

Peacebuilding Commission
Burundi Informal Thematic Discussion
Rule of Law and Security Sector Reform – 29 May 2007

Summary Note of the Chair

1. As part of its work plan for Burundi, the PBC in its country-specific meeting convened **an informal thematic discussion on the Rule of Law and Security Sector Reform (SSR) in Burundi**. This was the last in a series of three thematic discussions related to the priorities for peacebuilding identified by the PBC in October 2006. **The main purpose of the meeting was to feed forward-looking lessons and recommendations into the preparation of the Rule of Law and Security Sector Reform sections of the Strategic Framework for Peacebuilding in Burundi**. The meeting also afforded an opportunity to draw on the best practices of the international community in support of ROL and SSR in other conflict-affected countries and to highlight the special situation of Burundian children affected by armed conflict.
2. In addition to the members of the Burundi CSM, **representatives of the Government (Foreign Affairs, Justice and Defense), UN agencies, civil society and international partners based in Bujumbura participated in the meeting through video conference**.
3. **The meeting was chaired by H.E. Johan L. Løvald, Ambassador, PR of Norway**. In his introductory remarks, he underlined that the establishment of rule of law and security sector reform are important for the Peacebuilding Commission as progress in these areas is central to the basic functioning of a democratic State capable of managing internal conflicts and ensuring durable stability. He also took the opportunity to congratulate the Government of Burundi and its partners for the successful Round Table held in Bujumbura on 24-25 May 2007. The pledges made at the Round Table (US\$ 655.6 million) surpassed the target appeal (US\$534.7). The final communiqué issued at the end of the Round Table will be shared with the members of the PBC at the same time as this summary.
4. In his introductory statement, the **Permanent Representative of Burundi** noted that the people of Burundi value peace and that progress is being made in the areas of rule of law and security sector reform. He indicated that 22,000 ex-combatants have been demobilized, 223 of which are disabled, 494 women and 3,041 children. Disarmament of civilian population is also ongoing. Further work needs to be done on the professionalization of security forces, particularly the army and the police. There are positive developments in the implementation of the Cease-fire Agreement between the Government and the Palipehutu-FNL. He underlined the importance of consulting people outside the capital city when considering the establishment of transitional justice mechanisms. On behalf of the Government of Burundi, he thanked the PBC for its engagement with Burundi, the international community for its support

for the successful outcome of the Round Table, and appealed for continued support and honouring of the promises made at the Round Table.

5. **SRSB for Children Affected by Armed Conflict, Ms. Radhika Coomaraswamy** addressed the Burundi CSM as special guest. She noted that the general conclusion after her visit to Burundi in March 2007 was that the situation is improving. The Government, UN agencies and NGOs are seized with the issues which is an important move forward. She indicated that children in detention had been released on the eve of her visit to Burundi. She highlighted areas of specific concern, including the need to demobilize and reintegrate child soldiers, the need to address sexual violence and the specific needs of girl children, including in DDR programmes. She underlined the fact that peacebuilding is a crucial period for children as it determines whether they will be reintegrated successfully or become spoilers.
6. The programme of the meeting and the list of panellists are in the annex.
7. Senior officials of the Government of Burundi were confident that they are seeing a renaissance of justice and a sectoral policy on Justice covering the period 2006-2010 provides an overview of challenges and a framework for managing reform during the post-conflict period. Burundi is revising its criminal code, and has established a national legislation service which is translating laws, currently only available in French, in the local language. The justice sector is also facing governance challenges that exist in other part of public administration. **Challenges remain in ensuring protection of rights of detainees, particularly women and children in detention.** The support provided to the sector through the PBF for community level conflict resolution and rehabilitation of tribunals is very much appreciated.
8. The Government of Burundi is working towards ensuring that justice becomes more visible and more accessible. The status of judges is periodically reviewed so as to avoid corruption. **The creation of the Commission on Land and other Properties is an innovative mechanism established to address land issue which would otherwise be handled by an ill-equipped judiciary.** The Government of Burundi agreed to establish a tripartite mechanism (Government, civil society, UN) to conduct the national consultation that will precede the establishment of transitional justice mechanisms. The President of Burundi announced his intention of initiating the process in July 2007 and to complete the consultation within six month so that transitional justice mechanisms can be put in place without delay. The government is also making all efforts to pay the salaries of security forces in order not to put the progress made in restoring security in jeopardy.
9. **The reform of the security sector is a major undertaking, and fortunately international partners are supporting Burundi.** Efforts are underway for demobilisation, rationalisation and harmonisation of the army. The Government of Burundi is grateful to Belgium and France for their support in these areas. Training of security forces (democracy, tolerance and rule of law) and rehabilitation of military barracks are also under way.

