



# Security Council

Seventy-second year

**7895**<sup>th</sup> meeting

Thursday, 9 March 2017, 11.15 a.m.

New York

*Provisional*

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<i>President:</i>	Mr. Rycroft . . . . .	(United Kingdom of Great Britain and Northern Ireland)
<i>Members:</i>	Bolivia (Plurinational State of) . . . . .	Mr. Llorentty Solíz
	China . . . . .	Mr. Shen Bo
	Egypt . . . . .	Mr. Kandeel
	Ethiopia . . . . .	Mr. Alemu
	France . . . . .	Mr. Delattre
	Italy . . . . .	Mr. Cardi
	Japan . . . . .	Mr. Bessho
	Kazakhstan . . . . .	Mr. Umarov
	Russian Federation . . . . .	Mr. Iliichev
	Senegal . . . . .	Mr. Ciss
	Sweden . . . . .	Mr. Skau
	Ukraine . . . . .	Mr. Yelchenko
	United States of America . . . . .	Mr. Klein
	Uruguay . . . . .	Mr. Bermúdez

## Agenda

The situation in Burundi

Report of the Secretary-General on Burundi (S/2017/165)

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*The meeting was called to order at 11.15 a.m.*

### **Adoption of the agenda**

*The agenda was adopted.*

### **The situation in Burundi**

#### **Report of the Secretary-General on Burundi (S/2017/165)**

**The President:** In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Burundi to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite the following briefers to participate in this meeting: Mr. Jamal Benomar, Special Adviser to the Secretary-General; His Excellency Mr. Benjamin William Mkapa, East African Community Facilitator of the Inter-Burundi Dialogue and Former President of Tanzania; and His Excellency Mr. Jürg Lauber, Permanent Representative of Switzerland to the United Nations, in his capacity as the Chair of the Burundi configuration of the Peacebuilding Commission.

Mr. Mkapa will be joining the meeting via video-conference from Entebbe.

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

I wish to draw the attention of Council members to document S/2017/165, which contains the report of the Secretary-General on Burundi.

I now give the floor to Mr. Benomar.

**Mr. Benomar:** I am grateful for the opportunity to present the Secretary-General's report on Burundi (S/2017/165). This is the first written report pursuant to resolution 2303 (2016), and it provides a comprehensive picture of the situation in the country. The report is very factual and those facts speak for themselves.

First of all, the human rights situation remains extremely worrying, and has in fact been worsening. During the reporting period, the Office of the High Commissioner for Human Rights (OHCHR) documented allegations of serious human rights violations and abuses, including extrajudicial killings, arbitrary arrests and detentions, forced disappearances, cases of torture and ill-treatment, allegations of illegal places of detention, and restrictions on freedom of

association, expression and movement. OHCHR noted an increase in allegations of enforced disappearances, with more than 210 allegations received from October 2016 to January 2017 alone. Many Burundians live in fear as a result of widespread repression and increasing intimidation by the Imbonerakure, the ruling party's youth militia. Members of opposition political parties and perceived opponents reportedly continue to be victims of arbitrary arrest, detention, ill-treatment and enforced disappearance.

Secondly, the humanitarian situation continues to deteriorate. In 2016, the number of people in need of humanitarian assistance reached 3 million, or 26 per cent of the population. There has been a fourfold increase in the number of people who are food insecure. According to the World Health Organization, 8.2 million Burundians, or 75 per cent of the country, were affected by malaria in 2016. Since the beginning of the crisis, almost 390,000 Burundians have fled the country. We commend the neighbouring countries for their generosity in hosting these refugees. The Office of the United Nations High Commissioner for Refugees projects that the number of refugees will reach 500,000 by the end of the year.

The third key message of the report is that the political impasse in the country continues. Nearly two years have passed since the beginning of the political crisis in Burundi, which was sparked by President Pierre Nkurunziza's decision to run for a third term in office. Since then, the political impasse has only deepened. Political space has been narrowed further through repression.

I commend the mediator, President Museveni, and the facilitator, former President Mkapa, for their leadership and stand firmly behind their efforts. It is disappointing that despite their dedicated engagement, there has been no significant progress in the dialogue process led by the East African Community (EAC). The latest round of talks in Arusha was boycotted by the Government. Until today, the two sides have not sat around the same table.

