



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2001/5/Add.1
6 March 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 14 (c) of the provisional agenda

SPECIFIC GROUPS AND INDIVIDUALS: MASS EXODUSES
AND DISPLACED PERSONS

Report of the Representative of the Secretary-General, Mr. Francis Deng, submitted
pursuant to Commission on Human Rights resolution 2000/53

Addendum

Profiles in displacement: Forced relocation in Burundi

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
Introduction	1 - 6	3
I. OVERVIEW OF THE DISPLACEMENT SITUATION	7 - 9	4
II. <i>REGROUPEMENT</i>	10 - 27	4
A. The Government's perspective	10 - 12	4
B. The United Nations perspective	13 - 14	5
C. Dismantling the camps	15 - 20	6
D. Remaining camps	21 - 27	8

CONTENTS (continued)

	<u>Paragraphs</u>	<u>Page</u>
III. OTHER INTERNALLY DISPLACED PERSONS	28 - 33	9
IV. FRAMEWORK FOR INTERNATIONAL RESPONSE.....	34 - 51	10
A. IASC conditions for engagement	34 - 37	10
B. Protection.....	38 - 39	12
C. Staff security.....	40 - 43	12
D. Coordination and planning	44 - 45	13
E. Resource mobilization	46 - 48	14
F. Capacity	49 - 51	14
V. RECOMMENDATIONS.....	52	15
VI. CONCLUSION	53	16

Annexes

I. IASC Policy on Forced Relocation (“Regroupement”) in Burundi	17
II. Map of <i>Regroupement</i> Sites to be Dismantled in Bujumbura: Phase I.....	20

Introduction

1. The Representative of the Secretary-General on internally displaced persons, Mr. Francis M. Deng, undertook a mission to Burundi from 6 to 11 February 2000 to look into the situation of internal displacement in general and the government programme of *regroupement* in particular.¹ The approach of the Representative in undertaking country missions is to engage in solutions-oriented dialogue with the authorities as well as with the international agencies and non-governmental organizations (NGOs) concerned. The Representative was warmly received and was able to engage in a frank, cordial and constructive dialogue with the Government on internal displacement and the issue of *regroupement* in particular. The essence of dialogue is to listen and seek to understand each side's point of view in the search for a common ground. The Government explained to the Representative the security imperatives that had necessitated the adoption of such drastic measures as *regroupement*. The Representative, while understanding the Government's explanation, highlighted the importance of observing the relevant international humanitarian and human rights standards which govern the circumstances under which forced relocation might be justified and set out the responsibilities for providing adequate protection and assistance to the populations concerned.
2. The mission of the Representative was undertaken at the suggestion of the Executive Committee for Humanitarian Affairs (ECHA) and with the support of the Emergency Relief Coordinator and the Inter-Agency Standing Committee (IASC) membership. The purpose was to sustain international advocacy on the issue of *regroupement*, specifically by presenting to the Government the IASC Policy on Forced Relocation in Burundi of 3 February 2000 (annex I). Particular emphasis was to be given to the proposal that the Government engage in a constructive dialogue with the United Nations and humanitarian organizations regarding solutions for the "regrouped" population. In all of his meetings, the Representative drew attention to and disseminated the IASC Policy as well as the Guiding Principles on Internal Displacement (E/CN.4/1998/58/Add.2), which set out the circumstances under which forced relocation might be justifiable under international law.
3. While the issue of *regroupement* provided the main focus of the mission, in keeping with his broader mandate for internally displaced persons the Representative used the occasion of his visit to review other aspects of the problem of internal displacement in Burundi as a follow-up to his mission in 1994.
4. The Representative met with President Pierre Buyoya and a number of senior ministers of the Government: the Minister for Foreign Affairs, the Minister of the Interior, the Minister of Defence, the Minister for Reinsertion, Reinstallation and Repatriation and the Minister for Human Rights, as well as with other officials at the national, provincial and zone level. The mission met with the United Nations country team as a group as well as with most of its members individually. A number of meetings were held with the large number of international NGOs working with the internally displaced.
5. The mission programme included several visits to the field with a view to seeing different types of settlements of internally displaced persons. In Bujumbura Rural, visits were undertaken to the *regroupement* camp of Kabezi and to the *regroupement* site of Maramvya, which had been dismantled during the course of the mission, as well as to the area to which the occupants of the

latter site had returned. Also visited were settlements of persons internally displaced in 1993/94, specifically: Ruhororo and Mubanga in Ngozi province, and Kanyosha and Kiyange in Bujumbura Mairie.

6. The present report is submitted in accordance with the request of the Commission on Human Rights (resolution 2000/53) for the Representative to continue to report on his activities to the General Assembly and to the Commission. It is organized into six sections. Section I provides a brief overview of the situation of internal displacement in Burundi. Section II focuses on the recent displacement resulting from *regroupement*. Section III covers the situation of populations affected by earlier displacements. Section IV sets out elements of a framework for international response, in partnership with the Government, to the situation of internal displacement in the country as a whole. In section V, specific recommendations are made for enhancing national and international responses to the plight of the internally displaced.

I. OVERVIEW OF THE DISPLACEMENT SITUATION

7. In Burundi, displacement is such a long-standing phenomenon, stretching back more than four decades, that it has essentially become a way of life for many people. In 1994, when the Representative of the Secretary-General on internally displaced persons first visited the country, there were some 300,000 internally displaced persons in Burundi (and a further 500,000 Burundian refugees).² Since that time, the situation of internal displacement has deteriorated dramatically and now affects 808,000 persons, or 12 per cent of the population (there are also still over 500,000 Burundians displaced outside of the country as refugees). More than 85 per cent of the internally displaced are located in the four western provinces of Bujumbura Rural, Bubanza, Bururi and Makamba. It is from these areas that rebel forces have launched attacks against the capital in recent months.

