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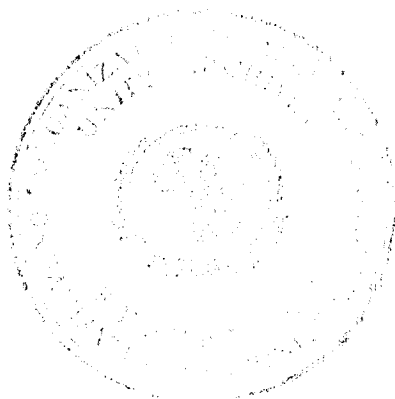
Central Organ/MEC/AMB/2 (LXXV)

**SEVENTY-FIFTH ORDINARY SESSION OF THE
CENTRAL ORGAN OF THE OAU MECHANISM FOR
CONFLICT PREVENTION, MANAGEMENT AND
RESOLUTION AT AMBASSADORIAL LEVEL**

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**REPORT OF THE SECRETARY GENERAL ON THE
PEACE PROCESS IN BURUNDI**



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I. Introduction

1. At its 74th Ordinary Session held in Lusaka, Zambia, from 5 to 8 July 2001, the Council of Ministers adopted Decision CM/Dec. 590 (LXXIV) on the situation in Burundi. In the Decision, the Council expressed its serious concern about the impasse in the implementation of the Arusha Agreement for Peace and Reconciliation in Burundi, and about the continuous deterioration of the security and humanitarian situation in the country. The Council strongly condemned the continuation of hostilities and other acts of violence of which the civilian population was the major victim, and asked the belligerents to immediately engage in negotiations for the cessation of hostilities and the conclusion of a Ceasefire Agreement. Council condemned the armed groups which, to date, refused to end the hostilities and to join the Arusha Peace and Reconciliation Process. The Council called upon the Parties to the conflict to overcome their differences so as to reach, as soon as possible, a consensus on the Presidency and the modalities of the transition, in conformity to the relevant recommendations of the 14th Summit of the Regional Peace Initiative on Burundi.

2. In addition, the Council called upon the countries of the Region and all the Parties to the conflict, in close cooperation with the OAU, to seize the opportunity of the Regional Summit, then scheduled in Arusha on 24 July 2001, to take the appropriate measures with a view to facilitating the implementation of the Peace and Reconciliation Agreement, particularly as regards the cessation of hostilities. The Council urged Burundi's neighbouring countries to cooperate with the international community to prevent the Burundian armed groups from pursuing their destabilizing activities. The Council expressed its support for the Facilitator, Nelson Mandela, for his tireless efforts to ensure the implementation of the Arusha Peace and Reconciliation Agreement, including the efforts made by President El Hadj Omar Bongo, President Joseph Kabila and Vice-President Jacob Zuma, to end the hostilities. The Council, after recalling that the primary responsibility for the search of a peaceful and lasting solution to the conflict befell the Burundian Parties themselves, urged them to cooperate fully and in good faith with the Facilitator and the countries of the Regional Initiative.

3. The Council requested me, in my capacity as Secretary-General, to contact the UNHCR and the UN Security Council about the possibility of repatriating Burundian refugees in Tanzania, and to take measures to ensure the security of the returnees. The Council, finally, appealed to the belligerents to scrupulously observe International Humanitarian Law.

4. Following Council's Session, the OAU Secretariat took the necessary measures to implement the decision. Letters were sent to all the Parties and actors concerned to draw their attention to the relevant provisions of the decision and request their assistance and cooperation in its implementation.

5. It should be recalled that, on the eve of the Lusaka Summit and considering the difficulties then faced by the Burundian political class to reach a consensus, the Heads of State of the Regional Initiative held a consultative meeting at which the Facilitator briefed them on his consultations on the issue of the leadership of the transitional period. The efforts made afterwards by the countries of the Region and the Facilitator culminated in the convening, on 23 July 2001, in Arusha, of the 15th Summit of the Regional Peace Initiative on Burundi.

6. This Report gives an account of the outcome of the 15th Regional Summit and the efforts made subsequently to create the conditions conducive to the speedy implementation of the Arusha Agreement. It also contains information on the other aspects of the Peace Process.

II. Outcome of the 15th Summit of the Regional Peace Initiative on Burundi

7. The 15th Regional Summit was held in a particular context. Indeed, on the very eve of the Summit, in the night from 22 to 23 July 2001, a group of soldiers opposed to the Arusha process tried, in vain, to seize power. It should be noted that, on 18 June 2001, other mutineering soldiers tried to overthrow the regime of President Buyoya, who was in Libreville, Gabon, for discussions with the leader of the National Council for the Defence of Democracy – Forces for the Defence of Democracy (CNDD-FDD).

