



# Security Council

Sixty-fourth year

**6138**<sup>th</sup> meeting

Tuesday, 9 June 2009, 10 a.m.

New York

*Provisional*

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<i>President:</i>	Mr. İlkin . . . . .	(Turkey)
<i>Members:</i>	Austria . . . . .	Mr. Mayr-Harting
	Burkina Faso . . . . .	Mr. Tiendrébéogo
	China . . . . .	Mr. Du Xiaocong
	Costa Rica . . . . .	Mr. Urbina
	Croatia . . . . .	Mr. Vilović
	France . . . . .	Mr. Lacroix
	Japan . . . . .	Mr. Okuda
	Libyan Arab Jamahiriya . . . . .	Mr. Dabbashi
	Mexico . . . . .	Mr. Heller
	Russian Federation . . . . .	Mr. Safronkov
	Uganda . . . . .	Mr. Rugunda
	United Kingdom of Great Britain and Northern Ireland . . . . .	Mr. Williams
	United States of America . . . . .	Ms. Germain
	Viet Nam . . . . .	Mr. Le Luong Minh

## Agenda

The situation in Burundi

Fifth report of the Secretary-General on the United Nations Integrated Office in Burundi (S/2009/270)

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*The meeting was called to order at 10.15 a.m.*

### **Adoption of the agenda**

*The agenda was adopted.*

### **The situation in Burundi**

#### **Fifth report of the Secretary-General on the United Nations Integrated Office in Burundi (S/2009/270)**

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

There being no objection, it is so decided.

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

**The President:** On behalf of the Council, I extend a warm welcome to Mr. Adolphe Nahayo, Director of the Department of International Organizations at the Ministry for Foreign Affairs of Burundi.

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

It is so decided.

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

In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to His Excellency Mr. Per Örnéus, Deputy Permanent Representative of Sweden to the United Nations, who will speak on behalf of the Chairperson of the country-

specific configuration on Burundi of the Peacebuilding Commission.

It is so decided.

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

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

Members of the Council have before them document S/2009/270, which contains the fifth report of the Secretary-General on the United Nations Integrated Office in Burundi.

At this meeting, the Security Council will hear briefings from Mr. Youssef Mahmoud and His Excellency Mr. Per Örnéus. I now give the floor to Mr. Mahmoud.

**Mr. Mahmoud:** It is an honour for me to present the fifth report of the Secretary-General on the United Nations Integrated Office in Burundi (BINUB) (S/2009/270). The report before the Council provides an account of the main advances over the past six months and the challenges that lie ahead for the people and the Government of Burundi. It also describes the main activities of BINUB in support of the Government's peace consolidation efforts, in accordance with the mandate entrusted to it by the Council. Moreover, it provides a summary of the recommendations of the technical assessment mission to Burundi, led by the Department of Peacekeeping Operations in March.

The period under review was marked by significant progress achieved in the implementation of the Comprehensive Ceasefire Agreement and in laying the foundations for the preparations for the 2010 elections. A decisive step forward was taken in April as the last rebel movement, the Forces nationales de libération (FNL), formally disarmed and was registered as a political party. The FNL's renunciation of armed struggle is an important development that paves the way for its participation in the democratic process in Burundi.

Regarding the implementation of the Comprehensive Ceasefire Agreement, at a landmark meeting of the Political Directorate in Pretoria on 8 April, chaired by the South African Facilitation, the

Government and the FNL agreed on a road map for the integration of the FNL into civil and military institutions and for the demobilization of its combatants, with special consideration afforded to women in accordance with the letter and the spirit of Security Council resolution 1325 (2000). I am sure that a separate report on the activities of BINUB in pursuance of the implementation of resolution 1325 (2000) should be before the Council or should have been distributed earlier — as we have customarily done in connection with previous briefings.

