

Mr. Mehmet Güney (Turkey)
Mr. Aka Edoukou Jean-Baptiste Kablan (Côte d'Ivoire)
Mr. Laïty Kama (Senegal)
Mr. Dionysios Kondylis (Greece)
Mr. Bouba Mahamane (Niger)
Mr. Erik Møse (Norway)
Mr. Yakov Ostrovsky (Russian Federation)
Mr. Cheick Dimkinsedo Ouédraogo (Burkina Faso)
Ms. Navanethem Pillay (South Africa)
Ms. Indira Rana (Nepal)
Mr. William Sekule (United Republic of Tanzania)
Mr. Tilahun Teshome (Ethiopia)
Mr. Lloyd George Williams (Jamaica and St. Kitts and Nevis)

**Decision of 19 May 1999 (4006th meeting):
resolution 1241 (1999)**

By a letter dated 17 May 1999 addressed to the President of the Security Council, the Secretary-General⁶³ requested an extension of the term of office of a non-elected judge of the Tribunal in order to allow him to dispose of two ongoing cases. In view

⁶³ S/1999/566.

of the very short time which was available before the judge's term of office was due to come to an end, he asked if the letter and its annex could be brought to the immediate attention of the members of the General Assembly and of the Security Council for their speedy approval in the manner that they deemed fit.

At its 4006th meeting, held on 19 May 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the letter in its agenda.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁶⁴ The draft resolution was then put to the vote and adopted unanimously as resolution 1241 (1999), which reads:

The Security Council,

Taking note of the letter dated 17 May 1999 from the Secretary-General to the President of the Security Council, to which he attached a letter to him dated 14 May 1999 from the President of the International Tribunal for Rwanda,

Endorses the recommendation of the Secretary-General that Judge Aspegren, once replaced as a member of the Tribunal, finish the Rutaganda and Musema cases which he has begun before expiry of his term of office, and takes note of the intention of the Tribunal to finish these cases if possible before 31 January 2000.

⁶⁴ S/1999/576.

6. The situation in Burundi

**Decision of 5 January 1996 (3616th meeting):
statement by the President**

By a letter dated 29 December 1995 addressed to the President of the Security Council,¹ the Secretary-General shared his deep concern about the persistence of violence and the further escalation of human rights violations. According to his report, Burundi was the scene of a smouldering civil war. The situation had continued to deteriorate since May 1995 and was characterized by daily killings, massacres, torture and arbitrary detention. The deteriorating situation was underscored by recent decisions of international organizations including the International Committee of

¹ S/1995/1068.

the Red Cross (ICRC), the World Food Programme (WFP) and most non-governmental organizations to curtail or suspend their activities following a spate of violent attacks against their personnel and assets. Furthermore, Burundi's borders with Zaire and the United Republic of Tanzania had remained closed for several days. In the existing circumstances, he felt that there was a real danger of the situation in Burundi degenerating to the point where it might explode into ethnic violence on a massive scale. He recalled the proposals he had made in his report on 11 October 1994.² He suggested the maintenance in Zaire, subject to the agreement of the Government, of a military

² S/1994/1152.

presence capable of intervening rapidly in the event of a sudden deterioration of the situation in Burundi, a preventive measure that could help to avoid a repetition of the tragic events in Rwanda. He informed the Council that he had asked the United Nations High Commissioner for Refugees to travel immediately to Bujumbura as his personal envoy in order to discuss with the government authorities, at the highest level, steps that might be taken on an urgent basis to defuse the situation and enable international organizations to function effectively.

At its 3616th meeting, held on 5 January 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the letter in its agenda. Following the adoption of the agenda, the President (United Kingdom), with the consent of the Council, invited the representative of Burundi, at his request, to participate in the discussion without the right to vote.

At the same meeting the President drew the attention of the Council to a letter dated 3 January 1996 addressed to the President of the Security Council from the Secretary-General pursuant to resolution 1012 (1995), providing an interim report on the work of the International Commission of Inquiry in Burundi.³

At the same meeting, the President made the following statement on behalf of the Council:⁴

The Security Council has considered the letter dated 29 December 1995 from the Secretary-General to the President of the Council on developments in Burundi. The Council shares the deep concern of the Secretary-General about the situation in Burundi, which has been characterized by daily killings, massacres, torture and arbitrary detention. It condemns in the strongest terms those persons responsible for such actions, which must cease immediately. It encourages all States to take the measures deemed necessary to prevent such persons from travelling abroad and receiving any kind of support. It reiterates its profound concern about radio stations which incite hatred and acts of genocide and encourages Member States and others concerned to cooperate in the identification and dismantling of them. The Council calls upon all concerned in Burundi to exercise maximum restraint and to refrain from all acts of violence. It reiterates that all who commit or authorize the commission of serious violations of international humanitarian law are individually responsible for such violations and should be held accountable. In this context, it stresses the importance it attaches to the work of the International Commission of Inquiry

established pursuant to its resolution 1012 (1995) of 28 August 1995 and undertakes to study carefully the letter from the Secretary-General dated 3 January 1996 containing an interim report on that work.

The Council is gravely concerned at recent attacks on personnel of international humanitarian organizations, which have led to the suspension of essential assistance to refugees and displaced persons and to the temporary withdrawal of international personnel. The Council welcomes the decision of the Secretary-General to ask the United Nations High Commissioner for Refugees to visit Burundi to discuss with the Burundian authorities steps that might be taken to defuse the situation. It underlines the fact that the authorities in Burundi are responsible for the security of personnel of international humanitarian organizations and of the refugees and displaced persons there and calls upon the Government of Burundi to provide adequate security to food convoys and humanitarian personnel.

The Council welcomes the assumption of his functions by the new Special Representative of the Secretary-General for Burundi and calls upon all concerned to support his efforts. It commends the work of the Office of the Special Representative in seeking to promote dialogue and national reconciliation in Burundi, as well as the role played there by the Organization of African Unity. It welcomes the decision of the Organization of African Unity in Addis Ababa on 19 December 1995 to extend the mandate of its mission in Burundi for another three months and to strengthen the civilian component of the mission. The Council also welcomes the outcome of the Cairo conference of heads of State of the Great Lakes region held on 28 and 29 November 1995, supports the work of the facilitators appointed by the conference and emphasizes once again the importance it attaches to all States acting in accordance with the recommendations contained in the Cairo Declaration, as well as those adopted at the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, held at Bujumbura from 15 to 17 February 1995. It stresses the importance of continued attention by the international community as a whole to the situation in Burundi and encourages Member States to intensify contacts and visits.

The Council notes the proposals referred to in the letter from the Secretary-General dated 29 December 1995. It will consider these and other proposals he may submit in the light of the reports of Mrs. Ogata's mission and of his Special Representative for Burundi. It also requests the Secretary-General to consider what role United Nations personnel in the region and other support personnel might play in Burundi.

The Council reaffirms its support for the Convention on Governance of 10 September 1994, which constitutes the institutional framework for national reconciliation in Burundi and for the institutions of Government established in line with it. It calls once again upon all political parties, military forces and elements of civil society in Burundi fully to respect and implement the Convention on Governance and to give their continued support to the institutions of Government established in line with it.

The Council will remain seized of this matter.

³ S/1996/8.

⁴ S/PRST/1996/1.

**Decision of 29 January 1996 (3623rd meeting):
resolution 1040 (1996)**

By a letter dated 16 January 1996 addressed to the President of the Security Council,⁵ the Secretary-General reported on the trip of his Personal Envoy to Burundi who recommended that a technical security mission to improve existing security arrangements, including United Nations guards, be deployed, and that expanded application of the Convention on the Safety of the United Nations and Associated Personnel to cover United Nations activities in Burundi and closer cooperation between the United Nations and OAU observers be considered. He noted that while these measures might defuse the security situation they would not have any impact on the fundamental problems of the country and he urged the Security Council and the international community to launch a major initiative to prevent another tragedy in the subregion, as well as to promote a dialogue embracing all the elements of the Burundian political spectrum. He stated that he had instructed his Special Representative for Burundi to explore urgently with Burundian leaders how such a dialogue might be established, possibly under United Nations auspices, and would revert to the Council on this matter as soon as possible.

At its 3623rd meeting, held on 29 January 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the above letter and the letter dated 29 December 1995 from the Secretary-General in its agenda.⁶ Following the adoption of the agenda, the President (United Kingdom), with the consent of the Council, invited the representatives of Burundi and Zaire, at their request, to participate in the discussion without the right to vote.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁷

The President, at the same meeting, further drew the attention of the Council to a letter dated 18 January 1996 from the representative of Burundi, giving their

response to the Secretary-General's proposal for a rapid response force and stating that not only was the plan for an inter-position force inappropriate, even the "spectre" of a military deployment in Burundi was exacerbating the crisis.⁸ They also provided their own recommendations for actions by the United Nations and the international community.

The representative of Burundi began by requesting clarification of operative paragraph 8 (a) of the draft resolution, which had caused some confusion and was open to various interpretations, and asked members to prepare their responses during his statement. He informed the Council that the security situation, while serious, had noticeably improved compared with previous months, and gave several facts supporting this conclusion. Particularly, although the entire Government had been travelling throughout the country to rally the population to the side of the Administration, none of the hundreds of political administrative and military authorities involved had been confronted by any of the armed bands. He noted that international opinion had been polarized regarding the dangers to the security of international humanitarian organizations and a technical mission was going to Burundi to evaluate the risks to United Nations personnel and facilities. However, during the 28 months that the crisis had lasted, no United Nations personnel had been a victim of a lack of security, and no office in the many buildings of the United Nations system in Burundi had been damaged. While noting that the Government had officially acknowledged the seriousness of the crisis, he maintained that it was far from having culminated in "an apocalyptic summit" and criticized the "avalanche of media fantasies" that had descended on Burundi. He maintained that a fundamental distinction needed to be made between the perpetrators of the genocide carried out in Rwanda and the followers or authors of that scourge in Burundi. In Rwanda, the Government and the Rwandan armed forces conceived, planned, organized and carried out the genocide against the Tutsi community. In Burundi, the country's army and the coalition Government, which represented national communities and 12 political parties, banded together against the terrorist groups that were determined to carry out Rwandan-style genocide. Referring to the Secretary-General's letter's mention of a difference in opinion

⁵ S/1996/36.

⁶ S/1995/1068. See also the 3616th meeting in the present chapter.

⁷ S/1996/56.

