

AFRICAN UNION

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PEACE AND SECURITY COUNCIL
65TH MEETING
9 NOVEMBER 2006
ADDIS ABABA, ETHIOPIA

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**REPORT OF THE CHAIRPERSON OF THE COMMISSION 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. The Council considered the situation in Burundi during its 37th and 56th sessions held on 8 September 2005 and 19 June 2006, respectively. At the 19 June 2006 meeting, particular attention was paid to the question of Palipehutu-FNL, which was involved in negotiations with the Government of Burundi. This report provides an update on the peace process in Burundi since the meeting of 19 June 2006.

II. NEGOTIATIONS BETWEEN THE GOVERNMENT OF BURUNDI AND THE PALIPEHUTU-FNL

2. Negotiations between the Government of Burundi and Agathon Rwasas Palipehutu-FNL started on 29 May 2006 and ended on 7 September 2006, with the signing of a Comprehensive Ceasefire Agreement. These negotiations were conducted in two phases, the first of which culminated in the signing of the "Dar-es-Salaam Agreement of Principles Towards Lasting Peace, Security and Stability in Burundi", during the 26th Regional Initiative Summit, held in Dar-es-Salaam on 17 and 18 June 2006. The document has 9 (nine) articles and 2 (two) annexes, and provided for negotiations between the parties to continue so that a Comprehensive Ceasefire Agreement can be reached within two weeks.

3. During its meeting of 19 June 2006, Council expressed satisfaction at the signing of the Dar-es-Salaam Agreement of Principles and urged the two parties to pursue their discussions in a spirit of compromise in order to achieve an early conclusion of a ceasefire agreement, so as to ensure the success of the peace and reconstruction process in Burundi. The Council commended the Regional Initiative for its role in the search for, and consolidation of, peace in Burundi, and urged it to continue with its efforts until the conclusion of a final peace agreement. The Council further commended the Facilitator of the Talks, Mr. Charles Nqakula, Minister of Security and Safety of the Republic of South Africa, and encouraged him to pursue his efforts. The Council requested me to continue supporting the peace, national reconciliation and post-conflict reconstruction processes in Burundi, and encouraged me to take all appropriate measures, together with AU partners, to contribute to the monitoring and evaluation of the implementation of an eventual peace agreement.

4. The second phase of the peace negotiations was characterized by stoppages, and lasted from 23 June to 7 September 2006, the date on which a "Comprehensive Ceasefire Agreement between the Government of Burundi and the Palipehutu-FNL" was signed. This was during the 27th Summit of the Regional Peace Initiative. Presidents Yoweri Museveni, Jakaya Kikwete and Thabo Mbeki, respectively Chairperson of the Regional Initiative, Vice-Chairperson of the Regional Initiative and representative of the facilitating country, were guarantors of the Agreement, while the African Union, represented by the Deputy Chairperson of the Commission, and the UN, represented by the Special Representative of the UN Secretary-General in Burundi, were witnesses.

5. The Agreement, copy of which is herewith attached, comprises six articles, and also four annexes relating to the:

- obligations of the parties and definitions;
- implementation modalities;
- defence and security forces;
- "Modalities for the implementation of the Ceasefire Agreement in respect of the leaders and combatants of the Palipehutu-FNL".

6. The Agreement assigns roles to the various stakeholders. Accordingly, the Regional Initiative is the guarantor of the process, while the Facilitator, as the "moral guarantor", is the "recourse authority and conciliation agent". For their part, the AU and the UN will play an important role in the implementation of the Agreement. Article 3 (1) of the Agreement itself makes provision for a Joint Verification and Monitoring Mechanism (JVMM), which shall involve the AU, the UN and the Burundian parties. Under the activities devolving upon the JVMM, "the AU will be required to assist with the provision of security for combatants during their movement towards the assembly areas as well as the protection of the leadership" (Annex II 1.4). More specifically, and according to the terms of the Agreement, the AU shall:

- "... establish a Special Task Force for the protection of the leadership and combatants of Palipehutu-FNL, including their movement towards the assembly areas" (Article 3.4);
- the JVMM shall develop the mechanisms to address criteria for integration, strength, rank harmonisation, post allocation and career path for individuals in the defence and security forces. This process shall be monitored and evaluated by the African Union working in consonance with the United Nations and other International fora (Annex III 2.2);
- "be the nucleus of all efforts to give impetus to" the repatriation programme (Annex IV.4).

