

## ACTION FRAMEWORK FOR THE REHABILITATION OF THE ARUSHA AGREEMENT FOR PEACE AND RECONCILIATION IN BURUNDI

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Bujumbura, January 2<sup>nd</sup>, 2024.

To the Guarantors and Friends of the Arusha Agreement:

- To H.E. Mr. Kaguta Yoweri Museveni, President of the Republic of Uganda, former Chairman of the Regional Peace Initiative in Burundi
- TO H.E. Mr. Paul Kagame, President of the Republic of Rwanda
- TO HE Mr. Salva Kiir Mayardit, President of the Republic of South Sudan
- To H.E. Mr. Evariste Ndayishimiye, President of the Republic of Burundi
- To H.E. Mr. William Samoei Ruto, President of the Republic of Kenya
- To H.E. Mrs Samia Suluhu Hassan, President of the United Republic of Tanzania
- To H.E. Mr. Félix Antoine Tshisekedi Tshilombo, President of the Democratic Republic of Congo
- To H.E Mr. Hassan Sheikh Mohamoud, President of the Federal Republic of Somalia
- To H.E. Mr. Cyril Ramaphosa, President of the Republic of South Africa
- To H.E. Mr. Joseph R. Biden, President of the United States of America
- To H. E. Mr. António Guterres, Secretary General of the United Nations
- To H.E. Mr. Moussa Faki Mahamat, Chairperson of the African Union Commission
- To H.E Mrs Ursula Von der Leyen, President of the European Commission

- Copy for information to:

- Mr. Peter M. Mathuki, Secretary General of the East African Community
- Mr. Amb. João Samuel Caholo, Secretary General of the International Conference on the Great Lakes Region
- NYERERE Foundation
- MANDELA Foundation

Excellencies,

On behalf of the political organizations committed to the Framework of Action for the Rehabilitation of the Arusha Agreement for Peace and Reconciliation in Burundi, I have the honor to address your Excellencies, in your capacity as Guarantors or as Friends of the Arusha Agreement, with a view to seeking your invaluable assistance for the rehabilitation of this instrument whose signature had put an end to years of civil war and allowed the



country to return to normal democratic life for at least a decade, thus giving hope to the Burundian people.

This action framework benefits from broad support from Burundian citizen forces from political parties, civil society, women's organizations, youth, the media, the diaspora, the refugees and intellectuals.

Excellencies, it is nevertheless regrettable that since the arrival of the CNDD-FDD party to power in 2005 and particularly from 2015, the Arusha Agreement has been systematically and regularly violated and despised, and this situation led to a serious multidimensional crisis in all sectors of national life in Burundi.

Your contribution is all the more desirable and urgent as Burundi is preparing for new elections which are likely to lead to even more serious tensions, or even uncontrollable violence. In order to reconnect with peace, security, democracy and justice for all, these elections should respect the letter and spirit of the Arusha Agreement. For this to happen, we are heavily counting on your precious support.

Please find attached hereto the document calling for the rehabilitation, implementation and monitoring of this historic Agreement.

Please accept, Excellencies, the assurances of my highest consideration.

For the Action Framework for the Rehabilitation of the Arusha Agreement for Peace and Reconciliation in Burundi,

Hon. Léonce Ngendakumana, Former President of the National Assembly of the Republic of Burundi

Emissary

A handwritten signature in blue ink, appearing to be 'Léonce Ngendakumana', written over a horizontal line.