⁸ S/1996/40.

among Burundian officials on how to best approach the crisis, he underlined that the Government's official position was clear and they unanimously rejected military intervention in Burundi. He went on to inform the Council of the accomplishments in involving different political parties in an ongoing progress and stated that he wished to show that the efforts of the Security Council, Secretary-General, OAU and other facilitators had achieved successes. To fulfil the goals stated in paragraph 2 of the draft resolution, they only needed to put these successes to good use, with good intentions. Emphasizing that the paramount role among facilitators fell on the States of the region, he stated that a certain new political approach threatened to deprive Burundi of "the statesman in the best position to make a broad contribution to settling the intra-Burundi conflict" Mr. Mobutu Sese Seko. Attempting to try to ostracize or marginalize the President of Zaire would be both unrealistic and contrary to the norms of international law, since no Government had the right to demand that all countries copy foreign democratic procedures. He maintained that one of the sine qua non conditions for ensuring the success of the United Nations was the ability to give diplomacy pride of place over military action and to devise solutions commensurate with the problems. To defuse the crisis in Burundi it was important to stress the pre-eminence of judicious diplomacy over military intervention. He concluded by stating that he would be obliged to speak on the draft resolution if the way it was interpreted appeared to penalize Burundi or undermine its national sovereignty.⁹

The representative of Zaire stated that his delegation had asked to participate in the Security Council's consideration of the draft resolution because they believed that the work the Council was doing was useful for defusing the tense situation prevailing in the Great Lakes region. The draft resolution was an important step towards applying the concept of preventative diplomacy and his Government endorsed the appeal addressed to all political factions in Burundi to apply, implement and respect in good faith the Convention on Governance, which had been freely devised and agreed to by the people of Burundi to help their country emerge from this persistent crisis. He informed the Council that his Government was at the disposal of the Secretary-General so that they could

explore what measures needed to be proposed and he confirmed that they would cooperate fully in the formulation of plans. However, he maintained that Zaire was an important partner in the Great Lakes region, and they were loath to be presented with any fait accompli. Nevertheless, he stated that they would respect any measures which the Security-Council adopted pursuant to Chapter VII in the light of the report of the Secretary-General. He concluded by stating that they were in a situation in which peace could easily give way to war, and it was up to the international community to impose this peace, by force if necessary, upon those who violated it.¹⁰

The representative for Italy spoke on behalf of the European Union with Cyprus, the Czech Republic, Hungary, Lithuania, Poland and Slovakia associating themselves with the statement. He stated that the European Union remained deeply concerned by the continuing violence in Burundi and hoped that the spirit of reconciliation could be renewed in the country. The European Union would continue to support the efforts undertaken by the United Nations and regional efforts, particularly those of OAU. He emphasized that they were willing to assist in the recovery of Burundi, in particular by supporting the specific measures to promote peace and reconciliation between the various groups and maintained that only political solutions would enable a permanent end to the conflict. He reiterated their support for the idea of an increased and active international presence in Burundi that was both political and humanitarian. Moderate forces who were open to dialogue needed to be encouraged and more radical forces needed to be persuaded that dialogue was the only viable option and that the international community stood ready to adopt adequate measures to prevent the country from plunging into chaos. There was a need for a gradual approach to the deepening crisis in Burundi and the mediation and facilitation action of the Special Representative of the Secretary-General, of the Organization of African Unity, and of the European Union needed to be supported with every means possible. He maintained that the draft resolution sent a strong signal that the Security Council was ready to examine and eventually impose concrete measures to contain the deterioration of the situation and prevent a further destabilization of the country. Finally, he reiterated their belief in the need to call for a

⁹ S/PV.3623, pp. 2-6.

¹⁰ S/PV.3623, pp. 6-8.

conference on the Great Lakes region, under the aegis of the United Nations and OAU and informed the Council that the EU was in the process of appointing a special envoy for the Great Lakes region in order to increase its presence and contribute even more to the search for a peaceful and long-lasting solution to the many problems affecting the region.¹¹

Speaking for the second time the representative of Burundi stated that he had asked the sponsors of the text what the exact meaning of operative paragraph 8 (a) was since in their view “it might be somewhat confusing and susceptible to various interpretations”. Since the Security Council was supporting all the State institutions established by the Convention on Governance and thus the Government itself, it would be contradictory to threaten an arms embargo while that Government was making superhuman efforts to restore peace and security. However, he noted that the Security Council would be acting consistently not only by threatening but by immediately decreeing a ban on the delivery of all illegal weapons to those who disturb peace and security and all fanatical adherents of violence. However, treating the Government on an equal footing with such persons and penalizing it for its determination to neutralize outlaws “would be to turn the world on its head”. For the sake of its own credibility, he urged the Security Council to avoid adopting measures that would violate Burundi’s national sovereignty and the United Nations Charter. Therefore, he appealed to the Security Council to amend the disputed paragraph and stated that if it did not his Government would oppose it and not feel itself in any way bound by the subparagraph in question. He also observed that in the draft resolution, the Security Council remained silent on the needs, listed in their letter of 18 January 1996 for which his Government requested the assistance of the United Nations.¹² However, he welcomed the focus on reactivating the dialogue between the various political partners, which they felt was a positive approach.¹³

The President repeated that the Council was meeting in accordance with the understanding reached in its prior consultations: consultations which had included the delegation of Burundi. He expressed his belief that at this stage the Council was fully

conversant with the view on the matter expressed again by Burundi.¹⁴

Speaking before the vote the representative of Egypt stated that the draft resolution reflected the grave concern of the international community over the very fragile conditions in Burundi and that its adoption would affirm that the international community had learned the value of preventive diplomacy. He informed the Council that in that regard Egypt had hosted a conference in Cairo on ways of underpinning stability in the Great Lakes region. He stated that they would vote in favour of the draft resolution and he urged all parties to exercise restraint and refrain from any act of violence as a necessary condition for allowing a national dialogue to begin. He expressed his hope that the report submitted by the Secretary-General pursuant to paragraph 7 of the draft resolution would contain encouraging elements showing that national dialogue had actually begun, so that the international community could continue its support for Burundi.¹⁵

The representative of Indonesia stated that the draft resolution was both timely and appropriate if Burundi was to escape the tragic and horrible fate suffered by Rwanda, and that there was an urgent need to defuse the situation. He stated their support for the appeal to all the parties and leaders in Burundi to take all necessary steps towards and earnest dialogue to resolve their differences. Nevertheless, in relation to subparagraph (a) of operative paragraph 8 concerning the imposition of travel restrictions, he maintained that it had always been their conviction that selective sanctions were not appropriate measures for resolving conflicts such as the one in Burundi. Although at that moment the behaviour of certain individuals could be construed as exacerbating tensions and conflict, the real possibility existed that they might play an important role in reaching a political solution at some future time. Thus the premature imposition of sanctions would only serve to antagonize the perpetrators even further and lead them to create obstacles to attaining peace and national reconciliation. He maintained that the Convention on Governance constituted a sound basis for promoting a political dialogue and national debate, as a means of fostering national reconciliation and that responsibility for attaining peace and national

¹¹ S/PV.3623, pp. 7-8.

¹² S/1996/40.

¹³ S/PV.3623, p.8.

¹⁴ *Ibid.*, p. 8.

¹⁵ *Ibid.*, pp. 9-10.

reconciliation rested with Burundi's peoples and leaders. In the light of these observations he would vote for the draft resolution.¹⁶

Also speaking before the vote, several speakers stated their support for the draft resolution, their concern for the deteriorating situation, the need for international intervention in support of a political solution by the United Nations and regional actors, and the ongoing importance of security for international humanitarian personnel, and called on all parties responsible for the deterioration of the situation to participate in a broad political dialogue.¹⁷

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1040 (1996), which reads:

The Security Council,

Recalling the statement by its President of 5 January 1996,

Having considered the letters from the Secretary-General to the President of the Security Council dated 29 December 1995 and 16 January 1996,

Deeply concerned at the continued deterioration in the situation in Burundi and at the threat this poses to the stability of the region as a whole,

Condemning in the strongest terms those responsible for the increasing violence, including against refugees and international humanitarian personnel,

Underlining the importance it attaches to the continuation of humanitarian assistance to refugees and displaced persons in Burundi,

Underlining also the responsibility of the authorities in Burundi for the security of international personnel and of refugees and displaced persons there,

Welcoming, in this context, the recent visit of the United Nations High Commissioner for Refugees to Burundi, at the request of the Secretary-General, and plans for the establishment of a standing mechanism of consultation on security issues between the Government of Burundi, the United Nations and non-governmental organizations,

Stressing the paramount importance and imperative need for all concerned in Burundi to pursue dialogue and national reconciliation,

¹⁶ *Ibid.*, pp. 10-11.

¹⁷ *Ibid.*, pp. 8-9 (Botswana); p. 11 (China); pp. 11-12 (Honduras); pp. 12-13 (Republic of Korea); pp. 13-14 (Poland); and p. 14 (Guinea-Bissau).

Stressing also the importance it attaches to the continuation and intensification of efforts by the international community to avert a further worsening of the situation in Burundi and to promote dialogue and national reconciliation there,

Noting with appreciation the ongoing efforts of the Secretary-General and his staff, the Organization of African Unity and its military observers in Burundi, the European Union, and the facilitators appointed by the Cairo conference of heads of State of the Great Lakes region held on 28 and 29 November 1995,

Reaffirming its support for the Convention on Governance of 10 September 1994, and for the institutions of Government established in line with it,

1. *Demands* that all concerned in Burundi exercise restraint and refrain from acts of violence;

2. *Expresses its fullest support* for the efforts of the Secretary-General and others, in support of the Convention on Governance, to facilitate a comprehensive political dialogue with the objective of promoting national reconciliation, democracy, security and the rule of law in Burundi;

3. *Calls upon* all concerned in Burundi to participate in a positive spirit and without delay in such dialogue and to support the efforts of the Special Representative of the Secretary-General and others seeking to facilitate such dialogue;

4. *Invites* Member States and others concerned to cooperate in the identification and dismantling of radio stations which incite hatred and acts of violence in Burundi;

5. *Requests* the Secretary-General, in consultation as appropriate with the Organization of African Unity and with Member States concerned, to consider what further steps may be necessary to prevent the situation from deteriorating further and to develop contingency plans as appropriate;

6. *Welcomes* the sending by the Secretary-General of a technical security mission to Burundi to examine ways to improve existing security arrangements for United Nations personnel and premises and the protection of humanitarian operations;

7. *Requests* the Secretary-General to keep the Council closely informed, including on the technical security mission he has sent to Burundi, and to submit to the Council by 20 February 1996 a full report on the situation, covering the progress of his efforts to facilitate a comprehensive political dialogue and the actions undertaken pursuant to paragraph 5 above, including contingency planning;

8. *Declares its readiness*, in the light of that report and of developments in the situation:

(a) To consider the imposition of measures under the Charter of the United Nations, including a ban on the supply of all arms and related *matériel* to Burundi and travel restrictions

and other measures against those leaders in Burundi who continue to encourage violence;

(b) To consider what other steps may need to be taken;

9. *Decides* to remain seized of the matter.

