

**STATEMENT BY HE. BENJAMIN WILLIAMMKAPA, THE EAST AFRICAN
COMMUNITY'S FACILITATOR OF THE INTER-BURUNDI DIALOGUE AND
FORMER PRESIDENT OF THE UNITED REPUBLIC
OF TANZANIA TO THE EAC SUMMIT: DAR ES SALAAM, TANZANIA
20 MAY 2017**

*HE Dr. John Pombe Joseph Magufuli, Chairperson of the EAC Summit and
President of the United Republic of Tanzania;*

*HE Yoweri Kaguta Museveni, President of the Republic of Uganda, and
Mediator of the Inter-Burundi Dialogue;*

HE Paul Kagame, President of the Republic of Rwanda;

HE Uhuru Kenyatta, President of the Republic of Kenya;

HE Salva Kiir Mayardit, President of the Republic of South Sudan;

HE Dr. Ali Mohammed Shein, President of Zanzibar;

HE Gaston Sindimwo, First Vice-President of the Republic of Burundi

Your Excellencies,

I appreciate the opportunity given to me today to brief the Summit. In my report to you today, I intend to appraise you on the activities undertaken, the obstacles encountered and the progress so far attained. In the period between the last Summit September 2016 where I reported my progress to you and February 2017, I have had consultations with various stakeholders in the Burundi crisis. I met the external opposition operating under the acronym CNARED who came to Dar es Salaam twice. I also met in Dar es Salaam the Secretary General of CNDD-FDD, who in the course of the consultations reiterated full and unconditional commitment of his Party to the Dialogue. Furthermore, he informed of the initiatives being undertaken to reach out to those in the diaspora and in exile so as to iron out their differences to allow to go back home. This initiative has culminated in the return of Former President Sylvestre Ntibantunganya, Former Vice President, Madame Alice Nzomukunda, Ambassador Felix Ndayisenga and

Mathias Basabose, Secretary General of ADR. Furthermore, I met twice in Dar es Salaam, Ambassador Jamal Benomar, Under-Secretary General and Special Advisor to the United Nations Secretary General on conflict prevention and Professor Ibrahima Fall, AU's Special Representative for the Great Lakes Region and Head of the AU Liaison Office in Burundi. All of them reiterated the unwavering support of their respective organizations to this dialogue.

In early December 2016, I paid a two-day working visit to the Republic of Burundi from 7th – 9th December, 2016. The purpose of the visit was to confer with HE President Pierre Nkurunziza and other stakeholders on the status of the Dialogue and the way forward. I had cordial discussions with President Nkurunziza and shared with him his vision of the interventions to be undertaken in the coming months in fulfilment of the EAC Summit of Heads of State mandate. Furthermore, I wanted to promote a common ground between the parties to the dispute and to establish to what extent the Burundian authorities could meet the external opposition. In addition, I wanted to verify how inclusive should the Inter-Burundi Dialogue be and to what extent the Burundian authorities could talk to their political opponents. I also wanted to know the assessment of the diplomatic community regarding the prevailing economic situation as well as the respect of human rights by the Burundian authorities and whether they thought there could be reconciliation without the external opposition.

While in Burundi, I consulted with the political parties; the diplomatic community; civil society organizations; women and youth groups; religious leaders and a number of key political actors. In the course of our discussions, I noted the firm determination of most of the stakeholders towards collectively putting in place a forward-looking agenda that would culminate into credible and acceptable elections in 2020. In addition, in all my interactions, I recognized the readiness of all parties to engage the non-violent external opposition in the Dialogue process as part of the fulfilment of the commitments towards inclusivity. Some went further to suggest that the facilitation engage even armed groups which have renounced violence because any agreement reached without their involvement would not be sustainable. I also sensed a notable convergence on the fact that there was a tremendous improvement in the security situation, which all stakeholders should use to ensure that the on-going process is concluded peacefully.

In my interactions with the diplomatic community, I was encouraged by their readiness to let bygones be bygones and start to engage more constructively with the Burundian authorities towards actions that will support revival of the Burundi economy which has been deteriorating as a result of this crisis and the economic sanctions. The diplomatic community emphatically stated that their respective countries did not support regime change but supported the opening up of the political space so as to allow the people of Burundi to make a free and informed choice of their leaders. They also supported the idea that opposition should desist from political posturing of towing the hard-line and embrace a forward looking agenda that focuses on creating conducive environment that would make possible to hold a free, fair and credible elections and avoid the hiatus of 2015.

