continues to harass the capital from surrounding Bujumbura Rurale. Hostilities, including sporadic mortar attacks, are conducted mainly under the cover of darkness when the Burundian Armed Forces have withdrawn from their posts. The assessment mission received reports that ongoing fighting, while mostly isolated and not decisive, is seriously affecting civilians, as villages have been destroyed and populations displaced.

13. The total number of combatants, excluding FAB, is estimated to be about 35,000, made up as follows: 1,000 CNDD (Nyangoma); 1,000 PALIPEHUTU (Karatasi); 1,000 FROLINA; 3,000 CNDD-FDD (Ndayikengurukiye); 1,000 PALIPEHUTU (Mugabarabona); 25,000 CNDD-FDD (Nkurunziza); 3,000 FNL (Rwasa). These figures have yet to be verified. While the assessment mission received reports of women and child soldiers in the armed groups, exact figures could not be confirmed. Combatants of all armed groups, except FNL (Rwasa), are now assembling

at some 11 sites (see map); food and some medical care is being provided by the Government through a consortium of donors, pending commencement of the disarmament, demobilization, reinsertion and reintegration process.

14. The Burundian Armed Forces are estimated to total about 45,000 troops deployed through five military districts, predominantly operating against FNL (Rwasa) in Bujumbura Rurale and against a group of bandits in Cibitoke Province. While FAB are reported to possess heavy weapons, the armed groups have mainly small arms, mortars, high-explosive grenades and mines.

15. There has been no military engagement between the smaller groups since the signing of the ceasefire agreements. There have however been skirmishes in recent weeks following a disagreement between CNDD-FDD (Nkurunziza) and CNDD (Nyangoma) elements over the assembly areas allocated to each of them in Bururi Province. This issue has since been resolved through the mediation of the Arusha-mandated Joint Ceasefire Commission (see para. 57).

### **C. Security situation**

16. As a result of the recent political and military developments in Burundi, the security situation has dramatically improved and calm has returned to most provinces. This is a major change from the volatile situation experienced until recently, when daily attacks were still the norm. Nevertheless, as noted above, continued hostilities between the joint FAB/CNDD-FDD (Nkurunziza) forces and FNL (Rwasa) in Bujumbura Rurale continue to seriously affect security in those areas. For this reason, the capital city remains under curfew.

17. While hostilities have generally eased, criminality appears to have increased, aided by the thousands of weapons in circulation. Attacks, ambushes and harassment of individuals or groups along the main roads are commonplace, particularly in Cibitoke, Bubanza and Bururi Provinces, as well as in areas along the border with the United Republic of Tanzania. Refugees and internally displaced persons have also reported cases of rape and general insecurity during the return process. Furthermore, some uncontrolled FAB elements are allegedly involved in criminal activity, and elements belonging to the armed parties regrouping in assembly areas have been cited as harassing local civilians.

18. The Government of Burundi, whose security personnel, including the gendarmerie has an estimated strength of approximately 7,000, has not been in a position to effectively control this criminal activity, mainly for lack of adequate command and control structures, especially at the local level, combined with poorly trained personnel, insufficient funds and equipment. The assessment mission considered that tensions and insecurity were likely to heighten in some areas as disarmament, demobilization, reinsertion and reintegration, resettlement and the electoral process proceed in the short implementation period left in the Arusha timetable.

### **D. Humanitarian situation**

19. The civil conflict in Burundi has led to massive refugee flows, substantial internal displacement and the disruption of many aspects of daily life. More than

770,000 Burundians have sought refuge in the United Republic of Tanzania during the last 30 years, including 320,000 currently living in camps. Burundi has also faced significant internal displacement, the most recent estimate being 281,000 internally displaced persons at 230 sites. The educational system has broken down in rural areas. More than 560,000 children do not attend school and wherever possible health services are largely provided by international non-governmental organizations. All parties to the conflict have been responsible for violence against civilians, in the form of forced displacement, murder and rape, among other acts. The persistent insecurity has also limited humanitarian access to large parts of the country, and has deprived the population of protection and assistance.

20. Some positive developments reflect the progress made in the peace process, however although detailed figures will not be available until April 2004, reports indicate that large numbers of internally displaced persons have begun returning to their original locations in recent months. The Office of the United Nations High Commissioner for Refugees (UNHCR) estimates that, depending on security conditions on the ground, as many as 500,000 refugees could return to Burundi in the next three years. During 2004, some 120,000 to 150,000 could do so with UNHCR assistance. Some 15,000 refugees have already returned, facilitated by UNHCR, during the first two months of 2004. A Tripartite Commission consisting of the Governments of Burundi and the United Republic of Tanzania and UNHCR continues to review the repatriation process and has recently signed an agreement paving the way for large-scale return. In order to support this process, UNHCR and other United Nations agencies are strengthening their presence in the country, especially outside Bujumbura.

21. The return and resettlement of internally displaced persons and refugees will constitute the major humanitarian challenge in the coming months. Returnees will need to receive the necessary material assistance, including emergency shelter, to re-establish their lives. They will also require close monitoring and protection support to ensure that their returns are in accordance with international norms. The large-scale return and reintegration of internally displaced persons, refugees and ex-combatants will severely tax the capacity of an already weakened social services sector. Early investments must be made to expand absorptive capacity. Close coordination will be essential. As a first step, a reintegration cell, consisting of the United Nations Development Programme (UNDP), UNHCR and the World Bank, meets regularly to ensure a holistic “4 Rs” approach (repatriation, reintegration, rehabilitation and reconstruction) to meeting this challenge. Priority must be given to resolving the issue of land ownership in a peaceful and transparent manner. Failure to address this question could pose an additional obstacle to the return of refugees and internally displaced persons, and fuel ongoing tension that could destabilize the transitional process.

22. The re-establishment of sustainable livelihoods will also require a shift in emphasis on the part of the international community, which has been primarily focused on humanitarian assistance and emergency interventions over the past years. While emergency needs will continue to emerge because of the fragile status of the population, recovery programming will need increasing attention.

## **E. Economic situation**

23. Burundi is an under-industrialized country, with few natural resources and a population which is more than 90 per cent rural and existing as subsistence farmers. The unprecedented population growth, from 2.8 million in 1959 to 6.9 million today, has increased demand for land, adding to social tensions. According to the Food and Agriculture Organization of the United Nations, only 0.8 hectares of land is available per family.