8. The significant increase in the number of internally displaced persons is largely the result of measures of forced relocation - known in Burundi as "*regroupement*" - undertaken by the Government in response to the rebel attacks. Since September 1999, more than 380,000 persons have been forcibly relocated, mostly ethnic Hutus and primarily civilians.³ The situation is particularly acute in Bujumbura Rural, where over 81 per cent of the population have been "*regrouped*", representing nearly half of the total internally displaced population in the country.

9. The humanitarian consequences of *regroupement* have been grave. The authorities have not provided adequate assistance and protection for the affected population. Though some international assistance is reaching the *regroupement* camps by means of NGOs, it is insufficient compared to the needs. There are also a number of camps that are inaccessible to the international community and thus have not received any international assistance at all.

II. REGROUPEMENT

A. The Government's perspective

10. Whether *regroupement* constitutes a policy of the Government is a debated issue. President Buyoya and government officials asserted that *regroupement* is not a policy of the Government but rather a programme of operational measures dictated by security considerations.

It was a commonly held view of the authorities that such measures were a necessary - if not the only - means of blunting rebel forces' intensified attacks against the capital and avoiding greater destabilization and human rights violations. Indeed, the view both within and outside the Government was that *regroupement* had ushered in a more secure environment in the capital. It was not uncommon for government officials and others to note that in this sense *regroupement* had been a "success". Some officials, while holding this view, also expressed concern that *regroupement* had emphasized security considerations over concerns for the humanitarian and human rights needs of the affected population.

11. President Buyoya emphasized several points for the international community on *regroupement*. First, he reiterated the official position that the Government of Burundi did not have a *regroupement* policy, that the measures taken were necessitated by security imperatives, and that their aim was to ensure the security of the civilian population, thereby averting what would have been greater violence and human rights violations. Second, he argued that the measures taken by the Government had had a positive effect in providing greater security for Burundians in Bujumbura Rural and in Bujumbura Mairie. Third, he explained that because of this positive effect, the Government was now implementing a process of dismantling the camps, allowing people to go back to their homes, incrementally, as the general security situation warranted. Fourth, the President noted that although both Rwanda and Uganda had also relocated some of their populations, neither had faced the international criticism to which Burundi had been subjected. This last point in particular was echoed by the Foreign Minister.

12. Given the position of the Government that forced relocation was a necessary and therefore justifiable security measure, for which there existed no real alternatives, the possibility of further *regroupement* in the future cannot be discounted. Indeed, there are reports of new *regroupement* in other provinces.

B. The United Nations perspective

13. The position of the IASC is that the forced relocation in Burundi cannot be justified as it is being implemented without regard for the rights and well-being of those affected and thus is contrary to the relevant principles of international humanitarian and human rights law. This position is elaborated in the IASC Policy on Forced Relocation as well as in its statement on forced relocation issued on 19 January 2000, which was endorsed by the Secretary-General in his statement to the special session of the Security Council on Burundi on the same day.

14. The international community, in various forums, has strongly called for the dismantling of the *regroupement* camps. It should be recalled that under international humanitarian law, in particular article 17 of Additional Protocol II to the Geneva Conventions (to which Burundi is a signatory), displacement, if justified by compelling circumstances of security of the civilian population involved or imperative military reasons, should be only a temporary measure. Indeed, all feasible alternatives should be explored to avoid forced displacement altogether. Reflecting international humanitarian law and human rights law, Principles 7 and 12 of the Guiding Principles on Internal Displacement stipulate that efforts should be made to avoid forced displacement and that if, in exceptional circumstances, internment or confinement of internally displaced persons is absolutely necessary, it shall not last longer than required by the circumstances.

C. Dismantling the camps

15. On 19 January, during his speech to the Security Council, the Foreign Minister of Burundi announced that the Government would start dismantling a number of *regroupement* camps in the next two weeks. When the mission began, three weeks had passed since this announcement and the dismantling process had yet to begin.

16. During his first meeting in Bujumbura on 6 February with the Director-General for International Organizations in the Ministry for Foreign Affairs, the Representative was informed that the dismantling of the *regroupement* camps would begin that very day with the Maramvya site in the commune of Mutimbuzi. The dismantling of the site was later confirmed by the Minister of Reinsertion, Reinstallation and Repatriation and the Minister of Human Rights as well as by media reports.

17. The Representative was informed that the Government had elaborated a plan identifying 11 sites to be closed immediately (by the end of February according to the Minister for Reinsertion) and an additional 13 in a second phase. While welcoming the news of the dismantling, the Representative raised concerns regarding the lack of transparency of the process: there had been no advance notification or planning of the dismantling with the United Nations agencies and NGOs, who had expressed a willingness to provide support to the population affected. The lack of involvement of the international community also impeded verification that the dismantling was occurring in accordance with international standards. The Representative was informed that a meeting with the international humanitarian community had in fact been scheduled in order to plan the dismantling process but that because of what was said to be communication problems, the meeting was never organized.

