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**INFORMATION NOTE ON THE IMPLEMENTATION OF THE COMPREHENSIVE
CEASEFIRE AGREEMENT OF 7 SEPTEMBER 2006 BETWEEN THE GOVERNMENT
OF THE REPUBLIC OF BURUNDI AND THE PALIPEHUTU-FNL**

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I. INTRODUCTION

1. During its 65th meeting held on 9 November 2006, Council was briefed on the encouraging developments in the peace and reconciliation process in Burundi [PSC/PR/2(LXV)], in light of the signing, on 7 September 2006, of the Comprehensive Ceasefire Agreement between the Government and the Palipehutu-FNL of Agathon Rwasa. The Agreement made provision for a Joint Verification and Monitoring Mechanism (JVMM), involving the African Union, the United Nations and the Burundian parties. Under the activities devolving upon the JVMM, the African Union was “requested to assist with the provision of security for the combatants during their movement towards the assembly areas as well as the protection of their leadership”. More specifically, and according to the terms of the Agreement, the African Union was to establish a Special Task Force for the protection of the leadership and combatants of Palipehutu-FNL, including their movement towards the assembly areas; follow up and evaluate the process of development by the JVMM of the mechanisms to address criteria for integration, strength, rank harmonisation, post allocation and career path for individuals in the defence and security forces; and play a central role in all the efforts aimed at implementing the repatriation programme.

2. In its decision PSC/PR/Comm(LXV), Council approved the establishment of the Special Task Force as provided for in the Comprehensive Ceasefire Agreement and mandated the Chairperson of the Commission to solicit the support of the member States to this effect. In this respect, Council welcomed the willingness expressed by South Africa to contribute to the establishment of the Special Task Force and requested the Chairperson of the Commission and the Mediator, Charles Nqakula, Minister of Safety and Security of South Africa, in consultation with the parties, to take appropriate measures to consolidate the progress made with the signing of the Comprehensive Ceasefire Agreement, including the immediate deployment by South Africa of forces that shall assist in the implementation of the Agreement, as part of the envisaged Special Task Force.

3. The present Information Note gives an account of the implementation status of the Comprehensive Ceasefire Agreement and the difficulties encountered in this respect. It also deals with the efforts being deployed to overcome the difficulties.

**II. STEPS TAKEN IN IMPLEMENTATION OF THE COMPREHENSIVE
CEASEFIRE AGREEMENT**

4. In pursuance of the decision of Council, and in view of the conclusion of the mandate of the United Nations Operation in Burundi (ONUB) on 31 December 2006, which has been replaced by the United Nations Integrated Office in Burundi (BINUB), since 1 January 2007, the South African contingent that was until then operating under

United Nations mandate was transferred to the African Union on 28 December 2006, to serve as the nucleus of the Special Working Group. This 786 strong nucleus is to be increased to a total number of 1,088 troops. At the same time, the African Union Mission in Burundi (AMIB) has been strengthened with the arrival of a military advisor from Niger and 8 military observers from the Republic of Congo, Egypt, Ethiopia, The Gambia, Mali, Chad, Tunisia and Zimbabwe, who represent the African Union within the Joint Liaison Teams, provided for in the Comprehensive Peace Agreement.

5. After the signing of the Comprehensive Ceasefire Agreement, its implementation began only on 11 February 2007, date on which delegates of Palipehutu-FNL to the JVMM were freed from prison. A week later, i.e. 18 February 2007, exiled cadres of the movement returned to Burundi to participate in the activities of the JVMM, the main organ responsible for the implementation of the provisions of the Agreement. On 19 February, the activities of the JVMM were formally inaugurated in the presence of the Mediator and representatives of the international community in Bujumbura.

6. A closed session immediately followed during which participants discussed the items that should be placed on the agenda of the meeting. The agenda had three items, namely, introduction of the JVMM and the Joint Liaison Teams, identification of the assembly areas, and liberation of political prisoners and prisoners of war.

