

## 6. The situation in Burundi

### **Decision of 19 January 2000 (4091st meeting): resolution 1286 (2000)**

At its 4091st meeting, on 19 January 2000, the Security Council heard briefings by the Secretary-General and the Facilitator of the Burundi peace process, and the former President of South Africa, Nelson Mandela, following which all Council members and the representative of Burundi made statements.

The Secretary-General congratulated the President (United States) on his success in focusing world attention on Africa and its problems. He underlined that of all the many crises and conflicts confronting Africa, perhaps none was more urgent than the one in Burundi, and in no other country was it so easy to imagine a repetition of ethnic killing on a genocidal scale. He remembered the efforts made by the former President of the United Republic of Tanzania, Mwalimu Julius Nyerere, to push the peace process forward and welcomed the involvement of Nelson Mandela to revive it. He informed Council members about the progress achieved in the commissions in Arusha and through consultations in Dar es Salaam. Yet serious disagreements remained on some key issues, including the future composition of the army, the electoral system and the transitions period, while other issues, such as guarantees for the minority community and the question of reconciliation versus impunity, had yet to be seriously addressed. He underlined the unstable and volatile regional context and the growing number of Burundian refugees, which had reached 500,000 and was still growing. He stated that more than 800,000 people, 12 per cent of the country's population, were internally displaced, many of them as a result of a deliberate Government policy of forcibly relocating civilians in circumstances that could not be justified under international humanitarian law. Since September 2008, 300,000 people had been herded into camps where he asserted they had been deprived of the most elementary means of subsistence. He affirmed that they were on the verge of another humanitarian catastrophe, for which the world would undoubtedly hold the Government of Burundi responsible and urged its authorities to abandon the inhumane and illegal camps policy altogether and to allow independent humanitarian agencies full access to them as well as to ensure the safety of humanitarian workers. He warned that the Burundian parties'

"willingness to sacrifice the lives of their fellow citizens on the altar of their political ambitions" amounted to a "betrayal" of other Africans striving to promote their continent's recovery. He encouraged all parties in the conflict to seek a political solution, which he hoped would be supported by the diplomatic and economic assistance of the international community.<sup>1</sup>

The Facilitator of the Burundi peace process briefed Council members in detail about the progress of the Arusha process, especially the achievements of the four committees for the negotiations, and about their visit to Arusha. He emphasized that the responsibility to reach an agreement rested squarely with the leaders of the Burundi people. He advocated for an inclusive process and appealed to all belligerents to respect the international humanitarian efforts in Burundi. He observed that one of the most important issues impacting upon the situation in Burundi and the negotiation process was that of violence. He, therefore, stressed that the international community should seek to send a clear message to the Government of Burundi that, in spite of the manner in which they had come to power, they and the Burundi army had a particular responsibility to defend and protect the entire civilian population, and not just part of it. He called for the international community's support on financial, humanitarian and political assistance. Finally, he pointed out the impact of regional developments in the Great Lakes region on developments in Burundi.<sup>2</sup>

The majority of the speakers welcomed the appointment of the Facilitator, and recognized the contribution of former President Nyerere to the peace in Burundi. A few representatives commended the presidency for highlighting the Burundi situation as a part of the Council's focus on Africa. Most of the representatives emphasized the necessity of a political solution through collective participation in the Arusha process. A number of representatives expressed concern about the attacks against the civilian population and United Nations personnel as well as humanitarian conditions. Several speakers expressed the view that the economic situation was the main cause of the current turbulence and called for humanitarian, economic and development assistance.

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<sup>1</sup> S/PV.4091, pp. 2-3.

<sup>2</sup> *Ibid.*, pp. 4-6.

Most representatives stressed the requirement of dealing with the problems of the Great Lakes region as a whole, specifically with the situation in the Democratic Republic of the Congo.

A few representatives supported the proposal of France to convene an international conference on the Great Lakes region under the joint auspices of the Organization of African Unity (OAU)<sup>3</sup> and the United Nations.<sup>4</sup>

Some representatives condemned the policy of *regroupment* and called for the dismantling of the camps and for free access to them in the meantime by humanitarian workers and human rights observers.<sup>5</sup> The representative of the United Kingdom pointed out that the Government of Burundi had not been listening to the international community and had not been putting the people of Burundi first. He added that the draft resolution before the Council did not, in the end, mention the regroupment camps, but his Government, like the Secretary-General, condemned those camps.<sup>6</sup> The representative of Netherlands affirmed that his delegation did not consider the involuntary resettlement or regroupment of rural populations an acceptable way to address the security situation in Burundi, but did believe that Burundi had the right to be safeguarded from cross-border attacks by armed insurgents.<sup>7</sup> The representative of the Russian Federation expressed his delegation's concern over the continuing practice of forced displacement of civilians into camps under military guard.<sup>8</sup> The representative of Malaysia noted the explanation given by the Government of Burundi that the regrouping of the population was not forced and was a response to real concerns for their safety and well-being and hoped that such measures were only temporary in nature and would be terminated as soon as possible so that the people could return to their homes in safety.<sup>9</sup>