Speaking after the vote, the representative of the United States stated that the Security Council had sent a clear message to all the people of Burundi that the violence had to stop. She informed the Council that the United States would not support, recognize, or provide assistance to any government that came to power by force in Burundi and would lead an effort to isolate such a regime. She called on the Government of Burundi to guarantee the safety of aid workers and stated that it was up to the Burundians to ensure that Burundi did not commit “national suicide”.¹⁸

The representative of Germany expressed his Government’s extreme concern about the situation in Burundi and stated that the first step to calm the situation was for all the political actors in Burundi to engage in a comprehensive dialogue, with no important element of the political spectrum left out. He called on all parties to refrain from all acts of violence and stated Germany’s support for the initiatives taken by the Secretary-General, OAU and the European Union and by the facilitators. He maintained that those who encouraged ethnic violence or who refused to enter into a comprehensive dialogue would have to face the sanctions of the international community and he supported the call to cooperate in the identification and dismantling of radio stations which incited hatred and acts of violence in Burundi. His Government stood ready to consider the proposals of the Secretary-General under the Charter of the United Nations.¹⁹

The representative of the Russian Federation stated that the tragic situation taking shape in Burundi dictated that the international community urgently draw up a set of agreed measures to stop the further escalation of violence and to get the parties to the conflict in Burundi to resume a broad political dialogue in the interests of stability and national reconciliation and that African countries and OAU needed to play an authoritative role with support from the United Nations. The resolution sent a signal to all parties in Burundi that the international community could not

stand by and watch extremist forces push the people onto a path of national suicide and warned extremists that if they continued to block dialogue and the peace process the Security Council would be obliged to enact selective, preventative enforcement measures. He urgently called on all parties to stop the conflict in Burundi and sit down at the negotiating table to speedily achieve a mutually acceptable settlement.²⁰

The representative of France stated that they encouraged dialogue and called upon all Burundians to renounce violence and cooperate with the Special Representative of the Secretary-General and anyone else who could serve as a facilitator of dialogue. He stated that France would be happy if African statesmen agreed to play that role and he paid tribute to the efforts of OAU. He stated that they were awaiting with interest the conclusions of the technical mission that the Secretary-General had dispatched and expressed their gratitude to the Secretary-General for giving priority to all possible preventative diplomacy measures. He maintained that the Council’s request for consideration of new steps in no way prejudged the decision it would take, nor, a fortiori, the participation of his country in a possible operation. He affirmed that if the Council expressed its readiness to consider the adoption of restrictive measures against those who would continue to resort to violence, it needed to be clear that their role was not to punish Burundi but to help them overcome the crisis. Finally he underlined that the crisis affecting Burundi was part of the greater framework of difficulties confronting the Great Lakes region and expressed his belief in the need to call for a conference on the Great Lakes region, in order to resolve the region’s problems as a whole.²¹

The representative of the United Kingdom reaffirmed their support for the Government of Burundi in its efforts to sustain the principles of the Convention on Governance, which set the framework within which the parties in Burundi should work together to promote stability and the rule of law. It was their view that the international community was rightly focusing its efforts on facilitating such dialogue and on preventive action designed to prevent a further worsening of the situation. He also maintained that it was right that those in the region played an active part in addressing

¹⁸ *Ibid.*, pp. 14-15.

¹⁹ *Ibid.*, p. 15.

²⁰ *Ibid.*, pp. 15-16.

²¹ *Ibid.*, p. 16.

the problem and paid tribute to those neighbouring Governments that had offered sanctuary to persons fleeing the violence. The resolution made clear the Council's readiness to take measures against those who sought to determine Burundi's future by violence. He noted that States, particularly those bordering Burundi, could now help by preventing activity in their territory by extremist groups that sought to incite violence in Burundi, particularly in the case of the "hate" radio stations. He maintained that further steps of a preventive nature might become necessary if leaders, both in and outside the country, did not participate in or support the efforts to achieve national reconciliation and lasting stability. He fully supported the request made to the Secretary-General to consider, following consultations with OAU and concerned Member States, further preventive steps and contingency plans as appropriate and he stated that no option was ruled out in principle.²²

**Decision of 5 March 1996 (3639th meeting):
resolution 1049 (1996)**

At its 3693rd meeting, held on 5 March 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General submitted pursuant to resolution 1040 (1996) in its agenda.²³ Following the adoption of the agenda, the President, with the consent of the Council, invited the representatives of Burundi, the Congo, Nigeria, Norway, Rwanda and Tunisia, at their request, to participate in the discussion without the right to vote.

In his report, the Secretary-General gave a full report on Burundi and considered, in collaboration with OAU and the Member States, what steps of a preventive nature might be necessary to avoid a further deterioration of the situation. The Secretary-General observed that the situation in Burundi was desperately serious and it was his view that the collective efforts of the international community needed to be deployed to encourage dialogue among all sections of the Burundian political spectrum. However, he stated that it would not be prudent for the international community to assume the success of these efforts and not prepare and plan for contingency measures to avoid

a catastrophe. He stated that the time was not yet ripe for the deployment of United Nations guards, but if the political dynamics of confrontation changed in favour of dialogue and if the Government agreed to their deployment, the dispatch of a contingent of guards could be a useful measure. He stated that it was important to note that it was some of the Burundian military and their extremist allies who were most opposed to the concept of international intervention or preventive deployment and the challenge to the international community was whether to take an initiative that was welcomed by those who wanted peace or to allow the extremist to retain a veto over international action. While underlining that preventive diplomacy was always the preferred course of action, he stated that there were some situations when it must be backed by a credible threat to use force, in order to stave off humanitarian disaster. He was convinced that an assertive approach involving contingency planning by some Member States would improve the chances of convincing the parties in Burundi to show more flexibility. Contingency planning could involve the establishment of a standby multinational force for humanitarian intervention under Chapter VII of the Charter. This force would consist of contingents, totalling up to 25,000 troops, ready for deployment on short notice, but remaining in their respective countries. He also recommended that a preventive deployment of a force headquarters and core logistics elements to neighbouring country be considered to enhance the credibility of the multinational force and to underscore the resolve of the international community not to allow another genocide.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.²⁴

The President, at the same meeting, further drew the attention of the Council to letters dated 14 and 19 February 1996, respectively, from the representative of Burundi addressed to the President of the Security Council,²⁵ noting improvement in the political situation and recommending specific areas where the international community could help, and a letter dated 23 February 1996 from the representative of Zaire

²² Ibid., pp. 16-17.

²³ S/1996/116.

²⁴ S/1996/162.

²⁵ S/1996/110 and S/1996/121.

addressed to the President of the Security Council,²⁶ transmitting their position on the situation in Burundi.

The representative of Burundi noted that in his report, the Secretary-General had strongly advocated a multinational military force dictated by a wish to protect Burundi from a Rwandan-style genocide. Those who predicted such an event believed that recurrence of genocide in Burundi was a near certainty in the light of the geographic environment Burundi shared with Rwanda and because of the ethnic, cultural and social similarities between the two countries. However, for the people of Burundi, this “mechanical fusion” of the two countries called its intentions into question and was offensive in many respects. He noted that the Rwandan genocide was spread over three decades and had ebbed and flowed depending on the country’s leadership. In contrast Burundi had resisted this trend and rejected and repelled even more strongly the Rwandan model. It was therefore shocking to impute to them any intention or inclination whatsoever to model the nation’s future on the past of Rwanda. He maintained that in predicting a disaster of genocidal dimensions, many forgot that the Government and the national army had formed a coalition to restore peace and security, and he listed three new phenomena that gave hope that the dynamic of peace would be irreversible. The first of these phenomena was the strengthening of governmental solidarity, the second was the “healthy rallying of the population to work towards peace” and the third was the “burgeoning alliance between the population and the army”. He maintained that despite demonization of the Burundi army, it was the most powerful catalyst for democratic institutions. He also stated several reasons against even any reference to the possibility of a military mission. At a moment when the campaign of mobilization for peace was in full swing under the direction of his Government and all the political bodies of the country, nothing could be more harmful than a polarization over military options. Military solutions would expose the Government to very great risk and might seriously jeopardize the Convention on Governance, which the Security Council had repeatedly supported in pronouncements and in resolution 1040 (1996). The Government and the country would be put up for grabs and the armed bands would raise the stakes. The proposed military intervention would also flagrantly violate paragraph 7 of Article 2 of the Charter, which

²⁶ S/1996/146.

prohibits the United Nations from interfering with the national sovereignty of its Member States. It would also lead to the mediation missions of the Secretary-General, OAU, the European Union and the Nyerere-Carter group being blocked or even blamed. He underlined that in the event of a catastrophe, it would be up to the Government of Burundi and its army to decide when and if to ask for humanitarian assistance. He observed that the Secretary-General’s report suggested that the army of Burundi was split into two camps: one under the influence of Tutsi extremists sworn to total hostility against United Nations troops, and another made of moderates who were getting ready to welcome them in. In fact, both the military and civil society were united in their opposition to a foreign military presence on Burundi’s soil. In conclusion, he asked whether it was not imperative that the international community’s proclivity and ability to resolve all conflicts by peaceful means prevail over the tendency to resolve conflict with weapons.²⁷

The representative of Italy spoke on behalf of the European Union and associated countries.²⁸ He stated that the European Union had expressed its full support for the efforts of the United Nations and the regional organizations, particularly OAU, and maintained that the only way to end the crisis was through a political solution. He observed that a number of developments had taken place that could greatly contribute to the search for renewed peace and stability, including a stronger cohesion within the Government and closer coordination between the United Nations, OAU and the European Union. He expressed his belief that the draft resolution contained all the needed elements to support the progress along the path of dialogue. It was also very clear in warning the parties that the international community might be forced to change its attitude if there were acts of violence and attempts at destabilization. He maintained that it was right to encourage the Secretary-General to continue consultations for further steps toward supporting a comprehensive dialogue and for a possible response, in the unfortunate event of widespread violence and a serious deterioration in the situation. Noting that both political support and the willingness of the international community to concretely assist Burundi

²⁷ S/PV.3639, pp. 2-6.

²⁸ *Ibid.*, p. 6 (Cyprus, Hungary, Latvia, Lithuania, Malta, Poland, Romania and Slovakia).

in development programmes were important, he stated that the European Union was the largest donor in Burundi but that their willingness to provide this much-needed assistance would nevertheless depend to a great extent on the Government's continuation of its efforts at dialogue and reconciliation.²⁹

The representative of Egypt stated that the draft resolution was a true reflection of the efforts made since the Council adopted resolution 1040 (1996) of 29 January, to achieve national reconciliation and stability by putting the presidency in the hands of the forces of moderation and tolerance rather than those of the advocates of extremism and to begin a national debate that would include all parties and complement the Convention on Governance. He emphasized the responsibility of the people of Burundi for normalizing the situation in their country. He observed that there had been no improvement on the humanitarian level and no substantive progress had been made in implementing the recommendations of the Conference of Heads of State of the Great Lakes Region organized by the Carter Center, held in Cairo, on 29 November 1995. The Secretary-General had given several preventive options in his report and these options were not ruled out by the Council in resolution 1040 (1996), in which the Council had emphasized the need to begin a serious national debate that would include all political forces, including extremist ones, as the only way to solve the present crisis. He stated that Egypt supported the new approach, which combined preventive diplomacy with pre-emptive measures and brought all possible pressure to bear on all parties concerned so that they took more positive positions. He stated that OAU had played an important role in Burundi since 1993 and had sent an observer mission for dual political and military purposes and its military observers were providing protection to the officials of the international Commission of Inquiry. Even though that role was not initially welcomed by certain parties in Burundi and even though it received no political or material support from other international organizations it had become one of the major axes of development reaffirming the importance of the regional organization's support for containing crises and conflicts under Chapter VIII of the Charter. In

²⁹ *Ibid.*, pp. 6-7.

conclusion he stated that he would vote for the draft resolution.³⁰

The representative of the United Kingdom stated that the draft resolution rightly focused on preventive diplomacy to assist efforts at finding a lasting political solution and encouraged the international community to help underpin those efforts in support of continuing political progress. He called upon all parties to refrain from violence and to engage in political dialogue and stated that his Government would support that dialogue from outside and provide international assistance of a political, preventive, and material kind in support of the progress which they achieve. However the initiative and the responsibility lay with the Government of Burundi itself. He observed that there had been some encouraging signs since the adoption of resolution 1040, including a reduction in tension, attributable to the Government's pacification campaign, and the setting of a date for the national debate. The parties in Burundi needed to build on these positive developments and start the process of a genuine political dialogue in support of the Convention on Governance. He also noted that the draft resolution also envisaged more concrete forms of assistance including the possibility of a United Nations radio station to promote reconciliation and dialogue and it requested further contingency planning on other steps to support a comprehensive dialogue, which in his view might include the possibility of an international presence to underpin the political process. Since the situation in Burundi remained volatile, he maintained that his Government and the Council remained prepared to consider further measures against those who rejected political dialogue and chose to pursue violent means to achieve their aims and he stated his full support for continued contingency planning for a humanitarian response against the possibility of widespread violence and a worsening of the humanitarian situation.³¹

The representative of the United States stated that the Security Council had the opportunity to try to prevent, rather than respond to, a breach of international peace and security. The draft resolution reflected the determination of the Council to prevent in Burundi the kind of massive violations of human rights

³⁰ *Ibid.*, pp. 7-8.

