



EAST AFRICAN COMMUNITY

**REPORT OF THE
EMERGENCY SUMMIT OF THE EAC HEADS OF STATE ON
THE SITUATION IN BURUNDI**

Theme: One People, One Destiny

**STATE HOUSE CONFERENCE HALL, DAR ES
SALAAM, TANZANIA**

31ST MAY, 2015

**East African Community
Arusha, TANZANIA**

Preamble

The Emergency Summit of the EAC Heads of State on the situation in Burundi was held at the State House Conference Hall in Dar es Salaam, Tanzania on 31st May, 2015 and was attended by the following:

- (a) H.E. Jakaya Mrisho Kikwete, President of The United Republic of Tanzania and Chairperson of the Summit;*
- (b) H.E. Yoweri Kaguta Museveni, President of the Republic of Uganda;*
- (c) H.E. Uhuru Kenyatta, President of the Republic of Kenya;*
- (d) Hon. Alain Nyamitwe, Minister of External and International Cooperation representing the President of the Republic of Burundi; and*
- (e) Hon. Valentine Rugwabiza, Minister for East African Community, representing the President of the Republic of Rwanda.*

The Summit was also attended by H.E. Jacob Zuma, President of the republic of South Africa and H.E. Nkosazana Dlamini Zuma, Chairperson of the African Union Commission.

In attendance were H.E. Saidi Djinnit, United Nations Secretary General's Special Envoy for the Great Lakes Region; Hon. Ministers and Attorneys General/Ministers of Justice and Constitutional Affairs of the EAC Partner States; the Secretary General of the East African Community; the Executive Secretary of the International Conference on Great Lakes Region as well as representatives of the cooperating partners.

The outcome of the deliberations of the Summit are contained herein.

1.0 ADOPTION OF THE AGENDA

The Summit considered and adopted the Agenda proposed by the Ministers/Cabinet Secretaries attached hereto as **Annex I**.

2.0 CONSIDERATION OF THE REPORT OF THE EMERGENCY MEETING OF THE MINISTERS/CABINET SECRETARIES FOR THE EAC PARTNER STATES

Hon. Bernard Membe, Minister for Foreign Affairs and International Cooperation, The United Republic of Tanzania, tabled the Report of the Ministers/Cabinet Secretaries. The Report covers matters relating to the situation in Burundi and the central issue is the crisis that is directly linked to the political impasse emanating from unresolved issue of third term for President Nkurunziza.

The Report in particular drew the Summit's attention to the proposed options towards the resolution of the impasse. The Report also highlights the strengths, weaknesses, conditions and guarantees for each option as reflected in the matrices below:

Option 1: EAC Heads of State convince President Pierre Nkurunziza to withdraw his candidature in the interest of the country and the region (PREFERRED/BEST CASE SCENARIO)

Strengths of Option 1	Weaknesses of option 1	Conditions	Guarantees
<ul style="list-style-type: none"> • The controversies relating to the interpretation of the constitution and the Arusha peace accord would be resolved; • The first ever peaceful transfer of power from a democratically elected leader to another. • Guarantees stability, continuity and sustainability of all gains registered since the end of the civil war a decade ago; • The CNDD-FDD party would be strengthened and 	<ul style="list-style-type: none"> • Inability for the incumbent to exercise his right to run based on the ruling of the constitutional court • Possibility of protest and violence from supporters of the Incumbent • Since the incumbent has already been nominated and registered, it would take regional pressure for President Nkurunziza to agree not to stand. 	<ul style="list-style-type: none"> • Assurances that the president's inner circle including a section of former CNDD-FDD army and police generals and senior politicians will not instigate mass uprising or coup d'Etat. • Delaying of elections to allow the ruling party time to hold congress and agree on new candidate and the opposition to prepare itself for the elections 	<ul style="list-style-type: none"> • EAC, AU and the UN give the incumbent assurances for his security and sustenance upon retirement. • Burundi government and security forces put in place mechanisms that ensure the incumbent's supporters do not rise up in demand for his return. • East African Standby Force is deployed to verify disarmament of armed groups and to work with the Burundi security services in providing

<p>its nominee would take advantage of the weaknesses in the opposition camp to win the election;</p> <ul style="list-style-type: none"> • The international community and the region rally behind government to mobilize support (financial and material resources) for management of the electoral process; • Worries of divisions within security forces would diminish; • Easiest to fit within the current electoral calendar requirements 		<ul style="list-style-type: none"> ▪ All actors in Burundi agree and commit to this option ▪ Need for continued dialogue facilitated by the region ▪ Politically motivated warrants of arrests, charges and sentences against opposition and CSOs removed/cancelled • All armed youth groups allied to political parties are disarmed and disbanded. • Allow establishment of a regional commission of inquiry into the reports of presence of FDLR and other negative forces in Burundi. • Create a level playing field for all political parties and actors including a free media; also ensure that the opposition exercise their right to hold rallies and popularize themselves. • Conditions are created for the return of refugees 	<p>a peaceful environment for the elections</p>
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OPTION 2: Elections take place with President Nkurunziza participating as a candidate

