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Report of the Secretary-General on the United Nations Office in Burundi

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1959 (2010), by which the Council requested me to establish the United Nations Office in Burundi (BNUB) to support recent progress in consolidating peace, democracy and development in Burundi, and to keep it informed of the implementation of the mandate of BNUB, which replaced the United Nations Integrated Office in Burundi (BINUB) in January 2011. This report provides an update on major developments in Burundi since my seventh report on BINUB (S/2010/608) of 30 November 2010. It assesses the peace consolidation challenges in Burundi and describes the activities of the United Nations to help meet these challenges.

II. Major developments

A. Political developments

2. Since the 2010 elections, which were judged free and fair by international observers but boycotted after the communal elections by the major opposition parties, Burundi has continued to make progress on some aspects of peace consolidation. While the human rights situation needs to be addressed further, positive steps include the establishment of the National Independent Human Rights Commission and the Office of the Ombudsman and preparations for the establishment of a truth and reconciliation commission in the first quarter of 2012. The Government has also expressed its readiness to engage in dialogue with the extra-parliamentary opposition.

3. The political landscape has remained dominated by the aftermath of the 2010 elections, most notably the tensions between the Government and the Alliance démocratique pour le changement-Ikibiri (ADC-Ikibiri), a coalition of political parties that withdrew from the electoral process. This coalition, which collectively obtained about 27 per cent of the votes in the communal elections of May 2010, continued to challenge the outcome of the elections and to criticize aspects of Burundi's political governance. On 26 August 2011, during activities to commemorate the first anniversary of his second term in office, the President, Pierre



Nkurunziza, emphasized that the Government would engage in dialogue but not with an exclusive group of politicians, and called upon all political parties to prepare for the 2015 elections.

4. On 25 July 2011, the First Vice-President, Thérence Sinunguruza, convened a meeting of registered political parties. During the meeting, the First Vice-President, reiterating a call made by President Nkurunziza on 30 June, urged political party leaders in exile to return and affirmed that measures were in place to ensure their security. He announced that he would convene quarterly meetings with registered political parties while the Minister of the Interior would hold monthly meetings. ADC-Ikibiri did not attend the meeting on 25 July and boycotted a second meeting, held on 28 September. On 24 August, ADC-Ikibiri presented detailed demands, including the official recognition of the coalition, the creation of an environment conducive to peaceful negotiations and the reinstatement of Agathon Rwaswa as leader of the Forces nationales de libération (FNL) party. The acting president of the coalition, Léonce Ngendakumana, said that ADC-Ikibiri would continue to press for negotiations with the Government.

5. National, regional and international actors, including BNUB, continue to encourage both the Government and the extra-parliamentary opposition to engage in constructive dialogue, normalize relations and avoid making recourse to violence. In this regard, my Special Representative, Karin Landgren, held several meetings with senior State officials, representatives of the extra-parliamentary opposition and other stakeholders.

6. During the period under review there were attacks against civilians and security and defence forces in various parts of the country, notably on 18 September, when, according to a Government statement, a bar in Gatumba, just outside Bujumbura, was attacked, resulting in the deaths of 39 people and injuries to many others. It has been widely reported that, on 27 September, Major General Adolphe Nshimirimana, Administrator-General of the national intelligence service, the Service national de renseignement, went on record accusing Agathon Rwaswa and ADC-Ikibiri of perpetrating the massacres, which he referred to as an act of terrorism. ADC-Ikibiri and Mr. Rwaswa issued separate statements in October denying any involvement in the Gatumba attack. Meanwhile, additional, credible reports were made of the arrest, detention and killing of members of the opposition, particularly persons affiliated with the former FNL of Mr. Rwaswa. The reports also accused administrative officials and security forces, notably the Service national de renseignement, of involvement in such actions.

7. March and April were marked by heightened insecurity in the province of Bujumbura Rural in particular. On a number of occasions, caches of arms were found in the province. At the beginning of May, President Nkurunziza launched a two-month security awareness campaign for Bujumbura Rural, during which he and other senior State officials made visits to the province to raise the population's awareness of security and development issues, reactivate security committees at different administrative levels and demonstrate commitment to enhanced development measures for Bujumbura Rural.

8. The National Security Council met on 18 and 19 August and again on 20 September under the chairmanship of President Nkurunziza. At the first meeting, the Council concluded that there was no armed rebellion in the country and that the security situation was generally good. At the second meeting, which was held after

the Gatumba attack, the Council released a communiqué, in which, inter alia, it urged the Government to conduct investigations and prosecute the perpetrators. It called upon the population to provide information that might assist the authorities in identifying the perpetrators. It cautioned political parties, civil society organizations and the media against disseminating information on the killings and requested media outlets to refrain from circulating or broadcasting information that could compromise peace and security in the country.

9. A Cabinet reshuffle involving changes to eight ministerial portfolios was announced on 7 November. As a result, Laurent Kavakure was appointed Minister for External Relations and International Cooperation, replacing Augustin Nsanze, who became the Senior Adviser for Political and Diplomatic Affairs in the Presidency of the Republic.

10. The reporting period was marked by dissension within several political parties. The Executive Committee of the Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD) held an extraordinary meeting on 12 March to expel the Secretary of the party's Conseil des Sages, Manassé Nzobonimpa. Mr. Nzobonimpa's expulsion followed press statements in which he accused some influential members of the ruling CNDD-FDD of corruption, acting with impunity and contravening the party's ideals.