³¹ *Ibid.*, pp. 8-9.

that consumed Rwanda in 1994. Her Government appreciated the work of the representatives of the Non-Aligned Movement in crafting the resolution which called on the leaders of Burundi to settle their differences and relieve their fears through dialogue and asked the Secretary-General to plan, on a contingency basis, for a rapid humanitarian response in the event of a serious deterioration in the situation. She stated that the United States would not support or assist, and would make every effort to isolate, any government that came to power by force. She stated that it was critical that the leaders of the various factions in Burundi not misunderstand the intentions and motives of the international community. She noted that the international community could provide resources, including a neutral place for dialogue, human rights monitors, economic aid and assistance in building effective political dialogue and she urged Burundi to take advantage of those resources. The contingency planning called for in the draft resolution was precisely the type of exercise envisioned when the United Nations established its standby arrangement system over the last two years and was designed to identify in advance the resources that Member States might be willing to make available on short notice to carry out an emergency humanitarian mission. She urged other Governments to cooperate with the United Nations and the United States in this effort. She stated that it was an initiative designed to bolster the confidence of moderates in the Government of Burundi and elsewhere in society and could save thousands of lives. She also urged the Secretary-General to provide additional security and investigatory personnel to the International Commission of Inquiry since Commission needed to complete its investigation into the events of the attempted coup d'état of 1993 and the subsequent ethnic violence.³²

The representative of the Russian Federation stated that they were greatly concerned by the complex situation in Burundi, which had been hovering on the brink of disaster and threatened to destabilize the region as a whole. He observed that the draft resolution gave clear priority to preventive diplomacy and emphasized the need for the immediate resumption of a comprehensive and constructive dialogue and the activation of the process of national reconciliation. He considered it important to make optimum use of the

³² Ibid., pp. 12-13.

peacekeeping potential of the Organization of African Unity, other regional organizations, neighbouring countries and other interested States. He expressed his belief that preparations should be stepped up for a regional conference for peace, security and development in the Great Lakes region. He maintained that if there were any broad escalation of violence the international community would be prepared to take adequate measures for a humanitarian response, from the range of appropriate options available. In turn, the international community stood ready to render all necessary support and assistance for a political settlement.³³

The representative of China stated that his Government had been concerned about the development of the situation in Burundi and sincerely hoped that peace and stability would be restored as soon as possible. He informed the Council that they had made their own efforts in that regard and were pleased to note the common understanding and determination manifested by the highest authorities in Burundi for the solution of the Burundi question. However, the country still faced many difficulties in the political, security and humanitarian field. He stated that they had all along held the view that the internal affairs of a country needed to be settled by the people of that country themselves and that the international community could provide assistance but could not engage in interference. He stated that he would vote in favour of the draft resolution with the understanding that no matter what kind of action the Council took in the future it needed to consult with the country concerned, obtain its consent and broadly canvass the view of all parties. He urged all parties to carry out a broad-based dialogue as soon as possible.³⁴

The representative of France observed that while the situation in Burundi remained fragile and worrisome, the institutions that had emerged from the Convention on Governance had to be encouraged to pursue their work to promote peace, restore order and foster national reconciliation. That joint effort of the Burundi authorities, supported by the Council, the European Union and OAU had already made progress. He stated that the Council had to ensure that its decisions did not run counter to the efforts of the

³³ Ibid., pp. 14-15.

³⁴ Ibid., pp. 15-16.

Government of Burundi. While it was normal for the Council to demonstrate its vigilance by preparing to come to the assistance of the people of Burundi if the situation required, such preparations could not lead extremists of every stripe to push the country into the abyss. Therefore the Council had to be very mindful of how those primarily concerned perceived their actions. He stated that his Government supported the Secretary-General's proposals aimed at preventative diplomacy, as was also recommended by the OAU Foreign Ministers at their meeting in Addis Ababa. It was important to support the work of the various mediators and to implement preventive measures aimed at defusing dangerous situations. He noted that the harmful role of certain radio stations had long been denounced by Burundi itself and measures had to be taken to assist in the task of dismantling them. He welcomed the decision of OAU to increase the number of its observers in the field. Finally, he maintained that the international community needed to be enabled to respond to an emergency humanitarian situation and explore possible options that would allow them to respond in the most appropriate manner to a disaster.³⁵

The representative of Rwanda stated that he would approach the Burundi question within the context of the Great Lakes countries. He stated that there were several points that affected the whole region including Burundi. The first point was the institutionalization of impunity within the subregion. The result of this ongoing culture of impunity, which culminated in the Rwandan genocide, had been to encourage criminals of all stripes, who had organized, trained and armed themselves and had stirred the beginnings of a genocide in Burundi. Through the inaction and inadequacy of its response, the international community had encouraged the institutionalization of impunity in the subregion. The second problem was "laissez-faire", the typical hands-off attitude which fostered the deterioration of the situation. He observed that Rwanda had lost one eighth of its population as a result of hate propaganda spread throughout radio broadcasts, which everyone recognized as having a powerful impact. However, no adequate action had been taken to shut down the radio stations that were currently sowing hatred among the people of Burundi and the subregion. He stated that there was a similar laissez-faire with respect to arming

and training criminals and infiltrating them into Burundi. The culture of impunity had allowed the perpetrators of genocide in Rwanda to forge links with extremists in Burundi and yet no one gave a thought to stopping these criminals. On the contrary, Burundian forces had been harshly criticized and domestic movements attempting to organize to avert a Rwandan-style extermination had been labelled extremist. He continued that the subregion's third problem was the lack of consultation with the countries concerned by the international community, which often devised solutions and confronted countries in the subregion with a *fait accompli*. An example of this was the idea of a military intervention in Burundi. He asked on whose behalf such an intervention would be carried out and against whom. He stated that if the problems of the radio station and the infiltration of criminals were solved, the people of Burundi could enjoy a respite that would enable them to come together in constructive dialogue. Such a respite was vital and could not be achieved through United Nations-style big conferences, which would not get the people in the hills of Burundi to lay down their weapons and come to an understanding, and would not stop the criminal perpetrators of genocide. The fourth element that was important for the region was the economic situation which was quickly deteriorating because of the political situation and that economic support would contribute to easing tensions. He stated that it was necessary to change the methods and approach to solving African problems in general and the problems of the Great Lakes countries in particular. First, the Great Lakes countries had to participate more actively in the search for solution to their problems. He stated that he wanted to draw the attention of the international community to organizations that took advantage of the poverty of the subregion to create programmes and projects that only benefited their organizers without much impact on the recipients. Programmes needed to be redesigned to become holistic in their conception and in the sense that they needed to cover areas affected by the presence of refugees. He concluded by calling again for greater participation by the Great Lakes countries in decisions affecting their fate and for greater involvement by national, subregional and regional organizations in finding solutions for this part of Africa.³⁶

³⁵ *Ibid.*, pp. 18-19.

³⁶ *Ibid.*, pp. 24-25.

The representative of the Congo stated that helping the people of Burundi to overcome their existing difficulties was the principal concern of the representatives of the States of their subregion when they met a few months ago in Brazzaville within the framework of the United Nations Standing Advisory Committee on Security Questions in Central Africa, under the chairmanship of the Congo. In the statement, the Brazzaville declaration, the States members of the Committee expressed their deep concern at the ongoing tensions and violence in the central African subregion. The resulting insecurity was undermining the development efforts of the Governments and peoples of the subregion, despite their wealth of resources. He stated that the maintenance of peace and security in the subregion rested with the people and Governments of the countries concerned. Therefore the Convention on Governance remained an essential element in laying the foundations of an effective national reconciliation. However any lasting solution would need close cooperation between the international community, OAU, subregional institutions and the countries concerned.³⁷

Several other speakers stated their support for the draft resolution; noted positive developments in Burundi but recognized the fragility of the situation; emphasized the need for all parties to participate in a political dialogue; praised regional efforts by OAU, former President Nyerere and others; called for international support for the peace process, reform and development projects; emphasized the need for preventive diplomacy; and stated their support for consideration of a contingency plan for a rapid humanitarian response in the event that the situation rapidly deteriorated.³⁸ Some speakers also spoke in support of the need to call for a conference on the Great Lakes region, under the auspices of the United Nations and the Organization of African Unity.³⁹

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1049 (1996), which reads:

³⁷ Ibid., p. 25.

³⁸ Ibid., pp. 9-10 (Indonesia); pp. 11-12 (Chile); pp. 13-14 (Honduras); pp. 16-17 (Republic of Korea); pp. 17-18 (Germany); pp. 19-20 (Poland); p. 20 (Guinea-Bissau); pp. 20-21 (Botswana); pp. 21-22 (Norway); pp. 22-23 (Tunisia); and p. 26 (Nigeria).

³⁹ Ibid., pp. 13-14 (Honduras).