# CALL FOR THE REHABILITATION, IMPLEMENTATION AND MONITORING OF THE ARUSHA AGREEMENT FOR PEACE AND RECONCILIATION IN BURUNDI

## I. Genesis

Since its independence in 1962, Burundi has been shaken by cycles of conflict and violence, mainly political in nature but with ethnic dimensions, which have bloodied the country, particularly in 1965, 1972, 1988, from 1993 to 1998, and since 2015. At the end of several phases of preparatory talks held across the four corners of the world (Italy, Switzerland, France, Mwanza (Tanzania), South Africa, Arusha (Tanzania), the Arusha negotiations brought together the stakeholders from 1996 to 2000. The Arusha Agreement for peace and reconciliation in Burundi was signed on August 28, 2000 under the aegis of the Mediator Nelson Rolihlahla Mandela and before a dozen Heads of State, notably the Heads of State of the Sub-Region and the President of the United States of America William Jefferson Clinton, the Secretary General of the United Nations Koffi Annan and the Secretary General of the Organization of African Unity Salim Ahmed Salim, as well as several Ministers and Ambassadors. Rebel groups gradually joined the signatories.

The Arusha Agreement was supplemented by various Ceasefire Agreements, particularly the one signed between the Government of Burundi and the CNDD-FDD on November 16, 2003, and the one signed between the Government and the PALIPEHUTU-FNL on 7 November 2006.

These Ceasefire Agreements are an integral part of the Arusha Agreement which allowed a decade of calm and appeasement.

## II. Contributions of the Arusha Agreement

Many actors agree to recognize the undeniable positive impact of this Arusha Agreement signed in August 2000 and continue to recall its positive contribution, which contributed, for a decade, to political stability and the peaceful cohabitation of different ethnic components of Burundi. Indeed, this Agreement ended 12 years of civil war and is still considered the best framework for Burundi to regain peace and break with the cyclical violence that it has experienced since 1965.

This Agreement provided for power sharing, strengthening social cohesion, equitable participation in the management of public affairs, a system of checks and balances and the integration of former combatants into the defense and security forces. In addition to their functional value, the symbolism of the Arusha Agreement was seen as characteristic of Burundi's new national identity as a multi-ethnic society, an identity deeply rooted in the hearts of large numbers of Burundians, particularly the young people.

Unfortunately, initially in a sneaky and insidious manner, then gradually in an ostensible manner, the CNDD-FDD power was quick to organize the dismantling of the Arusha Agreement.

## III. Violations of the Arusha Agreement: contextual framework

In the opinion of several analysts, the trivialization of the Arusha Agreement since 2005 took place in three successive phases: exclusion of opposition political parties and restriction of rights and freedoms with the aim of establishing a de facto monopartite system; hegemony of the CNDD-FDD party and subservience of justice to the executive; proclamation of the 3rd

term of the late President Pierre Nkurunziza, in violation of the Arusha Agreement and the Constitution of March 2005.

It is in this context of great tension that President Pierre Nkurunziza decided, in 2015, to run for a third illegal and illegitimate term. Thus, this begins the third phase, which plunged the country into a deep crisis, which has not yet finished making headlines, with immeasurable consequences.

Faced with this adventurous decision, crowds of citizens from all walks of life rose as one to organize peaceful demonstrations to protest against this constitutional blatant violation. What followed was indiscriminate and bloody repression accompanied by serious and massive human rights violations, arbitrary arrests and detentions, targeted assassinations, forced disappearances, cases of torture and cruel treatment, cruel, inhuman and degrading crimes, rape and violence against women, exile and forced displacement of populations, corruption and systematic impoverishment of the country and many other evils... The right to fair and independent justice has become a utopia, the economy has fallen into ruin, quality education is no longer a concern for leaders, impunity and bad governance reign supreme in Burundi. Private radio stations were burned and closed and civil society organizations suspended, representatives of the United Nations were dismissed by a completely illegal power as confirmed by the decision of the Court of Justice of the East African Community (EAC in acronym).

#### **IV. Decision of the EAC Court of Justice**

The Forum of Civil Society Organizations seized the EAC Court of Justice in 2015 to invalidate the illegal undertaking of Pierre Nkurunziza to run for an unconstitutional third term. Handed down on November 25, 2021, then put under wraps for a year, the decision of the Appeals Chamber of the EAC Court of Justice is unequivocal. It condemns the Constitutional Court of Burundi for having issued a ruling authorizing "an illegal mandate" and we quote: "After careful consideration, we say that in 2015 the Constitutional Court of Burundi violated the Constitution of Burundi, the Arusha Agreement and the EAC Treaty in its articles 5, 6, 7, 8" (Article 97 of the judgment). It is understood that from now on, the rehabilitation of victims is essentially required.

