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**BRIEF ON THE NEGOTIATIONS BETWEEN
THE GOVERNMENT OF BURUNDI AND THE PALIPEHUTU/
FORCES NATIONALES DE LIBERATION (FNL)**

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AND THE PALIPEHUTU/FORCES NATIONALES DE LIBERATION (FNL)**

1. At its 52nd meeting held on 29 May 2006, the Peace and Security Council was briefed on the evolving situation in Burundi and the efforts deployed to consolidate peace in that country, including the launching of peace talks between the Burundi Government and Palipehutu/FNL in Dar-es-Salaam, Tanzania, under the facilitation of the South African Safety and Security Minister, Charles Nqakula. On that occasion, Council expressed its support for the talks and the wish that they would, within the earliest possible timeframe, lead to an agreement that will consolidate the peace and reconciliation processes in Burundi.
2. It should be recalled, at this juncture, that the attitude of Palipehutu/FNL, which had kept itself outside the peace process, constituted a source of concern not only for the Burundi authorities but also for the countries of the region and Burundi's partners. In this regard, it should be emphasized that, right from their accession to the helm of governance, the new Burundi authorities held out their hand of friendship to this armed movement. The Government set up a team of military and civilian officers with responsibility to proceed, at an appropriate time, to Dar-es-Salaam for negotiations with the Palipehutu/FNL. The latter's negative response led the Burundi Government, whose patience had ran out, to transform its appeal for dialogue into an ultimatum which expired at the end of December 2005. As a result, clashes continued on the ground, as the cessation of hostilities agreement earlier concluded between Domitien Ndayiziyé, President of the Transition Government, and Agaton Rwasa, the leader of the Palipehutu/FNL, had been thrown over board, with the latter declaring that he did not recognize the Government in place, in Bujumbura.
3. By resolution 1653 (2006) of 27 January 2006, the United Nations Security Council strongly condemned the activities of the militias and armed groups operating in the Great Lakes Region, such as the Democratic Forces for the Liberation of Rwanda (FDLR), the Palipehutu/FNL and the Lord's Resistance Army (LRA), which continue to attack civilians and United Nations humanitarian personnel, commit human rights abuses against the local populations and threaten the stability of individual States and the region as a whole. It urged all such armed groups to lay down their arms and engage voluntarily and without delay or preconditions in their disarmament, repatriation and resettlement.
4. Concurrently with the pressure so exerted by the Security Council, the countries of the region, particularly through the United Republic of Tanzania, embarked on persuasion initiatives, as a result of which Agaton Rwasa announced his intention to enter into negotiation with the Government without precondition. It is against this background that South Africa, at the request of the Regional Initiative for Peace in Burundi, appointed Charles Nqakula, Safety and Security Minister, as Mediator, with the mandate to facilitate the talks between the two parties.
5. Thereafter, the Mediator visited Tanzania, Uganda and Burundi, in May 2006. As indicated in the announcement made at the end of the tour, negotiations between the Burundi Government and the Palipehutu/FNL officially got under way in Dar-es-Salaam on 29 May 2006, after the Mediator, assisted by the AU Special Representative in Burundi, the Special Representative of the UN Secretary-General and by the Regional Technical Committee comprising experts from Uganda, Tanzania and South Africa, had

succeeded in overcoming the difficulties arising from the demand by Palipehutu/FNL for the negotiations to be postponed. It was agreed to:

- formally launch the negotiation process on 29 May, and then set up two Technical Commissions, one to address political issues and the other, military matters;
- leave it to the Technical Commissions to informally do the spade work with the assistance of the Regional Technical Committee made up of Uganda, South Africa, Tanzania, the African Union and the United Nations;
- commence formal negotiations on Monday 5 June 2006; and
- hold a plenary session on Saturday 10 June 2006.

6. At the resumption of the negotiations on 5 June 2006, discussions were held in plenary. At the request of the Palipehutu/FNL, the talks were suspended on 8 June to resume the following day. The meeting then examined the following provisional agenda:

- history and ethnicity;
- ceasefire and reform/ transformation of the security forces;
- effective date of the ceasefire;
- immunity;
- repatriation of refugees and returns of IDPs;
- transformation of Palipehutu/FNL into a political party;
- translation of the documents into Kirundi, Kiswahili, French and English.

7. Discussions continued in the Political and Military Commissions. The United Nations Operation in Burundi (ONUB) briefed the Military Commission on the process of disarmament, demobilization and reintegration, and on the ongoing reform of the security sector (DDR/SSR).

8. On 11 June 2006, the Mediator gave a briefing on the progress of the negotiations. It emerged from his statement that the negotiations were, on the whole, progressing in a positive direction. However, a number of difficulties remained, notably in relation to the demand by the Palipehutu/FNL that the national defence forces should be dismantled since, in the view of this Movement, the existing army was not different from what it used to be, and was responsible for all the atrocities perpetrated in Burundi since 1962.

9. The Mediation felt that it was impossible to envisage such an eventuality. It however proposed that the DDR/SSR process should be strengthened and the Palipehutu/FNL encouraged to participate in this process. He added that the African Union, the United Nations and other partners would be requested to monitor and evaluate the implementation of any agreement concluded between the two parties. The suggestion was accepted.

10. The two Commissions subsequently met to finalize and sign the minutes of their two previous working sessions and to begin the drafting of a ceasefire agreement.

11. The prospect of signing an agreement in the near future led the Mediation to recommend the early consideration of the following issues:

- repatriation and reintegration of refugees and displaced persons;
- disarmament;
- Palipehutu/FNL participation in the institutions (identify, from the onset, the competent human resources available in the Movement);
- establishment of a monitoring, follow-up and evaluation mechanism to ensure implementation of the conclusions of the negotiations and, in this connection, the request to the AU, the UN and the Mediation to provide the requisite assistance. The Regional Initiative will be the guarantor of any agreement concluded.

12. A number of difficulties still have to be overcome with regard to the preparation of the ceasefire agreement. In the meantime, the Mediator recommended that a Summit of the Regional Initiative be convened for Saturday 17 June 2006. He decided to proceed to Addis Ababa to brief the Chairperson of the AU Commission and the Peace and Security Council. He also plans to travel to New York after the 17 June Summit to brief the UN Security Council on the evolution of the negotiations.

13. The signing of a ceasefire agreement between Palipehutu/FNL and the Government of Burundi will mark the conclusion of the peace process in Burundi, for which the African Union has made sustained efforts. The current stage of peace consolidation and post-conflict reconstruction calls for the assistance of the international community, including the AU, which should continue to monitor the situation in Burundi and do its utmost to assist this Member State.

2006

Brief on the Negotiations Between the Government of Burundi and thePalipehutu/ Forces Nationales De Liberation (FNL)

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