The Security Council,

Reaffirming its previous resolutions and the statements by its President concerning the situation in Burundi, in particular the statement of 5 January 1996 and resolution 1040 (1996) of 29 January 1996,

Noting the views expressed by the Government of Burundi set out in its letter to the President of the Security Council dated 13 February 1996,

Welcoming the efforts of the President and the Prime Minister of Burundi and other members of the Government to calm the situation in the country,

Deeply concerned at the support extended to certain groups in Burundi by some of the perpetrators of the genocide in Rwanda and the threat this poses to the stability of the region,

Deeply concerned also at all acts of violence in Burundi and at the continued incitement to ethnic hatred and violence by radio stations and the growth of calls for exclusion and genocide,

Deeply disturbed that the persistence of the conflict has had a negative impact on the humanitarian situation and on the capacity of the international community to continue to assist the people of Burundi,

Supporting the work of the International Commission of Inquiry established by resolution 1012 (1995) of 28 August 1995,

Taking note of the letter from the Secretary-General to the President of the Security Council dated 3 January 1996, in which he reports that the Commission believes that the United Nations security personnel currently provided for its protection are inadequate,

Reiterating the urgent need for all concerned in Burundi, including extremists inside and outside the country, to make concerted efforts to defuse the present crisis and to commit themselves to a dialogue aimed at establishing a permanent political settlement and the creation of conditions conducive to national reconciliation,

Reaffirming its commitment to assist the people of Burundi to achieve a lasting political solution,

Recognizing the urgent need for preparations aimed at anticipating and preventing the escalation of the present crisis in Burundi,

Reaffirming its support for the Convention on Governance of 10 September 1994 and for the institutions of Government established in line with it,

1. *Welcomes* the report of the Secretary-General of 15 February 1996;

2. *Condemns in the strongest terms* all acts of violence perpetrated against civilians, refugees and international humanitarian personnel and the assassination of government officials;

3. *Demands* that all concerned in Burundi refrain from all acts of violence, incitement to violence and from seeking to destabilize the security situation or depose the Government by force or by other unconstitutional means;

4. *Calls upon* all concerned in Burundi to engage, as a matter of urgency, in serious negotiations and mutual accommodation within the framework of the National Debate agreed upon by the signatories to the Convention on Governance and to increase efforts towards national reconciliation;

5. *Reiterates its invitation* to Member States and others to cooperate in the identification and dismantling of radio stations which incite hatred and acts of violence in Burundi;

6. *Requests* the Secretary-General, in consultation with interested States and organizations, to report to the Council on the possibility of establishing a United Nations radio station in Burundi, including through voluntary contributions, to promote reconciliation and dialogue and to relay constructive information as well as support the activities undertaken by other United Nations agencies, particularly in the fields of refugees and returnees;

7. *Calls upon* all parties to cooperate fully with the International Commission of Inquiry, reminds the Government of Burundi of its responsibility to ensure security and protection for members and personnel of the Commission, requests the Secretary-General to continue his consultations with the Government of Burundi and the observer mission in Burundi of the Organization of African Unity with a view to ensuring that adequate security is provided for the Commission, and invites Member States to provide adequate voluntary financing to the Commission;

8. *Expresses strong support* for the efforts of the Secretary-General of the United Nations and his Special Representative, the Organization of African Unity, the European Union, former Presidents Nyerere and Carter and the other facilitators appointed by the Cairo conference of heads of State of the Great Lakes region, and others seeking to facilitate political dialogue in Burundi, and encourages the international community to extend political and financial support to the National Debate;

9. *Invites* Member States and regional, international and non-governmental organizations to stand ready to provide assistance in support of progress achieved by the parties towards political dialogue, and to cooperate with the Government of Burundi in initiatives for comprehensive rehabilitation in Burundi, including in military and police reform, judicial assistance, development programmes and support at international financial institutions;

10. *Encourages* the Organization of African Unity to increase the size of its observer mission in Burundi, as formally requested by the Government of Burundi, and stresses the need for the military observers to operate without any restrictions on their movement to any part of the country;

11. *Declares its commitment and readiness* to assist the parties in their implementation of agreements reached through political dialogue;

12. *Requests* the Secretary-General, in consultation as appropriate with the Government of Burundi, the heads of State of the Great Lakes region, Member States concerned, the Organization of African Unity and the European Union, to intensify the preparations for convening a regional conference for peace, security and development in the Great Lakes region to address the issues of political and economic stability, as well as peace and security in the Great Lakes States;

13. *Encourages* the Secretary-General to continue his consultations with Member States concerned and the Organization of African Unity, as appropriate, on contingency planning both for the steps that might be taken to support a comprehensive dialogue and for a rapid humanitarian response in the event of widespread violence or a serious deterioration in the humanitarian situation in Burundi;

14. *Decides* to keep the situation under constant review and to consider further the recommendations of the Secretary-General in the light of the developments in Burundi, and declares its readiness to respond as appropriate considering all relevant options, including those contained in resolution 1040 (1996);

15. *Requests* the Secretary-General to keep the Council closely informed on the situation in Burundi, including on his efforts to facilitate a comprehensive political dialogue, to report to the Council in the event of a serious deterioration in the situation, and to submit a full report on the implementation of the present resolution by 1 May 1996;

16. *Decides* to remain seized of the matter.

Speaking after the vote, the representative of Burundi expressed his gratitude for the resolution in support of the process of the search for peace. He stated that some operative paragraphs deserved more praise than others, particularly paragraph 6, which dealt with the establishment of a United Nations radio station. He stated that this would have an extraordinarily beneficial impact on public opinion and on society. He stated that a resolution of this type was far more realistic than other options, which might have jeopardized all the efforts made in this process towards peace.⁴⁰

⁴⁰ S/PV.3639, p. 27.

**Decision of 25 April 1996 (3659th meeting):
statement by the President**

By a letter dated 12 April 1996 addressed to the President of the Security Council,⁴¹ the Secretary-General informed the Council that the security situation in Burundi had taken another turn for the worse during March, with a sharp increase in the number of attacks by Hutu rebels and heavy fighting spreading to areas in the south previously untouched by the conflicts. On the political front, some serious differences had appeared between the President and the Prime Minister, particularly on the issue of negotiations with the armed opposition. The President had publicly favoured negotiations on condition that the rebels give up violence, while the Prime Minister had expressed opposition to any negotiation with certain groups and had invited the Tutsi community to arm itself. He had also disclaimed Burundi's need for foreign aid in response to comments from the European Union and the United States Agency for International Development (USAID) that economic assistance would not be forthcoming as long as the political and security situations remained unstable. While his Special Representative in Burundi had continued to appeal to all concerned for an immediate end to the violence and for a constructive dialogue, the Secretary-General expressed his fear that there was a real danger of the situation in Burundi degenerating to the point where it might erupt into a genocidal conflict.

At its 3659th meeting, held on 25 April 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the letter in its agenda. Following the adoption of the agenda, the President (Chile), with the consent of the Council, invited the representative of Burundi, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:⁴²

The Security Council has taken note of the letter dated 12 April 1996 from the Secretary-General to the President on the present situation in Burundi, in response to the request to the Secretary-General in resolution 1049 (1996) to keep the Council informed on the situation.

The Council is deeply concerned at the recent degeneration of security conditions and political cooperation in

Burundi. The Council condemns all acts of violence. The Council is equally concerned at reported statements calling for the arming of civilians, which could lead to grave consequences. The dramatic increase in violence throughout the country already severely inhibits humanitarian aid and could have a negative effect on the capacity of the donor to implement development assistance in support of the search by the people of Burundi for reconciliation and rehabilitation.

The Council urges the authorities and all parties in Burundi to set aside their differences and demonstrate the necessary cohesion, unity and political will for settlement of the conflict by peaceful means. The Council calls upon all Burundians to renounce the use of violence and to engage in a comprehensive dialogue to ensure a peaceful future for the people of Burundi.

The Council is deeply concerned at the widespread purchase and use of weapons by Burundians, in particular the laying of landmines.

The Council looks forward to the recommendations of the Secretary-General in the report it requested by 1 May 1996 on the progress towards commencement of the National Debate and other initiatives for comprehensive political dialogue and national reconciliation. The Council extends its full support for and confidence in the efforts of the Special Representative of the Secretary-General and those of former President Nyerere and other envoys to facilitate negotiations to resolve the present crisis.

The Council requests the Secretary-General, in accordance with paragraph 13 of resolution 1049 (1996), to expedite consultations with Member States concerned and the Organization of African Unity, as appropriate, on contingency planning both for the steps that might be taken to support a comprehensive dialogue and for a rapid humanitarian response in the event of widespread violence or serious deterioration in the humanitarian situation in Burundi.

The Council underlines its commitment to follow events in Burundi closely and resolves to consider further all relevant options for an appropriate response by the international community upon receipt of the impending report of the Secretary-General.

**Decision of 15 May 1996 (3664th meeting):
statement by the President**

At the 3664th meeting of the Security Council, held on 15 May 1996 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General on the situation in Burundi pursuant to Security Council resolution 1049 (1996), by which the Secretary-General had been requested to report on efforts to facilitate a comprehensive political dialogue, intensify preparations for a regional

⁴¹ S/1996/313.

⁴² S/PRST/1996/21.

conference for peace, security and development in the Great Lakes region and to report on the possibility of establishing a United Nations radio station in Burundi.⁴³

In his report, the Secretary-General observed that although the United Nations and the OAU observer mission had limited capacity to observe what was happening on the ground, there had been a marked deterioration in the security system in Burundi and persistent reports indicating a downward spiral of violence. Extremist Hutu rebels, apparently infiltrating from Zaire, were undertaking attacks against both government and civilian targets and the armed forces were sometimes exacting reprisals against Hutu civilians in the area where attacks had taken place. He maintained that this vicious circle could be broken only if the moderates on both sides worked together to create a genuine and effective coalition Government. With reference to the establishment of a United Nations radio station, the mission had concluded that while feasible in a technical sense, the difficulties and political risks of doing Kirundi-language broadcasts made it unfeasible in the current political climate. It recommended that instead the Office of the Special Representative be strengthened through the addition of specialists in public information who would be responsible for developing co-productions with existing radio operations serving Burundi and for liaison with public information personnel of United Nations and other agencies. In the light of the disturbing circumstances, he maintained that there was a necessity for the international community to proceed with contingency planning for a possible military intervention to save lives if disaster struck and led to large scale killing of civilians. Although the objectives were exclusively humanitarian, it was sensible to do preliminary planning for a situation where the deployment of a multinational force under Chapter VII of the Charter was necessary. He informed the Council that he had undertaken wide-ranging and intensive consultations pursuant to paragraph 13 of resolution 1049 (1996) and had approached, amongst others, the permanent members of the Security Council, major troop-contributing countries and interested States from both the region and other parts of the world. No states had yet volunteered to take the lead in an operation, and since there remained a need for further

⁴³ S/1996/335.

consultations, he had decided to use his good offices to facilitate consultations among the Member States concerned. However, at the urging of several States, plans for a possible peace-keeping mission under Chapter VI of the Charter to be deployed in the event of a political agreement were already under way.

At the same meeting, the President also drew the attention of the Council to a letter dated 8 May 1996 from the representative of Burundi,⁴⁴ transmitting a press release from the Minister for Foreign Affairs and Cooperation of the Republic of Burundi announcing various terrorist acts by rebel groups and denying the accusations that had been made against the Burundian army.

At the same meeting, the President made the following statement on behalf of the Council:⁴⁵

The Security Council has considered the report of the Secretary-General of 3 May 1996 on the situation in Burundi, submitted pursuant to resolution 1049 (1996).

The Council is gravely concerned at the continued deterioration of the security situation in Burundi, in particular at reports of a downward spiral of violence which has resulted in further large-scale killings in Buhoro and Kivyuka, and at the increasing flow of refugees from Burundi. The Council is deeply concerned that relief organizations have been prevented from delivering vital humanitarian and development assistance in Burundi, and at the suffering which this imposes on the people of Burundi. It calls upon the parties and all concerned to refrain from any action that could aggravate the problem of refugees.

The Council strongly condemns any use of violence and emphasizes its conviction that a lasting settlement of the situation in Burundi can be found only through peaceful means. The Council calls upon the parties to engage in a comprehensive political dialogue aimed at achieving national reconciliation in Burundi. The Council once again urges the authorities and all parties concerned in Burundi to set aside their differences, renounce the use of force and demonstrate a firm political will for a prompt settlement of the conflict.

The Council stresses the importance of the commencement of the National Debate provided for in the Convention on Governance, as an appropriate mechanism for a wide-ranging political dialogue in which all parties to the conflict should participate without any preconditions. The Council reaffirms its support for the convening of a regional conference for peace, security and development in the Great Lakes region and calls upon all the States concerned to render their cooperation for the convening of the conference.