7. Since the Palipehutu-FNL was of the view that the liberation of the prisoners takes precedence over the identification of the assembly areas, the order of priorities was modified accordingly. At the end of their first working session, the participants agreed as follows:

- the Government delegation and the delegation of Palipehutu-FNL to the JVMM shall now include 12 members each instead of 7, as originally agreed;
- each of the two parties will be represented by 14 members in the Joint Liaison Teams;
- the Joint Liaison Team responsible for the release of the prisoners should become operational without delay;
- the Palipehutu-FNL delegation should submit proposals regarding the assembly areas to the JVMM, which will study them and take a final decision on the issue. The timeframe for Palipehutu-FNL delegation to carry out this work was not set;
- following a proposal by the Government delegation, rules of procedure of the JVMM were to be prepared. The Government delegation was to provide a draft text at the next working session then slated for 22 February 2007.

8. Unfortunately, the hopes generated by the inaugural session of the JVMM to see the process carried out unimpeded were short-lived. As a matter of fact, right from the session held on 22 February 2007, difficulties emerged, which got compounded later. As a result, the activities of the JVMM came to a halt and were finally suspended indefinitely on 26 March 2007 at the initiative of its Chairman who, in view of the irreconcilable positions of the two parties, referred the matter to the Mediator. In the circumstances, the issue was no longer to try to fast track the process but rather to see how it could be revived.

9. The deadlock arose from the four prerequisites put forward by the Palipehutu-FNL, namely the release of political prisoners and prisoners of war; the disengagement of the National Defence Force (FDN) from the Bubanza, Bujumbura Rural, Cibitoke and Kayanza provinces, where FNL combatants are believed to be stationed; the definition of the modalities of integration of the FNL combatants into the defence and security forces (negotiation of a technical agreement of forces); and the participation of the leaders of the movement in the country's political life (power-sharing and implementation of the 18 June 2006 Agreement of Principles).

10. Whilst the first demand falls within the purview of the JVMM, the same cannot be said of the second, which is difficult to implement because it is not possible to imagine how the FDN will withdraw from the provinces when it is expected to ensure security throughout the country. The last two demands, which are political in nature, require directives from the leaders of the two parties.

III. EFFORTS TO RE-LAUNCH THE ACTIVITIES OF THE JVMM

11. In a bid to revive the activities of the JVMM, the Special Representative of the Chairperson of the Commission in Burundi, Ambassador Mamadou Bah, met with the representatives of the Palipehutu-FNL on 27 March. On that occasion, he invited them to make a distinction between political issues, the resolution of which is the prerogative of the President of the Republic, Pierre Nkurunziza, and of the leader of the movement, Agathon Rwaswa, from technical issues which could be addressed by the JVMM without prejudice to the legitimate concerns of Palipehutu-FNL. He, therefore, suggested that the work of the JVMM be resumed to try to resolve the problems pertaining to the determination of the assembly areas and the release of the prisoners, and that efforts be made to arrange a meeting between the leader of the movement and the President of the Republic to resolve the issue relating to power sharing and the integration of forces. That proposal did not materialize.

12. On 3 April 2007, the Mediator dispatched his representative, Ambassador Kingsley Mamabolo, to Bujumbura, to try to break the deadlock. The latter was received by the President of the Republic, who raised the possibility of granting Palipehutu-FNL posts in the diplomacy, administration and the public sector, thus excluding the participation of Palipehutu-FNL in the Government and in the Assemblies, on grounds that the Constitution does not allow for the opening up of these institutions. He also expressed his readiness to meet the leader of Palipehutu-FNL at a meeting to be held in Burundi as soon as possible. For their part, the representatives of Palipehutu-FNL with whom Ambassador Mamabolo held talks demanded that the proposed meeting be held

outside Burundi, arguing that they feared for the safety of Mr. Rwaswa should the latter come to Burundi.

13. On 17 April 2007, while waiting for the modalities of the meeting between the President of the Republic and the leader of Palipehutu-FNL to be concluded, the Special Representative of the Chairperson of the Commission, once again, tried to convince the representatives of Palipehutu-FNL to rejoin the JVMM and prepare the meeting between the two officials concerned. The representatives of Palipehutu-FNL, however, re-affirmed their position according to which the resumption of the work of the JVMM would be possible only after they have been informed of the outcome of the meeting between Mr. Rwaswa and the President of the Republic.

14. In order to break the deadlock, the Chairperson of the Commission wrote, on 17 May 2007, to the Chairman and Vice-Chairman of the Regional Peace Initiative for Burundi, Presidents Yoweri Museveni and Jakaya Kikwete, respectively, as well as to President Thabo Mbeki of South Africa, the Facilitator, to draw their attention to the situation prevailing on the ground. More specifically, he requested them to do everything possible to facilitate a meeting between President Nkurunziza and Agathon Rwaswa so as to restore confidence between the parties and thereby get out of the impasse. The United Nations Secretary-General undertook a similar demarche.

