

ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU 101.985/15/fin.

RESOLUTION¹

on the post-election situation in Burundi

The ACP-EU Joint Parliamentary Assembly,

- meeting in Brussels (Belgium) from 7 to 9 December 2015,
- having regard to Article 18(2) of its Rules of Procedure,
- having regard to the revised Cotonou Agreement,
- having regard to the Arusha Peace and Reconciliation Agreement for Burundi of 28 August 2000,
- having regard to the Constitution of Burundi, and in particular Article 96 thereof,
- having regard to the African Charter on Democracy, Elections and Governance (ACDEG),
- having regard to the African Charter on Human and People's Rights,
- having regard to UN Security Council Resolution 2248 (2015) of 12 November 2015 on the situation in Burundi,
- having regard to the joint statement of 12 November 2015 by United Nations Deputy Secretary-General Jan Eliasson, African Union Chairperson Nkosazana Dlamini-Zuma and EU High Representative / Vice-President Federica Mogherini on Burundi,
- having regard to the decisions of the Peace and Security Council of the African Union (AU) of 13 June, 17 October and 13 November 2015 on the situation in Burundi,
- having regard to the statements by the East African Community on 31 May and 6 July 2015 on the situation in Burundi,
- having regard to the statement by the Co-Presidents of the ACP-EU Joint Parliamentary Assembly of 17 June 2015 on the situation in Burundi,
- having regard to Council Regulation (EU) 2015/1755 of 1 October 2015 concerning restrictive measures in view of the situation in Burundi,

¹ Adopted by the ACP-EU Joint Parliamentary Assembly on 9 December 2015 in Brussels (Belgium).

- having regard to the Council conclusions of 16 March, 18 May, 22 June and 16 November 2015 on Burundi,
- having regard to the European Parliament resolution of 9 July 2015 on the situation in Burundi,
- having regard to the EU decision of 26 October 2015 to request the opening of consultations with the Burundian authorities under Article 96 of the Cotonou Agreement,
- having regard to the conclusions of the Council of the European Union on the EU-Republic of Burundi consultations under Article 96 of the Cotonou Agreement, adopted on 8 December 2015,

A. whereas Article 96 of the Constitution of Burundi and Article 7(3) of Protocol II to the Arusha Peace and Reconciliation Agreement stipulate that the President of Burundi is to be elected by direct universal suffrage, for a period of five years, renewable once;

B. whereas Burundi held legislative and local elections on 29 June 2015 and presidential elections on 21 July 2015; whereas both electoral processes were considered by the observers of the international community not to be transparent, inclusive, free and credible; whereas for that reason the AU did not send observers to follow the elections, the EU suspended its electoral mission to Burundi, and a large part of the Burundian opposition decided to boycott the elections;

C. whereas President Nkurunziza's candidacy for a subsequent term, which is considered by the international community and a part of the Burundian opposition to be a third term, and the elections of 21 July 2015 have plunged the country into its deepest political crisis since the end of the civil war;

D. whereas the Burundian Government did not fully take into account decisions and recommendations of the AU and the East African Community (EAC) adopted on 13 June 2015 and 6 July 2015 respectively, whose full implementation would have paved the way for credible and inclusive elections;

E. whereas, according to the Office of the United Nations High Commissioner for Human Rights and other human rights organisations, politically motivated human rights violations, human rights abuses and acts of violence have been carried out in the country both during the pre-election and the post-election period, targeting opposition activists, human rights defenders and journalists in particular, including Pierre Claver Mbonimpa; whereas there is a widespread perception that they are mostly, but not exclusively, linked to state institutions; whereas the primary responsibility for ensuring security in Burundi and protecting the Burundian population with respect to the rule of law, human rights and international humanitarian law lies with the Burundian Government;

F. whereas more than 200 000 people have been internally displaced or have sought refuge in neighbouring countries as a result of the worsening political situation in Burundi;

whereas in July 2015 the EU stepped up its humanitarian assistance and mobilised an additional EUR 4.5 million in aid for displaced populations;

G. whereas on 26 October 2015 the EU requested the opening of consultations under Article 96 of the Cotonou Agreement to investigate the non-compliance with essential elements of the Agreement, in particular human rights, democratic principles and the rule of law; whereas these consultations started on 8 December 2015;

H. whereas the political deadlock in Burundi, marked by a lack of dialogue among Burundian stakeholders, and the resulting deterioration in the security and economic situation, have serious consequences for the population and pose a serious risk for the stability of the region;

I. whereas the international community plays a significant role as the guarantor of the Arusha Agreement; whereas all the regional and sub-regional efforts aimed at addressing the crisis and restoring dialogue between all political forces have so far not produced sufficient positive results;

J. whereas on 1 August 2015, political opposition and civil society gathered in Addis Ababa to create the National Council on Respect for the Arusha Agreement and the Rule of Law;

K. whereas on 23 September 2015, the President signed a decree creating a national commission for inter-Burundian dialogue to lead negotiations for six months; whereas a significant part of civil society showed great scepticism about the potential achievements of this commission;

L. whereas the AU, the EU and the United States have imposed an asset freeze and travel ban on government and opposition leaders whose actions and statements contribute to the persistence of violence and impede the search for a political solution to the crisis in Burundi;

M. whereas the African Union's Peace and Security Council on 17 October 2015 requested the finalisation of contingency planning for the purposes of the deployment in Burundi, should the situation so require, of an African-led mission to prevent violence in the country, and agreed on the launching of a thorough investigation on the violations of human rights and other abuses against the civilian population in Burundi;

N. whereas on 30 November 2015, UN Secretary-General Ban Ki Moon made three proposals to the Security Council recommending a revision of the mandate of the United Nations presence in Burundi on the basis of developments in the situation; whereas these proposals include the possibility of sending a peacekeeping mission should the situation so warrant;