⁴⁴ S/1996/341.

⁴⁵ S/PRST/1996/24.

The Council reiterates its full support for the ongoing efforts of former President Nyerere to facilitate negotiations and political dialogue to resolve the crisis in Burundi and looks forward to a successful outcome of the upcoming meeting in Mwanza, United Republic of Tanzania, on 22 May 1996. The Council calls upon the parties to make full use of the meeting to achieve progress towards national reconciliation. It also supports the efforts of the Secretary-General and his Special Representative to that end.

The Council emphasizes the importance of the continued cooperation of the United Nations with the Organization of African Unity, the European Union and other interested countries and organizations in coordination with former President Nyerere, aimed at achieving the objective of a comprehensive political dialogue between the parties in Burundi. In this regard, the Council expresses its support for the efforts of the Organization of African Unity and its observer mission and calls upon all States to contribute generously to the Peace Fund of the Organization of African Unity in order to enable that organization to increase the size of the mission and to extend its mandate beyond July 1996.

The Council welcomes the endorsement by the Secretary-General of the conclusions of the technical mission providing for United Nations radio broadcasts in Burundi and looks forward to being kept informed by him of progress made in the implementation of their recommendations.

The Council reiterates the importance it attaches to the contingency planning called for in paragraph 13 of resolution 1049 (1996) and notes the consultations which have already taken place. In the light of recent developments, it requests the Secretary-General and Member States concerned to continue to facilitate, as a matter of urgency, contingency planning for a rapid humanitarian response in the event of widespread violence or a serious deterioration in the humanitarian situation in Burundi. It also encourages the Secretary-General further to pursue planning for steps that might be taken to support a possible political agreement.

The Council reminds all parties of their responsibilities for restoring peace and stability in Burundi and recalls its readiness, as set out in resolution 1040 (1996), to consider the adoption of further measures should the parties fail to demonstrate the necessary political will for a peaceful solution to the crisis. The Council will remain seized of the matter.

**Decision of 24 July 1996 (3682nd meeting):
statement by the President**

By a letter dated 22 July 1996 addressed to the President of the Security Council,⁴⁶ the Secretary-General informed the Security-Council of yet another massacre of civilians. While the Burundi authorities

claimed that the dead were Tutsis killed by Hutu rebels of the armed wing of the National Council for the Defence of Democracy (CNDD), CNDD had denied any role in the massacre, claiming that the victims were actually Hutus killed by soldiers of the Burundian army. The United Nations had no independent information concerning the perpetrators. Life in Bujumbura had ground to a halt after the former President Bagaza called for a two-day general strike in protest of the killings and the Arusha "security assistance" plan. He had also reportedly called for the overthrow of the Government and for the formation of a patriotic front to defend Burundi's sovereignty. It appeared that the latter reaction reflected a common sentiment among the Burundi security forces as well as CNDD. Both those conflicting groups had rejected the idea of an international peace-keeping force in Burundi and had vowed to fight it with all the means at their disposal. As a result, the International Technical Committee, which was established by the Arusha Summit, had been refused permission to visit Burundi. The Burundi National Security Council itself had been unable to take a decision on the deployment and mandate of possible troop contingents, or on alternative options to the peace plan. He stated that rumours of an impending coup d'état were widespread and demonstrations in Bujumbura had become more militant. Another matter of serious concern was the ongoing security operations to close down the Kibenzi and Ruvumu camps for Rwandan refugees. In conclusion, he stated that those reports only underlined the pressing need for the international community to take concrete and immediate action to halt the cycle of violence and to prevent another catastrophe in the Great Lakes region of Central Africa. It was for that reason that they needed to press forward with the ongoing contingency planning for a multinational force.

At its 3682nd meeting held on 24 July 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the letter in its agenda. Following the adoption of the agenda, the President (France), with the consent of the Council, invited the representative of Burundi, at his request, to participate in the discussion without the right to vote.

⁴⁶ S/1996/591.

At the same meeting, the President made the following statement on behalf of the Council:⁴⁷

The Security Council is gravely concerned at recent information on political developments in Burundi. It strongly condemns any attempt to overthrow the present legitimate Government by force or coup d'état.

The Council takes note of the letter dated 22 July 1996 from the Secretary-General to the President. The Council condemns the massacre of civilians, including that of more than three hundred women, children and elderly men in the Bugendana commune in Gitega Province. The Council calls upon all parties to the conflict in Burundi to cease immediately any acts of violence and to cooperate fully with all those who are seeking to bring an end to the vicious cycle of violence. The Council urges all parties to exercise restraint and requests the Burundi authorities to conduct a proper investigation of the massacre.

The Council once again urges the authorities and all parties concerned in Burundi to set aside their differences, renounce the use of force and demonstrate a firm political will for the prompt settlement of the conflict.

The Council deplores the recent forced repatriation of Rwandan refugees from refugee camps in Kibenzi and Ruvumu and calls upon the Government of Burundi to honour its obligations under the Convention relating to the Status of Refugees of 28 July 1951, and to desist from further refoulement of refugees. The Council is also concerned at reports of Rwandan cooperation in the forced repatriation process.

The Council supports the efforts of the Office of the United Nations High Commissioner for Refugees and urges all parties to work with the Office of the High Commissioner to ensure that the rights of refugees are respected. The Council calls upon the international community to respond favourably to the recent appeal to fund the activities of the Office of the High Commissioner in the region.

The Council stresses its full support for the efforts of former President Nyerere, including the agreements of the Arusha Regional Summit of 25 June 1996, and welcomes the full support of the Organization of African Unity for those agreements. The Council supports also the acceptance by the Arusha Regional Summit of the request by the Government of Burundi for security assistance in order to complement and reinforce the Mwanza peace talks as well as for creating conducive security conditions for all parties to participate freely in the Mwanza process. The Council encourages all parties to work in a constructive manner with former President Nyerere. It urges the Government of Burundi to grant permission to the international technical committee, established at the Arusha Regional Summit, to enter the country in order to work out the logistics of the regional peace plan.

⁴⁷ S/PRST/1996/31.

The Council emphasizes the importance of the continued cooperation of the United Nations with the Organization of African Unity, the European Union, the United States of America and other interested countries and organizations in coordination with former President Nyerere, aimed at achieving a comprehensive political dialogue between the parties in Burundi. In this regard, the Council expresses its support for the efforts of the Organization of African Unity and its observer mission and welcomes the extension of the mandate of the mission.

The Council reiterates the importance it attaches to the contingency planning called for in paragraph 13 of resolution 1049 (1996) and notes the consultations which have already taken place. In the light of recent developments, it requests the Secretary-General and Member States concerned to continue to facilitate contingency planning for a rapid humanitarian response in the event of widespread violence or a serious deterioration in the humanitarian situation in Burundi.

The Council reminds all Burundian parties of their responsibilities for restoring peace and stability in Burundi, underlines its commitment to follow events in Burundi closely and recalls its readiness, as set out in resolution 1040 (1996), to consider the adoption of further measures should the parties fail to demonstrate the necessary political will for a peaceful solution to the crisis. The Council will remain seized of the matter.

Decision of 29 July 1996 (3684th meeting): statement by the President

At the 3684th meeting of the Security Council, held on 29 July 1996 in accordance with the understanding reached in its prior consultations, the President, with the consent of the Council, invited the representative of Burundi, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:⁴⁸

The Security Council regrets that both civilian and military leaders of Burundi did not resolve their differences through established constitutional mechanisms and condemns the actions that led to the overthrow of constitutional order in Burundi.

The Council calls upon all Burundian leaders to respect the Burundi constitution and the will of the people of the country. The Council urges the military leaders of Burundi to restore constitutional government and processes, including the continuation of the elected National Assembly and civil institutions and respect for human rights. The Council stresses that the present situation in Burundi requires utmost restraint

⁴⁸ S/PRST/1996/32.

and calls upon all concerned to refrain from any actions and statements that could provoke further escalation of the crisis.

The Council calls upon all Burundian parties and leaders to halt all violence and engage immediately in concerted efforts to achieve a lasting national settlement and reconciliation. The Council stresses their responsibility to protect the lives of all persons, including President Ntibantunganya, Prime Minister Nduwayo and members of their Government, and expects them to maintain democratic institutions and to enter into negotiations for a peaceful resolution of the crisis.

The Council reiterates its full support for regional mediation efforts, including those of former President Nyerere and the Organization of African Unity.

The Council will remain actively seized of the matter.

**Decision of 30 August 1996 (3695th meeting):
resolution 1072 (1996)**

By a letter dated 25 August 1996 addressed to the President of the Security Council,⁴⁹ the representative of Burundi requested an urgent meeting of the Council to consider the economic blockade imposed by the States of the Great Lakes region and the threat of an imminent arms embargo, and urged the President of the Security Council to organize a public debate before proceeding to the drafting of the draft resolution.

At its 3692nd meeting held on 28 August 1996 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General pursuant to Security Council resolution 1049 (1996).⁵⁰ Following the adoption of the agenda, the President, with the consent of the Council, invited the representatives of Australia, Belgium, Burundi, Canada, Ireland, Japan, South Africa, Uganda and the United Republic of Tanzania, at their request, to participate in the discussion without the right to vote.

In his report, the Secretary-General observed that Burundi had been caught in a cycle of attacks by armed Hutu bands against military and economic targets and of reprisals by the Burundi Army and Tutsi militias. Despite regional attempts at mediation, including a summit of Heads of State and Government in Arusha, Burundi's ethnically divided leaders failed to unite, the President and Prime Minister "resigned", the army took power and the Tutsi former Head of State Major

Buyoya was declared President. The Secretary-General observed that the conflict in Burundi was exacerbated by a deeply rooted perception among its people that the survival of each community would be imperilled unless it secured the reins of power for itself. Consequently the historically dominant Tutsi minority refused to relinquish effective control, whereas the Hutu majority was determined to recover power which it won in a democratic election in 1993. Still, the conflict was not susceptible to a military solution and a political mechanism had to be found to share power between the majority and the minority in a way that would allay the fears of both. The coup d'état had not made this process easier but would reinforce the fears of one side, strengthen extremists on both and add to the suffering of the Burundian people. He stated that the prompt and forceful reaction of the countries of the region in imposing sanctions underlined their concern at the coup's implication for peace and security in the already troubled Great Lakes region. However, sanctions were not an instrument of punishment, nor could they be allowed to add to the hardship of the suffering people of Burundi. Regarding the proposed contingency force he noted that although few countries had offered troops and none had offered to lead a multinational force, he maintained that the international community had to allow for the possibility that genocide could occur in Burundi and military intervention to save lives might become an inescapable imperative. Because it would be quicker and more effective if it were planned in advance by countries with the necessary capacity, he again appealed to those countries to undertake the contingency planning which the United Nations did not have the capacity to do.

At the same meeting, the President drew the attention of the Council to a letter dated 5 August 1996 from the Secretary-General of the Organization of African Unity,⁵¹ transmitting the communiqué of 5 August 1996, by the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution, regarding the current situation in Burundi; a letter dated 25 July 1996 from the Secretary-General,⁵² transmitting the final report of the International Commission of Inquiry for Burundi; a letter dated 2 August 1996 from the representative of

⁴⁹ S/1996/690.

⁵⁰ S/1996/660.