The representative of Burundi informed Council members that no national catastrophe in terms of widespread massacres was really imminent. He rejected allegations that regroupment camps were part of an ethnic cleansing system or that they involved human rights violations and stated that the only goal of those operations had been to ensure security. He affirmed that they would be able to close some of the camps within two weeks and that camps were accessible and open to all monitors and humanitarian personnel. He asserted that the rebellion was not only internal and that it had taken root in neighbouring and even distant countries as far away as southern Africa. He cautioned that the needlessly prolonged and extreme economic pressure on his country due to the embargo on international cooperation threatened to lead to an explosion. Finally, he added that the situation was extremely urgent and called for resuming cooperation immediately.<sup>10</sup>

At the same meeting, the President (United States) drew the attention of the Council to a draft resolution;<sup>11</sup> it was adopted unanimously as resolution 1286 (2000), by which the Council, *inter alia*:

Warmly endorsed and strongly supported the designation by the eighth Arusha Regional Summit on 1 December 1999 of Nelson Mandela as the new Facilitator of the Arusha peace process;

Reiterated its strong support for the renewed Arusha peace process;

Endorsed efforts by the Secretary-General to enhance the role of the United Nations in Burundi and in particular the continued work of his Special Representative for the Great Lakes region; and expressed appreciation for international donor support;

Condemned continuing violence perpetrated by all parties, and in particular by those non-State actors who refused to participate in the Arusha peace process;

Condemned attacks against civilians in Burundi;

Strongly condemned the murder of UNICEF and World Food Programme personnel and Burundian civilians in Rutana province in October 1999;

Called for the immediate, full, safe and unhindered access of humanitarian workers and human rights observers to all regroupment camps, and called for internees to have access to their livelihoods outside these camps;

<sup>3</sup> On 8 July 2002, the Organization of African Unity ceased to exist and was replaced by the African Union.

<sup>4</sup> S/PV.4091, p. 9 (Argentina); p. 10 (France); and p. 11 (China).

<sup>5</sup> *Ibid.*, p. 8 (Canada); p. 9 (Argentina); p. 10 (France); p. 11 (United Kingdom); p. 13 (Namibia); and p. 16 (United States).

<sup>6</sup> *Ibid.*, pp. 11-12.

<sup>7</sup> *Ibid.*, p. 15.

<sup>8</sup> *Ibid.*, p. 16.

<sup>9</sup> *Ibid.*, p. 14.

<sup>10</sup> *Ibid.*, pp. 17-18.

<sup>11</sup> S/2000/29.

Called for donors to provide humanitarian and human rights assistance to Burundi and to resume substantial economic and development assistance with due regard to security conditions.

**Decision of 29 September 2000 (4201st meeting): statement by the President**

At the 4201st meeting, on 29 September 2000, the representative of Burundi was invited to participate in the discussion.<sup>12</sup> The Council heard briefings by the Secretary-General and the Facilitator of the Burundi peace process.

The Secretary-General observed that the signing of the Arusha agreement on 28 August, followed by the agreement on 20 September in Nairobi on the participation of the remaining three parties, was a very important milestone in Burundi's long and painful road to peace. He believed that the Arusha agreement addressed the root causes of the conflict, such as exclusion and genocide, as well as the tragic consequences of the war, including the plight of hundreds of thousands of refugees and internally displaced people.<sup>13</sup>

The Facilitator of the Burundi peace process welcomed the "serious and direct interest" of the international community in the quest for peace in Burundi and the involvement of a range of Heads of State and Government in the Burundi peace process. He explained the methodology and procedure of the peace process; the political agreement signed in Arusha; and remaining matters relating to details and implementation. He observed that one of the most encouraging developments was the agreement between the leaders of the two major political rallies in the country to work together to resolve problems among themselves. He affirmed that the process then continued with a major focus on engaging the combatant rebel forces in direct talks with the political leadership. But he noted that he had stressed to the leaders of rebel forces that there could not be any justification for continuing violent attacks on the civilian population when a political agreement had been reached and a way had been opened for them to bring their concerns to the negotiating table. Regarding the regroupment camps, he noted that while the armed forces were saying that they had not been dismantled,

the representative of the Secretary-General and the representative of OAU had assured him that they had been. He noted that some of the inmates were refusing to leave the camps because of the security situation inside the country. He also mentioned that he was moving his office to Bujumbura, but said that the security situation did not yet allow for the returned of exiled Burundian leaders. He concluded that the international community should be mobilized to assist massively in the reconstruction and development of the economy and society of Burundi.<sup>14</sup>

At the meeting, the President (Mali) made a statement on behalf of the Council,<sup>15</sup> by which the Council, *inter alia*:

Welcomed the signature on 28 August 2000 of the Arusha Peace Accord, as well as the signatures added to that Accord at a regional summit held on 20 September 2000 in Nairobi, commended those Burundian parties, including the Government of Burundi, which had demonstrated their commitment to continued negotiations; reiterated its call, in resolution 1286 (2000) of 19 January 2000, on all parties that remained outside the peace process to cease hostilities and to participate fully in that process; and supported the call of the Facilitator to the rebel groups to clarify their positions by 20 October 2000;

Condemned all attacks on civilian populations;

Remained deeply concerned at the continuing levels of violence in Burundi, in particular that perpetrated by rebel groups, despite the call made to them for direct negotiations with the Burundian Government to secure a lasting ceasefire agreement;

Noted the holding of a meeting of donor countries in Brussels on 15 September 2000; welcomed the call made at that meeting for progressive resumption of assistance to Burundi, including through development aid, to alleviate its urgent humanitarian and economic problems as it made progress in its internal peace negotiations; and also welcomed the plan to hold a donor conference in Paris in due course.