The United Nations will continue to provide its full support to facilitator Mkapa. In this context, the establishment of a joint technical working group marks a positive enhancement of the collaboration among the EAC, the African Union (AU) and the United Nations. Yet, no progress will be achieved without all Burundian stakeholders committing in good faith to

an inclusive dialogue process without preconditions. The full political weight of the region and international community is needed to achieve progress.

While the EAC-led dialogue has not advanced as hoped, the internal dialogue process led by the Government-established Commission Nationale de Dialogue Inter-Burundais (CNDI) is close to completion. The interim report of the CNDI reaches a number of sweeping conclusions that have the potential to undermine the Arusha Agreement, including that the majority of citizens demand an end to presidential term limits and are in favour of amending the Constitution. Opposition leaders and civil society groups have raised concerns that the CNDI process is not inclusive, that it is controlled by the Government and that its objective is to produce a predetermined political outcome.

In that context, the report highlights the risks associated with the prospect of constitutional reform and the potential abolition of presidential term limits under the current circumstances. While Burundians have the sovereign right to amend their Constitution, in accordance with their own laws, it was President Nkurunziza's decision to seek a disputed third term of office that triggered the country's most severe crisis since it emerged from a bloody civil war more than a decade ago.

Burundi is still suffering from the electoral crisis of 2015 and continues to face multifaceted challenges, including ongoing serious human rights violations and abuses, mass displacement of people and economic degradation. Any attempt to seek constitutional amendments to allow the President to stand for another term in office would, in the current political climate, intensify the crisis and undermine collective efforts to find a sustainable solution to the current situation.

The report also provides an update on the implementation of resolution 2303 (2016), which the Council adopted on 29 July 2016. Unfortunately, there has been no progress in that regard. On the contrary, the period since the adoption has seen a continuous deterioration in the Government's relations with the international community.

As detailed in the report, the Government has categorically refused to allow for the implementation of all key aspects of resolution 2303 (2016). That includes the deployment of the United Nations police component, enhanced human-rights monitoring, the strengthening of the Office of the Special Adviser and cooperation

with African Union observers. The Government has also decided to withdraw from the Rome Statute of the International Criminal Court, suspend cooperation and collaboration with the Office of the United Nations High Commissioner for Human Rights and has refused to cooperate with the Commission of Inquiry mandated by the Human Rights Council.

Reduced cooperation with the United Nations system is undermining efforts to find a peaceful solution to the crisis and to assist a population in growing need. We have tried our utmost to constructively engage with the Government and support the people of Burundi in their search for peace and stability. We engaged quietly, refrained from public criticism and encouraged modest, small steps to build confidence between the parties. Despite that moderate approach, the doors to engagement and cooperation have been largely shut by the authorities.

The report of the Secretary-General calls on the Burundian leadership to fulfil its moral obligation and political responsibility to return the country to the path of peace. I am convinced that most Burundians, including many in the Government and the ruling party, do not want to continue on the track of international isolationism, violence and repression. The international community must do its part to support those who seek a peaceful resolution of the crisis. The United Nations will always remain committed to helping the people of Burundi, and we look to the Council for further guidance on the way forward.

**The President:** I thank Mr. Benomar for his briefing.

I now give the floor to Mr. Mkapa.

**Mr. Mkapa:** I wish to begin by congratulating you, Sir, on assuming the presidency of the Security Council for the month of March. I am indebted to the Council for giving me this opportunity to update it on my work as Facilitator of the inter-Burundian dialogue.

Let me start by saying that, after the Heads of State of the East African Community appointed me Facilitator in order to contribute to the efforts of the mediator, President Museveni, to reach a peaceful solution to the crisis in Burundi, I have seen myself as someone who helps the parties to this crisis to get together and reach common ground peacefully. I was told that there should be no conditionalities with regard to who I meet, and that the objective was to reach a sustainable and peaceful solution. It was quite clear in

my mind that the task of facilitation was not the task of conferencing. I have therefore not been leading a constitutional conference on Burundi. Instead, I have been trying to facilitate a process in which the political parties are brought together with a view to ensuring that they can resume the spirit and the dictates of the Arusha Agreement — to which all of them are signatory — and the Constitution — which they all adopted together — so that we can avoid any further failures in the future.