11. The President of the Union pour le progrès national, Bonaventure Niyoyankana, announced the suspension on 18 August of three influential party members for creating divisions within the party. The three members belonged to a wing of the party that advocated Mr. Niyoyankana's resignation, accusing him of working on behalf of the CNDD-FDD.

12. The President of the Union pour la paix et le développement-Zigamibanga (UPD-Zigamibanga), Zedi Feruzi, announced on 24 May his party's withdrawal from ADC-Ikibiri and the suspension of the party's Consultative Council, Secretary-General and Spokesperson. On 19 June, the party's Executive Committee suspended Mr. Feruzi and declared his 24 May announcement to be null and void.

13. On 27 April 2011, the National Assembly, followed two days later by the Senate, adopted a law on the functioning and organization of political parties, revising a 2003 law. The law provides for political party financing and prohibits the formation of coalitions outside an electoral period. It requires political parties to have a minimum of 340 founding members nationwide (20 per province). It also gives the Minister of the Interior oversight of political parties' compliance with their internal regulations. On 10 September, President Nkurunziza promulgated the law.

14. The election of local officials of the Ngagara and Kanyosha communes in Bujumbura Mairie and Bujumbura Rural provinces did not take place in 2010 owing to the boycott by ADC-Ikibiri and, in particular, the FNL party, which had won the elections in those two communes prior to the boycott. However, on 14 January and 23 August respectively, the Ngagara and Kanyosha communes finally elected their communal administrators and members of the council bureaux, thus completing the establishment of the 129 communal council bureaux throughout the country.

15. During the period under review, several Heads of State visited Burundi. During the visit of the President of South Africa, Jacob Zuma, from 10 to 13 August, bilateral cooperation agreements were signed. On 22 January and 5 September, President Nkurunziza met the President of Rwanda, Paul Kagame, discussed border

security, the revitalization of the Economic Community of the Great Lakes Countries, integration into the East African Community (EAC) and bilateral cooperation. The President of Somalia, Sheikh Sharif Sheikh Ahmed, visited Burundi on 9 April and 15 August to thank the Government of Burundi for providing troops to the African Union Mission in Somalia (AMISOM) and to request the deployment of additional troops.

B. Security situation

16. The overall security situation remained relatively stable during the period under review. However, acts of violence continued, notably armed robberies, killings, grenade attacks and exchanges of gunfire between Burundian security forces and unidentified armed groups.

17. There have been reports of cross-border armed activities, including in areas adjacent to the Democratic Republic of the Congo and the United Republic of Tanzania. United Nations operations in Burundi have not been affected by the security situation. According to the new United Nations security level system in effect since 1 January 2011, Burundi is under security level II, with the exception of Cibitoke, Bubanza, Bujumbura Mairie and Bujumbura Rural provinces, which are under security level III. Given the overall improvement in the security situation, Burundi was designated a family duty station as at 1 July 2011. No security incidents involving staff of the former United Nations Operation in Burundi targeting United Nations personnel or property have occurred since my last report.

18. Al-Shabaab is believed to still consider Burundi as a target for terrorist attack because the country contributes troops to AMISOM.

C. Regional aspects

19. On 3 December 2010, Burundi assumed the one-year rotating chairmanship of EAC. In his role as EAC Chair, President Nkurunziza presided over the opening session of the East African Legislative Assembly, held in Kigali on 5 April 2011, and the ninth EAC extraordinary summit of Heads of State, held in Dar es Salaam, United Republic of Tanzania, on 18 April 2011. During his term, President Nkurunziza has focused on deepening integration and implementing the EAC common market protocol, which entered into force on 1 July 2010. The end of Burundi's chairmanship will be marked by an ordinary summit in Bujumbura, to be held on 30 November 2011.

20. On 25 July 2011, the ministers for foreign affairs of the States members of the Economic Community of the Great Lakes Countries held a fourth meeting in Bujumbura to give impetus to the activities of the Community's specialized organs and prepare for a forthcoming meeting of Heads of State. In August, Burundi assumed the monthly rotating chairmanship of the African Union Peace and Security Council.

D. Socio-economic developments

21. The socio-economic situation in Burundi is characterized by widespread poverty, land scarcity combined with high population density, and high unemployment, particularly among youth. Since 2005, the Government has made considerable efforts to improve access to health care and education. However, the country's capacity to provide basic social services to its citizens has been stretched by the fact that close to 6 per cent of the Burundian population has returned to the country over the past eight years. In 2010, inflation reached 8.4 per cent and was expected to be even higher in 2011, further reducing people's access to food and other necessities.

22. An estimated 67 per cent of the population lives close to the poverty line. According to the 2011 Global Hunger Index of the International Food Policy Research Institute, over 50 per cent of the population is undernourished. Burundi is one of only four countries in the world whose hunger levels are rated "extremely alarming" by the Institute.

23. About 83 per cent of Burundi's population lives and works in areas where the soil is highly degraded by human activity and food production is insufficient to meet the needs of the population. Since 1993, agricultural production per capita has declined by 24 per cent and the country faces a significant food deficit of over 32 per cent of annual requirements. Weather-related risks will continue to weigh on the country's economic performance given its overdependence on rain-fed agriculture. The possible reduction of aid disbursements to the country remains a significant external risk, particularly if there is no strong recovery in Western economies.