24. Years of war have also worsened the economic situation of Burundi. According to World Bank estimates, the economy has contracted by more than 25 per cent over the past five years. The country's gross domestic product (GDP) has fallen by half, from 1.2 billion in 1991 to 0.69 billion in 2001, and foreign debt represents 204 per cent of GDP, or 99 per cent of total revenues earned. Gross national income per capita is \$110, far below the sub-Saharan African average of \$490. Moreover, the Burundi franc has lost almost 30 per cent of its value since 2001.

25. Burundi's export earnings are almost entirely based on coffee and tea; falling coffee prices and reduced production have caused export earnings to drop from \$66 million in 1998 to \$40 million in 2003. The drought in 2003 appears to have negatively affected coffee production, although tea production improved markedly. The manufacturing sector is small and focused on agricultural processing. While there are some minor exploitable mineral reserves, insecurity has prevented any sustained exploration activities. An improving security climate should allow for much-needed strengthening and diversification in the export sector.

26. The nature of the Burundian economy has been a factor in the hostilities, which can, simply put, be considered as competition between the haves and have-nots in a zero-sum game. Many of the assessment mission's interlocutors stressed that in Burundi, even more so than in other post-conflict countries, the equitable expansion of economic and social opportunities is essential for a sustainable peace. While the Arusha Agreement recognizes the need to address equitable social and economic development, including land ownership, and institutions have been created to address these issues, little actual progress seems to have been achieved.

## **F. Human rights**

27. Since the issuance of the last report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Burundi (A/58/448 of 20 October 2003), there has been little improvement in the human rights situation in the country. Historically, the human rights situation has been characterized by political assassinations, followed by the massacre of civilians, sometimes amounting to acts of genocide and mass exodus. Summary executions of civilians have decreased but torture, illegal detention and arbitrary detention persist. The civilian population, especially the elderly, women and children, are the primary victims of the acts of violence, which are committed with impunity.

28. During its meetings with civil society and government officials, the assessment mission was informed that incidents of rape, including gang rape, against women, girls and boys, were on the rise and that individuals accused of witchcraft had been killed by mobs, 20 in Ruyigi Province alone. The incapacity of the judicial system to act in a timely and impartial manner also remains a matter of grave concern.

29. The Office of the United Nations High Commissioner for Human Rights has maintained an office in Burundi since 1994, which has conducted human rights monitoring and investigation, promoted human rights through non-governmental organization and civil society networks, and supported capacity-building activities, in particular on the rule of law and judicial sectors. Its work has been hampered by the lack of funds, however, and the number of international human rights staff has been reduced from 23 in 1999 to 3 at present.

## **G. Status of implementation of the Arusha Agreement**

30. The delay in securing ceasefire agreements has significantly hampered the timely implementation of the Arusha Agreement and the reforms envisaged therein. Since the integration of the armed groups into the Transitional Government, the working relationship between the parties has been generally more cooperative, and the necessary work on the Arusha protocols is progressing with greater speed. Nevertheless, the end of the transitional period on 31 October 2004 is less than eight months away. Vital processes scheduled to be accomplished over the three-year transition remain to be implemented, particularly in security sector reform, judicial reform, adoption of legal instruments and the organization of elections.

### **1. Ending impunity**

31. The Arusha Agreement calls for a number of measures to be put in place to fight genocide and exclusion, and promote national reconciliation, which are essential underlying principles of the peace process. The measures include the establishment of (a) a national observatory for the prevention and eradication of genocide, war crimes and crimes against humanity; (b) an international judicial commission of inquiry to investigate acts of genocide, war crimes and other crimes against humanity from the period of independence in 1962 to the date of the signature of the Agreement in 2000, the recommendations of which may include the creation of an international criminal tribunal to try and to punish those found responsible by the commission; (c) a national truth and reconciliation commission to investigate human rights abuses, promote reconciliation and deal with claims arising out of the Burundian conflict from 1962 to 2000; and (d) the enactment of legislation to counter genocide, war crimes and crimes against humanity, as well as human rights violations.

32. On 26 January 2004, the President of the Security Council requested (see S/2004/72) that I dispatch to Burundi an assessment mission to consider the advisability and feasibility of establishing an international judicial commission of inquiry. While the United Nations is following up on this matter, with the exception of the law against genocide adopted in April 2003, very few of the other measures on genocide called for in the Arusha Agreement have been implemented. The Transitional Assembly adopted the legislation necessary to establish the National Truth and Reconciliation Commission on 16 April 2003 and forwarded it to the Senate in June of that year for its consideration, but the legislation remains under discussion. The law is expected to be adopted by the end of current parliamentary session, which ends in April 2004.

33. In April and June 2003, the National Assembly and the Senate, respectively, adopted the law for the ratification of the Rome Statute establishing the

International Criminal Court, after heated debate regarding article 124 of the Rome Statute, which permits a State adhering to the statute to prevent consideration by the Court of war crimes committed by its armed forces for a period of seven years after the entry into force of the statute for the State concerned. The law was forwarded to the President in August 2003 but it has not yet been promulgated, and the question of the use of article 124 remains open. It should be noted that, in accordance with the Rome Statute, the temporal jurisdiction of the Court does not extend to crimes committed before 1 July 2002.

34. The commission called for under the Arusha Agreement to review the conditions in jails, the treatment of prisoners, the training and conditions of service of wardens, and the existence and release of any political prisoners completed its work in February 2002. While the United Nations has repeatedly called on the Transitional Government to resolve this issue, the assessment mission was told that the Government was not satisfied with the Commission's report, and was therefore discussing alternative approaches to the issues.

35. Many interlocutors stressed to my assessment mission that sustainable peace and reconciliation in Burundi would require more active work on the part of the Government to ensure the human rights of all. They expressed scepticism about the level of commitment of the Transitional Government to combating impunity. They noted the adoption in August 2003 of a law granting temporary immunity to political leaders returning from exile, and the agreement under the Pretoria Protocol of 8 October 2003 to grant temporary immunity to all leaders and combatants of CNDD-FDD (Nkurunziza) and the security forces of the Transitional Government.