O. whereas the AU and other international actors have repeatedly called for a genuine and inclusive dialogue involving all stakeholders, based on respect for the Arusha Agreement and the Burundian Constitution, to find a consensual solution to the conflict in Burundi; whereas the EU and the UN support this call;

P. whereas mediation efforts continue, with the full support of the AU, the EU and the UN, to promote inter-Burundian dialogue in order to find a consensual and peaceful solution to the crisis in Burundi;

Q. whereas the EU contributes significantly to Burundi's annual budget, approximately half of which comes from international aid, and has recently allocated EUR 432 million to Burundi under the European Development Fund 2014-2020;

R. whereas the Burundian authorities, by means of decree 530/1597, suspended the activities of 10 human rights organisations, namely ACAT-Burundi, APRODH, AMINA, FOCODE, FORSC, FONTAINE-ISOKO, Maison Shalon, PARCEM, RCP and SPPDF, and blocked their bank accounts;

1. Expresses its deepest concern regarding the grave security and political situation in Burundi, as well as the rapidly worsening humanitarian situation, and the consequences that this may have for the security and stability in the entire sub-region;

2. Condemns the recent violent attacks and the increasing cases of human rights violations and abuses, including assassinations, extra-judicial killings, violations of the physical integrity of individuals, acts of torture and other cruel, inhuman and/or degrading treatment, arbitrary arrests and illegal detentions, and violations of the freedom of press and expression, as well as the prevalence of impunity;

3. Calls for an immediate end to violence, human rights violations and political intimidation of opponents and for the immediate disarmament of all armed groups allied to political parties in strict accordance with international law and human rights;

4. Points in particular to the presence of many young persons within the armed groups operating in Burundi and calls on the international community to pay specific attention to their reintegration and to the promotion of their participation in a peaceful political process;

5. Urges all sides in Burundi to refrain from any action that would threaten peace and security in the country; strongly condemns all public statements aimed at inciting violence or hatred towards different groups in Burundian society, which have the potential to aggravate the current tension, and calls on all actors to refrain from making such statements;

6. Reminds the Burundian authorities of their obligation to ensure security in Burundi and guarantee human rights, civil and political rights and fundamental freedoms, as provided for in the Burundian Constitution, the African Charter on Human and Peoples' Rights and other international and regional human rights instruments;

7. Recalls, in this context, that the EU-Burundi partnership is governed by the Cotonou Agreement, and that all parties are bound to respect and implement the terms of that Agreement, in particular respect for human rights; recalls, in particular, that Article 96 of the Cotonou Agreement provides for the possibility of instituting consultation procedures in cases of non-respect for human rights, democratic principles and the rule of law, and welcomes, in this respect, the EU's decision to request the opening of consultations as provided for in that article;

8. Urges all parties to establish the necessary conditions for rebuilding trust and fostering national unity and calls for the immediate resumption of an inclusive and transparent national dialogue, including the Government, opposition parties and civil society representatives;
9. Stresses that such dialogue, aimed at achieving lasting peace, security and stability, and at restoring democracy and the rule of law, in the interest of the citizens of Burundi, should be based on the Arusha Agreement and the Burundian Constitution;
10. Welcomes the mediation efforts led by the EAC, with the support of the AU and the UN, to facilitate dialogue among the Burundian stakeholders; calls on the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy to also support these mediation efforts; urges the Government of Burundi and other concerned stakeholders to fully cooperate with the mediator;
11. Expresses its grave concern at the number of victims and cases of serious human rights violations reported since the beginning of the crisis; urges the competent authorities to undertake a rigorous and prompt investigation into the circumstances and motives behind these crimes and to ensure that those responsible are brought to justice; reiterates that there can be no impunity for those responsible for violations or serious abuses of human rights; recalls the possibility for the International Criminal Court to intervene in such cases;
12. Calls on the Burundian Government to lift, as soon as possible, the suspension of the activities of the 10 human rights organisations and to immediately unfreeze their bank accounts so that these organisations can freely exercise their activities;
13. Welcomes the deployment by the AU of human rights observers and experts to monitor the human rights situation, and stresses the importance of cooperating with them in order to facilitate the implementation of their mandate;
14. Welcomes the targeted sanctions approved by the EU, consistent with the decision by the AU to impose targeted sanctions, including a travel ban and asset freeze, against Burundians whose actions and statements contribute to the perpetuation of violence and obstruct efforts to achieve a political solution to the crisis;
15. Encourages the EU and its Member States, in view of the outcome of the consultation procedure carried out under Article 96 of the Cotonou Agreement, to re-orientate their aid with a view to reinforcing civil society;
16. Expresses its deep concern regarding the continued exodus of Burundian refugees to neighbouring countries; reiterates its support for all humanitarian organisations operating on the ground as well as for the neighbouring host countries; appeals to the international community and humanitarian agencies to continue to provide assistance to displaced persons and refugees fleeing the conflict; welcomes the EU's commitment to increasing financial support and humanitarian aid to address the urgent needs of these people;
17. Calls on the AU, the UN and the EU to seriously consider the regional dimension and prevent any further destabilisation of the region, in particular by maintaining a permanent political dialogue between countries in the region; urges the AU, in this context, to consider

deploying an African-led peacekeeping mission should the security and human rights situation further deteriorate in Burundi;

18. Instructs its Co-Presidents to forward this resolution to the Government and the Parliament of Burundi, the ACP-EU Council, the European Commission, the Council of the European Union, the East African Community and the Governments of its Member States, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the institutions of the African Union and the Secretary-General of the United Nations.