24. On 21 July, President Nkurunziza launched Burundi's *Vision 2025*, the result of four years of preparatory work and consultations with national partners. *Vision 2025* comprises eight pillars: (a) governance; (b) human capital; (c) economic growth; (d) regional integration; (e) population growth; (f) social cohesion; (g) land-use planning and urbanization; and (h) partnership. It represents a road map for Burundi's sustainable development through accelerated economic growth, and for the reduction of poverty to about 33 per cent by 2025. The United Nations Development Programme (UNDP) and the African Future Institute supported the elaboration of the document.

25. Since November 2010, the Government has been actively engaged in the elaboration of a new poverty reduction strategy paper, which will build on the achievements of the first poverty reduction strategy paper. Under the guidance of the World Bank, the new paper has been prepared through consultations with community groups, the private sector, civil society, sectoral groups, cross-cutting forums, the Parliament and the Government's Economic and Social Council. The preparatory process for the paper was supported by a joint fund for strengthening strategic planning and aid coordination mechanisms, with financial contributions from Belgium, the Netherlands, Switzerland and the United Kingdom of Great Britain and Northern Ireland, as well as UNDP.

26. Existing strategic frameworks, including the Strategic Framework for Peacebuilding in Burundi elaborated in partnership by the Government, the United Nations, the Peacebuilding Commission and other national and international stakeholders, will be merged in the new poverty reduction strategy paper. At the

time of writing, the draft document was organized around four principal strategic areas, namely: (a) strengthening the rule of law, consolidating good governance and promoting gender equality; (b) transforming Burundi's economy for sustainable growth and job creation; (c) improving access to and the quality of basic social services and strengthening national solidarity; and (d) managing space and the environment for sustainable development.

27. The new poverty reduction strategy paper is anticipated to be released in 2011 and to provide an actionable framework for addressing the root causes of Burundi's poverty, governance deficits and impediments to sustainable growth and for mitigating the potential for socio-political instability.

28. Meanwhile, Burundi has made progress in creating a regulatory environment more conducive to starting and operating local businesses. In *Doing Business Report 2012*, published by the World Bank, Burundi rose from 177th place to 169th place and was ranked the seventh country that had improved the most in terms of ease of doing business. Among the positive measures cited in the report was the adoption by Burundi of a new company act that requires greater corporate disclosure and higher standards of accountability for company directors.

III. Progress in peace consolidation

A. Democratic governance

29. The Government, with assistance from the United Nations and other partners, undertook a number of initiatives to enhance democratic governance, including for the establishment of independent institutions, the adoption of strategies reflecting national governance priorities and the strengthening of national capacities.

30. In his speech to the nation on 1 January 2011, President Nkurunziza reiterated the Government's zero-tolerance policy with regard to corruption and economic mismanagement. In October 2011, the Government adopted a national strategy on good governance and the fight against corruption, which had been developed with the support of BNUB and other partners. The good governance sectoral group co-chaired by the Ministry of Good Governance and UNDP will be in charge of implementing the strategy with national and international partners.

31. The Government also launched a capacity-building programme to support civil society organizations working against corruption. A seminar brought together 40 Burundian civil society organizations to work on a common anti-corruption strategy. Burundi hosted a regional conference on anti-corruption during which it volunteered to host a proposed African centre on anti-graft efforts.

32. The establishment of the Office of the Ombudsman in 2010 represented another step forward in the promotion of transparency and civic engagement. The Ombudsman, whose activities started officially in February 2011, is mandated to examine complaints of mismanagement and abuses committed by public officials and institutions and to mediate between the Government and citizens. BNUB has provided logistical support to the Office of the Ombudsman.

33. The Office burundais des recettes, which started operating in 2010, has served to strengthen internal oversight procedures. The objectives of the Office are to

maximize revenue collection and ensure that taxpayers are respectful of their fiscal obligations. According to the Office, revenue collection had increased by 38 per cent by the end of September 2011 compared with the previous period.

34. In the framework of the Government's policy to engage in dialogue with a wide range of actors for the promotion of democratic governance, the Government and representatives of civil society, with the support of UNDP and BNUB, organized a general meeting that brought together Government and civil society participants to consider critical current issues. Recommendations made during the meeting included the implementation of transitional justice mechanisms and the national strategy on good governance and the fight against corruption.

35. As part of efforts to develop a vibrant and responsible media and promote freedom of expression in the country, a similar general meeting was organized for the media. While Burundi enjoys a relatively free press, the media operate in an environment that is occasionally challenging. Recommendations arising from the meeting included the preparation of a national policy document on communication and the decriminalization of some actions currently considered to be press offences. BNUB provided funding for the meeting and for a mechanism to monitor and implement its recommendations. Other activities supported by the United Nations included the organization of activities commemorating World Press Freedom Day in collaboration with the Maison de la presse burundaise and the Union of Burundian Journalists.

36. As part of its support for the strengthening of Parliament, BNUB provided financial assistance for the organization of workshops for parliamentarians on budget analysis and oversight and on transitional justice mechanisms. To promote dialogue and consensus-building between senators and local communities, BNUB and UNDP supported two workshops that brought together 200 people, including 40 senators, in Bujumbura Rural. The main topics included decentralization, rule of law, security and the fight against corruption.