#### **V. Requests addressed to the Guarantors and Friends of the Arusha Agreement.**

Faced with the situation prevailing in Burundi, our main partners have always formulated relevant and positive recommendations, which have unfortunately remained without effect, in the face of the obstinacy and arrogance of the CNDD-FDD power:

- The verdict of the EAC Court of Justice mentioned above, could not be clearer, in favor of compliance with the Arusha Agreement;
- With regard to the European Union, in accordance with article 96 of the ACP-EU Partnership Agreement, and following the consultations initiated on December 8, 2015 with Burundi, concrete actions are still expected "in compliance with the Arusha Agreement", in this case "the effective holding of an inclusive political dialogue" under international mediation;
- On December 4, 2020, the United Nations Security Council, noting that "human rights violations and abuses continue to raise concerns", requests "the United Nations, the African Union, the East African Community, the International Conference on the Great



Lakes Region and the Guarantors of the Arusha Agreement to coordinate their efforts to help Burundian stakeholders implement the Agreement Arusha which greatly helped support a decade of peace in Burundi.

In the same line, our Action Framework, while expressing our gratitude to all Guarantors, Partners and Friends for the actions already accomplished, has the distinct honor of once again soliciting their precious support, by presenting them the following requests:

- Rehabilitation of the Arusha Agreement and the return to the rule of law and constitutional order resulting from the Arusha Agreement;
- Holding of an inclusive political dialogue of all the active forces of the nation under international mediation;
- Orderly voluntary repatriation of refugees under the supervision of the international community;
- Safe return of political figures, members of civil society organizations, journalists currently in exile;
- Cancellation of all fanciful arrest warrants for political opponents, journalists and civil society activists, following the 2015 crisis;
- Cancellation of all unfair judgments rendered in the trials held irregularly against the alleged assassins of the late President Melchior Ndadaye and compliance with the requirements of the Arusha agreement, in connection with political assassinations;
- Disarmament/demobilization and dismantling of all armed groups, and particularly, the Imbonerakure militia of the CNDD-FDD, which sow disorder, terror, death and desolation throughout the country;
- Support the Burundian people on the path to an inclusive, transparent, democratic, peaceful and credible electoral process for the return to consociational democracy, as advocated by the Arusha Agreement;
- Reopen the political space, in this pre-electoral period (2025 and 2027); review all repressive laws and stop abusing political parties as well as civil society organizations and let them organize themselves in accordance with their internal regulations and international standards. Among the parties most affected by acts of intimidation and dismantling, we can cite, for example: The National Congress for Freedom (CNL), the Union for National Progress (UPRONA), the Front for Democracy in Burundi (FRODEBU) and the Union for Peace and Development (UPD -ZIGAMIBANGA).
- Support the Action Framework in the organization of a Round Table of Guarantors, Signatories and Friends of the Arusha Agreement as an ideal framework for an inclusive dialogue capable of bringing Burundi back on the path to peace, justice, consociational democracy as provided for by the Arusha Agreement, the rule of law and fundamental freedoms, good governance and economic recovery.

The Action Framework and the political and socio-economic forces of Burundi express their appreciation for your understanding and the diligent attention that you will kindly reserve for this request.



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**List of political forces engaged within the framework of Action for the rehabilitation of the Arusha Agreement for peace and reconciliation in Burundi.**

- Coalition of Opposition Forces for the Restoration of the Arusha Agreement for Peace and Reconciliation in Burundi (CFOR-ARUSHA)
- National Congress for Freedom (CNL)
- Patriotic Action Movement (MAP-BURUNDI BUHIRE)
- Union for Peace and Development (UPD ZIGAMIBANGA)
- Union for National Progress (UPRONA of the opposition)