**Decision of 2 March 2001 (4285th meeting): statement by the President**

At the 4285th meeting,<sup>16</sup> on 2 March 2001, the representative of Burundi was invited to participate in the discussion. The President (Ukraine) made a

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<sup>14</sup> *Ibid.*, pp. 3-6.

<sup>15</sup> S/PRST/2000/29.

<sup>16</sup> At its 4202nd meeting, held in private on 29 September 2000, the Council had a useful exchange of views with the Facilitator of the Burundi peace process.

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<sup>12</sup> Namibia was represented by its Minister for Foreign Affairs.

<sup>13</sup> S/PV.4201, p. 2.

statement on behalf of the Council,<sup>17</sup> by which the Council, *inter alia*:

Condemned the recent attacks by armed groups in Burundi and called for the immediate cessation of those attacks;

Expressed its strong disapproval of all acts aimed at undermining the peace process in Burundi;

Condemned the deliberate targeting of civilians and reiterated its call on all concerned to join the peace process; and stressed the importance of providing urgent humanitarian assistance to civilians displaced by the hostilities;

Reaffirmed its full support to the continuing efforts of the Facilitator, the Regional Peace Initiative and the Implementation Monitoring Committee to bring peace to Burundi.

**Decision of 29 June 2001 (4341st meeting): statement by the President**

At the 4341st meeting,<sup>18</sup> on 29 June 2001, the representative of Burundi was invited to participate in the discussion. The President (Bangladesh) made a statement on behalf of the Council,<sup>19</sup> by which the Council, *inter alia*:

Strongly emphasized to the parties to the Arusha Peace and Reconciliation Agreement of 28 August 2000 the need to implement all the immediately applicable provisions of the Agreement, including the provisions for the establishment of new institutions;

Expressed grave concern at continuing human rights abuses and violations of humanitarian law, and stressed the need for all parties to ensure respect for human rights and humanitarian law;

Urged the belligerents to commit themselves immediately to the protection of civilians, in particular their life, physical integrity and the means necessary for their survival;

Also reiterated its call for safe and unhindered access for the delivery of humanitarian aid to all people in need.

<sup>17</sup> S/PRST/2001/6.

<sup>18</sup> At the 4297th meeting, held in private on 16 March 2001, the members of the Council and the representative of Burundi had a constructive discussion; at its 4338th meeting, held in private on 27 June 2001, the Council heard a statement by the second Vice-President of Burundi.

<sup>19</sup> S/PRST/2001/17.

**Decision of 26 September 2001 (4383rd meeting): statement by the President**

At the 4383rd meeting,<sup>20</sup> on 26 September 2001, the representative of Burundi was invited to participate in the discussion. The President (France) made a statement on behalf of the Council,<sup>21</sup> by which the Council, *inter alia*:

Reaffirmed its strong support for the facilitation of former President Nelson Mandela;

Called on all parties to cooperate fully with the Implementation Monitoring Committee; strongly supported the installation on 1 November 2001 of the Transitional Government in Burundi;

Called on the Burundian parties to reach agreement on the establishment of a special protection unit of providing personal security for politicians returning from exile;

Concerned by the increase of violence, recalled the urgent need to bring about a negotiated settlement;

Called on all States to cease all forms of support to the Forces nationales de Libération (FNL) and the Front pour la défense de la démocratie (FDD);

Called upon the donor community to increase their humanitarian assistance to Burundi.

**Decision of 29 October 2001 (4399th meeting): resolution 1375 (2001)**

At the 4399th meeting, on 29 October 2001, the President (Ireland) drew the attention of the Council to a draft resolution<sup>22</sup> and two letters,<sup>23</sup> and a statement

<sup>20</sup> At the 4378th meeting, held in private on 20 September 2001, the members of the Council heard briefings and had a constructive interactive discussion with the representative of the Facilitator of the Burundi peace process and the representative of the Facilitator in the Implementation Monitoring Committee.

<sup>21</sup> S/PRST/2001/26.

<sup>22</sup> S/2001/1016.

<sup>23</sup> Letter dated 15 October 2001 from the representative of Belgium addressed to the Secretary-General, transmitting a statement by the Presidency on behalf of the European Union concerning the Great Lakes region (S/2001/979); and letter dated 25 October 2001 from the representative of South Africa addressed to the President of the Security Council, transmitting a letter from the Minister for Foreign Affairs on South Africa's intention to deploy security personnel to Burundi and a letter from the President of Burundi requesting South Africa to make available protection for the political leaders returning from exile (S/2001/1013).

was made by the representative of the United Kingdom.

The representative of the United Kingdom thanked the representatives of Mauritius and Jamaica for putting the draft resolution forward as the original sponsors. He also congratulated the Government of South Africa on taking the initiative on the protection force and on their commitment to it. However, he emphasized that the Council was not endorsing the protection force itself or giving it a United Nations mandate.<sup>24</sup>

At the same meeting, the draft resolution was adopted unanimously as resolution 1375 (2001), by which the Council, *inter alia*:

Reaffirmed its strong support for the installation on 1 November 2001 of the Transitional Government in Burundi;

Called on FNL and FDD to cease immediately all hostilities, enter into negotiations and join the peace process, and called on all the States of the region to fully support the process;

Endorsed the efforts of the Government of South Africa and other Member States to support the implementation of the Arusha Agreement, and strongly supported in this regard the establishment of an interim multinational security presence in Burundi, at the request of its Government, to protect returning political leaders and train an all-Burundian protection force;

Requested the Government of Burundi to keep the Council informed of progress to establish an all-Burundian protection force;

Urged the international community, with the installation of the Transitional Government, to provide additional assistance, including by honouring fully the pledges made by donors during the Paris Conference of December 2000.