I have encountered the following problems. On the one hand, the Government and the parties that are perceived as being supportive of the Government agree that the Arusha Agreement and the Constitution must serve as the basis for any solution. However, they say that much of that has already been achieved because the Constitution is being implemented fully and the spirit of the Agreement is being pursued. On the other hand, it is the view of the political opposition — both the internal and the external groups — that the Government has usurped the political space in which to undertake the political work in and governance of the country. That is the situation.

The other point that has emerged from the consultations is that each side claims to be the custodian of the Arusha Agreement and the Constitution. The tendency is to see the members of the other side as the criminals, and therefore as the ones that should receive the wrath of the State or the power of the international community. We see, therefore, that this is a situation in which the two parties are almost irreconcilable.

I tried to talk to each of the major political parties over four different sessions. I did not call a meeting. We did not meet in the same place. We did not meet in the same room, let alone sit at the same table. However, I met with the political parties. I met with representatives of civil society organizations, youth and women's organizations. I met with religious leaders, separately, and listened to them. Believe me when I say that I was lectured beyond imagination. One would have thought I was the culprit in the matter. However, I listened to them because I wanted to know what difficulties stood in the way of reaching an agreement.

After the first meeting, I asked them to reflect further. I met with them a second time in Arusha. There were some who did not want to come to Arusha in the first instance because they thought that would prejudice the impending discussions or that we were suggesting

the Arusha Agreement had been abandoned. But there are those who say that we must meet in Arusha to reaffirm the spirit of the Agreement. As such, I called them. Some of them came, others did not.

The third time I met them in Bujumbura, the capital. Again, I spoke to all of them separately, and listened to them in order to see whether they had reflected further on the situation they had outlined to me. Finally, having listened to all these groups, I decided to go to the political parties that I thought would be decisive in the implementation of any agreement reached — that is, the major political parties, both internal and external. Also, I took in political leaders or political actors of consequence and influence. That group included three former Presidents, former Assembly and Senate Presidents, former party leaders and so on. I called them to Arusha for the last time, which was last month, in the hope that I could get them to talk to each other at least. To facilitate that, I outlined the four principal areas that, in my view, constitute major areas of discussion. First was the political situation in the country: what are the political obstacles that are pulling them apart? Secondly, what were the constitutional obstacles that were pulling them apart? Thirdly, what were the economic and humanitarian positions that were keeping them apart? And, finally, I asked, what are the security issues? The security issues are particularly relevant to the external opposition, who felt that they could not go back for fear of their lives or for fear that they would not be able to operate politically in safety.

This time I asked them to give me their maximum demands and their minimum requirements, in writing. That is what I did this past month. They have done so. But before that, I had asked the Government of Burundi, through the Chairman of the East African Community (EAC) Summit, the President of Tanzania, my own President; through the mediator; and through the President of Kenya, President Uhuru Kenyatta, to talk to the Government of Burundi, in order to suspend the arrest warrants against some of these political actors of substance and influence, so that they could come to Arusha and be part of the consultations.

Unfortunately, the Government did not take this request very well at all. The Government delegation did not show up and Arusha, and they told me why: because, they said, they do not want to meet these people who are under arrest warrants, and although I had said that it would not include anyone who could be directly associated with the attempted coup of 2015, they said,

no, this is enough to keep us away from Arusha, so they did not come.

But what gave me solace was that the ruling party came to Arusha this time. I gave them the documents, and they gave their responses in writing. In substance, the parties are still very far apart. They both affirm the Arusha Agreement and the Constitution arising therefrom, but each one claims to be the exclusive implementer of the Arusha agreement, that the others have abandoned it and they are the ones who are legitimate. Clearly, they are so far apart that it is difficult to bring them together.

What I decided, therefore, was that, while I was looking at the recommendations and the written responses to the questions I had raised, I would ask the Heads of State for an emergency summit meeting to give impetus to the two sides, so that they could now really think seriously about getting together and discussing these issues. I reported back to the Chairman of the East African Community Summit and to the Mediator, and I told them that now, in order to get anything done, they really had to get together and push both sides to seriously get down to the basic issues and to reach out to each other and see if they can find common ground.