⁵¹ S/1996/628.

⁵² S/1996/682.

the United Republic of Tanzania,⁵³ transmitting the full text of the Joint Communiqué of the Second Arusha Regional Summit on Burundi; a letter dated 7 August 1996 from the representative of Kenya,⁵⁴ transmitting a statement issued by the Government of Kenya on 5 August 1996 on the imposition of economic sanctions against Burundi; and a letter dated 19 August 1996 from the representative of Ireland, transmitting a statement on Burundi issued by the Presidency on behalf of the European Union.⁵⁵

At the same meeting, the representative of Burundi informed the Council that after the new regime in his country had come to power, a summit held at Arusha by the countries of the Great Lakes region decreed general economic sanctions against Burundi. He stated that there were four factors against the embargo: the national imperative in favour of a change in government, the haste to use coercive measures, the clear illegality and immorality of the economic embargo and the devastating consequences for the people of Burundi. In relation to the national imperative for a change in government he stated that the former system had completely failed in its primary mission, which was to save the people from extermination. This sad reality had been evoked in a series of reports by the Secretary-General, including that of 15 August 1996.⁵⁶ He maintained that the Government before 25 July 1996 had not resulted from elections. It was merely the outcome of the Convention on Governance concluded by 12 political parties and was called upon to govern Burundi during a transitional period. The abdication of the President and the Prime Minister resulted in a headless State and the emergence of the new regime responded to a paramount national imperative to avoid genocide and provide a powerful springboard to a new democratic process. The second argument against the embargo was the haste of coercive measures. He stated that a minimum of realism and political wisdom required that the new regime be allowed to succeed or fail in its own development towards elective democracy, as had been the case in countries of the region and throughout the world. He noted that the arms embargo being contemplated by certain actors would deprive Burundi

of the shield normally provided by the national army, which would place the population in the hands of armed terrorists who would not submit to any prohibition on weapons. He proposed that a more realistic and constructive solution would be to send a diplomatic mission to the States of the Great Lakes region, including Burundi, which would make it possible for the Council better understand the ins and outs of the overall problem. The third argument against the economic blockade against Burundi was its clear illegality and immorality. He maintained that this embargo was a form of intervention in Burundi's internal affairs, a type of intervention that had been prohibited since the 1970s by the United Nations. These sanctions, judging by their nature and their excessive gravity, were identical to those stipulated under Chapter VII of the United Nations Charter. Under the terms of Article 39, such sanctions could only be imposed on a Member State of the Organization when such a State had been guilty of a grave threat to the peace, a breach of peace or an act of aggression. He underlined that the breaking of economic relations and the interruption of various forms of communication by virtue of Article 41 of the Charter were in no way justified in the case of his country since it had not attacked any other State or threatened the peace anywhere in the region that had saddled it with sanctions. Even if a country deserved economic sanctions under Article 41 of the Charter, their imposition required prior authorization by the Security Council, under the terms of Article 53 of the Charter. A grave attack on the peace, as specified in Article 39 of the Charter, was in evidence and it was up to the Security Council to fully exercise the responsibility assigned to it under Article 24, paragraph 1, of the Charter, for "the maintenance of international peace and security". By virtue of legal logic and under the terms of international law, the measures contained in Article 41 of the Charter should have been reversed because they were deserved instead by the countries that initiated the blockade against a State that was innocent according to the spirit and the letter of Article 39 of the Charter. He also stated that the Convention on the Law of the Sea had also been violated, since it stipulated to States the right of passage through the territorial waters of coastal States and in part X, articles 124-132, the right of landlocked

⁵³ S/1996/620.

⁵⁴ S/1996/651.

⁵⁵ S/1996/673.

⁵⁶ S/1996/660.

States to access to and from the sea and to freedom of transit.⁵⁷

The representative of Ireland spoke on behalf of the European Union and the associated and aligned countries.⁵⁸ He stated that the European Union had closely followed the evolving situation in Burundi and he called on all sides to stop the violence and to commit themselves to, and work actively towards, a negotiated and peaceful resolution of the crisis. He maintained that it was essential for a dialogue to be organized bringing together all of Burundi's political forces without exception, including representatives of civil organizations. He underlined that political mechanisms had to be found to share power in a way that would allay the fears of both sides and gradually build up the confidence that would enable them to live in harmony. He noted that the European Union had made significant contributions at both the multilateral and bilateral levels to alleviate the plight of the people of Burundi and reaffirmed their willingness to support Burundi's recovery efforts, once the necessary national reconciliation was embarked on. Finally, he reiterated the utmost importance that the European Union attached to the prompt and satisfactory resolution of the situation of those who had sought protection in the European Union and other foreign missions in Bujumbura.⁵⁹

The representative of United Republic of Tanzania stated that most conflicts like the one in Burundi transcended borders and his country had been adversely affected by this conflict, both socially and economically, for many years. The coup had to be condemned in the strongest terms as it had reversed the democratic process and basically returned Burundi to its state prior to the 1993 elections. He stated that their greatest fear was the further deterioration of the situation into a full-fledged civil war with tragic and disastrous consequences. He stated his Government's satisfaction with and total support for all the decisions taken during the Arusha regional summit, which decided to impose economic sanctions on Burundi and appealed to the international community to support its

decisions. He noted that the Bujumbura regime was floating the misguided concept that the Arusha decision, especially the imposition of sanctions, was interference in the sovereignty and internal affairs of Burundi. He stated that they were firmly of the view that these decisions were the only viable means to assist the people of Burundi to settle their differences amicably.⁶⁰

The representative of Canada deplored the military takeover that contravened the constitutional and legal institutions of Burundi. He said Canada had been striving to encourage a peaceful, lasting solution to the disputes rampant in Central Africa's Great Lakes region. Canada fully supported the mediation and facilitation efforts undertaken by former President Nyerere and the firm stance taken by the Heads of State in Arusha. He informed the Council that as part of his country's support for the efforts of Mr. Nyerere, the Canadian Minister for International Cooperation and Minister responsible for La Francophonie chaired a meeting the previous June in Geneva involving interested contributors and the Burundian authorities to help develop the outlines of a transitional economic assistance plan for Burundi, to be implemented once peace was restored.⁶¹

The representative of Australia urged all sectors of Burundi's population to engage in constructive dialogue and all parties to the conflict to recognize that continued violence would not bring peace to Burundi. He underlined that unimpeded provision of and access to humanitarian assistance was imperative if the situation in Burundi was to be stabilized. Further human displacement would have serious ramifications for peace and security throughout the Great Lakes region and its prevention must be regarded as a priority by the international community. He maintained that if intervention by outside parties was left as the only means to prevent a slide into anarchy and genocide, then there was an obligation upon Members of the United Nations to see that the objectives of such an action were clearly defined and that the means of achieving them were sufficient and well prepared. With that in mind, the Secretary-General needed to continue

⁵⁷ S/PV.3692, pp. 2-6.

⁵⁸ Ibid., p. 7 (Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia, and Iceland, Liechtenstein and Norway).

⁵⁹ Ibid., pp. 7-8.

⁶⁰ Ibid., pp. 9-10.

⁶¹ Ibid., p. 10.

with OAU to plan for the prevention of another humanitarian disaster.⁶²

The representative of Uganda stated that the leaders of the Great Lakes subregion had met on several occasions to work out an acceptable and peaceful resolution to the conflict. At these meetings, they had reiterated their opposition to resorting to unconstitutional means to resolve the problems of Burundi and warned that they would not accept any government that came to power through such means. They unequivocally condemned the “putschists” in Burundi and demanded a speedy return to constitutional governance. He noted that the Council was aware that they had imposed sanctions on Burundi as a result of the coup. Those sanctions were not meant to punish but rather to encourage the leadership in Bujumbura to urgently undertake measures aimed at restoring constitutional order in the country and at encouraging all parties to the conflict to hold unconditional negotiations within the framework of the Mwanza peace process, reinforced by the Arusha peace initiative. In this regard, the leadership in Burundi had to restore and work with the national Parliament and the various political parties. He expressed his strong condemnation of the killing of innocent and unarmed civilians. In conclusion he underlined the importance of closer cooperation and better coordination between the United Nations and the OAU, as well as countries in the region.⁶³

The representative of France noted that the Security Council had set out the principles necessary for a political settlement in Burundi: the cessation of violence, initiation of a comprehensive dialogue without exception, and support for initiatives from outside to facilitate such a dialogue. He stated that his Government would associate itself with the efforts and demands of the Council on these points. He expressed their concern for the humanitarian repercussions of the measures taken by the States in the region and maintained that it was important that international organizations and non-governmental organizations were able to continue their work on behalf of disadvantaged groups. He urged that this question be examined urgently and with the greatest possible attention, and called for a regional conference for

peace, security and development in the Great Lakes region, to be convened by the United Nations with support from the OAU as soon as conditions were met.⁶⁴

The representative of the United States noted that there had been no progress towards restoration of constitutional government or the cessation of violence. He stated their support for the efforts of the States of the region and the various people and organizations involved with mediation efforts. He expressed his strong support for the economic sanctions imposed on Burundi and stated that the Security Council was willing to consider further action in support of cessation of hostilities or to compel cessation of hostilities, which could include an arms embargo or targeted sanctions against faction leaders, as the situation warranted. All sanctions needed to be carefully implemented to permit continuing humanitarian relief so that they did not injure the already suffering innocent civilians in this crisis-torn country. He observed that the Secretary-General’s report noted that he was continuing to facilitate contingency planning for a rapid humanitarian response to a crisis in Burundi. He stated that his Government welcomed finalization of the emergency operations plan for Burundi. The United States had worked closely with the Secretariat in its two-track approach to military contingency planning and continued to urge that other Governments support this effort. He stated that the Security Council needed to take further actions and that he would be working with other members of the Council to produce a resolution that sent an unmistakable message to leaders of the Burundian factions: stop the killing now and initiate an immediate dialogue.⁶⁵

The representative of the United Kingdom expressed their full support for the initiatives taken at Arusha by the leaders of the States neighbouring Burundi, their principled approach towards the unconstitutional change of Government and the decision with regard to economic sanctions. However, he stated that he shared the Secretary-General’s concern about the possible effect of sanctions on humanitarian supplies and personnel. He welcomed the decisions of the regional leaders to establish a regional

⁶² Ibid., p. 11.

⁶³ Ibid., pp. 12-13.

⁶⁴ Ibid., pp. 19-20.