## **2. Judicial and corrections reform**

36. In order to improve the balanced and fair exercise of the rule of law in Burundi, the Arusha Agreement calls for reforms in the judicial sector. Inequities in the ethnicity of judges and judicial personnel remain a sensitive matter. Moreover, women and girls suffer legal discrimination, for instance in family and inheritance law. In accordance with the Agreement, the Transitional Government established on 25 October 2002 a Commission on Judicial and Administrative Reform which is currently reviewing the conformity of the current legislation with the Arusha protocols.

37. There are only some 60 defence attorneys available in Burundi, located primarily in Bujumbura and unable to serve much of the outlying area for lack of resources. While the Office of the United Nations High Commissioner for Human Rights and Avocats sans Frontières provide some assistance in this area, the lack of transport and communication systems, understaffing and inadequate budgetary allowances remain a serious problem for the exercise of justice in Burundi. The Minister of Justice and the Public Prosecutor further informed the assessment mission of a need for ongoing training and continuing education for judges and judicial personnel.

38. While magistrates have a duty to inspect prisons and police holding cells and verify the status of detainees, particularly in cases of arbitrary arrest or violations of administrative procedure, such visits are not carried out on a regular basis, largely owing to a lack of resources. Prisons are overcrowded and the judicial system is unable to cope with the number of detainees pending trial. Some 500 persons remain on death row. To ease the backlog, a law was passed in September 2003, granting

competence to the 17 *tribunaux de grande instance* to judge serious crimes. The Government has indicated that it is also in the process of reviewing the conditional release of some 1,000 persons in such cases. In addition, some 77 assessors have been trained to expedite trials. The impact of these measures, though positive, has been limited, in particular because of the difficulties of recruiting and training magistrates who should, according to the law, reflect ethnic and gender balance.

### **3. Reconstruction and development**

39. The Arusha Agreement recognized the need to address the problems of unequal access to political, social and economic opportunities. The Agreement accordingly sets out measures in the areas of political participation, economic development, land reform, and the return of refugees and the displaced. Some measures have been taken or are ongoing, including the establishment of a reception mechanism for refugees and *sinistrés* (those affected by war); the creation of a National Commission for the Rehabilitation of *Sinistrés* and a National Fund for *Sinistrés*; and the establishment of a land subcommission of the Commission to take action on land issues and provide special assistance for vulnerable groups. The areas of the Agreement which have not yet been addressed include the preparation of plans for physical and political reconstruction, medium- and long-term development, emergency reconstruction, and the creation of a reconstruction and development unit. The development of these plans will be essential for the long-term sustainability of the peace process.

40. At the Forum of Development Partners held in Brussels on 13 and 14 January 2004, donors pledged some \$1.03 billion to assist Burundi over a three-year period, but it will be critical for these funds to be disbursed as quickly as possible. To this end, stakeholders have agreed on a number of follow-up mechanisms, including the creation of a follow-up commission, chaired by the Government and composed of members of the international donor community.

### **4. Security sector reform**

41. Under the Arusha Agreement, the parties agreed to establish the new Burundi National Defence and Security Forces, a national police of Burundi and a General Intelligence Service, the creation, organization, training, conditions of service and functions of which would be determined by organic law. It was agreed that, for a period to be determined by the Senate, not more than 50 per cent of the defence and security forces and the police would be drawn from any one ethnic group. The parties also agreed to demobilize members of the Burundian Armed Forces and combatants of the armed political parties and movements on the basis of a list of names and in accordance with certain criteria; all other armed elements would be integrated into the new national defence and police forces.

42. Under the ceasefire agreements of 7 October and 2 December 2002, CNDD-FDD (Ndayikengurukiye), FNL (Mugabarabona) and CNDD-FDD (Nkurunziza) accepted the Arusha Agreement and the principles therein regarding security sector reform. The Global Ceasefire Agreement entered into with CNDD-FDD (Nkurunziza) on 16 November 2003 included a Forces Technical Agreement that provided a more detailed agreement on security sector reform, under which the movement would make up 40 per cent of the senior officer corps. Its share in the rank and file would be determined by the size of its force once cantoned, always

maintaining the 50-50 ethnic equilibrium. As for the national police, it was agreed that the general structure of the police force would be based on the principle of 65 per cent of the force for the Transitional Government and 35 per cent for CNDD-FDD (Nkurunziza). It was also reaffirmed that the gendarmerie would be integrated into the police, while the militia would be disarmed under the supervision of AMIB, as soon as the cantonment and quartering process were to begin.

43. In accordance with the Global Ceasefire Agreement, the Joint Chiefs of Staff of the defence and security forces have been appointed and are working on a plan for the integration of the armed forces. A 1,200-strong integrated protection force for VIPs and government institutions, which is currently undergoing training, will replace the protection force provided by South Africa (see para. 60) in due course. The parties further intend to create an integrated battalion of 800 (all ranks) for security purposes. In creating the national defence and security forces, the Transitional Government has announced its intention to integrate all eligible armed elements into the armed forces, reaching an initial size of some 66,000 to 80,000, to be demobilized at a rate of 14,000 per year over four years, eventually reaching a size of some 25,000. This approach has been taken as a security measure given the present dearth of economic and employment opportunities for demobilized combatants and FAB elements.

44. To facilitate the integration process, the Government has established a National Commission for Demobilization, Reinsertion and Reintegration and an Executive Secretariat. Upon the request of the Government, the World Bank provides financial and technical assistance for demobilization, reinsertion and reintegration in Burundi within the framework of the Multi-Country Demobilization and Reintegration Programme. The World Bank has established a coordination committee consisting of key stakeholders, including donors, United Nations agencies, the Transitional Government, the African Union, and the World Bank, which meets on a regular basis. In February 2004 the National Commission completed the preparation of a national demobilization, reinsertion and reintegration programme, in the amount of \$84.4 million. The Programme is expected to be financed through the Multi-Donor Trust Fund of the World Bank Multi-Country Demobilization and Reintegration Programme and bilateral financing. The World Bank is scheduled to present a proposed IDA grant in support of the programme to its Board on 18 March 2004.