Strengths of option 2	Weaknesses of option 2	Conditions	Required Guarantees
<ul style="list-style-type: none"> • Incumbent is already a candidate and registered • This complies with the decision of the constitutional court • The original roadmap / electoral calendar is followed 	<ul style="list-style-type: none"> • Since there is no legal constitutional basis for it in the opinion of EAC Attorneys General, it would have to be a negotiated settlement with strict conditions • Protests may continue before, during and after elections and an increase in the flow of refugees leading to a humanitarian crisis for Burundi and the region • Divisions in the ruling party continue leading to possible break-up. • Divided responses to demonstrations between police and army • Deployment of ruling party youth to quell protests-leading to escalation of violence and bloodshed • Protests spread to other provinces outside of Bujumbura, Bujumbura rural, 	<ul style="list-style-type: none"> • All actors in Burundi agree and commit to this option • A strong Region-led negotiated arrangement • Need for honest and genuine dialogue involving the President and his opponents facilitated by the region • Politically motivated warrants of arrests, charges and sentences against opposition and CSOs leaders are dropped • All those interested to present themselves for elections are allowed to do so within the law; • President and CNDD-FDD commit not to amend the constitution with respect to term limits, if re-elected. • All armed youth groups allied to political parties are disarmed and disbanded. 	<ul style="list-style-type: none"> • The EAC establishes a verification mechanism to guarantee the effective implementation. EAC-COMESA Eminent Persons to support the process, accompany the Burundi people and provide regular reports. East African Standby Force is deployed to verify disarmament of armed groups and to work with the Burundi security services in providing a peaceful environment for the elections.

	<p>Bururi and Mwaro;</p> <ul style="list-style-type: none"> • Possibilities of another coup d'Etat; • Election marred with violence; • Outcome of the elections contested; • A weak and illegitimate government would result that may not complete its five year term; • Gains made over the last decade eroded • Resistance by the incumbent and his party of invasive conditionalities by the region • Strong opposition by civil society and the political opposition • Fear of reprisals by demonstrators were the incumbent to remain in power • Possibility of civil war 	<ul style="list-style-type: none"> • Allow establishment of a regional commission of inquiry into the reports of presence of FDLR and other negative forces in Burundi. • Create a level playing field for all political parties and actors including a free media; also ensure that the opposition exercise their right to hold rallies and popularize themselves. • Commits to respect the Arusha Peace and Reconciliation Accord • Conditions are created for the return of refugees • There is need for a Legal constitutional basis for this option • Allow registration of all eligible voters • Create conditions for regional and international observers and monitors • The electoral calendar would have to slide to a period that allows 	
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		the above conditions to be put in place	
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2.1 PROPOSED ACCOMPANYING CONFIDENCE BUILDING MEASURES

For the success of any of the options stated above, the Ministers/Cabinet Secretaries proposed the following confidence building measures:

- (a) The consultative political dialogue among Burundi Stakeholders facilitated by the EAC-COMESA, ICGLR, AU and UN with the support of the larger international community including the EU and relevant bilateral partners;
- (b) Commitment to immediately end all acts of violence and intimidation by all parties;
- (c) Lifting of arrest warrants and charges against opposition political leaders and civil society leaders;
- (d) Liberation of all those who were detained in connection with the crisis;
- (e) Reopening of all registered radio stations and lifting restrictions on all registered media;
- (f) Allowing all interested political parties to register for the forthcoming elections;
- (g) Creating a level playing field for all political parties and actors to exercise their rights to hold rallies and popularize themselves;
- (h) Provide oversight by the region as guarantors of the Arusha peace process
- (i) Deployment of the East African Standby Force to verify disarmament of armed groups and working with the Burundi Security services in guaranteeing peace and security during the elections;
- (j) all armed youth groups allied to political parties
- (k) reinforcement of the independent electoral commission
- (l) security for political and civil society actors
- (m) return and participation of refugees;
- (n) release of people arrested in relation with demonstrations;
- (o) Cancellation of the decision of the Attorney General setting up a commission of inquiry to investigate the instigators of the demonstrations;
- (p) Halt to the demonstrations.

Other accompanying measures proposed include:

- (a) the endorsement of the EAC summit position by the AU Peace and Security Council and the UNSC;
- (b) Support by international partners to the regional initiatives.

The detailed report of the Ministers / Cabinet Secretaries is attached hereto as **Annex I**.