#### **Deliberations of 8 November 2001 (4406th meeting)**

At the 4406th meeting, on 8 November 2001, the President (Jamaica) invited the representatives of Burundi, the Democratic Republic of the Congo, Ethiopia, Gabon, Ghana, Kenya, Nigeria, Rwanda, Senegal, South Africa, Uganda, the United Republic of Tanzania and Zambia, as well as the Permanent Observer for the Organization of African Unity to participate in the discussion.<sup>25</sup> The Council heard

<sup>24</sup> S/PV.4399, p. 2.

<sup>25</sup> The Minister for Foreign Affairs and Cooperation of Burundi, the Minister for Foreign Affairs and International Cooperation of the Democratic Republic of

briefings by the Special Representative of the Secretary-General for the Great Lakes region and Chairman of the Implementation Monitoring Committee, and the Deputy Prime Minister for Foreign Affairs of Uganda and Chairman of the Regional Peace Initiative on Burundi, following which the President of the Security Council made a statement.

The Special Representative of the Secretary-General for the Great Lakes region stated that, on 1 November 2001, the Transitional Government of National Unity had been inaugurated in Burundi, which had been witnessed by several African leaders and representatives of international organizations,<sup>26</sup> and expressed the belief that the inauguration constituted a significant step in the implementation of the Arusha Peace and Reconciliation Agreement. He detailed, *inter alia*, the adoption of a transitional constitution; the arrival of the first group of the special protection unit; the return of a number of political leaders from exile to participate in the new Government; and the priorities of the Transitional Government. He commended the initiative of former President Nyerere, as well as Nelson Mandela, who had completed his task as Facilitator. He warned that so long as violence persisted the peace process would remain “fragile”. He encouraged the two armed groups FDD and FNL, to put down their arms and join their compatriots in the search for durable peace in Burundi without delay. Finally, he suggested that the international community could bring a peace dividend by resuming in a significant way its socioeconomic development cooperation and enhancing its humanitarian assistance qualitatively and quantitatively. He suggested that the Council might wish to consider, *inter alia*, calling on the two armed groups to engage the new Government in serious negotiations; expressing its support for the

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the Congo, the Minister for Foreign Affairs of Ghana, the Special Envoy of the President of Rwanda, the Minister for Foreign Affairs and International Cooperation of the United Republic of Tanzania, the Deputy Prime Minister and Minister for Foreign Affairs of Uganda, and the Minister for Foreign Affairs of Zambia represented their countries at this meeting.

<sup>26</sup> Including the Presidents of Malawi, Nigeria, Rwanda, the United Republic of Tanzania and Zambia as well as the Facilitator of the Burundi peace process, the Deputy Presidents of South Africa and Uganda, the Secretary General of the Organization of African Unity, representatives of the United Nations and the European Union and representatives of other African States at the ministerial level.

regional special protection unit; and calling on all the signatory parties to cooperate fully with the Implementation Monitoring Committee in the discharge of its mandate under the Arusha Agreement.<sup>27</sup>

The Deputy Prime Minister and Minister for Foreign Affairs of Uganda and Chairman of the Regional Peace Initiative on Burundi saluted the Council for its partnership with the Great Lakes Regional Initiative in the search for a permanent solution to the conflict in Burundi. He informed Council members about, inter alia, the inauguration of the Transitional Government, and that the position of the region was that the negotiations between the Transitional Government and the armed opposition, facilitated by the President of Gabon and the Deputy President of South Africa, would continue. He asked for support and encouragement from the Council in the formation of a new national army, Parliament and other institutions of the transition as well as to bring their influence to bear on the armed groups. He emphasized that the link between the conflicts in Burundi and in the Democratic Republic of the Congo had hitherto been a complicating factor in the search for peace in the Great Lakes region, but that there was an opportunity for it to become a positive force. He noted the decision of the regional leaders to deploy a regional force in Burundi, composed of troops from South Africa, Nigeria, Ghana and Senegal. Nevertheless, he insisted that it was “extremely important” that a ceasefire was urgently put in place in Burundi in order to allow for the deployment of a United Nations peacekeeping force under Chapter VII of the Charter and the involvement of the armed groups — FDD and FNL — in the power-sharing arrangement. He called on the Security Council to send a strong message that it was prepared to commit an adequate United Nations peacekeeping force as soon a ceasefire was in place.<sup>28</sup>

The President of the Security Council recognized the idea of the Ambassador of France to convene a dialogue with the members of the Regional Peace Initiative on Burundi. She paid special tribute to the Facilitator, the regional leaders and the Burundian parties for their “efforts in making the Transitional Government a reality”. She reiterated the call of the Security Council to the armed groups to cooperate with

the Transitional Government and expressed the Council’s support for the regional special protection force. She warned about the deteriorating humanitarian and human rights situation in the country and stated that the Council stood ready to assist in that regard.<sup>29</sup>