45. My assessment mission reported the need for a considerable sensitization effort aimed at all levels of society — including those directly affected and those expected to provide support for the process — regarding disarmament, demobilization, reinsertion and reintegration. While the Government's plan to integrate all eligible elements into a temporarily enlarged army, to be followed by gradual demobilization, was understood, concern was expressed over reported discussions on the question whether such elements might not first disarm before such integration. Such a measure could inhibit the formation of a truly integrated command and control structure, thus increasing the risk of a return to hostilities. At the very least, it would be necessary for the status of such elements to be verified before they are integrated into the military, for the activities of integrated military units to be monitored and a strict system of the registration of weapons to be put in place. These groups could be eligible for limited reinsertion assistance within the framework of the national demobilization, reinsertion and reintegration programme.

46. In the course of the conflict, the Government of Burundi had established what are known as *gardiens de la paix*, that is, community-based militia, as well as other militia groups which operate in Bujumbura and other cities. These groups, which are estimated to number some 30,000 or more elements, were formed to protect their communities from rebel attack and, under the Agreement, are to be disbanded and disarmed by the Government. Discussion on the modalities for their disarmament is ongoing. In the meantime, the process of demobilization of children from the Burundian Armed Forces and the *gardiens de la paix* has started under the umbrella of UNICEF.

47. Four different institutions in Burundi fulfil most police functions, namely, the gendarmerie under the Ministry of Defence; the prosecutorial Judicial Police under the Ministry of Justice; and the Public Security Police and the Police of the Air, Borders and Foreigners under two different sections of the Ministry of Public Security. A total of approximately 7,189 persons fulfil the main policing functions in Burundi, albeit with unbalanced gender and ethnic participation. While the gendarmerie is at present under the Ministry of Defence, it is mainly responsible for internal law and order and is intended to be integrated into the police.

48. Under the Arusha Agreement and the subsequent ceasefire agreements, it was decided that all police elements, including the gendarmerie, would be united under the Ministry of Public Security. An integrated police Chief of Staff, once appointed, is to prepare an overall strategy for the formation of a national police force, envisaged to be 20,000 strong.

## 5. Elections

49. Under the Arusha Agreement, the transitional period ends with the indirect election of a new President, by a two-thirds majority of the National Assembly and the Senate. Neither of the two heads of State during the transitional period — Pierre Buyoya and Domitien Ndayizeye — is eligible to run for President in the first election. Popular votes on the post-transition constitution and new local councils and National Assembly members are expected to be held ahead of the presidential elections. With less than eight months left in the transitional period, the organization of credible elections represents one of the greatest political and practical challenges ahead. The President indicated to my assessment mission that the Transitional Government intended to formally request United Nations assistance in preparing for and conducting the elections. The Transitional Government has circulated a draft electoral calendar foreseeing the holding of a constitutional referendum in June, *colline* elections in July, and commune elections in August, followed by parliamentary and presidential elections in October.

50. For the election of the 100-seat National Assembly, the Arusha Agreement set out a system of proportional representation, based on the population of each of the 17 provinces of Burundi, and the use of closed (party-determined) lists of candidates. The lists must provide for ethnic and gender balance: of every three candidates on the list, only two can be from the same ethnic group, and at least one out of five must be a woman.

51. The legal framework for elections has not yet been adopted and it must be completed in order to continue electoral planning. On 23 February, the President transmitted proposals for the post-transition constitution, the electoral code, the law on political parties and the law on the reorganization of communal administration to

all of the political parties and former rebel movements for their review and comments. A follow-up meeting was held on 2 March, and another is scheduled for 15 March.

52. Besides the adoption of the necessary legislation, a number of other preparatory activities need to be conducted, including a civic education campaign, the registration of voters and the establishment of an Independent Electoral Commission. A constitutional commission is to be put in place at the National Assembly level to oversee the overall adoption of the necessary laws. Additional challenges include the transformation of armed groups into political parties and the enfranchisement of refugees and internally displaced persons. The Transitional Constitution provides that armed groups can be transformed into political parties only after the completion of cantonment, but cantonment, which is a responsibility of the Transitional Government, is currently stalled. The issue of eligibility of refugees and the voter registration of internally displaced persons must also be addressed.

53. The President stated to the assessment mission his firm objective of holding elections within the timetable foreseen in the Arusha Agreement and that all obstacles to compliance with the Agreement could be surmounted by the good will of all involved in the process. There is, however strong resistance in some circles to holding elections as planned, on allegations that the enabling conditions, including the promulgation of an electoral code, the establishment of an independent electoral authority, and the conduct of voter registration within and outside the country, are far from being met. Despite the mechanisms provided for in the Arusha Agreement to balance the representation of the Tutsi and Hutu ethnic groups at the legislative and local levels, many influential leaders see the preparation of the elections as an opportunity to voice their concerns regarding the post-transition proportionality in power.

54. My assessment mission was repeatedly reminded that violence had followed multiparty elections in 1962 and 1993, and that there was general fear of its reoccurrence. Many Burundian parties also expressed the view that adequate security arrangements for the holding of free and fair elections had not yet been established.

### **III. International support for the peace process**

#### **A. United Nations Office in Burundi**

55. The United Nations Office in Burundi, currently headed by my Special Representative, Berhanu Dinka, was established in 1993 to support initiatives aimed at supporting peace and reconciliation in that country. My Special Representative works closely with the Regional Initiative, which, under the chairmanship of Uganda, has been indispensable in moving the peace process forward. He also works closely with the Facilitation, under the leadership of the Deputy President of South Africa, Jacob Zuma, in its work to bring about a comprehensive ceasefire.

56. The Implementation Monitoring Committee, mandated by the Arusha Agreement to follow up, monitor, supervise, coordinate and ensure the effective implementation of all the provisions of the Agreement, has been functioning since

November 2002, under the chairmanship of the United Nations. The Committee held its seventeenth session from 10 to 13 February 2004, during which it continued to press for progress on a post-transition constitution and the electoral law.

57. The Joint Ceasefire Commission, a subsidiary organ of the Implementation Monitoring Committee, was established on 25 February 2003 to coordinate and resolve military issues relating to the implementation of the ceasefire agreements. One of the major tasks of the Commission continues to be the negotiation of a joint operations plan, which establishes the principles and detailed procedures for the technical aspects of disarmament and demobilization. To this end, in January 2004, representatives of the armed political parties and movements participating in the Commission visited and approved the sites for the 2 demobilization centres and 11 pre-disarmament assembly areas. In January 2004, the two subcommissions of the Joint Ceasefire Commission, on the Forces Technical Agreement and on disarmament, demobilization, reintegration and reinsertion, became operational with the appointment of the chairmen.