8. The 15th Regional Summit was attended by Presidents Yoweri Museveni of Uganda, Chairman of the Regional Peace Initiative on Burundi, Daniel Arap Moi of Kenya, Benjamin Mkapa of Tanzania, and Pierre Buyoya of Burundi, Nelson Mandela, Facilitator of the Inter-Burundian negotiations, and the South African and Zambian Vice-presidents, Jacob Zuma and Enock Kavindele, respectively. President Paul Kagame of Rwanda was represented by Prime Minister Bernard Makuza and President Joseph Kabila of the Democratic Republic of the Congo by She Okitundu, Minister for Foreign Affairs. Colonel Muammar Gaddafi, Leader of the Great Libyan Arab Jamahiriya, President Abdoulaye Wade of Senegal and Prime Minister Meles Zenawi of Ethiopia had also sent representatives to the Summit.

9. I was represented by Ambassador Daniel Antonio, Assistant-Secretary General, who led a delegation which included my Special Representative to Burundi, Ambassador Mamadou Bah. Ambassador Berhanu Dinka, Special Representative of the UN Secretary General for the Great Lakes Region and Chairman of the Implementation Monitoring Committee (IMC) on the Arusha Peace and Reconciliation Agreement for Burundi, also participated in the Summit.

10. The aim of the Summit was to consider and endorse the proposals of the Facilitator on the issue of the leadership of the transitional period, following the consultations held with the Parties, and to evaluate the efforts to convince the belligerent Parties, particularly the armed groups – FDD and FNL (National Liberation Forces) – to agree on the suspension of hostilities in order to initiate negotiations for the signing of a Ceasefire Agreement.

11. The Facilitator reported on the efforts made to convene the Summit. In particular, he pointed out that out of the nineteen (19) Signatory Parties to the Arusha Agreement, fourteen (14) had accepted his proposal to appoint Major Pierre Buyoya as President for the initial phase of 18 months of the transitional period and Domitien Ndayizeye, Secretary General of FRODEBU (Front for Democracy in Burundi), as Vice-president. The Summit unanimously endorsed the proposal of the Facilitator. The Summit also decided that the Transitional Government should be put in place by 1 November 2001, at the latest. As regards the delicate task of distributing ministerial portfolios and other important positions in the Government, the Summit decided to appoint a Committee, composed of Judge Mark Bomani, Ambassador Berhanu Dinka, Mr. Hayson, member of the Facilitation Team, and the designated Burundian Vice-President Domitien Ndayizeye, to help President Buyoya.

12. President Buyoya and his designated Vice-President Domitien Ndayizeye, with the support of their respective groups, accepted the proposal of the Summit. They signed a document containing a number of conditions which they should comply with during the transitional period. The conditions were as follows:

- (i) inclusion of representatives of the Signatory Parties in the Transitional Government;
- (ii) faithful and unreserved implementation of all the provisions of the Agreement;
- (iii) reform, as soon as possible, of the army and integration of the armed groups and Hutus in the army;

- (iv) full cooperation with the representative of the UNHCR as regards the repatriation of refugees and the integration of the internal victims;
- (v) absolute protection of all political leaders, particularly those returning from exile;
- (vi) commitment not to retaliate against political opponents;
- (vii) release of political prisoners upon the recommendation of the International Committee to be established;
- (viii) appeal for regional and international troops and peacekeeping forces in adequate numbers and full cooperation with them to ensure peace and security. In addition, authorization for the establishment of a Special Protection Force for the protection of political leaders and the international staff;
- (ix) equitable representation of Burundian communities in all public offices;
- (x) full cooperation with the Implementation Monitoring Committee on the Agreement;
- (xi) commitment to relinquish position at the end of the 18-month period, starting from the date of assumption of office.

13. President Yoweri Museveni, in his capacity as Chairman of the Regional Peace Initiative on Burundi, also signed the document.

14. With regard to the Special Protection Force, the Summit decided that it would be composed of an equal number of Burundian troops/policemen and persons appointed by the G7-Group of Hutu Parties - and the G10 of Tutsi Parties. It would be placed under the joint Burundian Command and would be assisted and trained by military experts of the following countries: Ghana, Nigeria, Senegal and South Africa. The Facilitator also informed the Summit of the readiness of the same countries to contribute troops for peacekeeping as well as of Belgium's offer of logistical support. The troops to be deployed would have the following mandate:

- i) ensure respect for the ceasefire;

- ii) supervise the integration of the army, including the confinement of the Burundian Army to the barracks and that of the armed groups to special assembly points;
- iii) provide technical support for demobilization and training;
- iv) ensure the protection of institutions and all the public figures who so wished, including political leaders and refugees returning to the country;
- v) assist in establishing and training an ethnically balanced special unit for the protection of the institutions.