I have done so, but they said, well, the next summit is only three weeks away, so we cannot have an immediate special summit. I am hoping, therefore, that at the next summit, which will be in three weeks' time, I will be able to raise these issues and argue the case for direct political intervention with both sides to make them be agreeable to getting round that same table. This is what I hope to do.

Meanwhile, my team and I are analysing, with the help of the United Nations and the African Union — that is a technical team — those responses and try to distil or synthesize a common position that could break this impasse. I still believe that it can be done; I still believe that the neighbours can have influence; I still believe that we really have no option except to continue being engaged, because Burundi is our neighbour, and one cannot choose one's neighbouring country. It is there, and therefore we have to be part of the efforts to find a solution to the crisis. That is where we are.

I wish to take this opportunity to thank Ambassador Fall and Ambassador Benomar and the African Union and the United Nations for their support. I wish also to thank the European Union, because it has been very instrumental not only in helping us to continue talking,

but also in financing this process. I hope that it will continue to support us in that effort.

I thank you, Mr. President, for this opportunity. I am prepared to listen to and answer any questions that may be posed to me.

**The President:** I thank Mr. Mkapa very much for his briefing.

I now give the floor to Mr. Lauber.

**Mr. Lauber:** I thank you, Mr. President, for this opportunity to brief the Council on the activities of the Burundi configuration of the Peacebuilding Commission.

The following statement has been approved in consultation with the 54 members of the configuration, including the country concerned, Burundi. The full version has been shared with the members of the Security Council.

In their most recent meetings, the members of the configuration heard reports by various United Nations entities, all of which underscored that the situation in Burundi requires sustained attention and support from international partners:

We heard reports by human rights monitoring mechanisms on the situation of public security and human rights, including on acts of violence and violations of human rights, as well as on pressure on civil-society organizations and human rights defenders.

We were briefed by United Nations Special Adviser Jamal Benomar on the ongoing political impasse, including the lack of confidence between the Government and the opposition, on the situation of the media, as well as on national, regional and international efforts to find a political settlement of the crisis. We also learned from the World Bank, the International Monetary Fund and the United Nations country team about the deteriorating socioeconomic situation.

Regarding the socioeconomic situation, the then United Nations Resident Coordinator in Burundi, Mr. Paolo Lembo, and I convened Burundi's main multilateral partners on 7 and 8 November 2016 near Geneva for a socioeconomic consultation. The World Bank, the African Development Bank, the International Monetary Fund, the United Nations country team and the European Union participated in those consultations.

The participants shared the view that Burundi is currently experiencing severe macroeconomic

difficulties, which are reflected in a negative growth of the gross domestic product in 2015 and 2016. Food insecurity affects a much larger part of Burundi than in 2015, and consumer prices are on the rise.

Participants identified food security and agriculture, health and education as the sectors that are most seriously affected by the current situation. Besides these sectors, the need for broader macroeconomic engagement in Burundi was emphasized, since decreasing fiscal revenues, partly related to decreased investments and direct budgetary support, put the national budget under pressure.

In view of these economic indicators, Burundi's partners showed continued readiness to address the needs of the population and to prevent a further deterioration of the socioeconomic situation.

While recognizing the importance of the contribution of Burundi in African Union and United Nations peacekeeping operations, members of the configuration expressed concerns about the signals of disengagement sent from the Government of Burundi to their regional and international partners, for instance by suspending the cooperation with the Office of the High Commissioner for Human Rights.

We welcome the fact that the Government of Burundi transmitted, on 24 February, to the Office of the High Commissioner in Geneva a draft agreement between the Republic of Burundi and the United Nations concerning the establishment of an office of the High Commissioner in Burundi.

Nevertheless, I am personally afraid that, faced with the current situation, the international partners may decide to disengage vis-à-vis the Government and the people of Burundi.

Peacebuilding in Burundi requires a long-term vision and sustained efforts. Abandoning Burundi now would mean wasting past efforts and putting the country and its people at risk of recurring conflict. While the primary responsibility for the well-being of the Burundian people lies with the Government of Burundi, the international partners must maintain their support for the current efforts aimed at reaching a peaceful settlement of the crisis in Burundi.