15. Following a long process of consultations between all the stakeholders initiated in the wake of the suspension of the activities of the JVMM, on 26 March 2007, the meeting between President Nkurunziza and Agathon Rwaswa took place in Dar-es-Salaam on Sunday 17 June 2007. In attendance were President Kikwete, the South African Minister of Transport, who stood in for the Facilitator, the Executive Representative of the United Nations Secretary-General in Burundi, and the Special Representative of the Chairperson of the Commission in Burundi. The meeting essentially consisted in a long tête-à-tête between President Nkurunziza and Mr. Rwaswa, which lasted almost 5 hours.

16. At the end of the meeting, it was agreed that the JVMM would resume its activities and would work in a sustained manner to resolve all issues pertaining to the implementation of the Ceasefire Agreement. It was also agreed that, should difficulties arise, the representatives of the parties in the JVMM would consult with their respective authorities, namely the President of the Republic and the leader of Palipehutu-FNL, who would then personally get involved to iron out the differences. In this connection, the President of the Republic and the leader of the Palipehutu-FNL agreed to establish and maintain a permanent line of communication between them. On the specific issue of the release of political prisoners and prisoners of war, the two parties agreed to initiate the process as soon as possible. To this end, Palipehutu-FNL will provide the list of its combatants who fall in this category. The list will be examined by the JVMM and a committee of the Ministry of Justice in order to identify those who, according to the definition of political prisoners and prisoners of war, qualify to be released.

17. The JVMM resumed its activities on 4 July 2007. The meetings held were devoted to the following issues:

- discussion of the results of the meeting of 17 June in Dar-es-Salaam ;

- elaboration of an implementation plan for the decisions reached in Dar-es-Salaam ;
- establishment of the Joint Liaison Team in charge of immunities and the release of political prisoners and prisoners of war; and
- reactivation of the Standing Committee on the allegations of ceasefire violations.

18. Comprising 16 members, including a representative of the African Union, the Joint Liaison Team in charge of immunities and the liberation of political prisoners and prisoners of war has since started its work. However, it is feared that the JVMM may again be faced with a deadlock. Indeed, the same issues that led to the suspension of the activities of the JVMM some months ago have been put back on the table. These issues relate to the identification of the assembly areas, the submission of the list of prisoners and combatants, the disengagement of the FDN from provinces where FNL combatants are believed to be stationed, and the participation of Palipehutu-FNL in the institutions of the Republic.

IV. OBSERVATIONS

19. Nearly a year after the signing of the Comprehensive Ceasefire Agreement between the Government and the Palipehutu-FNL, progress made in its implementation remains limited. Indeed, the achievements of the JVMM amounted only to the establishment of the Joint Liaison Team on immunities and the release of political prisoners and prisoners of war; the return to Bujumbura of 5 FNL officers from the provinces of Bubanza, Bujumbura Rural, Cibitoke and Kayanza; and the establishment of a Standing Committee comprising representatives of the Palipehutu-FNL, the Government, the United Nations, the African Union and the Mediation charged with analysing all allegations of violation of the ceasefire.

20 Admittedly, the JVMM has resumed its work. However, as indicated above, factors which could provoke a new deadlock in the activities of this organ were perceptible during its recent meetings. The Special Representative of the Chairperson of the Commission, in collaboration with the Executive Representative of the Secretary-General of the United Nations and the Ambassadors of Tanzania and South Africa, is working to prevent another suspension of the activities of the JVMM.

21. It is crucial that the last phase of the peace process in Burundi be successfully carried out in order to consolidate the remarkable progress made over the past years and allow a much greater mobilization to meet the challenges of post-conflict reconstruction and development. In this context, the Burundian parties should be urged to take advantage of the momentum created following the meeting between President Nkurunziza and Agathon Rwasa, to move forward the implementation process of the Comprehensive Ceasefire Agreement. The leaders of the Palipehutu-FNL should also be requested to scrupulously honor their commitments.

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Information Note on the Implementation of the Comprehensive Ceasefire Agreement of 7 September 2006 between the Government of the Republic of Burundi and the PALIPEHUTU-FNL

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