15. The Summit took note of the offers. In the same vein, it underscored that efforts should be made to bring the UN Security Council to authorize the deployment of a peacekeeping force, as provided for under the Arusha Peace and Reconciliation Agreement for Burundi. In this connection, the regional leaders made an appeal to the United Nations and mandated their Ministers of Foreign Affairs to follow-up on the matter.

16. The Summit also decided that the Implementation Monitoring Committee (IMC) should monitor closely the implementation of the conditions agreed upon by the President of the Transitional Government. To this end, the Chairman of the Implementation Monitoring Committee is expected to submit a report to the Heads of State of the region every four months.

17. The South African Vice-President, Jacob Zuma, briefed the Summit on his efforts aimed at the cessation of hostilities, a prelude to a definitive ceasefire. He acknowledged that there has been no significant progress on the issue but added that a meeting was scheduled in Pretoria to pursue the negotiations with FDD and FNL. Mr. Zuma proposed that a regional summit should be organized subsequently, to be attended by the leaders of the armed groups in order to convince them of the need to conclude a peace agreement without delay. The recommendation was accepted in principle by the Summit.

18. The Summit congratulated President Omar Bongo and Vice-President Zuma for their efforts in the search for a ceasefire in Burundi. It urged the armed groups to cooperate with the Transitional Government to reach a Ceasefire Agreement, so as to facilitate their integration in the Burundi national army, as soon as possible.

19. The Summit expressed deep appreciation for the generous material assistance which has been made available by the international community to the Burundi peace negotiations and appealed for additional contributions for the

implementation of the transitional arrangements, including the reform of the army and return of refugees.

20. The Summit also expressed its profound gratitude to the Facilitator, former President Nelson Mandela. Aware of the role he still has to play in the implementation of the Peace Agreement, as moral guarantor, recourse authority and conciliation agent, the Summit appealed to him to continue in this role until peace finally returns to Burundi. The Summit also noted with satisfaction the supportive role that the Facilitation Team gave to President Mandela. In the same vein, the Summit expressed its appreciation for the good job done by the Implementation Monitoring Committee.

III. Reactions to the outcome of the 15th Regional Summit and developments in the peace process

21. On 24 July 2001, the Presidency of the European Union issued a declaration in which it took note with satisfaction of the announcement of the beginning of the implementation of the Facilitator's plan as adopted during the regional Summit. The Presidency of the European Union renewed its appeal to all the protagonists of the Burundian conflict to search, in a spirit of compromise, for a peaceful solution to the current crisis, whose main victims were the civilian population, and condemned the attempted coup d'Etat by a group of mutineers of the Burundian armed forces in the night of 22 to 23 July 2001.

22. The UN Security Council also welcomed the outcome of the Arusha Summit and expressed the hope that the entire Burundi political class would work positively towards the establishment of the Transitional Government. The Security Council called on the armed groups to put an immediate end to the hostilities and join the peace process. It appealed to the international community to support the Transitional Government of Burundi.

23. On 27 July 2001, the Government of Burundi issued a 3-point Declaration on developments in the peace process, the next stages of the said process and the need to create an environment conducive to peace and national reconciliation. In this Declaration, the Government pointed out that "the commitment to implement the Agreement goes well beyond the 11 conditions (contained in the document signed by President Buyoya and Domitien Ndayizeye), and does not only concern the President and the Vice-President. All the Signatory Parties must be fully involved and play their part...". The Government further stated that, "without a ceasefire, the implementation of the Arusha Agreement and the establishment of the transitional institutions will be no easy task". It stressed the need for the armed groups to unambiguously opt for negotiations and renounce indiscriminate violence. It also called on the political class to overcome its divisions.

24. Generally speaking, the Burundian authorities were embarked on a campaign to explain to the population the positive outcome of the regional Summit. Furthermore, President Buyoya and the Vice-President designate met several times to discuss the tasks devolving upon them.

25. During the period under review, the negotiations for the signing of a Ceasefire Agreement were still in progress in Pretoria. Experts of the Burundian government and those of FDD met. However, President Buyoya and the leader of CNDD-FDD, Jean Bosco Ndayikengurukiye, did not meet, even though both were present in the South African capital. President Buyoya, for his part, held talks with the South African Vice-President. The results of the discussions which took place at experts level were rather slim. Other meetings are planned to resolve the differences pertaining to the venue of the meetings and to co-mediation. The FNL also sent a delegation to Pretoria at the end of July but the delegation refused to meet with the representatives of the Burundian Government. It indicated, however, that it had positive proposals and requested that they be communicated to the Government in Bujumbura. Meanwhile, the armed groups had stepped up their attacks in several localities and regions of the country.