18. Throughout the visit, the Representative focused on raising with the Government the following points:

- Recognizing that internal displacement is by definition an internal matter which falls within State sovereignty, but that sovereignty carries with it responsibilities for the protection and assistance of its population which a Government is expected to discharge, with international cooperation, if necessary.
- Appreciating the security concerns of the Government, but emphasizing the need for inclusiveness of that concern on behalf of all citizens and in accordance with the principles of international humanitarian law, human rights law, and the Guiding Principles on Internal Displacement.
- Welcoming the decision of the Government to dismantle 11 of the camps, followed by a further 13, and highlighting the importance of providing adequate protection and assistance to those still remaining in the camps.
- Taking note of the stated intention to eventually close all camps as security permits, raising the need to determine the confidence-building measures that could be taken by all sides to ensure that this process occurs.

- Conveying the willingness of the international community to provide support to those returning to their homes.
- Expressing concern that the process of dismantling had been initiated in a manner that lacked transparency and planning in cooperation with the international humanitarian community, which the Government had requested to provide assistance in its letter of 4 February from its Permanent Mission to the Secretary-General but which had not been made party to the arrangements.
- Calling for a coordination meeting and an established planning mechanism to provide the support requested by the Government of Burundi.
- Urging the setting of a schedule for the dismantling of the 24 camps which the Government had communicated would be closed.
- Stressing the need to enable people to return during the planting season (i.e. by the end of February or 10 March at the latest) and the need for internally displaced persons still in the *regroupement* camps to have full access to their fields at least four times a week during the planting season.
- Urging that priority for dismantling be given to the *regroupement* sites that are inaccessible and that have been therefore deprived of any assistance.
- Emphasizing the importance of enhancing the role and profile of the civilian authorities with respect to *regroupement* in a more balanced partnership with the security authorities and the military, which now dominate the process.
- Highlighting the importance of the dismantling process as a confidence-building measure in the Arusha Peace Process.

19. As a result of the Representative's persistent appeal on these issues, and especially his request that a meeting between the Government and the United Nations country team take place before the end of the mission, a coordination meeting to establish the modalities to plan jointly for the dismantling of the camps was organized by the Minister of the Interior, with the participation of the Ministry of Reinstallation, the provincial authorities, the United Nations agencies and the NGOs. In the course of the meeting, the Government communicated the names of the first 11 sites to be dismantled during the first phase of the operation (a map indicating these sites is attached as annex II) and informed the meeting that it was reviewing an additional 13 to be dismantled. The Government also agreed to enhance existing coordination mechanisms to address two issues: (a) the broader situation of internal displacement in Burundi and the assistance required; and (b) the specific situation of the relocated population in Bujumbura Rural and the need to develop an operational plan to address it. At the Representative's request, the Minister also instructed his staff to share with the United Nations and the NGOs all planning documents relating to the dismantling of the first 11 sites. Another meeting between the Government and the country team was to be held at the time of the Representative's departure from Burundi.

20. The first site to be dismantled, Maramvya (4,700 persons), was visited by the Representative five days after its dismantling had taken place. This marked the first visit of the United Nations to the dismantled site and the area to which the site population had returned. The site was completely abandoned but for one man, with whom the Representative spoke, who had returned to finish dismantling the shelter he had constructed at the site. In the nearby area of return, the Representative met with a large group of returnees who voiced their need for assistance to help them re-establish themselves. As they had returned to find their homes looted and damaged, reconstruction material was a priority need. Although many had immediately begun planting, they needed additional seeds. Moreover, they would continue to require food assistance until the harvest.

D. Remaining camps

21. The point was repeatedly made by government officials that the *regroupement* camps would be dismantled “progressively” as the security situation permitted. It is clear therefore that the process of dismantling will be gradual, and that the majority of the camps will continue to exist and be in need of international assistance for some time. As noted at the outset, the level of assistance currently reaching the camps is inadequate compared with the considerable needs.

22. Not included in the list of the first 11 sites to be dismantled is the camp of Kabezi, which the mission visited. The camp was severely overcrowded (Kabezi, with a population of 30,000-40,000, is one of the largest *regroupement* camps) and there are inadequate water and sanitation services. As a result, serious health problems, including cholera, diarrhoea and malaria were reported even though the camp appeared relatively clean at the time of the visit. There were visible signs of malnutrition which, according to recent nutritional surveys, is reported to be generally on the rise in the *regroupement* camps. The displaced interviewed specified their need for shelter, blankets, clothes, food, cooking utensils and soap.

23. In his brief address to the population of the Kabezi camp, the Representative explained that the mission was evidence of the fact that the international community cared about their condition. Noting that their Government had declared a policy of dismantling the camps, the Representative indicated that the international community was prepared to assist them in their return home. The applause of appreciation with which this message was received was spontaneous and striking. At the airport, as the mission was about to depart, the Representative requested the Director-General of the Ministry of Reinsertion, Reinstallation and Repatriation, together with the United Nations Humanitarian Coordinator, to try to persuade the authorities to include the Kabezi camp on the first list of camps to be dismantled.

24. In Kabezi camp and generally, access to their fields by the population relocated at the sites was reported to be a priority concern, especially during the February/March planting season. Failure to ensure greater access for the displaced to their fields will inevitably have implications for the demands for food assistance on the international community in the coming months. In most cases, the relocated populations did have access to their fields, but this was held to be insufficient (FAO indicated that four full days a week is the minimum required). In Kabezi, displaced persons indicated (albeit in the presence of a considerable number of civilian and military authorities) that they had permission to go to their fields under military escort. However, a number of the displaced indicated that they had not been able to work their fields for

two weeks because of the security situation. Even when access is permitted, the number of hours in the fields may be limited owing to time restrictions imposed by the authorities (for example, in Maramvya, the displaced had been required to return to the camp by 14.00) or owing to the distance of the fields from the *regroupement* sites.

