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BRIEFING NOTE ON THE SITUATION IN BURUNDI

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I. INTRODUCTION

1. The transition provided for under the Arusha Peace and Reconciliation Agreement on Burundi of August 2000 was completed with the establishment of new institutions, at the end of a series of five polls: constitutional referendum, municipal, legislative, parliamentary and presidential elections. A new political order emerged, characterised by spectacular changes. The new Burundian institutions are based on balances (ethnic and gender) defined beforehand by the Constitution; in the same vein, we witnessed the emergence, through the ballot box, of leaders from a former armed political movement.

2. Indeed, the CNDD-FDD of Pierre Nkurunziza, the newly elected President of the Republic, dominates the post-transition institutions (Community Councils, the National Assembly, Senate and the Government). However, all components of the Burundian population are represented in these institutions in proportions determined by the Constitution¹. The implementation of new constitutional provisions and the extent of the political space won by the CNDD-FDD, resulted in the following configuration:

- The CNDD-FDD has the majority at local and national level, with the following seats:
 - 1781 out of 3225 municipal council seats, that is a total of 55%;
 - 64 out of 118 members of parliament, that is 54%;
 - 32 out of 49 senators, that is 65%.
- Only six (6) of the country's thirty-five (35) political parties are represented, in the following order, and after the CNDD-FDD²:
 - FRODEBU, which constitutes the second political power in the country, although lagging far behind the winning party;
 - UPRONA, former sole party;
 - the CNDD of Léonard Nyangoma, who instigated the rebellion starting from 1993,
 - the MRC, born during the transition; and
 - PARENA of the former President of the Republic, Jean-Baptiste Bagaza.

¹ For the record, the Constitution stipulates that:

- the National Assembly shall be made up of 60% Hutu, 40% Tutsi and three representative co-opted from the Twa minority. Women shall hold 30% of the seats;
- Senate shall comprise 50% Hutu and 50% Tutsi. The Twa minority shall be represented by three co-opted senators and women shall constitute 30% of the members;
- the Municipal Councils shall be presided by 67% Hutu, the rest of the seats shall go to the Tutsi;
- the Executive shall be made up of 60% Hutu, 40% Tutsi and 30% women.

² It should be noted that the PARENA is represented only in the municipal councils while the MRC obtained two (2) parliamentary seats, apart from its 88 municipal councillors.

- A shift occurred, from a system characterised by the domination of the Tutsi minority, to a system marked by the emergence of a new, more representative political class. This is evidenced, for instance by the composition of the Government in which the Hutu occupy 55% of the twenty (20) ministerial posts, while 45% of the posts are occupied by the Tutsi and 35% by women. Furthermore, it should be noted that the MSP-Inkinzo party, which is not represented at all at national level, and the MRC party which only obtained the required 5% at national level, each have a ministerial post.

3. The new political order, but above all, the prospect of change embodied by the CNDD-FDD, raises great hope. However, the much-desired new era is fraught with challenges. Among the challenges, which the new Government will have to face, in particular, the continuation and completion of the security sector reform, the launching of reconstruction and economic recovery, should be noted.

4. Officially launched on 2 December 2004, DDRR operations culminated on 15 August 2005, in the demobilization of 16,491 former combatants of the rebellion and ex-FAB (Forces armées burundaises) and the integration of 9,240 former combatants of the Force de Défense Nationale (FDN). Although plans for the integration of the FDN and the Burundi National Police (PNB) are not yet available, the integration is underway. While welcoming the deployment of the new police force throughout the national territory contributed to the smooth conduct of the municipal and legislative elections, the fact remains that this integration is being carried out with some difficulty linked to logistics and the training/re-orientation of new elements. With regard specifically to the police, the need to train the newcomers, former combatants or ex-FAB, for police work is an acute problem. The Government is aware of the problem and has appealed to friendly countries and the international community for assistance.

5. Concerning the disarmament of the civilian population, an operation which includes the former government militia known as « police officers » and the former militia of the CNDD-FDD, otherwise known as « combatant militia », there is still a lot to be done. The demobilization of police officers, which began on 6 July 2005 with the payment of allowances to the persons concerned, was unfortunately suspended because the competent authorities do not have reliable lists. As at 18 July 2005, only 808 police officers had been demobilized.

6. Finally, the mandate of the Joint Ceasefire Commission (JMC) ended on 31 July 2005. It was proposed that it be replaced by a Technical Committee in which each former armed movement and political party (CNDD-Nyangoma, CNDD-FDD, Kaze-FDD, FROLINA, FNL-Icanzo, Palipe-Agakiza), the former FAB and the National Police would be represented. The proposal was submitted to the Government for approval.

7. Another difficulty lies in the signing of the Ceasefire Agreement between the Government of Burundi and the Agathon Rwasa's Palipehutu-FNL. It should be recalled that the most recent attempt, namely the Dar-es-Salaam meeting of Technical Committees (Government and Palipehutu-FNL), from 6 to 14 June 2005, did not yield the expected results, despite the support of the AU and the UN, which participated in the deliberations of the Technical Committees, together with the representatives of the

United States of America and the Netherlands. To date, appeals for dialogue made to the Palipehutu-FNL by the new authorities as well as the international community, have met with no response. It should be noted that the new Government has made negotiations with Agathon Rwasa's movement one of its top priorities.

8. Due to the combined effects of drought and war, poverty in Burundi continues to increase, leading to the resurgence or appearance of social tensions. As a result there have been repeated strikes, particularly in the health and education sectors. Among the disaster victims and repatriated persons, an increasing number of voices are raised to demand land, or even to denounce despoilers. The repatriation of refugees is a sign of the restoration of peace. It could also be a source of problems if it is inadequately or not at all prepared. At this point, the poorly managed repatriation in 1993, which was one of the causes of the crisis that disrupted the country for over ten years, should be recalled.

9. While welcoming the progress in the peace process in Burundi, it is important to emphasize that at the same time, there is a need to backstop the efforts of the new authorities to consolidate peace and re-build the country. Above all, there is a need to work towards the implementation of the provisions of Protocol IV of the Arusha Agreement entitled « Reconstruction and Development », comprising:

- the rehabilitation and re-installation of refugees and disaster victims;
- material and political reconstruction; and
- economic and social development.

10. The mandate of the Arusha Agreement Implementation Monitoring Commission (CSA), and consequently, the Arusha Process, ended with the swearing-in of the new President of the Republic on 26 August 2005. It goes without saying that the Arusha Process achieved one of its major objectives, namely, rectifying the ethnic imbalances, which for a long time were a source of crisis in Burundi.

11. However, the end of the mandate of the CSA is not the end of the peace process in Burundi. Representatives of the international community present in Bujumbura are reflecting on an adequate mechanism whose role will be essentially to mobilize the international community in favour of Burundi. In this context, the AU, through its Office in Burundi, has an important role to play. The Commission will submit, at the appropriate time, a detailed report on what the AU's contribution should be to the consolidation of peace and reconciliation in Burundi. The report will also address the future of the force for the protection of political officials in Burundi, which operates under AU mandate, in accordance with the decision adopted by the PSC at its 20th Meeting held on 15 November 2004.