I would therefore like to invite Burundi's regional and international partners, in particular the relevant parts of the United Nations system, to maintain and, where possible, step up their support in the

areas of peace and security, human rights, political reconciliation and institution-building, as well as with regard to humanitarian aid, socioeconomic development and preparations for credible, peaceful and democratic elections in 2020.

At the same time, I invite the Government of Burundi to recognize its partners' goodwill and to facilitate the efforts of the EAC, the AU and the United Nations in engaging with Burundi to advance the inter-Burundian dialogue and to strengthen the cooperation with both the AU and the United Nations. I welcome any efforts at reconciliation within Burundi, as well as ongoing dialogue inside and outside the country, in particular the efforts of the EAC Facilitator. In that regard, I wish to reassure President Mkapa of the continued support of the Burundi configuration of the Commission for his work.

I am planning to travel to Burundi from 27 to 31 March in order to get a first-hand impression of the situation on the ground, meet with the Government opposition and civil society, pursue the socioeconomic dialogue and brief the Government on my continuous conversation with Burundi's partners. I see the continuation of the socioeconomic dialogue not only as an opportunity to address the socioeconomic challenges, but also as a means to increase confidence between the Government and its international partners. I will keep the Security Council informed about my visit to Burundi and about the configuration's further engagement, as per established practice.

**The President:** I thank Mr. Lauber for his briefing, as well as all three briefers for their respective briefings and for adhering to the time limit.

The representative of Uruguay has asked for the floor to make a statement.

**Mr. Bermúdez** (Uruguay) (*spoke in Spanish*): Allow me, first of all, to express my gratitude for the briefings by the Special Adviser of the Secretary-General, Mr. Jamal Benomar; the former President of the United Republic of Tanzania, Mr. Benjamin William Mkapa, in his capacity as East African Community Facilitator of the inter-Burundian dialogue; and Ambassador Jürg Lauber, in his capacity as the Chair of the Burundi configuration of the Peacebuilding Commission.

Uruguay is concerned about the situation in Burundi, which has not yet recovered from the electoral crisis of 2015 and continues to face numerous

challenges, in particular serious and persistent human rights abuses and violations, economic deterioration and the mass displacement of the population. In that regard, we urge all Burundian parties concerned to put their country's interests above their own and commit in good faith and without preconditions to a genuine inclusive and credible dialogue based on respecting the Arusha Agreement. It is worth repeating, time and again, that dialogue is the only way to resolve political differences in a peaceful way.

For more than two decades, the United Nations has been working closely with Burundi in search of a more solid and stable future for the country. We are concerned that, for various reasons, cooperation between Burundi and the United Nations is currently not at its optimum level, particularly after the suspension of cooperation with the Office of the United Nations High Commissioner for Human Rights and other difficulties experienced with the Office of the Special Adviser in the country.

We believe that it is imperative to restore mutual trust between the Government of Burundi and the United Nations system, which will allow efforts for the development and stability of the country and the well-being of its population. In that vein, we call for a renewed commitment between the United Nations and Burundi shaped by concrete actions such as the signing of a status-of-mission agreement with the United Nations, allowing the Office of the Special Adviser to operate freely, and the conclusion of the agreement for the resumption of activities of the Office of the United Nations High Commissioner for Human Rights in Burundi.

Lastly, I should like to say that, if we do not act decisively and immediately through an inclusive dialogue, the suffering of the population will intensify and we will run risk of unravelling more than a decade's work of peacebuilding in the country.

**The President:** I now give the floor to the representative of Burundi.

**Mr. Shingiro** (Burundi) (*spoke in French*): As this is this first time that I take the floor under your presidency, Sir, on behalf of my delegation, I would like to express my sincere congratulations on your assumption of the presidency of the Security Council. I also wish to welcome the presence of Mr. Benjamin William Mkapa, East African Community Facilitator of the inter-Burundi dialogue and former President of

Tanzania, to whom we renew our trust and full support. I should also like to thank the Secretary-General for his first report (S/2017/165) on the situation in Burundi, even though my delegation is not in agreement with some of its assertions and shortcomings.