25. Education is another area of concern (which is also valid for the other, “non-regrouped” internally displaced). Although there are school facilities available, many displaced children are unable to attend as the family cannot afford the standard fee of 1,000-1,500 Burundi francs per semester or the necessary school supplies. Though there apparently exists a government policy to waive school fees for internally displaced children, it is not being implemented systematically.

26. As regards security, despite ostensibly having been created for the purposes of protection, *regroupement* sites are reported to have been subject to rebel attacks against which the armed forces have not been able to provide adequate protection. Moreover, within the camps, the relocated population is reported to suffer serious threats to physical security, including harassment, sexual violence and extrajudicial killings; allegations which, given the heavy political and military presence accompanying the Representative, could not be adequately investigated by the mission.

27. A major obstacle that the international community faces in addressing the protection and assistance needs in the *regroupement* camps is that a number of sites remain inaccessible due to insecurity, the remote locations or the condition of roads. As a result, some of these camps have not received any assistance since they were established, beginning in September 1999. The assistance and protection needs in these camps are unknown, but given the absence of international presence in particular, they are expected to be severe.

III. OTHER INTERNALLY DISPLACED PERSONS

28. Apart from the 300,000 internally displaced in *regroupement* camps, since 1993/94 over 400,000 Burundians have been displaced due to the cycles of violence. At the time of the Representative’s 1994 mission, there were two main categories of internally displaced persons: the “displaced”, mostly Tutsi, who had settled in camps under the protection of government forces, and the “dispersed”, mostly Hutu, who had fled into the countryside in hiding. This latter group experienced greater vulnerability as a result of being in hiding and the consequent difficulties experienced by humanitarian agencies in reaching them. The Representative also found significant disparities between the international humanitarian assistance to Rwandan refugees (mostly Hutu) in the north of the country and to adjacent camps of the internally displaced (Tutsi) - a situation which risked exacerbating inter-ethnic conflict. At the recommendation of the Representative, efforts were taken subsequently by the international community to reduce these disparities. Even so, the disparities of treatment in 1994 continue to be foremost in the minds of government officials and a common theme raised by them was that the international community was neglecting the “internally displaced” (i.e. predominantly Tutsi) in its current emphasis on the “regrouped” (i.e. overwhelmingly Hutu). However, as the field visits made clear, although the internally displaced persons from 1993/94 stand to benefit from continued reintegration support in order to enhance their self-sufficiency, the priority for the international humanitarian community must be the “regrouped” populations whose most basic humanitarian needs are not being adequately met.

29. During the course of his mission, the Representative visited a number of “displacement” sites in Bujumbura Mairie and Ngozi province. In the framework of a resettlement programme, these camps have been transformed into village-like settlements of a permanent or semi-permanent character, usually guarded by a military presence. The resettlement was undertaken by the provincial authorities, in some cases with the support of the international community, in recognition of the fact that even if security conditions improve, many “displaced” will not return to their places of origin as they remain fearful of former neighbours, who may have been the authors of atrocities against the returnees’ ethnic group.

30. While the settlements visited by the Representative were mostly said to be ethnically mixed, it was reported that displacement camps were generally ethnically segregated and that among the earlier displaced persons, there continued to exist significant disparities in the treatment of predominantly Tutsi and Hutu settlements. Hutus living in camps were reported to be in more precarious conditions, having received little attention from the local authorities and in some cases being situated at inaccessible locations. Moreover, while a large number of displaced Tutsi have been resettled, there have been less effort to resettle the displaced Hutu, as it is believed that this latter population is more likely to return to their places of origin, once security is restored.

31. It must also be noted that displacement due to reasons other than *regroupement* is ongoing. In addition to what is considered the “old” caseload, there continue to be cyclical waves of temporary displacement due to the escalation of violence. There is little information available on such displacement, as most of the affected areas are inaccessible due to security and logistical constraints. These internally displaced persons therefore tend to receive little to no attention.

32. In the course of the mission, the lack of detailed information on internal displacement in Burundi, beyond global figures and location, was highlighted. Accurate numbers are difficult to obtain because of the overlapping of categories, the volatile nature of displacement in Burundi and the problem of access. There remains a need to review in a comprehensive manner - in qualitative as well as quantitative terms - the situation of internally displaced persons throughout the country in order to identify their needs and assess the gaps in the current international response.

33. The recommended review should form the basis for the humanitarian and longer-term response to the needs of all displaced populations and focus on objective indicators of vulnerability and capacity for sustainable return or resettlement and reintegration. The response also needs to be comprehensive and should take into account the needs of the host community. Moreover, special attention should be paid to the particular needs of women heads-of-household, orphans, the elderly, and other vulnerable groups of internally displaced persons.

IV. FRAMEWORK FOR INTERNATIONAL RESPONSE

A. IASC conditions for engagement

34. The serious humanitarian assistance and protection needs in the *regroupement* camps as well as the process of dismantling the camps that has begun to get under way clearly warrant the

urgent involvement of the international community. Since mid-October when security Phase IV was introduced by the United Nations following the incident at Rutana which resulted in the killing of two expatriate staff and a number of nationals, the United Nations has scaled back its activities in the country significantly, particularly in the field. As a result, the enormous challenge of addressing the assistance and protection needs of the forcibly relocated populations has fallen on the non-governmental community. Notwithstanding the active efforts of the NGOs and their commitment to continue such involvement, they indicated that they are unable to address the magnitude of needs and are clearly frustrated that the United Nations agencies are not more directly involved. This sentiment was strongly echoed by the donor and diplomatic community, not to mention government officials.

35. In meetings with the Representative, United Nations agencies expressed a readiness to mobilize resources in order to provide humanitarian aid to populations affected by forced relocation, whether they are in camps or in the process of return and reintegration. Specific indications of the stocks available or which would be sought were given.