37. In May, trade unions, employers and the Government signed a national charter on social dialogue. The charter offers a framework for addressing social tensions in Burundi, including by providing for the establishment of an institution to help resolve conflicts. UNDP supported the process leading to the signing of the charter.

38. A defence review process, intended to develop a national strategy to address the country's security challenges, started in May and was officially launched by President Nkurunziza on 27 July. BNUB provided financial support for an awareness-raising workshop on the review process.

39. Within the framework of the multi-donor election basket fund, UNDP conducted a capacity-building assessment for the permanent Independent National Electoral Commission. It also organized a training session on electoral administration for Commission personnel in collaboration with the Government of South Africa. UNDP continues to provide technical assistance to the Commission in order to make it possible to update the country's electoral database.

B. Socio-economic reintegration of conflict-affected populations

40. Burundi has made significant progress in implementing the national strategy for the socio-economic reintegration of people affected by the conflict. The sectoral

group on early recovery, repatriation and reintegration, co-chaired by the Ministry of National Solidarity, Human Rights and Gender, UNDP and the Office of the United Nations High Commissioner for Refugees (UNHCR), coordinates efforts to ensure the resettlement of returnees and ex-combatants. Initial seed funding in the amount of \$1.78 million from the Peacebuilding Fund was used to mobilize additional funding (particularly from Australia and Japan, as well as from UNDP and the European Union), enabling the expansion of resettlement operations from three to six provinces.

41. The implementation of the national reintegration strategy is based on an innovative approach, developed with UNDP support, designed to put people to work, inject money into the local economy and provide alternative employment opportunities for populations affected by conflict. To enable further progress in the execution of the national reintegration strategy, a three-year joint programme on peace consolidation through support to the sustainable socio-economic reintegration of people affected by the conflict was developed by the Government of Burundi and its partners, including in the United Nations system. The \$24 million programme will, inter alia, support labour-intensive projects targeting the demobilized, youth and other vulnerable groups. The Peacebuilding Fund has allocated \$9.2 million to the programme, with the hope that this will catalyse the Government and its partners to mobilize additional funds to enable its full implementation. The Government and the United Nations launched the new reintegration programme on United Nations Day, 24 October 2011, at a ceremony in Bubanza.

42. Additional efforts were made to support reintegration efforts and the peaceful coexistence of communities in Burundi and neighbouring towns in the Democratic Republic of the Congo, including through sports activities for youth.

43. Between 2002 and 2010, Burundi succeeded in reintegrating over 510,000 returning refugees, with the support of UNHCR. Between January and September 2011, additional support was provided to 3,770 returnees. UNDP, together with the Food and Agriculture Organization of the United Nations and the United Nations Children's Fund (UNICEF), with support from the European Union, are implementing a three-year programme for the resettlement and socio-economic reintegration of 1,980 households (11,880 people), comprising mainly ex-combatants, internally displaced persons and returnees. An estimated 157,000 internally displaced people remain.

44. The Government of Burundi has increasingly placed emphasis on addressing the challenge of youth unemployment. The joint reintegration programme aims to create short-term job opportunities for young women and men. UNDP is currently providing technical expertise to the Ministry of Youth, Sports and Culture for the development of a national strategy for youth employment and the creation of a youth enterprise development fund.

45. Land scarcity in Burundi remains a significant challenge to the long-term reintegration of persons affected by conflict and returnees. The revised land code adopted by Parliament in April 2011 includes the decentralization of land issues to the communes and the establishment of the National Land Commission, which is tasked with managing the redistribution of land and resolving land disputes. At the request of the Ministry of Planning and Local Development, UNDP and the United Nations Human Settlements Programme (UN-Habitat) are providing technical

expertise to develop a national village-creation policy that will take into account the new land code.

C. Human rights

46. Notwithstanding the progress recorded on a number of fronts, the human rights situation in the country remains of concern. During the reporting period, restrictions to the right to life, freedom of expression and association, as well as the right to liberty, continued. Although the director of the Net Press news agency, Jean Claude Kavumbagu, was released on 16 May 2011 after 10 months in detention, journalists were summoned by the Prosecutor's Office for questioning on several occasions. Law enforcement officers continued to search the houses of civil society members without warrants. In July 2011, three lawyers, including the President of the Bar Association, were arrested in connection with high-profile cases. One of them, François Nyamoya, the spokesperson for the Mouvement pour la solidarité et la démocratie, was still in detention at the time of writing. Meanwhile, arbitrary arrests continued to be made and opposition party members continued to be detained.

47. Between 1 January and 15 October 2011, BNUB documented 46 reported cases of extrajudicial, arbitrary or summary executions and/or politically motivated killings. Most of the victims were known to have been affiliated with a political party. A total of 40 such killings had been documented for all of 2010.

48. The Government set up a commission of inquiry in October 2010 to investigate specific allegations of killings by the security forces. The commission remained dormant until the end of April 2011, when the Government announced that it had resumed work. The commission has since finalized its report and submitted it to the Attorney General, but its contents had not been made public at the time of writing. On 18 October 2011, a separate commission charged with investigating the Gatumba attack of 18 September 2011 submitted its report to the Chief Prosecutor.

49. Between 1 January and 15 October 2011, 29 reported cases of torture were documented by BNUB. A total of 30 reported cases of torture had been documented for all of 2010. These cases have yet to be fully investigated by the national authorities and those responsible have yet to be held to account.