Since mid-April, important advances have been achieved in the implementation of that road map. A total of 3,500 FNL elements have been integrated into the military and police. Unserviceable FNL weapons have been destroyed and the remaining serviceable weapons have been handed over to the Government. As of yesterday, 8 June, over 5,000 of the 11,000 adults associated with the FNL combatants had been registered, issued with return kits, paid the first instalment of return assistance and transported to their home communities. Between 20 and 22 May, another batch of prisoners, this time 103 persons, was released, based on an April ordinance from the Ministry of Justice.

By 29 May, the South African Facilitation had completed the verification process for the 5,000 FNL combatants who will be demobilized within the next few months as part of the World Bank-supported national transitional demobilization and reintegration programme. A total of 340 children, including six girls, who had been separated from the FNL during April, were reunited with their families between 13 and 20 May.

In early June, the Government issued several decrees nominating around 24 FNL leaders to senior civil service positions, including ambassadorial posts and governorships. The remaining posts that are to be allocated to FNL leaders require further consultation within the Government. The FNL Chair was appointed as director of the National Institute for Social Security.

The South African Facilitation ended its mission on 31 May. One hundred elements from the African Union Special Task Force VIP Protection Unit will, however, remain in Burundi until 31 December to continue protecting FNL leaders while training a newly created joint FNL-Government protection police unit.

The residual tasks of the disarmament, demobilization and reintegration process were handed over to the Government of Burundi, while the African Union, with the support of BINUB, took over the responsibility for following the process.

With the withdrawal of the Facilitation, the leaders of the Regional Initiative for Peace recommended that a successor mechanism be established to continue to monitor the peace process, to contribute to an enabling environment for the period leading up to the elections, and to provide early warning to Regional Initiative leaders. This successor mechanism, the Partnership for Peace in Burundi, was launched on 27 May by the Facilitation. It is composed of the Political Directorate, the Executive Secretariat of the International Conference on the Great Lakes Region and BINUB. BINUB will also serve as its secretariat. The Peacebuilding Commission and the special envoys for the Great Lakes region will act as a support network for the Partnership. The Partnership will be coordinated and chaired by South Africa. It is envisaged that the Partnership for Peace will end in December, subject to review by the Regional Initiative leaders and, of course, the Government of Burundi.

As indicated in the Secretary-General's report, the political climate in Burundi saw some undeniable improvements during the past six months. Most notably, the Government established, after lengthy internal but inclusive debate, the Independent National Electoral Commission.

The 2010 elections have become a major focus for Burundian political actors, particularly after the establishment of the Electoral Commission. On 11 May, President Nkurunziza addressed a letter to the Secretary-General requesting United Nations support for the electoral process. On 25 May, the Electoral Commission held its first official meeting with representatives of the international community during which it outlined its needs in terms of technical, logistical and financial assistance. In response to the request addressed to the United Nations, a needs assessment mission will be dispatched to identify, in close collaboration with the Electoral Commission, areas for support.

In addition, the Government registered yesterday the *Mouvement pour la solidarité et la démocratie* of Alexis Sinduhije after a rather lengthy waiting period.

This registration brings the number of registered political parties in Burundi to 43.

Despite the previously mentioned improvement in the political climate, concerns have continued to be expressed about persistent disruption of the activities of opposition political parties and, in some cases, violence against their members by the police and, allegedly, by members of the national intelligence services and local officials. This situation has created a malaise among the political class and civil society activists, and therefore everyone urged the Government to ensure that pluralism and tolerance be guaranteed. In his report, the Secretary-General also urges the Government to treat all political parties equally under Burundian law and to ensure the respect for the right to freedom of expression and assembly enshrined in the Constitution and international human rights instruments ratified by Burundi.

The Secretary-General has also noted in his report that much remains to be done for Burundians to enjoy the full exercise of their human rights. The Secretary-General has also urged the Government to move quickly to establish an effective and credible Independent National Human Rights Commission in compliance with international standards, as well as other relevant institutions aimed at consolidating national reconciliation and the rule of law.