## **B. African Mission in Burundi**

58. As stated in my last report, on 2 April 2003 the African Union established a peacekeeping mission in Burundi (AMIB) to provide security for the cantonment of combatants and to assist the demobilization, disarmament and reintegration of the armed groups. As at February 2004, AMIB had a strength of 2,523 troops and 43 military observers.

59. AMIB continues to guard a cantonment site at Muyange (Bubanza Province), housing some 200 combatants from CNDD-FDD (Ndayikengurukiye) and PALIPEHUTU-FNL (Mugabarabona). In addition, to the extent of its capacity, AMIB has deployed military observer teams around the 11 pre-disarmament assembly areas.

60. It should be noted that, since October 2001, the Government of South Africa has provided a neutral protection force to ensure security for returning Burundian political figures and leaders to enable them to participate in the peace process. South Africa is gradually drawing down this force and expects to complete its withdrawal as the joint Burundian protection unit is established and becomes operational.

61. The presence of AMIB has served to focus attention on and to stabilize the situation in Burundi, and given confidence to the armed groups to begin the assembly and cantonment processes. The Mission has however suffered from a serious lack of funds and logistic support, which is provided by donor countries on a voluntary basis. In parallel with the assessment mission, experts from the African Union and the United Nations worked together in Bujumbura to determine the current capacities and future needs of AMIB and its troop contributors. They found that the financial and logistic constraints under which AMIB is operating prevent the force from fully implementing its mandate. They also noted that, while a European Union pledge of €25 million for the force is about to be released, those funds would be targeted for specific budget areas, because they come from the development envelope, and there would still be a number of outstanding logistic requirements.

62. Despite the financial constraints that have plagued AMIB from the outset, the force has performed to the highest standards in implementing its mandate in

Burundi. It has played a key role in providing an atmosphere of security and in assisting the parties to achieve progress in the disarmament process. AMIB has worked closely with its interlocutors on the ground, all of whom expressed their gratitude for the assistance it has provided to them. Yet, in view of the financial and logistic constraints mentioned above, the African Union has requested that AMIB be taken over by the United Nations.

#### **IV. Possible reinforcement of the United Nations role in Burundi**

63. In view of the strong political will displayed by the parties concerning their expressed readiness to cooperate in a spirit of national reconciliation, and the significant progress made to date, the assessment mission concluded that the United Nations role could be expanded to provide the support required to consolidate the peace process. Given the particular economic situation in Burundi and its relation to the root causes of the conflict, United Nations peacekeeping activities should proceed hand in hand with the creation of equitable political, economic and social opportunities, particularly for those who have been disenfranchised.

64. The election of a new government in Burundi is to be held by 31 October 2004, at which time the transitional process outlined in the Arusha Agreement would come to an end. There is much to be completed before that date. I would propose that AMIB form the core of the military component and a reinforced United Nations Office in Burundi the core of the civilian component of a United Nations operation in Burundi. This would allow United Nations peacekeeping activities to begin immediately upon the establishment of such an operation by the Security Council. Burundi is a small country, and there are a number of interested actors ready to assist the peace process. Building on these factors, the proposed mission would be deployed in key areas, with a capacity to react quickly to developments on the ground.

65. The operation would be headed by a Special Representative of the Secretary-General, who would be assisted by the expertise required to facilitate the implementation of the outstanding provisions of the Agreement, as outlined below. The Special Representative would chair the Implementation Monitoring Committee, and the Joint Ceasefire Commission would report directly to the Force Commander.

66. The humanitarian and development communities will need to collaborate closely with the peacekeeping operation to ensure that improvements in security are matched by tangible economic and social benefits for the population. The coordination of reintegration assistance with economic development efforts, including economic diversification to alleviate land pressures, will be essential for the long-term stability of the country. Given the obvious need for economic and peacekeeping support to work hand in hand, I would foresee that the Deputy Special Representative would serve concurrently as United Nations Resident Coordinator and Humanitarian Coordinator. The Special Representative of the Secretary-General would also be responsible for the security of all United Nations personnel in Burundi and serve as the designated official.

## A. Military component

67. The most immediate priority of the proposed United Nations Mission in Burundi (MINUB) would be to take over and reinforce the role performed by AMIB. The MINUB force would monitor and provide security at pre-disarmament assembly sites, collect and secure weapons, and destroy weapons and unstable ammunition. The mission would also monitor the cantonment of FAB elements and their heavy weapons and participate in joint liaison teams of the Joint Ceasefire Commission to monitor the disarmament and disbanding of militia groups by the Transitional Government.

68. Additional tasks of the force would include the protection of United Nations personnel and equipment; facilitation of the freedom of movement of United Nations personnel and humanitarian agencies; protection of the civilian population, particularly returning refugees and internally displaced persons, in its areas of deployment and within its capabilities; and assistance to local authorities in providing internal security and support during the electoral process. The force would also conduct limited mine clearance in support of its operations. MINUB military observers would monitor and report on violations of the ceasefire, and collect information on illegal shipments of weapons and cross-border movements of armed groups, in coordination with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) where applicable.

69. After an initial period of consolidation in Bujumbura, arriving troops would be deployed to strengthen former AMIB contingents. As the security situation improves, the force will extend its operations into the more sensitive area of Cibitoke. Once disarmament operations have been concluded, it may be necessary to redeploy and extend the areas of operation of the battalions. MINUB military observers would be deployed in teams of four to six personnel, depending on task and location, in a total of 20 to 30 teams. Initially, the teams would support the disarmament, demobilization and reintegration process, including at the disarmament centres for the armed groups, and monitor the confinement to barracks of FAB. Military observers would also be located along the border with the United Republic of Tanzania, especially in Makamba, Ruyigi and Muyinga, where the majority of refugees will return. They would also be charged with monitoring, to the extent possible, the illegal flows of arms across the national borders, including Lake Tanganyika, in cooperation with MONUC. Depending on the security situation, a military observer team would be deployed in Cibitoke Province to monitor the cross-border movement of armed groups.