Your Excellencies,

As you are all aware, after my visit to Burundi, I was virulently criticised by some members of the external opposition, particularly CNARED which alleged that my visit to Burundi had the objective of legitimizing the Government of President Pierre Nkurunziza whose leadership is allegedly in violation of the Arusha Peace and Reconciliation Agreement for Burundi. My press statement at the end of my visit that determining the legitimacy/illegitimacy of President Nkurunziza is not in my prerogative as a Facilitator, was misconstrued as designed to "legitimise" the government and as a consequence, CNARED wrote a letter denouncing me and even went to Uganda to meet the Mediator so as to express their recusal of me.

That recusal notwithstanding, I organised in Arusha, a briefing session for the external opposition on 16th January 2017. I had invited 19 external opposition stakeholders but because of the outstanding letter of my recusal by the external opposition only 9 attended. However, few of them could not attend because of the problems related with the acquisition of travel documents from the host countries. I briefed those who attended on what had transpired since the commencement of the Inter-Burundi Dialogue in May 2016, the obstacles encountered and the progress so far reached.

The external Opposition assured me that they were ready to continue negotiating with the Government of Burundi until they reached an agreement which will enable them to co-exist peacefully. For them, getting into the Government of National Unity is immaterial because that would not solve the problem. Instead,

they are keen on solving peacefully the ensuing crisis so that all the Burundi participate in the reconstruction and governance of their country. Furthermore, for them, the third mandate is no longer a topical issue provided that President Pierre Nkurunziza commits himself not to stand during the 2020 general elections. His Party should nominate another candidate to compete with the other presidential candidates from the Opposition.

On 24th January, 2017 I went to Uganda to brief the Mediator on my mission to Burundi as well as the briefing session to the external Opposition. In that regard, I informed the Mediator about my intention to convene the third session of the Inter-Burundi Dialogue sometime in February 2017.

Your Excellencies,

In that regard, the 3rd Inter-Burundi Dialogue was convened in Arusha, Tanzania, from 16th – 19th February, 2017. The session was attended by the former Heads of State of Burundi; the Ombudsman of Burundi; Representatives of some registered Political Parties and other prominent political actors. The Government of Burundi was invited but declined my invitation. Instead, President Pierre Nkurunziza acknowledged in writing receipt of my invitation but regretted for not sending the Government representatives because the session seemingly “*deviated from the usual sense of respect for the sovereignty of the Republic of Burundi with the risk of violating it*” in the sense that some individuals wanted by the Burundian justice were invited. Secondly, the Government of Burundi contested the participation of Ambassador Jamal Benomar, Special Advisor to the Secretary General of the UN while the Government of the Republic of Burundi had already officially withdrawn its trust in him. Thirdly, the Government of Burundi was against the participation of the representative of the AU, Professor Ibrahima Fall on the grounds that the acts reported to the Government and attributed to him were not conducive to the progress of the Inter-Burundi Dialogue. The Government further maintained that the participation of these two personalities namely, Professor Ibrahima Fall and Ambassador Jamal Benomar in any session of the Inter-Burundi Dialogue would seriously undermine the significant progress made so far in this process.

I responded in writing and dispatched my Advisor to Bujumbura to deliver the message to President Pierre Nkurunziza. In my message, I stated that the AU and the UN respectively have not informed the Facilitation about the mistrust

expressed by the Government of Burundi regarding the two personalities. Furthermore, as long as these two have not been withdrawn, the Facilitation is obliged to work with them as representatives of these two august organizations. Regarding invitations to those under arrest warrants, I informed the President that I had requested the EAC Chairperson and the Mediator to confer with him so that those key individuals not directly involved in the coup attempt could be allowed to participate in the Dialogue so as to fulfil the requirement of inclusivity. This is in line with the United Nations Security Council Resolutions 2248 of 2015 (OP No.3) and 2279 of 2016 (OP No. 5) to ensure that the Dialogue is as inclusive as it can possibly be, especially at this stage where substantive issues are being discussed. I further stated that while looking at the list of those under arrest warrants, I realized that it included individuals who have held higher positions in Burundi and are of political substance. I further informed the President that the list of invitees was not supposed to be submitted to the Burundian authorities because it was the Facilitation's internal working document. It is surprising that the EAC Secretariat for reasons best known to it, transmitted that list to Bujumbura including other working documents.