**Decision of 8 November 2001 (4408th meeting): statement by the President**

At the 4408th meeting,<sup>30</sup> on 8 November 2001, the President (Jamaica) made a statement on behalf of the Council,<sup>31</sup> by which the Council, inter alia:

Condemned the recent attacks by FDD and FNL on civilians, and was gravely concerned that the frequency of such attacks had increased;

Stated that the installation of a broad-based government in accordance with an internationally supported peace process made armed rebellion an unacceptable means of political expression;

Reiterated its call for an immediate suspension of hostilities in Burundi and for the armed groups to enter into negotiations to reach a definitive ceasefire, which was the priority issue;

Called on the international community to increase its humanitarian assistance, as well as to assist in Burundi’s economic recovery and development through, inter alia, honouring the pledges made at the Paris donors’ conference.

**Decision of 15 November 2001 (4417th meeting): statement by the President**

At the 4417th meeting,<sup>32</sup> on 8 November 2001, the representative of Burundi was invited to participate in the discussion. The President (Jamaica) drew the attention of the Council to the interim report of the Secretary-General on the situation in Burundi.<sup>33</sup> In his report, the Secretary-General highlighted the urgent

<sup>29</sup> Ibid., pp. 6-7.

<sup>30</sup> At the 4407th meeting, held in private on 8 November 2001, the members of the Council and the members of the Regional Peace Initiative on Burundi, as well as the Special Representative of the Secretary-General for the Great Lakes region and Chairman of the Implementation Monitoring Committee and the Permanent Observer of the Organization of African Unity had a constructive discussion.

<sup>31</sup> S/PRST/2001/33.

<sup>32</sup> At the 4416th meeting, held in private on 15 November 2001, the members of the Council heard a briefing by the Facilitator of the Burundi peace process, and had a useful exchange of views with him.

<sup>33</sup> S/2001/1076.

<sup>27</sup> S/PV.4406, pp. 2-4.

<sup>28</sup> Ibid., pp. 4-6.

need to cease hostilities to allow the full implementation of the Arusha Agreement, reiterated his call upon the armed groups to negotiate a cessation of hostilities, and invited donors to assist the country in its humanitarian, development and reconstruction efforts.

At the meeting, the President made a statement on behalf of the Council,<sup>34</sup> by the Council, *inter alia*:

Expressed its deep gratitude to Madiba Nelson Mandela for his dedicated service and commitment towards political reconciliation in Burundi;

Also acknowledged his contribution as Facilitator of the Burundi peace process;

Expressed its appreciation to Madiba and the South African Government for initiating the deployment of the first elements of the multinational security presence to protect political leaders of the Transitional Government;

Expressed its concern about the recent increase in violence and reiterated its call on all Burundians to reject violence and support the Regional Peace Initiative and the Transitional Government.

#### **Deliberations of 5 February 2002 (4467th meeting)**

At its 4467th meeting, on 5 February 2002, the Council heard a statement by the President of Burundi. The President affirmed that his country had opted for peace through dialogue due to its conviction that any other way would lead the country to an impasse. He noted, *inter alia*, the improvement of the political climate in Burundi; the return of political leaders from exile; the upcoming transfer of power at the Head of State level; and the future local, legislative and presidential elections. He pointed out that the negotiation and signing of a ceasefire was crucial to speeding up and concluding the needed reform process. He emphasized that the Security Council had the means to make the Burundian rebels renounce violence. He also asserted that if diplomatic means did not succeed, all other means needed to be used to prevent the rebels from taking the peace process hostage. He called on other countries in the subregion to halt those who sought to destabilize the country. He expressed the belief that peace in the Great Lakes region would come when every country of the region lived in peace. He concluded by expressing concern about the economy of Burundi and hoping that the

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<sup>34</sup> S/PRST/2001/35.

pledges made in Geneva would be redeemed without further delay by donors.<sup>35</sup>

#### **Decision of 7 February 2002 (4471st meeting): statement by the President**

At the 4471st meeting,<sup>36</sup> on 7 February 2002, the President (Mexico) made a statement on behalf of the Council,<sup>37</sup> by which the Council, *inter alia*:

Paid tribute to the signatories to the Arusha Agreement, and the transitional President, Pierre Buyoya, in particular, for their efforts to advance the peace process;

Reaffirmed that continued fighting against the legitimate transitional government set up pursuant to an inclusive peace agreement was totally unjustifiable and unacceptable, and threatened the implementation of the peace process;

Called on the rebel groups immediately to lay down arms in the interest of all Burundians and recalled that only a negotiated solution would finally end the fighting;

Welcomed the steps taken by the Governments of Burundi and the Democratic Republic of the Congo to normalize their relations;

Stressed the important role of the international community in that regard and called on donor countries to honour as soon as possible the pledges which they made at the Paris (December 2000) and Geneva (December 2001) donor round tables, as well as on the United Nations system as a whole to support the Transitional Government for the reconstruction of the country.

#### **Deliberations of 4 December 2002 (4655th meeting)**

At the 4655th meeting,<sup>38</sup> on 4 December 2002, the representative of Burundi was invited to participate in the discussion. The Council heard a briefing by the Deputy President of South Africa and statements were made by the representatives of Bulgaria, Cameroon, China, Colombia, France, Guinea, Ireland, Mauritius, Norway, Singapore, the Syrian Arab Republic, the United Kingdom and the United States.