70. As noted above, it is expected that an integrated battalion of FAB and CNDD-FDD (Nkurunziza) forces would form the first elements of the integrated new Burundi National Defence and Security Forces. MINUB would liaise closely with those forces and monitor their operations to ensure they are conducted within the spirit of the Arusha Agreement.

71. Given the size of Burundi and the security situation in the country, a minimum strength of some 5,650 military personnel, including five infantry battalions, 200 military observers, and 125 headquarters and staff officers would be required to carry out the tasks outlined above. The necessary enabling elements would include an aviation transport unit with a company lift capability; a transport element; engineer units; a maritime unit; a Level II and a Level III medical unit; a military

police unit, and a special forces detachment. The force headquarters of the mission would have a brigade structure, with its headquarters in Bujumbura and battalions operating in four areas of operation, namely, Bubanza, Gitega, Makamba and Cibitoke, in addition to Bujumbura. The mission would also exchange liaison officers with MONUC; the two missions would share military information, with an emphasis on information relating to cross-border movements of armed elements and arms trafficking.

72. In view of the security situation on the ground, where one group remains outside the process and intermittent fighting continues, it is recommended that a United Nations peacekeeping force be deployed under robust rules of engagement. Moreover, an “over-the-horizon” force will be an important requirement. The Secretariat is examining this requirement and will directly approach Member States to establish the parameters for such a capacity.

## **B. Civilian police**

73. While the Transitional Government is committed to creating an effective national police service, it will require significant planning, training and material support. The success of the programme will be essential to underpin parallel efforts being undertaken in the judiciary and corrections systems, and to creating a balanced and fair security system for the country.

74. The peacekeeping mission would therefore need a civilian police component whose task would be to support the preparation of a comprehensive plan for the integration and development of the Burundi National Police. This component would also assist in planning and implementing a training programme for the police, through curriculum development, vetting of candidates and training of trainers. It would help the Government to mobilize donor support to implement targeted areas of the plan and provide mentoring and advisory services to the national police in the performance of their duties. To support the implementation of these activities, the civilian police component would work in close cooperation and coordination with United Nations systems partners, donors and local stakeholders.

75. A total of 120 civilian police personnel would be required for MINUB to implement its proposed civilian police tasks, including 10 headquarters staff, 25 trainers and 85 advisers/monitors. The advisers/monitors would be deployed in the 16 provinces (approximately 5 per province), as well as in Bujumbura.

## **C. Security sector reform and disarmament, demobilization, reinsertion and reintegration component**

76. Significant work remains in the reform of the security sector. While the Transitional Government has decided to integrate all armed elements into the new National Defence and Security Forces, and the military Joint Chiefs of Staff have started to review the related requirements, a number of decisions on the reform of the security sector have still to be taken and significant detailed planning is yet to begin. The assessment mission held in-depth discussions with several donors who expressed interest in supporting the Government in this area.

77. The Transitional Government has established the necessary institutional structures for the disarmament, demobilization, reinsertion and reintegration process, with the assistance of the World Bank Multi-Donor Demobilization and Reintegration Programme. It has also established a National Commission to coordinate disarmament, demobilization, reinsertion and reintegration policy and an Executive Secretariat responsible for operational work. While planning for the disarmament and demobilization process is at an advanced stage, some aspects of its implementation are still to be finalized. Moreover, planning for reintegration — a necessary ingredient for sustainable peace and security — has yet to begin in earnest. Such planning will also need to reflect the special needs of women and children.

78. In the light of the above, it is envisaged that a security sector reform and disarmament, demobilization, reinsertion and reintegration component, comprising both military and civilian expertise, would be established to help Burundi and international counterparts in harmonizing efforts and developing strategic support plans for the process. While the role of MINUB in regard to security sector reform would be to assist in the negotiation of the plan and in mobilizing resources, operational assistance would be provided on a bilateral basis. In regard to disarmament, demobilization, reinsertion and reintegration, the component would assist in finalizing planning and supporting the implementation of the process, in coordination with ongoing efforts, particularly those of the National Commission, its Executive Secretariat and the Joint Ceasefire Commission. Such plans would need to reflect regional linkages, including the repatriation of any Burundian fighters outside the country together with members of their families.

#### **D. Rule of law and civil affairs**

79. Significant work remains to be done in the implementation of the Arusha Agreement in regard to the legislative and institutional reforms necessary to ensure an independent and balanced judicial sector. Under the Arusha Agreement, the parties agreed to put in place certain measures to guarantee good governance at all levels so that equitable social and economic development and political participation could be ensured, focused in particular on increasing opportunities for the disenfranchised.

80. As the success of the peace process will depend in part on the implementation of these measures, it is proposed that MINUB include a rule of law and civil affairs component with the task of advising the Government in the reform of the judicial system, in accordance with the Arusha Agreement; assisting in mobilizing training and material assistance for the judicial sector; and monitoring the implementation of institutional reform at all levels, including at the commune level. The component would include a limited number of judicial experts to provide advice to the Government and other counterparts on judicial reform, as well as a limited number of corrections experts who would provide advice on capacity-building in regard to correctional institutions. It would also include civil affairs officers, who would monitor and report on the implementation of administrative and political reform at the local level and assist the electoral process.

## **E. Electoral component**

81. The recent debate between the political parties, former rebel movements and civil society on the electoral code and calendar marks an important step towards the holding of elections within the time frame foreseen in the Arusha Agreement. It is envisaged that the United Nations would assist in the timely conclusion of this debate by providing advice on existing options, and in the development of new options, for the organization and conduct of elections.

82. The sooner the ongoing debate is concluded, and an electoral code and calendar are adopted, the earlier the United Nations will be able to provide further assistance for the implementation of electoral activities. The Transitional Government, through the Ministry of the Interior, has started to prepare for elections and has provided to the United Nations an inventory of material and financial needs for the process. It has also started discussions on the identification of citizens eligible to vote. The Transitional Government has indicated that these needs would be reflected in a formal request to the United Nations to assist the process.

83. The proposed task of the electoral component of MINUB, working in close coordination with UNDP and other partners, would be to coordinate and provide technical assistance for electoral activities, including planning, logistical support and international observation of registration and polling operations.