3.0 CONSIDERATION OF THE REPORT OF THE ATTORNEYS GENERAL / MINISTERS OF JUSTICE AND CONSTITUTIONAL AFFAIRS

The Summit considered the report of the Attorneys General / Ministers of Justice and Constitutional Affairs on the issue whether or not in terms of the Constitution of the Republic of Burundi and the Arusha Peace and Reconciliation Agreement, H.E. President Nkurunziza is eligible for re-election after being in power for 10 years.

3.1 DELIBERATIONS ON THE REPORTS OF MINISTERS/CABINET SECRETARIES AND ATTORNEYS GENERAL / MINISTERS OF JUSTICE AND CONSTITUTIONAL AFFAIRS

After deliberations on the Report of Attorneys General/Ministers of Justice and Constitutional Affairs, the Summit observed that in general, the Constitution of Burundi either prevents President Nkurunziza from standing for another term or is ambiguous to that effect.

Accordingly, given the possible ambiguity in the Constitution and the political impasse currently prevailing in Burundi, there is a need for a negotiated political solution for the crisis in Burundi. Therefore, the Summit considered the options provided by the Ministers/Cabinet Secretaries and decided that the option of a negotiated settlement engineered by the Burundi themselves, under a dialogue supported and facilitated by the Summit, the African Union as well as the United Nations was urgent.

The Summit noted that for this option to succeed, extensive conditions and guarantees were required. Such conditions and guarantees include:

- (a) All actors in Burundi agree and commit to this option
- (b) A strong Region-led negotiated arrangement : Given the history of Burundi, this arrangement may include commitment to the formation of a Government of National Unity for this period by whoever wins the election. A winner take all solution should be discouraged.
- (c) Need for honest and genuine dialogue involving the President and his opponents facilitated by the region
- (d) Politically motivated warrants of arrests, charges and sentences against opposition and CSOs leaders are dropped
- (e) All those interested to present themselves for elections are allowed to do so within the law;
- (f) President and CNDD-FDD commit not to amend the constitution with respect to term limits, if re-elected.
- (g) All armed youth groups allied to political parties are disarmed and disbanded.
- (h) Allow establishment of a regional commission of inquiry into the reports of presence of FDLR and other negative forces in Burundi.
- (i) Create a level playing field for all political parties and actors including a free media; also ensure that the opposition exercise their right to hold rallies and popularize themselves.
- (j) Commits to respect the Arusha Peace and Reconciliation Accord
- (k) Conditions are created for the return of refugees

- (l) There is need for a Legal constitutional basis for this option
- (m) Allow registration of all eligible voters
- (n) Create conditions for regional and international observers and monitors
- (o) The electoral calendar would have to slide to a period that allows the above conditions to be put in place

Guarantees for the success of the Option:

- (a) The EAC, ICGLR, AU and UN establishes a verification mechanism to guarantee the effective implementation.
- (b) EAC-COMESA Eminent Persons to support the process, accompany the Burundi people and provide regular reports.
- (c) East African Standby Force is deployed to verify disarmament of armed groups and to work with the Burundi security services in providing a peaceful environment for the elections

Accordingly, the Summit:

- (a) decided that the option of negotiated settlement shall be engineered by the Burundi themselves, supported and facilitated by the Summit;**
- (b) called for the general postponement of the elections for a period not less than one and a half months (1½) and appealed to institutions in Burundi including the Parliament to facilitate this postponement;**
- (c) decided that the Chairperson of the Summit immediately communicates to President Nkurunziza on the imperative of immediate postponement of elections scheduled to take place on 5th June 2015;**
- (d) decided that during the postponement mentioned above, Members of the Summit led by the Chairperson, consult with all stakeholders in Burundi on how to resolve the political impasse in the country;**
- (e) called upon all parties to stop violence and exercise restraint during this period;**
- (f) called for urgent disarmament of all armed youth groups allied to political parties;**
- (g) encouraged the government of Burundi to create conducive conditions for the return of refugees to their homes;**
- (h) directed the Ministers of Foreign Affairs of the EAC Partner States and the Republic of South Africa to urgently communicate these and other decisions to the Government of Burundi.**
- (i) directed the Ministers to engage all stakeholders in Burundi and continuously report progress to the Summit;**
- (j) called upon the African Union, the United Nations and all other partners to cooperate with the East African Community towards the attainment of these objectives.**

3.2 CAPACITY BUILDING IN RIOT CONTROL

The Summit also noted with concern that there was apparent lack of capacity of Burundi National Police in the use of appropriate methods of riot control. The Summit was strongly opposed to the use of live ammunitions while managing the crowd and controlling demonstrations as is being done in Burundi.

The Summit decided to work with the African Union to help address this capacity constraint once the current crisis is resolved.

4.0 COMMUNIQUE OF THE SUMMIT

The Summit considered and adopted a Communiqué which is attached hereto as **Annex II**.