50. The law creating the National Independent Human Rights Commission was unanimously adopted by the National Assembly and the Senate on 14 and 24 December 2010 respectively, and promulgated by President Nkurunziza on 5 January 2011. Seven commissioners were appointed by the National Assembly, including the Chairperson, Frère Emmanuel Ntakarutimana. The commissioners were sworn in on 7 June 2011. The Commission has documented and is investigating some 50 cases of human rights violations. BNUB has provided assistance to the Commission, which is drafting a three-year strategic plan, developing a framework of cooperation with other national stakeholders and undertaking other institution-building endeavours. The Commission is expected to be in a position to apply for accreditation by the international coordinating committee within one year of operation.

51. The mandate of the independent expert on the human rights situation in Burundi was terminated by the Human Rights Council in its resolution 18/24 of

17 October 2011, following the establishment of the National Independent Human Rights Commission.

D. Transitional justice

52. During the reporting period, important developments occurred in the area of transitional justice. On 7 December 2010, the Tripartite Committee officially submitted the national consultations report to President Nkurunziza, thus concluding the consultative exercise on the establishment of transitional justice mechanisms. BNUB reproduced and disseminated 700 copies of the report in French and Kirundi. Furthermore, in partnership with the Ministry of the Interior and the Forum pour le renforcement de la société civile, a non-governmental organization, in May and June 2011 BNUB conducted a nationwide sensitization campaign on the results of the consultations. Through the media, thousands of Burundians were informed of the results of the consultations, while a total of 1,364 participants attended the sensitization meetings held in all 17 provinces.

53. On 3 May 2011, a delegation of the Government of Burundi headed by the Minister for External Relations and International Cooperation met with the United Nations High Commissioner for Human Rights in Geneva. The delegation presented a timeline for the establishment of transitional justice mechanisms that included the creation of a technical committee charged with preparing for the establishment of a truth and reconciliation commission in January 2012. It is expected that a special tribunal will be established after the truth and reconciliation commission has completed its work.

54. On 13 June 2011, President Nkurunziza appointed seven people to serve on the technical committee; Laurent Kavakure was appointed Chair. On 6 July 2011, the Forum pour le renforcement de la société civile wrote to the United Nations High Commissioner for Human Rights to express concern about the composition of the technical committee and the lack of involvement by civil society in the nomination process. On 18 October 2011, the technical committee presented its report to President Nkurunziza. BNUB, together with the Office of the United Nations High Commissioner for Human Rights (OHCHR), provided material and logistical support to the technical committee, as well as a consultant on transitional justice.

55. An OHCHR team visited Burundi from 27 to 30 June 2011. The team met with representatives of the Government, civil society, the technical committee, the United Nations country team, donors and other stakeholders, including the National Independent Human Rights Commission, to exchange views on the transitional justice process. The team reiterated the importance of ensuring that Burundi's transitional justice process respected international norms and standards, including the prohibition on the granting of amnesty for gross human rights violations, crimes against humanity, genocide-related crimes and war crimes, and the importance of ensuring a participatory process as recommended during the process of national consultations held in 2010.

56. In July 2011, President Nkurunziza launched a national sensitization campaign on transitional justice in the province of Kayanza. The campaign, which was extended throughout the country by members of the Government, members of Parliament, and provincial and local administrators, concluded at the end of August 2011.

E. Integration into the East African Community

57. During the period under review, BNUB provided financial, technical and logistical support to the Ministry of East African Community Affairs. BNUB supported capacity-building activities, including on information gathering, processing and dissemination, for Ministry staff in charge of communications, and supported and facilitated a series of workshops on harmonizing Burundian law with EAC law. The workshops reached 157 staff members of legal units in the offices of the President and Vice-President, the National Assembly, the Senate and Government ministries, as well as judiciary and police personnel responsible for interpreting and implementing the law. BNUB also supported the Ministry in establishing a pilot secondary-school EAC club in each province to raise young people's awareness of the benefits of Burundi's integration into the Community.

F. Strengthening judicial institutions

58. Since November 2010, the Minister of Justice, the President of the Supreme Court and the Chief Prosecutor have issued a number of circulars to magistrates on their obligation to improve their performance and comply with legal provisions concerning pretrial detention. Nevertheless, the prison population grew from 9,895 inmates in December 2010 to 11,184 at the end of September 2011. After the Belgian cooperation agency and UNDP supported inspections by the Office of the General Prosecutor, several hundred pretrial detainees were released on a provisional basis. Nevertheless, prison overcrowding remains a serious concern.

59. The Ministry of Justice prepared its sectoral policy document for the period 2011-2015. BNUB provided technical assistance to the Ministry during the drafting process and advocated reforms related to judgement enforcement proceedings, judicial independence, accountability of magistrates and court performances. However, vital reforms for strengthening the independence of the judiciary were not included; instead, it was agreed to organize a national conference on justice during which the issue would be addressed. To protest against the lack of judicial independence and low wages, the magistrates' trade union, the Syndicat des magistrats du Burundi, went on strike in February 2011 and again in September 2011. At the time of writing, negotiations between the trade union and the Minister of Justice were at a standstill.