36. The IASC Policy stipulates that efforts in this regard are to be contingent upon a firm commitment from the Government to work towards an end to forced relocation. As noted above, the various government officials met indicated that the *regroupement* camps would eventually all be closed, once the conditions of insecurity that had led to their establishment no longer existed. The progress achieved during the mission of initiating dialogue between the Government and the international community for the purpose of defining the timetable for dismantling the camps reflects a degree of commitment on the part of the Government to end forced relocation, albeit incrementally and on its own terms. The constructive engagement of the authorities in this dialogue in the coming weeks and months will be critical in obtaining a firmer indication of the Government's commitment in this regard.

37. The country team continues to support the conditions for engagement stipulated in the IASC Policy. Briefly restated, these are:

(a) To provide only "life-sustaining" assistance (food, essential health services, water and sanitation) to the relocation sites, with the exception of seeds, tools, fertilizers and educational supplies;

(b) To provide assistance in support of the voluntary return (or in exceptional cases, resettlement) and reintegration of affected populations, provided this is part of a planned process;

(c) Not to provide assistance for the creation of permanent structures at the sites, except where required for water and sanitation;

(d) To ensure access of the internally displaced to, and assistance for, existing local services;

(e) Not to provide assistance for the creation or administration of camps;

(f) To provide assistance on the basis of an independent assessment of needs, independent monitoring of distribution and unhindered humanitarian access to the sites;

(g) To provide assistance on case-by-case basis and, in each phase, according to a fresh assessment of needs;

(h) To require full and free access of human rights observers to the sites and the establishment within the Government of a forum to review their reports and take action.

B. Protection

38. Though some assistance is reaching the internally displaced, serious protection needs persist which have gone largely unaddressed. As a matter of priority, protection activities should be undertaken for the population remaining in the *regroupement* sites, where there are reports of widespread sexual abuse as well as harassment and extrajudicial killings. Moreover, attention must be paid so as to ensure that the dismantling of the camps is conducted in accordance with international standards and that conditions of safety exist in the areas of return. The importance of human rights monitoring in the camps, during the dismantling process and to assess conditions in areas of return was strongly underscored by the international and humanitarian community.

39. Protection activities, especially with a view to prevention, also should include cultivating a culture of respect for humanitarian and human rights standards among the armed actors as well as the wider civilian population. In this connection, mandated agencies such as the Office of the High Commissioner for Human Rights (OHCHR), UNICEF and the International Committee of the Red Cross (ICRC) should be encouraged to step up their respective activities of dissemination and promotion of international humanitarian and human rights law. OHCHR could also further this aim by intensifying its activities of technical cooperation, in particular to support the strengthening of the judiciary and of local NGOs. As for the Office of the United Nations High Commissioner for Refugees (UNHCR), although its current level of involvement is limited, it could also do more and indeed seemed ready to explore becoming more engaged.

C. Staff security

40. A message repeated during meetings with the diplomatic corps, the NGOs and the Government was that security Phase IV had lasted too long and was affecting the credibility of the United Nations and its ability to work in the country.

41. At the time of the mission by the Representative, there were several remaining conditions that needed to be met in order to revert to security Phase III in parts of the country. On the government side, the United Nations was still expecting the release of a report indicating the results of the investigation into the 1998 killing of a staff member of the World Food Programme (WFP). The Resident Coordinator a.i. indicated that he was confident that the Government of Burundi would soon issue the report. On the United Nations side, several steps needed to be taken. First, the United Nations security cell needed to be reconstituted. Second, security assessments of the country's provinces were under way and needed to be completed where security permitted United Nations Field Security Officers to conduct such exercises *in situ*. Third, security training for the United Nations country team, once it was reconstituted, needed to be undertaken. Progress on meeting these requirements was advancing, but needs to be accelerated. To this end, the Resident Coordinator/Designated Security Official a.i. was calling

for the dispatch of security officers on mission status to constitute the cell while the recruitment process for the permanent staff is under way. The assessments in the provinces were being delayed by security concerns, but the exercise was expected to be completed by the middle of February. The training was scheduled for the middle of March, although negotiations were under way to bring it forward.

42. On the last day of the visit of the Representative, the Designated Security Official a.i. received a fax from the Office of the United Nations Security Coordination (UNSECOORD) allowing overnight travel to certain of the provinces in the north (Ngozi, Muyinga, Karuzi and Kirundo) deemed to be safe subject to the presence of a professional United Nations Security Officer. The same fax allowed for the redeployment of international staff to the same provinces subject to notification of the appropriate security authorities.

43. Though the conditions for a return to a Phase III, where possible, appear likely to be fulfilled soon and the new instructions from UNSECOORD provide more flexibility for operations in the north, it must be noted that these developments will not change the mode of operations in key areas of the country as significantly as is hoped by several of the in-country partners of the United Nations. There is an expectation that when conditions for a return to Phase III in parts of the country are met, the United Nations will be able to function as it did before the October tragedy. However, conditions in the areas of the country where the majority of the internally displaced are located, such as Bujumbura Rural, Bubanza, Makamba and Rutana, are such that Phase IV procedures seem likely to remain in place even as other parts of the country revert to Phase III. Nonetheless, even in Phase IV, there are established security modalities that can be used by the United Nations country team in order to enable travel on a regular basis to areas outside of Bujumbura, wherever security permits. These security modalities are reflected in the memorandum on reinforced security protection of United Nations personnel signed with the Government on 20 January 2000. These need to be used more vigorously to allow for more frequent United Nations visits to the field.