While opening the plenary session, I presented the eight-point agenda items identified during the previous dialogue sessions which were endorsed by the 17th Extra-Ordinary Summit of Heads of State of the EAC held on 8th September, 2016 to form the basis for further discussions. For ease of consideration, the eight points were reduced into four categories each with appropriate sub-headings; that is:

- (a) Political Issues;
- (b) Constitutional, Legislative and Electoral Conditions;
- (c) Socio-Economic Situation and Humanitarian Issues, and
- (d) Security.

Meanwhile, the participants were asked to form working groups to discuss the above-mentioned issues and, thereafter, submit to me their written responses.

In their submissions, most of the stakeholders agreed with the proposals I presented to them for discussion. However, some of them were of the opinion that I did not take into consideration the origin of the crisis, that is, the "The Third Mandate", including some of the resultant institutions considered to be illegitimate. In addition, there is an issue of amending the Constitution whereby a Constitutional Commission has already been put in place for that purpose.

Furthermore, consequently, the Arusha Agreement is subjected to review. Hence, all these issues have to be discussed by the parties to the conflict.

As a matter of fact, the 3rd Session was specifically meant for the registered political parties in Burundi and other key political actors based inside and outside the country. The objective of inviting the Government was that I wanted its representatives, while in Arusha, to reach out to all the stakeholders, both their allies and their opponents. As an expression of magnanimity, I wanted the Government to take the lead and reach out to each and everybody.

For effective preparations of the 2020 general elections, most of the stakeholders want the polluted political environment to be cleaned as follows:

- (i) There seems to be the erosion of professionalism, hence the latter must be observed in the civil service, public institutions and the security organs. Secondly, the civil servants and the members of the security organs should not be engaged in active politics as it is the trend currently;
- (ii) The Constitution and the Arusha Agreement not to be touched during the preparatory period;
- (iii) The political parties to be rehabilitated in order to come back to their glory. Some initiatives have to be taken to re-unify the fragmented political parties, e.g. FRODEBU, UPRONA, FNL, etc.
- (iv) Opening up of the political space and creation of conditions for free exercise of civil rights;
- (v) Disarmament of armed civilians and youth groups;
- (vi) Encouraging return of refugees and exiled prominent political actors;
- (vii) Deployment of observer missions;
- (viii) Creation of a national fund for disaster victims; and
- (ix) Revival of the Truth and Reconciliation Commission.

The ruling Party, CNDD-FDD emphasized on the repatriation of the Inter-Burundi Dialogue because all security conditions inside the country are already met. The Party does not see any logic of continuing with the Inter-Burundi Dialogue to Burundi because the National Commission for Internal Dialogue (CNDI) has already finalized everything including the recommendation for the amendment of the Constitution of the Republic of Burundi. This volte-face in the thinking of the ruling Party surprised everybody and was viewed as a set back to the on-going peace process.

Notwithstanding the few divergences, the following consensus emerged from the 3rd session of the Inter-Burundi Dialogue. Firstly, all stakeholders denounced all forms of violence as a means of settling political disputes and committed themselves to a peaceful dialogue with a view to achieving sustainable peace and economic prosperity. Whereas most of the stakeholders agreed with the eight-point agenda items presented to them, they maintained that all the issues are already covered in the Arusha Agreement. Thus, discussing these issues again and reaching an agreement is tantamount to the revision of the Arusha Agreement. They further maintained that obviously what has gone wrong is the implementation of the Arusha Agreement. Therefore, a way has to be found to make improvements and bring back on track the Arusha Agreement. At the same time, a committee composed of regional and international experts has to be set up to monitor the strict implementation of the Arusha Agreement. In that regard, all the stakeholders reaffirmed the principles and spirit of the Arusha Peace and Reconciliation Agreement for Burundi as the foundation for sustainable peace, stability and security as well as the recognition of the political, economic and social rights of all Burundians.

The stakeholders were of the view that the crisis is political and emanated from the 2015 electoral process. In that regard, there must be round table negotiations involving two sides, that is, the Government and its allies on one side and the Opposition on the other side. In addition, the negotiations should be unconditional and should also be all inclusive. Even the armed groups which have renounced violence should be included in the Inter-Burundi Dialogue. They were of the view that leaving the army generals in the refugee camps would generate a permanent danger for the security of Burundi. In that regard, the Government of Burundi should be ready to talk to its opponents whether they are civilians or soldiers. They further emphasized that the Government of Burundi should encourage the strengthening of the democratic culture and opening up the political space as well as demonstrating tolerance to divergent views and political competition. In addition, the Government of Burundi should promote peace and unity among all Burundians leading to a peaceful and conducive environment for 2020 general elections. Regarding the proposed constitutional amendments, while acknowledging Burundi's sovereign right to do so, the stakeholders emphasized that priority should be given to the consolidation of peace and stability of the country.