60. BNUB organized a training session for magistrates on the management of the Supreme Court and the Constitutional Court. To strengthen the technical and operational capacities of the judicial training centre, BNUB conducted a train-the-trainers session on judicial ethics. In turn, the trainees trained 85 of the 99 newly recruited magistrates. In addition, 3,000 copies of the criminal code were produced in French and Kirundi by BNUB and handed over to the national legislation service in order to increase access to laws. To improve access to justice, a user's guide for litigants, financed by BNUB, was also prepared and submitted for validation to magistrates, lawyers and civil society representatives.

G. Gender

61. The United Nations supported several programmes aimed at empowering women, notably through efforts to build the leadership capacities of women elected to public office. In addition, through the Peacebuilding Fund, the United Nations provided approximately \$60,000 in microcredit financing to 13,000 women who had been affected by conflict and who belonged to one of 532 associations to facilitate their participation in the country's economic development. Among the many challenges that persist are the low number of women in the defence and security forces, the continued violence committed against women and the stalemate in the adoption of a law on inheritance and matrimonial regimes, which is linked to the challenges faced by women in accessing economic opportunities.

62. The United Nations provided funding to the Government to promote the implementation of a national strategy on gender-based violence. As part of a United Nations joint programme in support of victims of such violence, a pilot centre was established in Gitega. The centre, designed as a one-stop service delivery facility, offers medical, psychosocial and legal services. There are plans to build similar centres in Rutana and Bururi provinces.

63. In October 2011, the Government and the United Nations organized an event to commemorate the adoption of Security Council resolution 1325 (2000), on women and peace and security, in which the members of some 50 women's organizations participated.

H. Child protection

64. Following the adoption by the Committee on the Rights of the Child, on 1 October 2010, of the concluding observations on the second periodic report submitted by Burundi under article 44 of the Convention on the Rights of the Child (CRC/C/BDI/CO/2), the Government of Burundi established a child and family department within the Ministry of National Solidarity, Human Rights and Gender.

65. The reintegration of 200 children affected by armed conflict, including children formerly associated with armed forces and groups, continued in 2011. Almost all were given support to go back to school, and 174 were also given support through income-generating activities. Serious violations of children's rights, including child rape and impunity for the violators, continued to be reported during the period under review. In addition, children continued to be imprisoned in the same cells as adults. Ninety-four imprisoned children were found not to be in conflict with the law but in the company of their mothers, who had been accused of crimes.

66. UNICEF assisted the Government in identifying the main child protection risks within the rights framework and in examining the capacity of the existing child protection system, accountability mechanisms and resource mobilization approaches. UNICEF also assisted the Government in conducting a study on children in residential care centres. It was found that 5,520 children (2,619 girls and 2,901 boys) were living in 98 residential care centres, most of which were in very poor condition and did not meet international standards. As a result, the Ministry of National Solidarity, Human Rights and Gender established a technical committee to

develop national minimum standards on residential childcare facilities. The standards were scheduled to be finalized, for validation, in December 2011.

I. Security sector reform

67. BNUB continued to support efforts to professionalize and enhance the capacities of the defence and security forces. The National Police of Burundi and the Burundi National Defence Force, in collaboration with BNUB, organized several human rights, ethics and law enforcement training sessions for their respective officers. The national police, in collaboration with BNUB and with financial support from the Netherlands, organized workshops for police gender focal points on sexual- and gender-based violence. In August 2011, the Ministry of Public Security launched a process for the elaboration of its strategic plan for the period 2012-2015. BNUB, together with other partners, is actively supporting the process.

68. In April 2011, the Council of Ministers adopted the national plan of action for the period 2011-2015 for the control and management of small arms and light weapons and the disarmament of the civilian population, which was officially launched in September 2011 by the First Vice-President. The national standing committee against the proliferation of small arms and light weapons continued to coordinate the process of marking and registering the weapons of the defence and security forces. By the end of September 2011, 45 per cent of police weapons had been marked and registered. All army weapons were registered but none had yet been marked. BNUB is monitoring the process.

J. Peace consolidation benchmarks

69. Burundi has in many ways proved to be a model of transition from a peacekeeping operation to a special political mission and integrated United Nations office. The Security Council has asked me to prepare benchmarks for the further evolution of BNUB into a regular United Nations country team presence.

70. Benchmarking peace consolidation is not new, and extensive indicators have been developed around the issues that lie at the heart of peace consolidation. The Mo Ibrahim Index of African Governance and the Millennium Challenge Corporation are two of the useful sources for this work to which the Government has decided to give priority.

71. BNUB will review composite indicators to establish baselines and, subsequently, trends for critical benchmarks. These indicators include the following: Burundi's democratic process; security and stability; transitional justice; governance and institution-building; the rule of law; and human rights. These issues correspond logically to the critical aspects of peace consolidation on which the BNUB mandate is focused.

IV. Activities related to the Peacebuilding Commission

72. During the period under review, the Peacebuilding Commission remained actively engaged with Burundi. The Permanent Representative of Switzerland to the United Nations in New York and Chair of the Burundi Configuration of the

Commission, Paul Seger, visited Burundi twice, once in February and once in October and November 2011. The review of the Strategic Framework for Peacebuilding was completed in April 2011. During Mr. Seger's first visit, from 14 to 22 February, he engaged with the Government of Burundi and with national, regional and international stakeholders on the priorities of the Commission with regard to the peace consolidation phase following the 2010 elections.