Despite delays, preparations have advanced for the holding of national consultations on the establishment of transitional justice mechanisms. In particular, I would like to mention the holding on 22 and 23 May of a pilot exercise in two localities in Bujumbura to test the questionnaires to be used in the national consultations process scheduled to begin on 15 June. As the report of the Secretary-General mentions, these national consultations have as their aim to seek the views of Burundians on how they think it best to establish the twin mechanisms for reconciliation, namely, a Truth and Reconciliation Commission and a Special Tribunal attached to the justice system in Burundi.

In the current context, the two most immediate challenges are the conclusion of the demobilization and reintegration process and the sustainable socio-economic reintegration of former combatants, including those from the last rebel movement, the FNL, and other segments of the population most affected by the conflict.

It is urgent that the international community do everything possible to ensure progress in the disarmament, demobilization and reintegration (DDR) process and provide the necessary resources for its timely completion. BINUB is supporting national efforts to develop a strategy that will complement the DDR process by focusing on the sustainable socio-economic reintegration not only of demobilized FNL combatants, but also of other former combatants and demobilized soldiers. This strategy will be consistent with the goals and objectives of the security sector reform and will go a long way towards stabilizing the situation ahead of the 2010 elections.

While the security challenges are the most immediate ones, Burundi also faces other important challenges, including a difficult socio-economic situation, weaknesses of the justice system and within the police force, continuing human rights violations and impunity. In this regard, the Government is urged to put an end to these violations, to see to it that justice is done and to keep the public informed. In this connection, I welcome the statement of the Minister of Public Security at his press conference yesterday regarding the actions taken by the Government to address some of these violations, including the follow-up to the assassination of the Vice-President of the Observatoire de la lutte contre la corruption et les malversations économiques, a non-governmental organization dealing with the fight against corruption. I commend him for coming forward publicly and informing us of what the Government is doing in these areas.

Working in an integrated approach with the United Nations system in the country, BINUB has continued to support the Government and the people of Burundi in addressing these challenges. The projects funded by the Peacebuilding Fund have brought hope by contributing to certain reforms and by engaging the population from the grass roots up in peace consolidation efforts. Various capacity-building initiatives in the areas of administrative and political governance, justice and human rights, the fight against impunity, security sector reform and the empowerment of women and civil society have begun to show some tangible results. The ongoing national dialogue processes will help restore a measure of social trust after decades of mistrust.

I should also like to commend the role played by the Peacebuilding Commission, in particular the Chair of the Burundi country-specific configuration, Ambassador Lidén, for maintaining constructive dialogue with the

Government and its national partners. The Chair's frequent visits have been a source of encouragement for all of us.

Despite the progress achieved, the situation in Burundi that I have just outlined remains fragile, and the processes of consolidating peace and security are still incomplete. Robust and sustained efforts by national and international stakeholders are needed to ensure that progress cannot be easily reversed, particularly as the country prepares for the upcoming electoral process. An immediate priority is to help the Government of Burundi to address the precarious socio-economic situation and some budgetary problems.

As can be seen from the "Observations" section of the report, the Secretary-General has endorsed the recommendation of the recent technical assessment mission to Burundi that BINUB's mandate remain unchanged through the end of 2009, with a primary focus on political support, the facilitation of dialogue and strategic support for peacebuilding, as well as on tasks related to completing the peace process and, now that a request has been made, also on electoral assistance. As to the nature of the United Nations presence beyond 2009, the Secretary-General intends to consult with the Government of Burundi and to submit recommendations in his next report to the Security Council.

The remaining part of 2009 will be a crucial period to safeguard what has been achieved and to draw lessons for future peacebuilding endeavours.

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

I now give the floor to Mr. Per Örnéus.

**Mr. Örnéus:** I have the honour to deliver the following statement on behalf of Ambassador Anders Lidén, Chair of the country-specific configuration of the Peacebuilding Commission on Burundi.