7. South Africa acted as mediator, with the firm support of Uganda and Tanzania. Represented by its Mission in Burundi, the Commission took part in the negotiations as observer.

8. Today, the Agreement is at the implementation phase. In this respect, the mediation team led by Ambassador Kinsley Mamabolo, Special Envoy of South Africa to the Great Lakes Region, visited Bujumbura from 27 September to 5 October 2006. The purpose of the visit was to oversee the establishment of the office of the mediation and the setting up of the JVMM. Initially scheduled for 4 October 2006, the installation of the JVMM was postponed to 11 October 2006 at the request of the Palipehutu-FNL, on the grounds that some of its members, who had to serve in this body, were not immediately available.

9. The JVMM was effectively inaugurated on 11 October. The Palipehutu-FNL demanded that the Government should first formally grant provisional immunity to its members and also free political prisoners, and so did not attend the inaugural session. However, like the Government, it gave the mediator the list of its seven representatives. In this respect, it should be noted that the bill to grant provisional immunity to Palipehutu-FNL members was adopted by the National Assembly on Friday 3 November 2006. This marks a step forward towards the effective implementation of the Comprehensive Ceasefire Agreement.

10. The main difficulty encountered at the initial implementation phase of the ceasefire is the fact that the mediator does not still have the list of the Palipehutu-FNL combatants. In a bid to overcome this difficulty and to make progress, especially as concerns logistics and budgeting for the operation, the mediator is working on the assumption that there are 3,000 (three thousand) combatants.

11. Ambassador Mamabolo also availed himself of his stay in Burundi to request the financial support of the international community and the traditional donors towards the implementation of the Comprehensive Ceasefire Agreement. Some partners in Bujumbura have already indicated their readiness to provide supplies for the combatants.

12. During the first part of its stay in Bujumbura, the mediation team was accompanied by a Palipehutu-FNL advance team, which had come to prepare the return of the movement's members. Its main duty consisted in evaluating the security situation in the country and seeking accommodation for Palipehutu-FNL returning officials. The Palipehutu-FNL delegation has since returned to Dar-es-Salaam to report to their authority.

13. Although all attention is currently focused on the implementation of the Ceasefire Agreement signed between Agathon Rwasa and the Government of Burundi, the issue of the Palipehutu-FNL dissident wing, led by Jean Bosco Sindayigaya, is still a major concern. Hence, although the mediation was mandated by the Regional Initiative only to secure a ceasefire with Agathon Rwasa's movement, it is also trying to find a solution to the problem posed by Jean Bosco Sindayigaya, a dissident of the Movement. The mediation has suggested that the Burundian Government should take the initiative and put in place a mechanism through which this problem can be settled so that Jean Bosco Sindayigaya's combatants will not feel abandoned and, as such, jeopardize the on-going process.

III. OBSERVATIONS

14. I welcome the significant progress recorded in the peace process in Burundi and express my gratitude to the Regional Peace Initiative and the facilitator for their sustained and tireless efforts to promote peace, security and stability in Burundi. It is now time to consolidate the achievements thus made.

15. In this respect, and based on the terms of the Agreement, the Government of Burundi sent, on 28 September, a Note Verbale, formally requesting the African Union Mission in Burundi to "take the necessary measures to ensure the security of (Palipehutu-FNL) leaders and of the corridors through which they will pass". This task requires the speedy deployment of a force on the spot.

16. Considering the urgency of the situation, and in order to speed up the implementation of the Ceasefire Agreement, I took certain measures, based on the Council decision of 19 June "encourage(ing me) to take the necessary measures to contribute, together with AU partners, to the monitoring and evaluation of the agreement to be signed". These measures related to the strengthening of the Mission in Burundi, through the designation of two senior military officers to represent the AU in the JVMM and the rental of office space to accommodate the JVMM and the Headquarters of the protection force to be deployed. Moreover, arrangements are underway for the deployment, in due course, of military observers to represent the AU in the Joint Liaison Teams (JLT).