Among other things, the report refers to what he called the intention of the current President to seek a so-called fourth term of office, thereby forgetting that constitutional matters fall exclusively under the sovereignty of States Members and that of their peoples. My delegation would like to recall that the current President is exercising his second term of office in accordance with the judgment of the Constitutional Court of the Republic of Burundi delivered on 4 May 2015 and that of the Court of the East African Community delivered on 19 July 2015, which both confirmed the legality of the candidacy of President Pierre Nkurunziza in 2015. Moreover, my delegation believes that referring to a fourth term of office that the President has not announced is indicative of the double standards of which Burundi has been a victim since 2005, because no such concern has ever been raised by another United Nations authority with regard to cases of fourth, fifth, sixth or even seventh terms of office that have been seen almost everywhere else in the world.

In paragraph 20, the report also recklessly uses the word "militia" to characterize the youth group affiliated with the ruling party. The choice of that word is inappropriate because it falls outside the lexicon that has already been agreed in the Security Council. Dating from resolution 2248 (2015), and extending to resolutions 2303 (2016) and 2279 (2016), the Council has never used that heavily charged word, preferring on each occasion to use careful and balanced language to designate young people affiliated with political parties without singling out a specific group of young people according to certain criteria.

Furthermore, the report refers to cases of forced disappearances in Burundi. It should be recalled here that that phenomenon is a global threat from which no nation, unfortunately, is spared. The statistic of more than 200 cases in connection with that allegation was cited without supporting evidence or serious investigations, and did not take into account the cases of young people who have fled the country to undergo paramilitary training in a neighbouring country and who have been intentionally declared missing. Of the more than 150 young people handed over by the Democratic Republic of the Congo to the Government

of Burundi, some of them were on the list of missing persons. Caution, therefore, must be exercised before levelling such an allegation.

I will not go into the details of the report, as the time allotted to me is too short. Everyone has received a comprehensive document that contains our comments and observations in connection with the report. I will now quickly skip to the political, security and human rights situation in Burundi.

On the political level, the Commission nationale de dialogue interburundais continues as normal both at home and abroad. At the external level, we commend the outstanding work of the Facilitator of inter-Burundi dialogue, His Excellency Mr. Benjamin William Mkapa, who just organized the fourth dialogue session in Arusha, United Republic of Tanzania, which took place from 16 to 19 February. We reiterate our confidence in, and support for, his work. The Government of Burundi remains committed in a spirit of good faith to that process in an inclusive manner, with the exception, of course, of the coup leaders of 13 May 2015, who today are on the run and under the protection of certain United Nations States Members.

From the security perspective, while we recognize the several challenges that continue to require our attention, the situation on the ground is apparent, which no one can deny. The overall security situation throughout the country is good.

With regard to human rights and imprisonments, several hundred prisoners have been released since 2015. In 2017, 2,500 prisoners benefited from a presidential pardon granted at the end of 2016. Among those, 2,246 have already rejoined their families.

With regard to freedom of expression, 20 public and private local radio stations, 4 community radio

stations, 7 radio stations broadcasting on the territory of Burundi, 2 local news agencies, 24 public and private periodicals, 17 Internet sites and 12 associations and professional bodies of the press are operational. In addition to these private radio stations, international radio stations include Radio France Internationale, the Voice of America and Deutsche Welle.

As regards the freedoms of assembly, opinion, association and religion, the Government has already approved more than 6,500 non-profit associations, of which more than 100 have been approved since January 2016. Fifteen non-profit organizations that had been under investigation since the failed coup d'état of May 13 2015 were authorized to reopen.

With regard to cooperation between the United Nations and Burundi, my Government's great concern is to strengthen and perpetuate our relations with the United Nations. In order to ensure the presence of the United Nations in the field of human rights, a draft cooperation agreement with the Office of the High Commissioner for Human Rights is under discussion between the two parties. The Office of the Special Adviser to the Secretary-General is also functioning. We eagerly await the appointment of another United Nations official to lead the Burundi dossier and expedite the signature of the framework for cooperation between Burundi and the Office.

We commend the fruitful cooperation with the Burundi configuration of the Peacebuilding Commission, led by the Ambassador of Switzerland, my colleague Jürg Lauber.

**The President:** I now invite Council members to informal consultations to continue our discussion on the subject.

*The meeting rose at 11.50 a.m.*