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<sup>35</sup> S/PV.4467, pp. 2-4.

<sup>36</sup> At the 4468th meeting, held in private on 5 February 2002, the members of the Council and the President of Burundi had a constructive discussion.

<sup>37</sup> S/PRST/2002/3.

<sup>38</sup> At the 4609th meeting, held in private on 17 September 2002, the members of the Council and the Minister for External Relations and Cooperation of Burundi had a constructive discussion.

The Deputy President of South Africa noted that in the two years since the mediation in Burundi had begun, the two armed groups, CNDD-FDD<sup>39</sup> and Palipehutu-FNL<sup>40</sup> had split because of infighting, resulting in four armed movements, with the same names but different leaders. He emphasized that the message of the Security Council delegation in South Africa to the armed groups directing them to enter into negotiations “immediately and without conditions” had eliminated the wrong impression that the international community supported their reluctance to negotiate a ceasefire. He underlined that the Transitional Government had signed ceasefire agreements with CNDD-FDD of Pierre Nkurunziza, CNDD-FDD of Jean-Bosco Ndayikengurukiye and Palipehutu-FNL of Alain Mugabarabona. He remarked that the nineteenth summit of Heads of State on Burundi had directed the other Palipehutu-FNL to enter into negotiations immediately and conclude a ceasefire agreement or face robust sanctions. Recalling the “stringent prescripts of the United Nations”, including the difficulties of deploying peacekeeping forces where there was not a total ceasefire, he underlined that, given the nature of the conflict, there would never be a straightforward and classical ceasefire agreement. However, his Government believed that the support of such a unique situation was possible under Chapter VIII of the Charter, which supported the establishment of regional initiatives for the resolution of conflicts, as well as Chapter VI, which provided for the use of regional initiatives for the resolution of disputes without the active and direct involvement of, but with the full support of, the United Nations. He maintained that the African mission and other structures to be set up would require the support of the United Nations apparatus to ensure success.<sup>41</sup>

The majority of the speakers welcomed the ceasefire agreement and paid tribute to the Burundian negotiators, to the heads of State of the region, in particular the Deputy President of South Africa, as well as the Special Representative of the Secretary-General. Most of the speakers maintained that the ceasefire needed to become universal, and that FNL needed to join the peace process. Some speakers appealed to the

international community to provide ongoing assistance to Burundi in the implementation of the agreements. Several representatives encouraged the transitional authorities to work with their neighbours, especially with the Democratic Republic of the Congo, and supported an international conference in the Great Lakes region.

The representative of France stated that the Council would have to reflect on the support that it could provide to a possible African force or to whatever formula that the Secretary-General could recommend in support of the peace process, once all the parties had agreed to a ceasefire in Burundi.<sup>42</sup>

The representative of Colombia noted the possibility of imposing international sanctions on FNL, while the representative of the United States expressed support for the call by the President of Uganda for regionally imposed sanctions.<sup>43</sup>

**Decision of 18 December 2002 (4675th meeting):  
statement by the President**

At its 4675th meeting, on 18 December 2002, the Council included in its agenda the report of the Secretary-General on the situation in Burundi.<sup>44</sup> In his report, the Secretary-General observed that the full implementation of the Arusha Agreement would only be possible if a ceasefire agreement was reached. A ceasefire that did not include all armed parties and political movements would be dangerous and needed to be avoided. Moreover the issue of reform of the security sector needed to be addressed by the parties in the context of the ceasefire negotiations. He commended the efforts to this end by Deputy President of South Africa, the Governments of Gabon and the United Republic of Tanzania and to the Regional Peace Initiative. He noted that once a comprehensive ceasefire agreement had been reached, he intended to provide to the Security Council an analysis of the situation and recommendations on the future course of action, including planning for a possible expanded involvement of the United Nations in Burundi.

At the meeting, the representative of Burundi was invited to participate in the discussion, and the

<sup>39</sup> Consiel national pour la défense de la démocratie — Front pour la défense de la démocratie.

<sup>40</sup> Parti pour la libération du peuple hutu — Forces nationales de libération.

<sup>41</sup> S/PV.4655, pp. 2-5.

<sup>42</sup> *Ibid.*, p. 6.

<sup>43</sup> *Ibid.*, p. 10 (United States); and p. 11 (Colombia).

<sup>44</sup> S/2002/1259.



President (Colombia) made a statement on behalf of the Council,<sup>45</sup> by which the Council, *inter alia*:

Welcomed the signing of the ceasefire agreement between the Transitional Government of Burundi and the CNDD-FDD in Arusha on 2 December 2002;

Supported the decision of the nineteenth Heads of State summit of the Regional Initiative to direct Palipehutu-FNL to enter into negotiation immediately and conclude a ceasefire agreement by 30 December 2002 or face the consequences;

Strongly urged FNL, under the leadership of Agathon Rwasa, to put an end immediately to the hostilities, sign a ceasefire agreement and commit themselves to political negotiations;

Welcomed the success of the donor round table organized in Geneva on 27 and 28 November 2002, and called on donors to respond urgently to the significant progress made recently and to disburse fully the contributions promised so far;

Strongly condemned all massacres and other acts of violence against civilians in Burundi;

Expressed serious concern about the deteriorating humanitarian situation in Burundi.