26. It should be noted, however, that politicians who had exiled themselves are returning to the country. Among them, are Mr. Albert Mbonerane, former Ambassador of Burundi to Bonn, and Mr. Mathias Hitimana, Chairman of the People's Reconciliation Party (PRP), who had been living in exile in Brussels for the past five years. Other political leaders were expected to return.

27. On 8 August 2001, and in connection with decision adopted in Lusaka, the Ministry of External Relations and Co-operation of Burundi sent a Note Verbale to the OAU Secretariat in which it "reaffirmed the willingness and determination of the Burundian Government to repatriate all Burundian refugees". The Ministry stated that it "had taken due note of the readiness expressed by the Tanzanian Government to the UNHCR, last June, to co-operate in the repatriation of the refugees, which will be organized within the framework of the Tripartite Agreement concluded between Burundi, Tanzania and the UNHCR". The Ministry also informed the Secretariat that this willingness on the part of the Tanzanian Government was "confirmed during the trans-border meeting on thematic groups, which took place in Bujumbura from 18 to 19 July, and the 1st meeting of the Technical Working Group on Repatriation, held in Kigoma on 26 July 2001".

28. During the period under review, my Special Representative maintained close contacts with the various protagonists of the Burundian conflict, with a view to helping them harmonize their positions. On 2 August 2001, he met with former President Ntubantunganya with whom he assessed the results of the 15th

regional Summit and exchanged views on the future steps. Mr. Ntubantunganya underscored the need to consolidate the achievements of the regional Summit and create the conditions for a constructive dialogue with the representatives of the armed groups. He intimated that the efforts to be invested in this regard should revolve around the following three points:

- setting up of a Protection Force;
- establishment of a Transitional Government; and
- ceasefire negotiations.

29. On 6 August 2001, my Special Representative met with the Vice-President designate, Mr. Domitien Ndayizeye. On that occasion, Mr. Ndayizeye reaffirmed his determination and that of President Buyoya to work closely and genuinely together in the interest of Burundi, by buckling down, first and foremost, to the setting up of the Protection Force, the formation of the Transitional Government and the establishment of the transitional institutions. Mr. Ndayizeye also underscored the urgent need to help the Signatory Parties restore their unity so as to enable them to initiate dialogue with the armed groups for a cessation of hostilities.

30. Lastly, on 8 August 2001, my Special Representative met with President Buyoya with whom he exchanged views on the various aspects of the Peace Process, including the setting up of the Protection Force, the formation of the Transitional Government and the ceasefire. President Buyoya reiterated his determination to implement all the decisions of the 15th regional Summit.

IV. Observations

31. The document on the conditions of the Transition, which was signed in Arusha by President Buyoya and Vice-President Domitien Ndayizeye, constitutes an important step in the implementation of the Peace and Reconciliation Agreement for Burundi, more so as it has made it possible to remove one of the most difficult obstacles to the peace process, namely the leadership of the transitional period. I would like to commend the Burundian parties, particularly President Buyoya and the Vice-President designate, for these significant inroads. I am encouraged by their firm determination to implement the decisions of the 15th regional Summit, particularly the setting up of the Protection Force and the formation of the Transitional Government. I would also like to express my gratitude to the Facilitator, former President Nelson Mandela, as well as to the leaders of the countries of the Region, for the sustained efforts they have made to extricate the peace process from the impasse.

32. Notwithstanding the progress made in Arusha, the situation in Burundi remains volatile on account of the continued divisions within the political class

and the pursuit of acts of violence perpetrated by the armed groups. I would like to renew, once again, my appeal to the armed groups to put an immediate stop to their acts of violence, the main victims of which are the civilian populations, and to join the Peace Process.

33. It is necessary, therefore, that the international community to redouble its efforts towards the consolidation of the results of the 15th regional Summit and lend the necessary support for a speedy and effective implementation of the Arusha Agreement. In this connection, I am gratified by the renewed pledge of the leaders of the Region to continue to support the peace process pursuant to the provisions of the Arusha Peace and Reconciliation Agreement for Burundi. I urge the United Nations, particularly the Security Council, to examine favourably and promptly the appeal made by the regional Summit for the deployment of a peacekeeping force in Burundi.

34. It should be recalled that the OAU has been assigned a number of responsibilities under the Arusha Agreement. I believe that, at this crucial phase of the peace process, the Central Organ should reiterate its readiness to provide concrete support to facilitate the implementation of the Arusha Peace Agreement and to support the transitional process.