## **F. Human rights component**

84. Addressing the issue of genocide and the related sensitivities of the population is a core element of the Arusha peace process. In view of the ongoing violations of human rights, the lack of protection for civilians, and the climate of impunity that continues to exist, it is envisaged that MINUB would include a human rights component to carry out the following tasks: monitor, verify and report on the human rights situation throughout the country; advocate and intervene with local and national authorities to protect civilians and vulnerable groups; promote the rights of women, children, and other vulnerable populations; provide training for peacekeepers and the civilian police component of the operation; and integrate human rights and protection of civilians into the overall work of the mission.

85. It is foreseen that the Office of the United Nations High Commissioner for Human Rights would maintain an independent presence in Burundi for the time being. In close cooperation with MINUB, the Office would continue to fulfil its functions in the provision of technical cooperation for the promotion of the rights of women, children, and other vulnerable populations; the coordination of technical assistance and the provision of advice for capacity-building in the rule of law sector, as well as the provision of technical cooperation for economic, social and cultural rights and the right to development; it would support the activities of the Special Rapporteur in Burundi; provide advice to the United Nations country team; and support the establishment of an international judicial commission of inquiry and a national truth and reconciliation commission. Support for the national observatory on genocide would be provided jointly by the Office of the High Commissioner in Burundi and MINUB.

## **G. Public information component**

86. As in any peacekeeping mission, a strong public information component would be required to provide an objective source of information on the peace process and explain the United Nations mandate and role to the population. In view of the upcoming elections, the component would also verify equal access by all parties to the media and the application of a code of conduct for journalists. The public information component would also assist in disarmament, demobilization, reinsertion and reintegration and other activities of the mission and United Nations agencies in the country.

87. Owing to the scarcity of print media and a literacy rate of approximately 35 per cent, radio is by far the most accessible media outlet to the largest possible audience. Given the relatively large number of independent radio stations in Burundi, it is foreseen that MINUB would not be required to establish its own radio, but would rather buy time on local radio stations. The mission would however be required to set up radio production facilities with adequate personnel. The mission would also have video capacity, in order to disseminate footage to news agencies and to produce material to be broadcast on national television and for outreach campaigns. International and national public information officers would be based in the provinces to cover stories for radio, television, and print media and to disseminate public information material to the local population.

## **H. Other expertise required**

88. The Office of the Special Representative of the Secretary-General and the Deputy Special Representative (Resident Coordinator/Humanitarian Coordinator) would include advisers on gender, child protection, HIV/AIDS and legal issues, as well as expertise to ensure the link between security and economic development. The Office of the Special Representative would ensure that all activities of the mission are planned, conducted and reported upon in an integrated manner. The political component of the mission would include political expertise to liaise with the Transitional Government and legislature, political parties, civil society and other groups, and to support the Special Representative through political analysis and reporting. Quick-impact projects will be used to respond to pressing needs in areas where MINUB is deployed.

## **I. Administration and logistics**

89. In the light of the proposed mission's concept of operations, as described above, most of the troops and civilian components will be deployed on the western side of the country and mainly west of the Mugamba Mountains. Given the small size of the country and good road infrastructure, it would be possible to support the mission from a single, central logistics base in Bujumbura. For the same reason, substantial tactical air assets would not be required. In regard to the military component of the mission, AMIB would be reassigned, reorganized and supplemented as necessary to meet United Nations peacekeeping standards, and contingents would be expected to be self-sustaining in all categories.

90. Logistics support would be controlled and managed under an integrated support service, whereby all military and civilian support staff and requirements would be pooled for optimal effectiveness and efficiency. Support services would be controlled through a joint logistics operations centre. The centre would also be the focal point for coordinating logistics activities with the United Nations country team and other humanitarian and development agencies.

## **J. Security management system**

91. Security arrangements would be established during the very first days of the mission to ensure that it operates at all times in compliance with the United Nations minimum operational security standards. The choice of locations, staff accommodation, facilities and transit routes would be determined to a large extent by security considerations. Preparedness, prevention, clear delineation of security responsibilities and adequate security staffing would be essential. All facilities, including the logistics base, would be secured, and a communications system would be established to ensure that procedures are implemented effectively and understood by all concerned.

92. Security arrangements on the ground would be based on an information management system under a joint mission analysis cell that would collate data, assess capabilities, and provide an ongoing evaluation of potential risks and threats to United Nations personnel. A crisis response cell would be established under the joint operations centre.

93. Induction training for all incoming headquarters staff officers and civilian staff would be mandatory. In addition to the main mission briefing, it would focus on security requirements, standards of conduct, landmine safety, sensitivity to local culture, and risk and stress management. Staff would have to complete such training prior to assuming mission responsibilities.

## **K. Mine action**

94. There were 230 reported mine-related casualties in 2001 and 2002, and 80 in 2003. The areas bordering the United Republic of Tanzania are reportedly the most heavily mined in the country — areas through which most of the refugees are expected to return. Pending the necessary surveys, it is estimated that mine and unexploded ordnance contamination will initially pose only a limited threat to the deployment of the proposed mission; as peacekeeping personnel extend their presence throughout the country, however, the risk of entering hazardous areas may increase.

95. While the responsibility for mine action rests ultimately with the national authorities, the mine action capacities in Burundi are limited. The United Nations Mine Action Service is preparing a mine action programme to mitigate the threat of mines and unexploded ordnance. The first objective of the programme, to be funded under the proposed mission's budget, would be to provide technical advice and monitoring for the mine action needs of the mission. The second objective, to be funded through voluntary contributions, would be to provide technical advice, assistance in coordination, capacity-building and resource mobilization, for national

and humanitarian mine action efforts, including the repatriation of refugees and internally displaced persons.

96. In accordance with the presidential statement of the Security Council of 19 November 2003 (S/PRST/2003/22), the mine action coordination centre would be established within the proposed mission's headquarters. The centre would register and process mine-related information and coordinate operations, with initial emphasis on planning, collection of information, technical advice, quality assurance, emergency survey, mine clearance and mine risk education. It would work closely with the national authorities, the United Nations country team and international and non-governmental organizations involved in the provision of mine action support to humanitarian relief operations.

## **V. Financial implications**

97. The financial implications of the proposed mission will be issued shortly as an addendum to this report. Concurrence is therefore sought to plan and prepare for a possible deployment in accordance with General Assembly resolution 49/233 A.