D. Coordination and planning

44. At the institutional level, no single United Nations agency has an overall mandate to provide protection and assistance to internally displaced persons. In Burundi, the needs of internally displaced persons are being addressed through a collaborative framework based on the comparative advantages of the various humanitarian and development agencies and NGOs. However, a number of steps need to be taken in order to ensure an effective response. Existing coordination mechanisms need to be enhanced to ensure comprehensive and coordinated planning and provision of protection and assistance for internally displaced persons in general and the "regrouped" population in particular, whether still in the camps or returning home.

45. With regard to Bujumbura Rural, the Government and the humanitarian agencies agreed to use the existing coordination mechanism to come up with an overall plan outlining the needs of the populations returning home as well as those still remaining in the camps. It was also agreed that with regard to the broader internal displacement situation in the country, the coordination mechanism put into place within the Ministry of the Interior to address relations with the humanitarian community would be linked to existing United Nations and NGO mechanisms (OCHA and the NGO network RESO) to review needs and plan responses.

E. Resource mobilization

46. In Burundi, the cyclical nature of the violence, and hence of the displacement, has produced a certain degree of "donor fatigue". Furthermore, with regard to the response to the *regroupement* crisis, donors expressed some frustration over having to support humanitarian assistance to needs essentially created by a government policy. However, the Representative was also informed that thanks to the high visibility given to the *regroupement* problem because of the advocacy efforts undertaken at the international level, donors were becoming more forthcoming in their support.

47. To respond to the needs created by the *regroupement* policy, OCHA is currently facilitating an update of the 2000 Consolidated Appeals Process (CAP). It is critical for the international community to support this resource mobilization effort to allow the humanitarian community to respond effectively to the *regroupement* crisis. The humanitarian community will also need donor support to implement effectively its umbrella programme for addressing the needs of other vulnerable populations, including those who have been internally displaced for several years now and are still in need.

48. Another major concern raised during the mission is the reluctance on the part of donors to provide resources for activities that go beyond emergency sustaining assistance. Various interlocutors on the ground highlighted the fact that Burundi has never before been so close to a negotiated settlement of the conflict. Indeed, the President had just returned from peace talks in Arusha which appeared to have boded well for peace. The Representative underscored the need for the international community to support the Arusha peace process not only politically but also through longer-term structural support to address the root causes of conflict and reduce dependence on relief assistance. Doing so is essential to effective peace-building. The constructive engagement of the donor community, particularly the European Union, the World Bank, as well as bilateral donors, could make a positive contribution in this regard.

F. Capacity

49. Following the Rutana incident of October 1999 and the introduction of security Phase IV, the United Nations agencies were forced to reduce their presence in the country to essential staff only. Moreover, as activities were scaled down, a large number of NGOs were forced to close their country programmes. This combination of factors - lack of adequate human and logistical capacity as well as security - remains a serious constraint to an effective humanitarian response.

50. In addition to exploring the future possibilities for security Phase III involvement in certain areas, the Representative was informed that the United Nations country team was reviewing the number of international staff members that could be in the country under Phase IV in order to enhance its present capacity to respond to the pressing humanitarian needs. In this light, the Representative was encouraged by WFP's stated intention to launch a new six-month emergency operation and recruit an additional 35 staff. OCHA is also in the process of recruiting additional staff members to support humanitarian coordination and UNICEF has been filling several international staff vacancies. However, major gaps remain with regard to protection activities: the ICRC currently undertakes no activities on behalf of the internally displaced in Burundi and OHCHR has only four human rights monitors for the whole country.

OHCHR should urgently enhance its in-country capacity - human and logistical - to address effectively the critical issue of protection of the displaced and returning population.

51. The lack of stable leadership within the United Nations country team further hinders an effective humanitarian response to the displacement crisis in Burundi. Following the Rutana incident, the Resident Coordinator/Humanitarian Coordinator had to leave the country because of security considerations. The current Resident Coordinator/Humanitarian Coordinator a.i., who has been highly praised for his work, will be leaving shortly, creating once again a leadership vacuum within the country team. Accordingly, there is a need to identify in the shortest time possible a candidate to take up formally the position of Resident Coordinator/Humanitarian Coordinator and provide overall strategic leadership.

V. RECOMMENDATIONS

52. To be sure, addressing the plight of the internally displaced in Burundi, including those forcibly relocated into *regroupement* sites, poses considerable challenges for the international community. There are nonetheless a number of steps that, in the present circumstances, can be taken by the Government as well as by the international community to improve the conditions of the internally displaced. The Representative puts forth the following recommendations:

(a) The IASC and the wider international community should continue to advocate for the cessation of *regroupement* and the dismantling of all the *regroupement* camps. Additional visits by high-level United Nations officials should be undertaken as a means of continuing the dialogue initiated with the Government on these issues and especially of monitoring progress on the dismantling process;

(b) The Government and the international humanitarian community should jointly develop a comprehensive response strategy identifying the protection, assistance and reintegration needs of the “regrouped” populations and returnees as well as the measures and resources required to meet these needs;

(c) The Government is urged to communicate to the United Nations and NGOs the locations of the additional 13 sites to be dismantled in the second phase of the dismantling process. The Government should also be urged to include Kabezi on the list of the first camps to be dismantled, given the grave conditions in the camp and the hope generated among the camp population by the visit of the Representative. It should also give priority to those sites in remote locations and inaccessible to outside aid;

(d) The Government is called upon urgently to ensure that “regrouped” populations have full access to their agricultural fields at least four times a week, especially in order to enable them to plant crops during the current planting season which ends in mid-March;