73. In Bujumbura, the Chair met with key interlocutors, including President Nkurunziza, the two Vice-Presidents, the Minister for External Relations and International Cooperation, the Minister for East African Community Affairs, my Special Representative in Burundi, the United Nations country team, leaders of political parties represented in the Parliament and of the extra-parliamentary opposition, representatives of civil society and the media, and representatives of the international community. He participated in the Political Forum of the Partners Coordination Group, which discussed the fifth and final review of the Strategic Framework for Peacebuilding in Burundi. The Chair also travelled to the United Republic of Tanzania, where he met with the EAC Secretariat leadership, representatives of the Government and ambassadors of key partner countries.

74. The discussions initiated by the Chair during his visit of February 2011 resulted in an outcome document concluding the fifth and final review of the Strategic Framework, which was adopted at the meeting of the Peacebuilding Commission held on 21 April 2011. The document focused on five key peacebuilding areas: (a) consolidation of a culture of democracy and dialogue; (b) anti-corruption efforts, strengthening human rights instruments, transitional justice and reconciliation; (c) the socio-economic reintegration of vulnerable groups; (d) the forthcoming new poverty reduction strategy paper; and (e) regional integration.

75. At the meeting of the Burundi Configuration of the Peacebuilding Commission held in New York on 23 September, the Government of Burundi requested the Commission to adapt its work to reflect the progress achieved in peace consolidation and to focus on supporting socio-economic development, in particular through the national reintegration strategy and the new poverty reduction strategy paper. The Chair visited Burundi from 31 October to 5 November to discuss further with the Government of Burundi the content and mechanisms of the new form of engagement, as well as Burundi's future exit from the agenda of the Commission. The Chair discussed with the Government and key stakeholders a number of concrete activities to be undertaken, including support for a donor conference that would follow the new poverty reduction strategy paper, an event aimed at attracting private investor interest for Burundi and mobilizing resources to help bridge the remaining funding gap for the socio-economic reintegration programme.

76. In the light of the numerous challenges that remain and in line with its renewals policy, on 14 July the Peacebuilding Support Office allocated \$9.2 million from the Peacebuilding Fund to the programme on the sustainable socio-economic reintegration of populations affected by the conflict in Burundi. The programme was developed jointly by the Government and the United Nations and falls within the framework of the national strategy for socio-economic reintegration. The programme was officially launched on United Nations Day, 24 October 2011, in Bubanza, by the then-Minister for National Solidarity, Human Rights and Gender, Immaculée Nahayo, together with my Special Representative in Burundi. It focuses

on refugees, internally displaced persons and former combatants, and places particular emphasis on gender and youth. It aims to sustain reintegration and strengthen social cohesion in the provinces of Bujumbura Rural, Bubanza and Cibitoke by promoting local governance; reviving productive activities and promoting local entrepreneurship; and strengthening national capacities in the areas of policy, planning, coordination and monitoring of the reintegration process.

V. Transition from the United Nations Integrated Office in Burundi to the United Nations Office in Burundi

77. The transition from BINUB to BNUB has been smooth and the lessons learned from the process have been documented. All BINUB operations not included within the BNUB mission mandate ceased on 31 March 2011 and staff members no longer required in the new mission were reassigned to other missions or repatriated by 30 June 2011. The number of authorized posts fell from 450 to 134. The BNUB vacancy rate at the end of October 2011 stood at 9 per cent. There were 18 female international staff members, including United Nations Volunteers, representing 28 per cent of total international staff. There were also 26 female national staff members, representing 38 per cent of total national staff.

78. Obsolete items held by BINUB were disposed of and surplus holdings were transferred to other missions, sold or donated in accordance with United Nations liquidation procedures. Liquidated assets donated to the Government included 62 vehicles, 83 computers and 2 heavy-duty generators. Four logistics bases were closed by the end of June 2011 and the mission's headquarters was consequently restructured to support BNUB operations. Administration of a United Nations transit camp and airport terminal in Bujumbura used solely to facilitate the rotation of United Nations troops serving in the Democratic Republic of the Congo was handed over to the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). However, BNUB continues to provide certain services for the operation of these facilities on behalf of MONUSCO, on a cost-recovery basis.

79. Several developments led BNUB to make infrastructural improvements to its compound. These developments included the physical reorganization of the mission; the reminder, with the bombing of the United Nations premises in Abuja in August 2011, that the United Nations remains a target for terrorist groups; and the relocation to the BNUB compound of other United Nations entities (including UNICEF in April 2011, OHCHR in September 2011 and UNDP by the end of 2011 pending construction of its new premises). The infrastructure improvements included the reinforcement of external walls, the erection of new ram barriers and boom gates and the upgrading of closed circuit television facilities.

80. In coordination with the United Nations country team, BNUB has developed integrated common services in the areas of security, medical facilities and public information, to be funded through cost-sharing arrangements. With regard to field offices outside Bujumbura, BNUB is sharing its premises with UNICEF in Gitega and UNDP in Makamba, while the World Food Programme is housing BNUB staff in Ngozi.

81. As part of the transition and downsizing, many support functions were outsourced in accordance with United Nations rules, including for the maintenance of premises, generators and vehicles. Following meetings at the managerial and operational levels, BNUB and the Office burundais des recettes agreed to the tax exemption status of all BNUB-acquired goods and services under the relevant status-of-mission agreement and to the procedures for tax reimbursement for local purchases by United Nations agencies.