98. Initial requirements for personnel and equipment will be met through rapid deployment mechanisms such as strategic deployment stocks and the rapid deployment roster. MONUC would be requested to provide assistance in order to maximize efficiency and cost-effectiveness, without prejudice to its operational capability with respect to its mandate.

## **VI. Observations and recommendations**

99. Significant political progress has been made towards ending hostilities in Burundi. Only one of the armed groups remains outside the process and the parties seem genuinely committed to building a peaceful future. The country has never before had such an opportunity for lasting peace. Yet the Burundian population continues to live in fear. It lives in fear of abuse and abject poverty, and in the fear that the upcoming elections will result in turmoil, as has been the case in every multiparty election in Burundi since its independence. Nevertheless I believe that, with appropriate and targeted assistance, the international community can help Burundi to consolidate the progress made to date, move peacefully through the electoral process and put in place the reforms necessary to achieve sustained peace and stability, as well as social and economic development for all.

100. The African Union, with the support of the troops provided by Ethiopia, Mozambique and South Africa, has made a significant impact on the peace process in Burundi. The deployment of AMIB before the conclusion of a comprehensive ceasefire was instrumental in creating the conditions necessary for the parties to lay down their arms and enter the political process. I applaud the African Union and AMIB for their courage and determination in providing the assistance necessary to stabilize the situation in Burundi at a time when others doubted whether the process would succeed. However, in view of the serious financial and logistic difficulties it has encountered, the African Union has now requested the assistance of the United Nations in taking over and expanding its peacekeeping presence in Burundi. This

request has been strongly supported by the Government of Burundi. I believe that the time has now come for the international community to respond positively.

101. Sustainable peace in Burundi is necessary for long-term stability in the Great Lakes region. United Nations assistance in Burundi would also have a positive impact on the situation in the Democratic Republic of the Congo, thereby facilitating the work of MONUC, as well as in other neighbouring countries. I would therefore recommend that the Security Council consider authorizing the deployment of a multidimensional United Nations peacekeeping operation to support the peace process in Burundi. This operation would comprise a military component, based on the reassignment of AMIB, with a total troop strength of 5,650 (all ranks), including 200 military observers and 125 headquarters staff, as well as a civilian component, which would build on current UNOB capabilities and consist of the various elements outlined in section IV above.

102. The mandate of AMIB is due to expire on 2 April 2004. The elections are to be held in less than eight months. If the United Nations is to answer the call of the African Union and the Government of Burundi to assist in the final stages of the peace process, particularly in regard to enhancing the security situation, a decision, at least in principle, should be taken quickly, if possible before 2 April. I am sure that the members of the Security Council are aware that the African Union and the people of Burundi need to know in a timely manner whether they can count on the United Nations to assist them. At the same time, if the Organization is to expand its role in the country, much work will be required in a very short period of time. The Security Council should bear this in mind as it considers the recommendations in this report.

103. A quick decision would facilitate the deployment of troops and support elements necessary to accelerate the disarmament, demobilization, reinsertion and reintegration and other remaining preconditions for the electoral process. Given the history of elections in Burundi, I would foresee that the force would remain in the country after elections, until any risk of renewed ethnic strife has clearly subsided. I would therefore propose to review the troop strength and mandate of the mission within six months of the elections.

104. The international community will need to provide in parallel to any peacekeeping operation the necessary assistance in the areas of security sector reform, elections, good governance, reintegration and economic development. In the meantime, I call on the Burundian parties to fully implement their agreements and to put the past behind them. The first priority is for the Government and FNL (Rwasa) to immediately cease hostilities and enter into dialogue, so that mutually agreed means can be found to bring the group into the peace process. Should the Security Council agree to the proposed peacekeeping operation, troops would be deployed in a disengagement zone between the two sides to help build confidence between them. Until then, the FNL and Government forces must refrain from inflicting more hardship and suffering on the civilian population.

105. At the same time, all parties must intensify their dialogue and reach out to the population in building consensus on the key outstanding issues of elections and military integration. I encourage the Government to ensure that all Burundians are made fully aware of the various elements of the peace process. For the electoral process to reflect the real will of the people, the Government must continue to open

up the political process and engage in active dialogue and consensus-building with all sections of the population.

106. Significant progress has been made in Burundi on planning for disarmament, demobilization, reinsertion and reintegration. With the assistance of the World Bank, UNOB and AMIB, the appropriate structures have been put in place and the armed groups are assembling their forces at pre-disarmament sites. I encourage the Government to undertake a vigorous sensitization campaign, so that all combatants have the information necessary to make a free choice between demobilization and integration into the security forces. I share the view of the assessment mission that an army of 66,000 to 80,000 troops, even created as a temporary measure, is much too large for a country the size of Burundi. It will be even more destabilizing if the armed factions do not give up their weapons.

107. Despite progress in many areas, a number of political decisions remain to be taken, particularly in regard to judicial reform and elections. Moreover, the institutional capacity of the Government to deal with the challenges ahead, in both the short and the long term, must be strengthened. Good governance at all levels must be ensured. Strategic planning and operational coordination must be strengthened both nationally and among the international donors in Burundi. Of particular concern is the need to harmonize short-term reintegration and humanitarian assistance with long-term economic reform and development. The Government should urgently address the issue of land reform in a transparent and open manner.

108. At the core of the peace process is the question of impunity. Horrendous abuses of human rights and violations of international humanitarian law have been committed by all sides in the Burundi conflict. There are a number of steps the Government must take in this regard. It is a sensitive process, yet a necessary one. The international community must work together with the people of Burundi in finding the right path towards national reconciliation. I call on the Government and people of Burundi to do their part in a true spirit of genuine national reconciliation to overcome the horrors of the past and build a peaceful future.

109. In conclusion, I would like to congratulate the President of the Transitional Government of Burundi, Domitien Ndayizeye, and his predecessor, Pierre Buyoya, for the courage they have shown in leading the transitional process. I would also like to pay tribute to my Special Representative, Berhanu Dinka, and all the personnel of UNOB, the United Nations country team and the humanitarian community for the contribution they are making towards the restoration of peace in Burundi. I also wish to commend the African Union and AMIB for their exceptional achievements in bringing stability to Burundi, as well as to the countries of the Regional Initiative, Uganda and the United Republic of Tanzania, and the Facilitation led by South Africa, for the role they have played in advancing the peace process.