(e) The Government and the international humanitarian community should continue to pay attention to the assistance, protection and reintegration needs of “non-regrouped” internally displaced persons;

(f) The international humanitarian community should compile comprehensive qualitative and quantitative information on the situation of internal displacement throughout the country and use this as a basis for planning a comprehensive and integrated response;

(g) The United Nations is called upon to fulfil the conditions required to review the maintenance of security Phase IV throughout the country;

(h) United Nations agencies should make greater use of existing modalities for operation (i.e. under security Phase IV) in order to undertake more frequent visits to camps and settlements of internally displaced persons as well as areas of return;

(i) Donors are requested to provide support to enable the international humanitarian community to respond to the assistance, protection and reintegration needs of the “regrouped” populations, other internally displaced populations and returnees;

(j) Donors are also requested to seek ways to engage constructively in Burundi on a longer-term basis in support of the peace process;

(k) There is a need to link humanitarian dialogue and assistance with the peace efforts and confidence-building measures through exchange of information and joint participation in relevant activities.

VI. CONCLUSION

53. Finally, it should be reiterated that as the Government had declared the policy of dismantling the camps, the climate during the mission of the Representative was conducive to constructive dialogue to secure the accelerated implementation of that policy and the encouragement of international cooperation in providing humanitarian assistance to the affected populations. What is now required is to sustain the momentum for dialogue and cooperation on behalf of those still in *regroupement* camps, those whose camps have been dismantled, and other internally displaced populations who still need protection and assistance from the authorities and the international community.

Notes

¹ The Representative was accompanied by his Assistant in the Office of the High Commissioner for Human Rights, the UNICEF Senior Regional Emergency Adviser for the Great Lakes and a Humanitarian Affairs Officer of OCHA-NY, all of whose inputs are reflected in this report. The Representative is grateful to UNICEF for having covered his and his Assistant’s mission costs.

² See Profiles in Displacement: Burundi. Report of the Representative of the Secretary-General on internally displaced persons (E/CN.4/1995/50/Add.2).

³ *Regroupement* also occurred in 1996. The dismantling of these sites began in 1997.

Annex I

**INTER-AGENCY STANDING COMMITTEE POLICY ON FORCED
RELOCATION (“REGROUPEMENT”) IN BURUNDI**

Definition

1. Forced relocation in Burundi, known as “*regroupement*”, involves the massive forced movement of entire communities to sites at varying distances from their homes. These sites typically lack all basic services, are sometimes on the sides or tops of steep hills and, while officially administered by civilian authorities, are in practice under the control of military units. In many cases communities have been moved with no prior notice, in the middle of the night, and are allowed to take only what they can carry. Their homes are then often looted.

Legality of the action

2. The Government has claimed that its policy is in conformity with article 17 of Additional Protocol II to the Geneva Conventions (which allows for the forced movement of populations when the security of the civilians involved or imperative military reasons so demand), and that it is intended to protect the population from attacks by rebel forces. However, the stringent conditions which must be met under article 17 by the Government of any country carrying out the forced movement of populations have clearly not been met in the present case, and the action of the Government of Burundi is therefore illegal under international law. It is therefore also not in conformity with the Guiding Principles on Internal Displacement (presented to the United Nations Commission on Human Rights in 1998).

Humanitarian impact of the policy

3. Since 20 September 1999, some 330,000 people living in the province of Bujumbura Rural have been forcibly relocated by the Government into 53 sites. The impact of this action on the affected populations has been disastrous. The Government failed to make provision for food, water and shelter for those relocated to the sites. This resulted in widespread suffering involving psychological trauma, as these people, already among the poorest of the population, have been placed in sites with no access to basic services. The Government’s claim that it was the responsibility of the international community to assist the affected people was unacceptable, and was rejected.

United Nations response to the policy

4. On 6 October 1999 the Secretary-General called on all parties involved in the conflict, both Government and rebel forces, to end all attacks on the civilian population and to abide by international humanitarian law and principles. He expressed extreme concern about the massive forced displacement of the population in Bujumbura Rural, and called on the Government and all other parties whose actions had given rise to the situation to end the armed conflict and to take measures to ensure that the families could return to their homes as soon as possible.

IASC policy towards forced relocation in Burundi

5. In 1997, in response to similar action by the Government of Burundi in other provinces, the IASC adopted the policy proposed in a memorandum of 27 February 1997 from Martin Griffiths to the then Emergency Relief Coordinator, Mr. Akashi. This policy, while vigorously denouncing the Government's action, agreed to the provision of "life-sustaining" assistance by the international community, subject to certain specified conditions.

6. Faced with a similar situation, the IASC reiterates its strong opposition to the policy of forced relocation. In the view of the IASC this policy cannot be justified. This policy is being implemented in Burundi without regard for the rights and well-being of those affected. The IASC holds the Government responsible for the humanitarian consequences of this action.

7. The IASC notes the pledge of the Government to start dismantling the relocation sites. It supports an ordered dismantling of the camps and calls on the Government to engage in a dialogue with the United Nations and other humanitarian organizations with a view to facilitating the voluntary return of the affected populations within the shortest possible time-frame and encouraging the development of durable solutions for those affected. These solutions should be identified with the full consent of those affected and would involve either return to their homes, or, in exceptional cases, settlement in other permanent sites freely chosen by the individuals concerned.