VI. Observations

82. Burundi has continued to make progress in terms of consolidating peace and stability, notably in its emphasis on defining clear strategies in critical sectors and in establishing independent institutions for human rights and mediation. The country has remained free of large-scale violence but continues to experience a disturbing underlying trend of apparent extrajudicial killings and other violent crimes.

83. I am particularly pleased to report the strides that have been made in preparing for transitional justice mechanisms. These are intended to help Burundi's people to become reconciled among themselves and with their own history, as well as to ensure justice for the most serious crimes of the past. Truth, reconciliation and justice processes will need the commitment and participation of all groups in order to succeed, and the technical committee has called for broad consultations before a law is adopted. Legislation and modalities that respect fundamental international principles in this regard, as pledged by the Government, will provide the basis upon which the United Nations will continue supporting this important work.

84. I welcome the setting-up of the National Independent Human Rights Commission through a law consistent with the Paris Principles. The United Nations will continue to support this Commission in functioning productively and in full independence.

85. I remain concerned about the fact that over the past year the political atmosphere has been strained by the lack of dialogue between the Government and the parties that pulled out of the 2010 elections and are therefore not represented in Parliament. Following the call made by President Nkurunziza on 30 June 2011 encouraging opposition leaders to return from abroad to contribute to the reconstruction of the country and prepare to compete in the 2015 elections, the Government has intensified efforts to convene discussions with registered political parties. However, the continued killing of supporters of the FNL of Agathon Rwaso have contributed to a deepened unease and mistrust, as have the arrests and harassment of members of civil society. Reports of FNL paramilitary activities in neighbouring countries have also fuelled tensions.

86. A formula that would bring together the governing and main extra-parliamentary opposition parties thus remains elusive. It is unfortunate that the invitations to discussion made by the President and the First Vice-President were not taken up by the extra-parliamentary opposition. Leading political actors urgently need to address the impasse. I call on all parties in Burundi to renew their renunciation of violence and to engage fully and speedily in efforts to normalize political relations. I consider this a high priority for the consolidation of peace and democracy in Burundi and I pledge continued United Nations support so that the necessary foundation for successful multiparty elections in 2015 can be secured.

87. Despite succeeding in breaking with its painful past, Burundi must also overcome daunting socio-economic hurdles. Not only must it address the residual fragility and limited institutional capacity that characterize post-conflict situations, it must also deal with the fact that its people live in extreme poverty and that there is severe pressure on land, the main means by which people make a living. The results are daily hardship and tensions, and serious long-term challenges. Burundi relies on external funding for approximately half of its budget, which presents difficulties at a time of global economic downturn. Engendering rapid, sustainable and equitable growth will require, in particular, investment in the energy sector, infrastructure and agriculture. I commend the Government of Burundi for the improvements it has made to its business climate, rising eight places to rank 169th out of 183 economies surveyed by the World Bank. I appeal to members of the donor community to stay the course and not forget Burundi at this crucial time in its development. A strong and sustained partnership between the Government and development partners remains essential for the well-being of the population and for the continued stability of the country.

88. The Peacebuilding Commission has provided important support to Burundi's process of peace consolidation since 2006, when Burundi became one of the first two countries to join this mechanism. The Peacebuilding Fund has made a significant supplementary contribution this year for the reintegration of people affected by war. It is hoped that the new poverty reduction strategy paper, which integrates development, peace and security goals, will be met with additional and much-needed international support, and I am pleased that the Burundi Configuration of the Peacebuilding Commission has expressed a particular commitment to support resource mobilization efforts in this regard.

89. Respect for the rule of law is a vital element in improving Burundi's business and development climate, as well as in strengthening the protection of human rights. A robust justice sector is further strengthened by an alert public, media and civil society. However, impunity remains a serious problem, with scant or no progress in long-standing and emblematic cases, such as the assassination in 2009 of Ernest Manirumva, former Vice-President of the Observatoire de lutte contre la corruption et les malversations économiques, an anti-corruption non-governmental organization. I call on the Government to take steps to strengthen the independence of the judiciary, the accountability of all officials and fundamental investigative measures. The United Nations stands ready to provide technical advice and assistance in these matters.

90. I would like to congratulate Burundi on successfully concluding its year as the Chair of the East African Community, which has underscored the critical role of the region as a partner in development and peace consolidation. The United Nations stands ready to provide continued support to Burundi's deepening regional integration. I would also like to acknowledge Burundi's own growing role in international peace and security efforts as a contributor to United Nations peacekeeping operations and to AMISOM.

91. The light footprint and mandate of BNUB reflect the nation's progress. However, continued international support and assistance in peace consolidation, recovery and development remain important, and I therefore recommend that the mandate of BNUB be extended for one year effective 1 January 2012. I continue to appreciate the good and close relations between the Government and the United

Nations. In keeping with Security Council resolution 1959 (2010), my Special Representative will confer with Council members in 2012 on indicative benchmarks for the future evolution of BNUB into a United Nations country team presence.

92. I would like to express my sincere gratitude to my Special Representative, Karin Landgren, and to all United Nations personnel for their dedication and cooperation in implementing the mandate of BNUB across agency lines. I am also grateful to all the bilateral and multilateral partners whose efforts have been instrumental in supporting Burundi's progress. In this connection, I wish to pay particular tribute to the late Ambassador Mamadou Bah and the late Ambassador Howard Wolpe, whose long and devoted efforts contributed to bringing forth a peaceful Burundi.