While appreciating the tremendous improvement in the security situation, the stakeholders maintained that there are still disappearances of innocent people, arbitrary arrests and torture. Furthermore, the security organs have become coercive instruments of the State. In that regard, the stakeholders urged the Government of Burundi to guarantee the security and freedoms of its citizens.

On the whole, the stakeholders emphasized on finding a way of managing better the country and urged the Government to refrain from dividing the society along ethnic lines. The Government was called upon to become a symbol of unity and encourage peaceful co-existence between the people of Burundi. Lastly, the stakeholders emphasized that the period between now and 2020 should concentrate on laying down a solid foundation in the political, social and economic spheres, in order to have an equal and level playing field for all.

In early March 2017 in Entebbe, I briefed the United Nations Security Council via video-link on the progress reached in the Inter-Burundi Dialogue. However, I pointed out that the process is moving slowly owing to the reluctance of the Government of Burundi to talk to its opponents. The United Nations Security Council pledged its continued support and undertook to remain seized with the matter. In my briefing to the Council, I reiterated my earlier observations about the lack of seriousness on both parties to engage fully and unconditionally to this dialogue. Furthermore, I informed the Council on the impasse that I have reached where only unequivocal directive from this Summit would shed some light on the way forward.

After the 3rd Session, there were murmurs that many registered political parties based in Burundi had been left out in the Arusha consultation. Likewise, some of the civil society organizations, women, youth and religious groups based in Burundi have had no opportunity to be consulted.

In that regard, I was obliged to dispatch to Bujumbura my Facilitation Team with instructions to seek the views of those political parties and other related groups and organizations which did not come to Arusha. Thus, from 3rd – 5th May 2017, the Team interacted with them. The turn-out was good. The Facilitation Team presented to the political parties and the related groups the proposals for the peaceful settlement of the political crisis in Burundi. They worked on the proposals and thereafter, presented their oral and written submissions.

The Facilitation Team noted the emergence of two camps. One camp consisting of 28 political parties and their allies, i.e. civil society organizations, women, youth and religious groups which are pro-Government. In their submission, this camp presented as their position, the Resolution of the Heads of Political Parties and Political Leaders in Burundi at the Workshop held in Gitega on 20th April, 2017.

This camp maintains that the country is peaceful, stable and the security situation has improved tremendously. Therefore, they advocate the repatriation of the Inter-Burundi Dialogue to Burundi. In addition, they want the appointed Commission to proceed as soon as possible to the amendment of the Constitution as recommended by the National Commission for Internal Dialogue (CNDI).

The second camp consisting of some political parties, civil society organizations, women and youth allied to the Opposition dismissed the views of the other camp. This camp maintains that there is still political instability in the country and the security situation is precarious. There are still disappearances of innocent people, arbitrary arrests and torture.

This camp is totally opposed to the amendment of the Constitution of the Republic and the revision of the Arusha Agreement. They maintain that in a country where there is political instability, sovereignty becomes irrelevant, leading to its future being decided elsewhere.

The Women requested the Facilitation Team to meet them on their own so that they could give their views as women who are mostly affected by the on-going political crisis in Burundi. In their presentation, they said apart from the politicians and other key stakeholders being involved in the Inter-Burundi Dialogue, the women request to be included in the negotiations for peace. They also recommend the involvement of the First Ladies of the region in finding a solution to the conflict in Burundi. This could be done by the First Ladies undertaking a visit to Burundi to sensitize the general public on peaceful resolution of the conflict and also the strengthening of democracy and good governance.

Your Excellencies,

The new significant developments are that on 12th May 2017, the National Commission for Internal Dialogue (CNDI) submitted to President Nkurunziza an 86-page report of its work. In a covering note, Bishop Justin Nzoyisaba, the

Chairperson of the Commission pointed out that the main proposal in the report is to amend the Constitution in order to update and ameliorate it.

CNDI further indicates in the report that while some see this as a democratic measure, the majority of his respondents want to remove the Presidential term limits from the Constitution.