"I would like to thank you, Sir, for the opportunity to participate in today's meeting on Burundi in my capacity as Chair of the Burundi country-specific configuration of the Peacebuilding Commission. As I noted back in December, the close collaboration between the Security Council and the Peacebuilding Commission on Burundi is essential, not least as peace and stability in Burundi are a key building block for peace and stability in the Great Lakes region as a whole.

"I undertook a visit to Burundi just a few weeks ago, from 25 to 27 May. The purpose of the visit was to assess progress in the peacebuilding process and to identify key priorities for further engagement by the Peacebuilding Commission, including in the elections in 2010. I met with national and international stakeholders, including the President of the Republic, the Independent National Electoral Commission and the South African Facilitator, as well as representatives from civil society, political parties and international partners.

"Peacebuilding in Burundi has clearly entered a new phase. There has been impressive progress in the disarmament, demobilization and reintegration (DDR) process. All children formerly associated with the Forces nationales de liberation (FNL) have been released and reunited with their families, and the FNL will participate in the upcoming elections as a political party. I congratulate the Government of Burundi and the FNL on these achievements.

"At the same time, there are remaining challenges related to the peace process, in particular the completion of the DDR process. I welcome the Partnership for Peace in Burundi and I encourage continued leadership by South Africa, the Regional Initiative and the African Union in order to sustain achievements made and to ensure a successful peace process.

"In view of Burundi's entering a new chapter in its peacebuilding process, the Peacebuilding Commission can now start to shift its attention towards support to longer-term socio-economic reintegration and to the challenges related to the elections in 2010. Many ex-combatants and other demobilized people will need assistance for their long-term socio-economic reintegration. Such efforts should also target other groups affected by the war, including returnees and internally displaced people. The Peacebuilding Commission will help to mobilize support once the comprehensive strategy for durable socio-economic reintegration has been finalized by the Government, in consultation with partners.

"During my visit, I witnessed a firm commitment by the Government and all national stakeholders to free and fair elections in 2010. At the same time, concern was raised about insecurity

in the electoral process. There are recent reports of politically motivated violence. In this regard, there is a pressing need for support to further professionalize the police and to strengthen the justice sector.

“The Independent National Electoral Commission enjoys broad support and trust among Burundians, but it urgently needs basic equipment, as well as further political, technical and financial support. Other national partners, such as the media, civil society, women’s organizations and national observers, are also in acute need of support.

“There is broad agreement in Burundi that the international community needs to support and accompany the electoral process. In this regard, I particularly welcome the request of the Government of Burundi to the United Nations for support before, during and after the elections. The Peacebuilding Commission can help set the agenda for international support to the elections, contribute to the coordination of international efforts and ensure that support is demand-driven, as well as mobilize additional resources when gaps emerge. A thematic meeting of the Peacebuilding Commission will soon be organized to discuss the support required and the conditions necessary for free and fair elections, as well as to further identify the role of the Commission in support of the elections.

“Sustained international attention and support are crucial to consolidating peace and to contributing to long-term development in Burundi. In order to further enhance the role of the Peacebuilding Commission, I have encouraged relevant stakeholders in Bujumbura to activate a local platform of the Commission. A stronger link between the processes at the country level and here in New York will further improve the effectiveness and relevance of our support.

“Finally, allow me to commend the Government of Burundi and all national stakeholders for their constructive engagement in the peacebuilding process. Let me also use this occasion to recognize the important role of the United Nations Integrated Office in Burundi in support of the peace process and of the broader peacebuilding agenda. The integrated United Nations presence in Burundi, together with the strategic leadership of the Executive Representative

of the Secretary-General, will continue to be vital to effective support for peacebuilding.”

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

I now give the floor to Mr. Adolphe Nahayo, Director of the Department of International Organizations at the Ministry for Foreign Affairs of Burundi.