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**PEACE AND SECURITY COUNCIL
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COMMUNIQUE

**COMMUNIQUE OF THE 65TH MEETING OF THE
PEACE AND SECURITY COUNCIL**

The Peace and Security Council of the African Union, at its 65th meeting held on 9 November 2006, adopted the following decision on the implementation of the Comprehensive Ceasefire Agreement of 7 September 2006 between the Government of the Republic of Burundi and the Palipehutu-FNL of Agathon Rwasa:

The Council,

1. **Takes note** of the Report of the Chairperson of the Commission on the implementation of the Comprehensive Ceasefire Agreement of 7 September 2006, between the Government of the Republic of Burundi and the Palipehutu-FNL of Agathon Rwasa [PSC/PR/2 (LXV)], as well as of the presentation of the representative of the Facilitator, Ambassador Kinsley Mamabolo, Special Envoy of South Africa for the Great Lakes Region;
2. **Welcomes** the progress made in the peace process in Burundi, particularly the signing of the Comprehensive Ceasefire Agreement between the Government of Burundi and Palipehutu-FNL of Agathon Rwasa, on 7 September 2006, in Dar-es-Salaam;
3. **Pays tribute** to the Regional Initiative, as well as to the Facilitator of the peace process, Mr. Charles Nqakula, Minister of Security and Safety of the Republic of South Africa, for their commitment and sustained efforts aimed at consolidating peace in Burundi;
4. **Commends** the Burundian parties for their political will and commitment to peace, which made the signing of the Comprehensive Ceasefire Agreement possible;
5. **Welcomes** the measures already taken by the Chairperson of the Commission with a view to facilitating the implementation of the Comprehensive Ceasefire Agreement, particularly the designation of military officers to represent the AU in the Joint Verification and Monitoring Mechanism (JVMM), and **requests** him to speed up the deployment of AU military observers to work in the Joint Liaison Teams provided for by the Comprehensive Ceasefire Agreement;
6. **Takes note** of the provisions of the Comprehensive Ceasefire Agreement requesting the African Union to establish a Special Task Force for the protection of the leaders and combatants of the Palipehutu-FNL of Agathon Rwasa, as well as their movement to the assembly areas and of the request by the Government of Burundi for the AU to take the necessary measures to ensure the security of leaders of the Palipehutu-FNL of Agathon Rwasa, as well as the safety of the corridors through which they will pass;

7. **Approves** the establishment of the Special Task Force as provided for in the Comprehensive Ceasefire Agreement and **mandates** the Chairperson of the Commission to solicit the support of Member States to this effect. In this respect, Council **welcomes** the willingness expressed by South Africa to contribute to the establishment of the Special Task Force and **requests** the Chairperson of the Commission, working in close collaboration with the Facilitator, to submit, as soon as possible, proposals on the modalities for the establishment of the Special Task Force. In the meantime, Council **requests** the Chairperson of the Commission and the Facilitator, 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 Comprehensive Ceasefire Agreement, as part of the envisaged Special Task Force;
8. **Urges** the parties to faithfully implement the provisions of the Comprehensive Ceasefire Agreement. Council **encourages** the Government of Burundi to promote a policy of reconciliation, tolerance and respect of human rights, in order to consolidate the progress made so far in the peace process;
9. **Appeals** to the United Nations, the European Union and other partners of the African Union to provide the necessary support and assistance for the implementation of the Agreement. In this regard, the Council **welcomes** the commitment made by some partners to support the process of disarmament, demobilization and reintegration (DDR) of the combatants and the willingness of the United Nations to facilitate, through the Integrated United Nations Office in Burundi, the implementation of the Comprehensive Ceasefire Agreement;
10. **Requests** the Chairperson of the Commission to continue working closely with the Regional Initiative, the Facilitator, the United Nations and other partners for the effective implementation of the Comprehensive Ceasefire Agreement;
11. **Decides** to remain seized of the matter.