The report asserts that poverty and unemployment are at the base of insecurity. Other elements of concern to the interviewees are social justice, separation of powers, respect for human rights and independence of the Judiciary. Bishop Justin Nzoyisaba concludes by saying this report is factual, not fiction, and represents the feelings of the majority of the 26,000 respondents across the territory.

Your Excellencies,

Of equal importance is the promulgation, by the President, the same day after receipt of the report of a Decree No. 100/89 of 12th May, 2017 nominating a 15 – man National Commission to start working on the report and propose amendments to the Constitution of the Republic.

Also, equally significant is the statement by the ruling Party, the CNDD-FDD on the 2nd anniversary of the failed coup d'état, 12th May, 2017 hailing and congratulating the National Commission for Internal Dialogue for excellent work produced.

Whither the EAC-led mediation whose dialogue I am facilitating? For I fear the region will find itself before a fait accompli. In this regard, I need very clear guidelines on how to move forward in this now seemingly very complex situation.

THE PROPOSALS ON THE WAY FORWARD

At this juncture, the new developments notwithstanding, I would like to make the following proposals on the way forward.

1. There is an imperative need for Your Excellencies 'personal engagement in getting the parties to the crisis, particularly the Government of Burundi and its allies to re-commit themselves to serious and inclusive dialogue without any preconditions. In this connection, I request Your Excellencies to take decisive measures to enable the peace process move forward.
2. There is an impasse because the Government of Burundi is reluctant to talk to its opponents. Currently, it is picking friendly stakeholders to talk to, while

ignoring the others. The Government has to realize that reconciliation is between two opposing camps and not between friends. The Summit may wish to impress upon the Government of Burundi to engage fully its opponents with a view to reaching an amicable settlement of the on-going political crisis.

3. The Government of Burundi remains essential in these talks. Therefore, it should take some confidence-building measures in order to accelerate the resolution of the conflict. Such measures include:

- (i) **The Government of Burundi to re-commit itself to the Inter-Burundi Dialogue and negotiate in good faith.** Despite numerous pronouncements of its commitment to this process, its actions have been invariably to suggest otherwise.
- (ii) **Lifting of arrest warrants.** Some individuals appearing on the list of arrest warrants have in the past occupied higher positions in Burundi and are of political stature. In addition, they seem not to be directly involved in the attempted coup d'état. Hence, they have to participate in the dialogue so as to fulfil the principle of inclusivity in accordance with the EAC Summit decisions and the subsequent United Nations Security Council resolutions.
- (iii) **Return of political exiles.** The Government of Burundi must create a conducive environment for these people to go back home and settle safely. On the other hand, owing to paucity of funds, the Government of Burundi has requested me in my capacity as Facilitator to assist in this exercise of return.
- (iv) **Release of political prisoners.** The Government of Burundi must set up a committee to identify political prisoners from criminals and thereafter set them free. This will add credibility to the Government.
- (v) **Return of refugees.** The return of refugees is a major indicator of the improved security situation in the country. The Government of Burundi must create a conducive environment as well as reactivating the Tripartite Commissions for the refugees to go back home in safety and dignified manner.
- (vi) **Strengthening the democratic culture and opening up the political space.** There have been complaints that the Opposition parties are not allowed to conduct political activities with the exception of the ruling Party. The Government of Burundi must create a conducive

atmosphere so that Opposition parties are able to carry out their activities safely and freely without any harassment by the security organs.

If the above mentioned measures are taken, the Government of Burundi will demonstrate a good gesture of confidence-building among the people of Burundi in particular and the international community in general.

4. Likewise, the Summit may wish to find a way of involving the armed groups in the Inter-Burundi Dialogue. The Facilitation has been receiving informal messages from various armed groups indicating that they are ready to pursue a peaceful settlement of the crisis facing Burundi. Obviously, their exclusion will lead to a permanent security threat for Burundi.
5. I wish to repeat my earlier concern regarding the issue of finance. The peace process is totally dependent on the generous support of some donors but mainly of the European Union and China. The AU and the UN have also contributed to the organization of meetings. I still feel the need for Your Excellencies to consider providing more reliable funding of the process. For, apart from credibility and independence of the Facilitation, ownership of the process will revert to the region.
6. On several occasions, I have been bogged down by numerous leakages of information and documents. While not pointing an accusing finger to anyone, I want to inform the Summit that the structure of my work requires me to submit information and documents to the EAC Secretariat. It is important that confidentiality is strictly observed so that information and documents are not shared with the parties to the conflict.

I thank you for your kind attention.