**Mr. Nahayo (Burundi)** (*spoke in French*): On the occasion of the presentation of the fifth report of the Secretary-General (S/2009/270) on the United Nations Integrated Office in Burundi (BINUB), the Government of the Republic of Burundi takes this opportunity to thank the Organization for its tireless ongoing assistance to my country in finally overcoming its socio-political crisis. The Government of Burundi also expresses its gratitude to Mr. Youssef Mahmoud, Executive Representative of the Secretary-General for Burundi, for his continued engagement in implementing BINUB’s mandate.

My Government appreciates the recognition expressed in the fifth report on BINUB of the progress that has been made in most areas towards the ultimate stabilization of the country. Examples of such progress include the creation of the Independent National Electoral Commission, the implementation of the political agreements with the former rebel movement Parti pour la libération du peuple Hutu-forces nationales de libération (Palipehutu-FNL), the Government’s commitment to the disarmament policy, the reintegration of returnees, the establishment of the conditions necessary to reach the completion point under the Heavily Indebted Poor Countries initiative, the improved cooperation between the media and the National Communication Council, the release of some prisoners previously held in provisional detention, and the collection and destruction of thousands of small arms and light weapons previously held by the civilian population. I could cite further examples.

The Government also shares several of the concerns set out in the report with regard to human rights and the protection of children, the status of women, the persistence of corruption and providing security for the population. Nevertheless, the Government believes that it is unfair to say that it is not doing anything to improve the situation in those areas. The Government has put in place, or is in the process of doing so, appropriate mechanisms in all those areas. The process of establishing the Independent National Human Rights Commission is

also under way. Contrary to the report's assertion, the Government is in the process of incorporating the Paris Principles into the draft law prior to submitting it to the Parliament for consideration and adoption.

I should like to make two observations with regard to homosexuality, whose criminalization under Burundi's new penal code has galvanized various partners. On the one hand, it is not up to the executive branch to issue edicts to the legislative branch with regard to the provisions of the law, as some partners have called upon the Head of State to do. The principle of the separation of powers must be respected. On the other hand, the position of Parliament, an institution that embodies the aspirations of the people of Burundi, on this issue clearly illustrates how cultural diversity can lead to divergent choices with respect to the adoption of certain international legal instruments and their acceptance by the people, even when authorities are disposed to incorporate universal principles into national law. In spite of that fact, human rights can still be taken into account in dealing with this matter.

With regard to the situation of women, the penal code's criminalization of sexual and gender-based violence has established an environment conducive to combating such crimes. All national partners must now be educated about the importance to society of combating such offences. Civil society has already embarked upon that process. The programme to raise awareness among security and defence personnel, as well as the disarmament of civilians, should allow for progress in combating sexual violence. However, success will not be possible unless the families and relatives of victims ultimately understand that keeping silent under the pretext of protecting their honour will in fact encourage impunity.

With regard to the protection of children, the Government has established a task force to protect minors. However, we have not yet succeeded in securing resources. Also in that regard, the efforts of the judicial system and the police should be complemented by those of civil society. With regard to albinos in particular, intensive efforts by the police and the legal system have resulted in the arrests of some 10 persons implicated in the murder of albinos. The prosecutor has already called for severe penalties for those persons.

With regard to former FNL child combatants, 340 children who were formerly associated with the Forces

nationales de libération have been released to their families from the Gitega demobilization centre, situated in the central part of the country. Those children are to receive long-term support in order to ensure their permanent reintegration into their communities of origin. The Government would like to recall that it was even prepared to demobilize and reintegrate the 40 other children associated with dissidents. Unfortunately, having been misled, they refused to come to the assembly point in the hope that they would ultimately be admitted into the police or the army. The Government was in the end able to explain to them that it was in their interests to be demobilized and reintegrated into civilian life. Given that the Gitega demobilization centre is occupied by FNL adults, the Government has relocated those children to Magara, in Bujumbura Rural province, so as to begin demobilizing them in order to return them to their families.