**Decision of 2 May 2003 (4749th meeting):  
statement by the President**

At the 4749th meeting, on 2 May 2003, the representative of Burundi was invited to participate in the discussion, and the President (Pakistan) made a statement on behalf of the Council,<sup>46</sup> by which the Council, *inter alia*:

Congratulated the Burundian parties on the peaceful transition of power in accordance with the 2000 Arusha Agreement; condemned the attacks of 17 and 25 April on Bujumbura and other cities by the forces of CNDD-FDD;

Reiterated its demand that FNL (Rwasa) lay down its arms and immediately enter into ceasefire with the Government of Burundi without preconditions;

Expressed support for the speedy deployment of the African Mission in Burundi;

Urged donors to support the economy in Burundi;

Urged the Burundian parties to take serious, meaningful steps to address human rights and accountability issues; and reaffirmed the vital importance of the Burundian parties themselves taking ownership of the process to address the devastating impact of impunity;

Requested the Secretary-General to continue to support the peace process in Burundi.

**Deliberations of 4 December 2003  
(4876th meeting)**

At the 4876th meeting,<sup>47</sup> on 4 December 2003, the representative of Burundi was invited to participate in the discussion. The Council heard briefings by the Deputy President of South Africa and the President of the Economic and Social Council, following which all Council members made statements.

The Deputy President of South Africa informed the Council that he had received a mandate from the Great Lakes Regional Peace Initiative on Burundi to report to the Security Council again and to request urgent direct assistance for the Burundi peace process. He detailed the tremendous progress in Burundi, *inter alia*, the establishment of the African mission in March 2003 and an inclusive Transitional Government; reduced levels of violence; the “proficient” presidential alternation from President Buyoya of the Tutsi political family to President Ndayizeye of the Hutu political family in line with the Arusha Agreement of 2000; and the conclusion of outstanding negotiations and the implementation of various agreements. He believed that the establishment of the African mission had been in line with Chapter VIII of the Charter of the United Nations and that reference was also made to such initiatives in Chapter VI. The African mission was headed by a Special Representative of the African Union in Burundi, assisted by three deputies from South Africa, the United Republic of Tanzania and Uganda, and integrated a military component with contingents from Mozambique, Ethiopia, and South Africa, with military observers from Burkina Faso, Gabon, Mali, Togo and Tunisia. The objectives of the mission were to oversee the implementation of the ceasefire agreements and to work to achieve conditions that were favourable for the establishment of a United Nations peacekeeping mission. He maintained that the mission was widely regarded as a shining example and model of African solutions to continental security challenges. He also told Council members about the signing of the two Pretoria Protocols of 8 October and 2 November 2003, and the comprehensive ceasefire

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<sup>45</sup> S/PRST/2002/40.

<sup>46</sup> S/PRST/2003/4.

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<sup>47</sup> At the 4832nd meeting, held in private on 22 September 2003, the members of the Council, the President of Burundi and the Chairperson of the Commission of the African Union had a constructive exchange of views.

agreement signed in Dar es Salaam on 16 November 2003, which had been a consolidation of all agreements between CNDD-FDD of Mr. Nkurunziza and the Transitional Government. As a result, Burundi had completed the first two thirds of the transition period, at the end of which a democratically elected legislature and executive would be in place to replace transitional institutions. He remarked that the November Summit had issued an ultimatum to FNL to join the peace process. He pointed out that conditions were now conducive for the United Nations to express its support and solidarity by taking over the African mission in Burundi, re-hatting the existing military contingent and deploying a United Nations peacekeeping operation. The other, more immediate, relief measures were to provide material, logistical and financial support to enable it to continue its work.<sup>48</sup>

The President of the Economic and Social Council observed that part of the needed international assistance clearly fell within the purview of the Security Council, such as ensuring that the African Union mission peacekeepers either stayed in place or were replaced by United Nations peacekeepers, or a combination of both. He also recognized that supporting the transition between rehabilitation and reconstruction as well as longer-term development clearly fell within the mandate of the Economic and Social Council, with a third part, including support for demobilization, disarmament and reintegration falling somewhere in between. In any case, peace was a prerequisite for reconstruction and development, so the immediate challenge was to avoid any slippage back into conflict. Finally, he opined that the United Nations could advocate for a solid partnership between the international community and Burundians.<sup>49</sup>

The majority of the speakers commended the efforts by the South African authorities, the Heads of State of Uganda and the United Republic of Tanzania as well as of many other actors of the Great Lakes Regional Peace Initiative and the African Union, particularly praised the regional nature of various efforts, and welcomed the agreements of 2 and 8 November. Most of the representatives regretted the failure of the Nairobi negotiations between the Transitional Government and FNL and urged the parties to cease hostilities and enter into negotiations.

<sup>48</sup> S/PV.4876, pp. 2-5.

<sup>49</sup> *Ibid.*, p. 5.