8. In response to a firm commitment by the Government to work towards an end to the forced relocation policy, the agencies of the IASC agree to seek resources from the international community for humanitarian aid to those affected by the policy, subject to the following conditions:

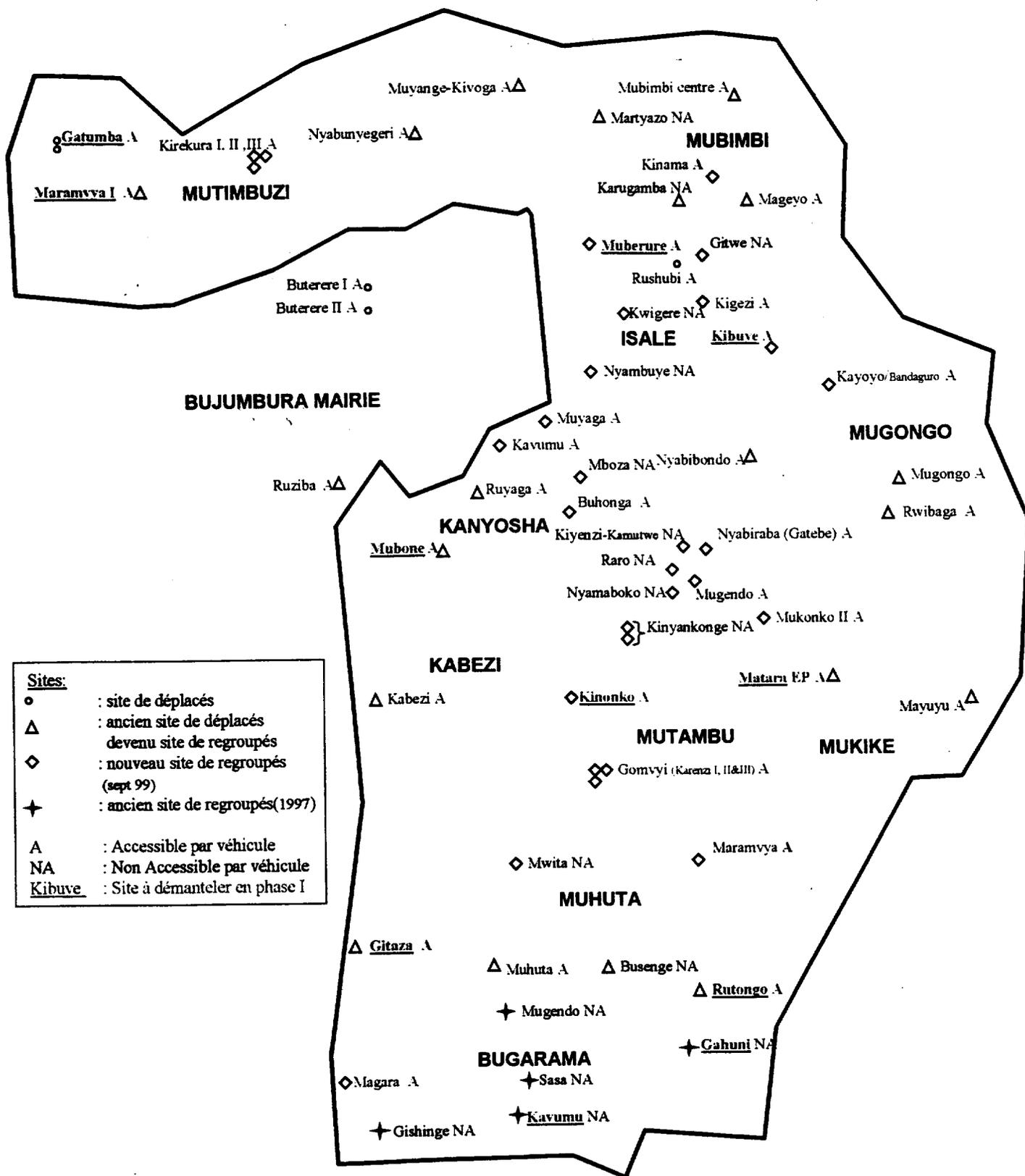
- (i) Assistance in the relocation sites should be limited to what is considered "life-sustaining", i.e. food, essential health services, water and sanitation. Exceptions would be (a) assistance in the form of seeds, tools and fertilisers for those with regular access to their land (access to the land for planting in February is particularly important); (b) assistance in the form of educational supplies where the communities are able to organize schooling for children.
- (ii) Assistance should, to the extent possible, be provided in support of a planned reintegration process of the affected populations, i.e. the voluntary return of those relocated to their homes, or, in exceptional cases, the planned settlement of communities in new sites, when specifically requested by the individuals concerned. Assistance for returnees and those being resettled should be provided alongside support for host communities.
- (iii) No assistance should be provided for the creation of permanent structures in the sites, except where required for efficient delivery of water and sanitation.

- (iv) Emphasis should be placed on ensuring access by internally displaced persons to, and assistance for existing local services which are still able to serve the needs of their communities, particularly, for example, assistance to local health centres and schools.
- (v) No assistance should be provided to assist in the creation or administration of the camps.
- (vi) Assistance should be provided on the basis of an independent assessment of needs, independent monitoring of distribution and unhindered access of humanitarian workers to the sites.
- (vii) Assistance should be provided on a case-by-case basis, with each stage of assistance dependent on a fresh assessment of needs.
- (viii) Full and free access of human rights observers to the sites must be ensured, to allow them to monitor and report any abuses which may occur there. A forum in which these reports can be reviewed and action taken should be established by the Government.

3 February 2000

BUJUMBURA-RURAL

Démantèlement des sites. Phase I



* Les communes les plus touchées par le regroupement sont Kanyosha puis Mubimbi et Kabezi; ensuite viennent les communes de Isale et Mutambu.

10/02/2000