The Government of Burundi takes this opportunity to inform the Security Council that the issue of political prisoners has been resolved. The confusion in the report in that regard is due to the facts that some prisoners were released before they were claimed by the former rebel movement Palipehutu-FNL and that some had been registered under aliases.

The Government is aware that corruption hinders development, as it deprives the State and local authorities of necessary resources to implement programmes for the public good. It is for that reason that the Government has established an office of the State Inspector General, an accountability court and an anti-corruption task force and court. We will soon set up a private body responsible for collecting all State revenues. It goes without saying that it will be necessary to strengthen the capacity of all those bodies and to educate the people in order to persuade Burundians to stop tolerating acts of corruption. A programme to support anti-corruption mechanisms is being developed in the context of our priority peacebuilding plan. Although anti-corruption bodies have already begun their work, it will be necessary to strengthen their effectiveness through the cooperation of the people, who should condemn this scourge of which they are the victims.

The report also expresses concern about ongoing insecurity. The Government of Burundi shares that concern. To that end, we have launched a policy to disarm civilians and to raise awareness among defence and security forces so as to eradicate armed violence.

The Minister for Public Security regularly reports on the punishments meted out to its agents who are found to have committed acts of violence or human rights violations. Recently, on 3 June 2009, the national intelligence service, also known as Documentation, held an open-house event to share with the public its new professional code of ethics and associated training programme. Clearly, however, such administrative efforts will not be enough. In order to prevent crime, the police will require adequate equipment to enable them to respond in a timely manner and the genuine cooperation of the people.

Following 14 years of civil war, during which some rebel movements splintered and fought each other, trust between civilians and law enforcement personnel cannot be established overnight. Moreover, the inclination to always see political motives behind acts of violence is extremely corrosive. It would be useful to take a sociological approach to crime in Burundi. Now that the last rebel movement has joined the peace process, the Government hopes that the security situation will improve noticeably.

I would like to say in passing that the Government cannot contain its bitter surprise at certain baseless allegations made in the report, which in essence claims that the Government is continuing to waver with respect to the non-applicability of amnesty for genocide, crimes against humanity and war crimes. That issue has already been resolved. The report also asserts that our National Security Council does not exist, even though it has now been functioning for more than half a year. In addition, the report says that the Government of Burundi has yet to request electoral assistance, although our country's President made that request of the Secretary-General on 11 May 2009. Moreover, a serious report such as this should correctly identify such national institutions as the National Communication Council — rendered in the French version as the Conseil national des télécommunications — and the National Commission for

Land and Other Assets, which is referred to as la Commission nationale des biens fonciers et autres biens.

A substantial section of the fifth report of the Secretary-General is devoted to the technical assessment mission that was carried out in Burundi at the beginning of March 2009. The Government had requested that the mission's proposals be discussed before the publication of the report, but this request was not taken into account.

The fact is that, four months after the mission, the reality on the ground is no longer the same. The best proof of this is the decision by South Africa to put an end to its facilitation activities after a well-executed mission and an agreement with the Regional Initiative for Peace in Burundi, the African Union, the Executive Secretariat of the International Conference on the Great Lakes Region, all the special envoys and the Peacebuilding Commission.

At this stage, the Government simply takes note that it will be consulted by the Secretary-General with regard to the United Nations presence beyond the expiration of the BINUB mandate in December 2009. In the meantime, the Government of Burundi remains grateful for the support of the United Nations and would like to see this continue, as will be agreed.

Allow me, before concluding, to also thank the Regional Initiative, the African Union, the Executive Secretariat of the International Conference on the Great Lakes Region, the South African Facilitation, the special envoys and the Peacebuilding Commission for their contribution to the progress achieved in the peace process in Burundi.

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

*The meeting rose at 10.55 a.m.*