Several representatives expressed concern about the economic, social and humanitarian situation in the country, as well as the results to date of the disarmament, demobilization and reintegration process. A few speakers referred to the regional dimension of the conflict in the countries of the Great Lakes region.<sup>50</sup>

Some speakers advocated further logistical and financial support to the African mission<sup>51</sup> or stated that they would examine the possibility of contributing to peacekeeping efforts in Burundi.<sup>52</sup>

The representatives of Angola, Cameroon, France, Guinea and the United Kingdom spoke in favour of the deployment of a United Nations peacekeeping operation in Burundi.<sup>53</sup> The representative of France pointed out that the international community needed to take over from and consolidate regional efforts, and ensure an element of coherence in United Nations actions.<sup>54</sup> The representative of Angola called the attention of the Council to the need to apply the same standards to Burundi as it had in Liberia, in the Democratic Republic of the Congo and as it would in Côte d'Ivoire.<sup>55</sup>

The representative of China highlighted that the United Nations needed to enhance its coordination and cooperation with the African Union and its support to the African Union's mission in Burundi through joint efforts.<sup>56</sup>

The representative of Germany suggested that if FNL failed to enter into negotiations within a three-month period, the Council might wish to consider coercive measures against those FNL leaders unwilling to cooperate, as well as a weapons embargo against FNL.<sup>57</sup>

<sup>50</sup> *Ibid.*, p. 7 (Angola); p. 10 (Germany); and p. 12 (Russian Federation).

<sup>51</sup> *Ibid.*, p. 7 (Pakistan); p. 8 (China); p. 11 (United States, Syrian Arab Republic); and p. 15 (Bulgaria).

<sup>52</sup> *Ibid.*, p. 7 (Pakistan); p. 8 (China); p. 11 (United States); p. 12 (Russian Federation); and p. 14 (Chile).

<sup>53</sup> *Ibid.*, p. 6 (France); pp. 6-7 (Angola); pp. 8-9 (United Kingdom); pp. 12-13 (Guinea); and pp. 13-14 (Cameroon).

<sup>54</sup> *Ibid.*, p. 6.

<sup>55</sup> *Ibid.*, pp. 6-7.

<sup>56</sup> *Ibid.*, p. 8.

<sup>57</sup> *Ibid.*, p. 10.

**Decision of 22 December 2003 (4891st meeting): statement by the President**

At its 4891st meeting, on 22 December 2003, the Council included in its agenda the report of the Secretary-General on the situation in Burundi.<sup>58</sup>

In his report, the Secretary-General underlined that the transfer of power at the level of the Head of State and intensive ceasefire negotiations in 2003 had created a new hope for a democratic and peaceful Burundi. The transitional institutions were working well and the people of Burundi were adjusting themselves to the new situation. He reiterated his call on Palipehutu-FNL to “immediately and without conditions” begin ceasefire negotiations with the Transitional Government. He expressed concern about the living conditions of the people of Burundi and called on the donor community to provide “all-round assistance” and support to the African Mission in Burundi. Finally, he indicated that the preparation and

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<sup>58</sup> S/2003/1146.

conduct of the elections would need to be undertaken in the coming year.

At the meeting, the President (Bulgaria) made a statement on behalf of the Council,<sup>59</sup> by which the Council, *inter alia*:

Reaffirmed its full support for the peace process of the Arusha Agreement for Peace and Reconciliation for Burundi, called on all the Burundian parties to implement their commitments and assured them of its determination to support their efforts in this direction;

Welcomed the progress recently made by the Burundian parties, in particular by the signing, in Pretoria, of the protocols of 8 October and 2 November 2003 and by the conclusion, on 16 November 2003 in Dar es Salaam, of the Global Ceasefire Agreement between the Transitional Government and CNDD-FDD of Mr. Nkurunziza;

Condemned all acts of violence as well as violations of human rights and international humanitarian law, and reaffirmed its determination to support Burundian efforts to prevent such acts, based on the rule of law, in order to put an end to impunity.

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<sup>59</sup> S/PRST/2003/30.

## **7. Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America**

**Decision of 12 September 2003 (4820th meeting): resolution 1506 (2003)**

By a letter dated 15 August 2003 addressed to the President of the Security Council, the representative of the Libyan Arab Jamahiriya informed the Council that the remaining issues relating to the fulfilment of all Security Council resolutions resulting from the Lockerbie incident had been resolved. The Libyan Arab Jamahiriya had facilitated the bringing to justice of the two suspects charged with the bombing of Pan Am flight 103 and accepted responsibility for the actions of its officials; had cooperated with the Scottish investigating authorities; and had arranged for the payment of appropriate compensation. His Government had also repeatedly condemned all acts of terrorism. He then called on the Security Council to immediately lift the measures set forth in its resolutions 748 (1992) and 883 (1993).<sup>1</sup>

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<sup>1</sup> S/2003/818.

By a letter dated 15 August 2003 addressed to the President of the Security Council, the representatives of the United Kingdom and the United States referred to the letter dated 15 August 2003 from Libyan Arab Jamahiriya related to bombing of Pan Am flight 103 and reported that the Governments of the United Kingdom and the United States were prepared to allow the lifting of the measures set forth in resolutions 748 (1992) and 883 (1993) once the necessary sums referred to in the Libyan letter had been transferred to the agreed escrow account.<sup>2</sup>

At its 4820th meeting, convened on 9 September 2003, the Security Council included in its agenda the above-mentioned letters. The representative of the Libyan Arab Jamahiriya was invited to participate in the meeting. The President (United Kingdom) stated that, as a result of painstaking negotiations, the Libyan Arab Jamahiriya had accepted its responsibility for the bombing of Pan Am flight 103 over Lockerbie and had

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<sup>2</sup> S/2003/819.