10. **ERSG Youssef Mahmoud** noted that members of the PBC could refer to the relevant parts of Secretary-General's recent report on BINUB to the Security Council for an update on the contribution of the UN to addressing issues of rule of law and security sector reform. Quoting French philosopher B. Pascal ("la justice sans la force est impuissante, la force sans la justice est tyrannique¹"), he underlined that **rule of law and security sector reform are two sides of the same coin**, and that international support in these areas should be delivered in a respectful and supportive due to their sensitive and political nature. He also cautioned that these interventions take time to bear fruit. Lessons on possible risks and setbacks should be drawn from other countries such as Afghanistan, Haiti and others.
11. The **Centre d'Alerte et de Prévention des Conflits (CENAP) and North South Institute (NSI) conducted a survey on the perception of Burundian people on the ongoing reform of the police and the army**. Six hundred people were surveyed. The methodology included also focus group discussions, individual interviews and desk reviews. The results show that people have globally a good image of the security forces, and particularly of the army. When asked who represents security forces, most respondents pointed to the police. Perceptions were found to be different in rural and urban areas, with most controversial images in urban areas. The popularity of security forces is more positive in CNDD/FDD areas. Forty-five per cent of those surveyed felt that protection of human rights and improvement of security can be achieved through training. Some of the challenges identified during the survey include: different perception by national and international actors as to approaches that have most impact, limited logistical means, threat posed to security by demobilised forces, concurrent demobilisation and expected integration of FNL forces and a context of extreme poverty. The authors of the survey found that actors involved are committed and that the high commands of the army (FDN) and of the police (PNB) are always open to dialogue. These were underlined as opportunities for further progress.
12. In his statement, the **Director of OHCHR** in New York, who was recently in Burundi with the High Commissioner for Human Rights, **focused on two aspects: key lessons learned in post conflict states and the current situation in Burundi**. He referred to rule of laws tools developed by OHCHR for post-conflict states as an important contribution to guide the efforts in Burundi. He noted that political will was a major determinant of success or failure of post-conflict reform efforts. He highlighted the need to effectively manage the expectations of the population and to strategically identify priorities for institutional and legal reform. The process of reform should maximize the benefits of existing traditional methods taking into consideration the requirements of international law. In this respect, caution should be exercised not to perpetuate discrimination against women and/or children. Major priorities in Burundi are assuring the independence of the judiciary through for instance transparency in appointments, secure tenure and improved conditions of

¹ justice without the force is impotent, force without justice is tyrannical

service, establish strategic communication with the populace, inform them on the direction of change to secure their involvement.

13. Some of the **activities supported by OHCHR in Burundi include**: supporting the establishment of transitional justice mechanisms; supporting law reform; building institutional capacity to protect human rights; support to professionalization of armed and security forces; monitoring and reporting on human rights situation; human rights education and sensitization in general, in partnership with universities, schools, and other institutions in contact with the population.
14. **Belgium** supports a **project for wide basic training of the police** with the support of Belgian technical cooperation, Belgian federal police and Burundian partners. This is done in consultation with other partners such as the Netherlands and France so that interventions complement each other. Progress is also made through a **military partnership between Belgium and Burundi covering military engineering, training of senior army officers and audit of the army**. It was suggested that BINUB could support efforts to strengthen the capacity of Burundian authorities to coordinate SSR.
15. Members of the PBC welcomed the progress made by Burundi in the areas of rule of law and security sector reform and the support provided by its bilateral and multilateral partners. **Rwanda and Tanzania** reiterated their readiness to continue their cooperation with Burundi. The **key role to be played by the Parliament in the area of justice through the pro-active enactment of laws** was also underlined.

Remaining Challenges raised during the discussion

16. A rapid solution will have to be found for the **integration of FNL forces into the army and into the police**. This has to be considered in light of the current efforts to reduce the size of the army (rationalisation). The cost of maintaining security forces was cited as a major challenge.
17. **Instability in the sub-region** and the **traffic of small arms** remain matters of serious concern
18. **The question of sexual violence** remains a matter of concern to be addressed.
19. Following the briefing by the SRSG on children and armed conflict, **several suggestions were made regarding the inclusion of a number of issues in the Burundi Strategic Framework for Peacebuilding**: clear identification and attention to children, including through the implementation of the Great Lakes Pact (e.g. regional strategy to prevent recruitment, trafficking of children; protection against sexual abuse and violation of girls' rights), drawing on the experience of civil society organisations in addressing these issues; and improving coordination among the different actors in the UN system.

20. In addressing children affect by armed conflict, **peacebuilding effort should show commitment to education, prioritizing employment growth and creation of youth employment, and linking these with rebuilding communities so as to retain their young people within the communities.** DDR programmes should have separate components for girls. In implementing transitional justice mechanisms, their importance for children should be kept in mind in terms of restoring a culture of justice, accountability, recognition of norms, distinctions between right and wrong. Societies that go through such processes would be less likely to slip back into war.

Annex I – Programme of the meeting

Chair: H.E. Mr. Johan L. Løvald, Permanent Representative of Norway to the United Nations

Participants:

Government of Burundi Representatives:

H.E. Mr. Joseph Ntakirutimana, Permanent Representative of Burundi to the United Nations

Ambassador Antoine Baza and Ambassador Adolphe Nahayo from Bujumbura

Mr. Youssef Mahmoud, The Executive Representative of the Secretary-General, BINUB from Bujumbura

Mr. Willy Nindorera, Centre d'Alerte et de Prévention des Conflits (CENAP) from Bujumbura

Discussant:

Mr. Ngonlardje Mbaidjol
Director, OHCHR, New York Office

Special Guest:

The Special Representative of the Secretary-General for Children in Armed Conflict Ms. Radhika Coomaraswamy

Format:

Open Meeting

Purpose:

As an important exchange of experience and insights, the meeting will aim to feed forward-looking lessons and recommendations into the preparation of the Rule of Law (ROL) and Security Sector Reform (SSR) sections of the Integrated Peacebuilding Strategy (IPBS) for Burundi. It will also seek to draw on the best practices of the international community in support of ROL and SSR in other conflict-affected countries. Furthermore, attention will be afforded to the special situation of Burundian children affected by armed conflict.