⁶⁵ Ibid., pp. 24-25.

coordinating committee in Nairobi and the assurance that humanitarian supplies would be allowed access. He maintained that there was a continuing need for the presence of human rights observers in Burundi. He noted that while Major Buyoya had made many public promises and taken some potentially positive actions with regard to control of the armed forces, it was clear that acts of oppression continued and that there was no national consensus as yet behind his proposal for an extended transitional period before a return to constitutional government. He underlined that once a lasting settlement had been achieved, they were willing to contribute to international efforts to restore Burundi's economy in support of such a settlement. He also expressed agreement with the Secretary-General that contingency planning needed to continue in case regional and international efforts were not sufficient to forestall a humanitarian catastrophe in Burundi.⁶⁶

The representative of the Russian Federation stated that they were firmly convinced that the problems of Burundi could not be resolved militarily or by coups and that it was important to ensure the restoration of constitutional forms of governance, both for reasons of principle and in order to provide the necessary conditions to revive an inter-Burundian dialogue. The task of the international community and the mediators was to promote carefully gauged and well-balanced decisions, which would, on one hand, remove the threat of another wave of bloodshed and genocide and, on the other, set the parties to the conflict in Burundi on the road to creating political machinery to provide security for all Burundians. He stated that they had always welcomed and supported the efforts of the countries in the subregion. However, it was necessary to ensure the proper observance of humanitarian standards for sanctions in order to minimize their detrimental effect on the already grievous situation of the population. Sanctions needed to have very clear-cut criteria and time-frames for their introduction and lifting and they needed to be aimed first and foremost at extremist forces both within the country and beyond its borders; those forces that opposed the cessation of violence and were hindering the negotiating process. He expressed his belief that the most effective steps would be the imposition of an arms embargo on all Burundian opposition parties, the freezing of their assets in foreign banks and the

⁶⁶ Ibid., p. 28.

introduction of other possible restrictions affecting the personal interests of the extremist leaders, until they put an end to the violence and concluded a lasting peace agreement. He also stated that sending a Security Council mission to Burundi at the appropriate time could prove extremely useful in assessing the situation and influencing the parties to the conflict by stimulating them to make progress in the peace process. He underlined that Russia, as a permanent member of the Security Council, was aware of its responsibility for the maintenance of international peace and security. Therefore, in concert with other members of the Council, it would duly participate in efforts made by the international community to normalize the situation and to prevent the spread of violence in Burundi, as well as to ensure the strict observance of generally accepted norms of human rights and humanitarian law.⁶⁷

The representative of Germany stated that he fully supported the statement made on behalf of the European Union. He reiterated the importance they attached to the prompt and satisfactory resolution of the situation of those who had sought protection in their and other foreign missions in Bujumbura. He maintained that the sanctions imposed by the regional leaders should not be seen as an instrument of punishment but as a means to an end, which should not be allowed to add to the hardship of the people. He also reiterated the importance they attached to renewed deployment of human rights observers throughout the country, which had so far been funded by the European Commission. He stated that they would continue to contribute constructively to the drafting of a Security Council resolution on Burundi. It was their hope that the discussion on the imposition of further measures by the Security Council would become obsolete as they saw progress in the development of the situation on the ground.⁶⁸

Several other speakers spoke, condemning the coup d'état; calling on the regime to restore democratic governance and on all parties to cease violence and return to negotiations; stating their support for the actions taken by the Heads of State at Arusha, including sanctions; underlining the need for humanitarian efforts; recommending that the Security

⁶⁷ Ibid., pp. 29-30.

⁶⁸ Ibid., pp. 30-31.

Council continue with contingency planning and consider further actions as necessary, including targeted sanctions; and underlining that only an inclusive political dialogue could lead to peace.⁶⁹

The representative of Burundi underlined that the regime was fully prepared to enter into a dialogue with all those groups and factions that were claiming any rights whatsoever. He noted that the Secretary-General's report tended to concentrate on the situation that prevailed before 25 July 1996 and would have been much more useful if it had been updated so as to include mention of the massacres. However, he emphasized that the situation was not as alarming as it had been presented and described by a fair number of speakers. In that regard, he informed the Council that his Government had published a statement in which it invited the entire international community, starting with Amnesty International, to immediately begin investigations of allegations by Amnesty International and had invited the United Nations High Commissioner for Human Rights and the Secretary-General to increase the number of human rights observers since the Government was resolved to take all appropriate measures to end the cycle of violence as soon as possible and ensure lasting respect for human rights. He also noted that his Government had urged former President Nyerere to reactivate the talks and bring together all the groups and parties involved in the conflict.⁷⁰

At the 3695th meeting of the Security Council, held on 30 August 1996 in accordance with the understanding reached in its prior consultations, the President, in accordance with the decision taken by the Council at its 3692nd meeting, invited the representatives of Australia, Belgium, Burundi, Canada, Ethiopia, Ireland, Japan, South Africa, Uganda and the United Republic of Tanzania, at their request, to participate in the discussion without the right to vote.

At the same meeting the President drew the attention of the Council to a draft resolution submitted

by Botswana, Chile, Egypt, Germany, Guinea-Bissau, Honduras, Indonesia, the Republic of Korea, the United Kingdom and the United States and joined by the Russian Federation.⁷¹

At the same meeting, speaking before the vote, the representative of Chile spoke on behalf of the sponsors of the draft resolution. He stated that the draft resolution reflected the position of the Security Council, which was united in support of the goal of helping Burundi reach a comprehensive political settlement with the participation of the entire international community. It also reflected an unequivocal support to regional leaders in their efforts to overcome peacefully the crisis in Burundi. The Security Council had declared its readiness to support Burundi if its leaders set out on the path to peace, political negotiation and reconciliation through international cooperation and other initiatives. He continued that the draft resolution also indicated with unwavering resolve that if within 60 days, the leaders had not initiated the necessary negotiations to bring about a comprehensive political settlement, the Council would then consider the imposition of measures under the Charter, including an arms embargo and other measures targeted against the leaders of the regime and of the factions that continued to promote violence and to stand in the way of a peaceful solution. The draft resolution maintained that the present crisis should not exacerbate the humanitarian suffering of the population of that country and it mentioned the need to ensure that humanitarian corridors were established so that all in Burundi could have access to assistance. It unambiguously condemned the use of force and violence in Burundi, both in the overthrow of the legitimate Government and in the resort to violence by the parties to attain their political objectives. He also called on the regime to bring about a return to constitutional order and legality, to restore the National Assembly and to lift the ban on all political parties. He stated that the Council would meet again on 31 October 1996 to assess the situation and it was their hope that that meeting would serve to support the negotiations that should have by then begun in Burundi.⁷²

⁶⁹ Ibid., p. 8 (Belgium); pp. 11-12 (South Africa); pp. 14-15 (Ethiopia); pp. 15-18 (Botswana); pp. 17-19 (Chile); pp. 20-21 (Indonesia); pp. 21-22 (Italy); pp. 22-23 (Republic of Korea); pp. 23-24 (Poland); pp. 25-26 (Guinea-Bissau); pp. 25-26 (Honduras); pp. 27-28 (Egypt) and p. 29 (China).

⁷⁰ Ibid., pp. 32-33.

⁷¹ S/1997/319.

⁷² S/PV.3695, pp. 2-3.

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1072 (1996), which reads:

The Security Council,

Reaffirming all its previous resolutions and statements by its President on the situation in Burundi,

Recalling the statement by its President of 24 July 1996, in which the Council strongly condemned any attempt to overthrow the legitimate Government of Burundi by force or *coup d'état*, and recalling also the statement by its President of 29 July 1996 in which the Council condemned the actions that led to the overthrow of constitutional order in Burundi,

Deeply concerned at the continued deterioration in the security and humanitarian situation in Burundi that has been characterized in the last years by killings, massacres, torture and arbitrary detention, and at the threat that this poses to the peace and security of the Great Lakes region as a whole,

Reiterating its appeal to all parties in Burundi to defuse the present crisis and to demonstrate the necessary cohesion, unity and political will to restore constitutional order and processes without delay,

Reiterating the urgent need for all parties in Burundi to commit themselves to a dialogue aimed at establishing a comprehensive political settlement and the creation of conditions conducive to national reconciliation,

Recalling that all persons who commit or authorize the commission of serious violations of international humanitarian law are individually responsible for such violations and should be held accountable, and reaffirming the need to put an end to impunity for such acts and the climate that fosters them,

Strongly condemning those responsible for the attacks on personnel of international humanitarian organizations, and underlining the fact that all parties in Burundi are responsible for the security of such personnel,

Emphasizing the urgent need to establish humanitarian corridors to ensure the unimpeded flow of humanitarian goods to all people in Burundi,

Taking note of the letter dated 2 August 1996 from the Permanent Representative of the United Republic of Tanzania to the United Nations addressed to the Secretary-General,

Taking note also of the note by the Secretary-General transmitting a letter from the Secretary-General of the Organization of African Unity dated 5 August 1996,

Reiterating its support for the immediate resumption of dialogue and negotiations under the auspices of the Mwanza peace process facilitated by former President Nyerere and the joint communiqué of the Second Arusha Regional Summit on Burundi of 31 July 1996 which seeks to guarantee democracy and security for all people in Burundi,

Determined to support the efforts and initiatives of the countries in the region, which were also supported by the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity, aimed at returning Burundi to a democratic path and contributing to stability in the region,

Underlining the importance it attaches to the continuation of the efforts of the Organization of African Unity and its observer mission,

Welcoming the efforts made by interested Member States and by the European Union to contribute to a peaceful solution of the political crisis in Burundi,

Underlining the fact that only a comprehensive political settlement can open the way for international cooperation for the reconstruction, development and stability of Burundi, and expressing its readiness to support the convening, when appropriate, of an international conference involving the United Nations system, regional organizations, international financial institutions, donor countries and non-governmental organizations, aimed at mobilizing international support for the implementation of a comprehensive political settlement,

Recalling its resolution 1040 (1996) of 29 January 1996, in particular paragraph 8 thereof, in which the Council declared its readiness to consider the imposition of measures under the Charter of the United Nations,

Taking note of the report of the Secretary-General of 15 August 1996,

A

1. *Condemns* the overthrow of the legitimate Government and constitutional order in Burundi, and condemns also all those parties and factions which resort to force and violence to advance their political objectives;

2. *Expresses its strong support* for the efforts of regional leaders, including at their meeting in Arusha on 31 July 1996, of the Organization of African Unity and of former President Nyerere, to assist Burundi to overcome peacefully the grave crisis which it is undergoing, and encourages them to continue to facilitate the search for a political solution;

3. *Calls upon* the regime to ensure a return to constitutional order and legality, to restore the National Assembly and to lift the ban on all political parties;

4. *Demands* that all sides in Burundi declare a unilateral cessation of hostilities, call an immediate halt to violence and assume their individual and collective responsibilities to bring peace, security and tranquillity to the people of Burundi;

5. *Demands also* that the leaders of all parties in Burundi ensure basic conditions of security for all in Burundi by a commitment to abstain from attacking civilians, to ensure the security of humanitarian personnel operating in the territory they control and to guarantee the protection within Burundi and safe

passage out of the country for the members of President Ntibantunganya's Government and the members of parliament;

6. *Demands further* that all of Burundi's political parties and factions without exception, whether inside or outside the country and including representatives of civil society, initiate unconditional negotiations immediately, with a view to reaching a comprehensive political settlement;

7. *Declares its readiness* to assist the people of Burundi with appropriate international cooperation to support a comprehensive political settlement resulting from these negotiations, and, in this context, requests the Secretary-General, in consultation with the international community, to undertake preparations when appropriate for the convening of a pledging conference to assist in the reconstruction and development of Burundi following the achievement of a comprehensive political settlement;

8. *Encourages* the Secretary-General in consultation with all those concerned, including the neighbouring States, other Member States, the Organization of African Unity and international humanitarian organizations, to establish mechanisms to ensure the safe and timely delivery of humanitarian relief throughout Burundi;

9. *Acknowledges* the implication of the situation in Burundi for the region, and underlines the importance of convening at an appropriate time a regional conference of the Great Lakes region, under the auspices of the United Nations and the Organization of African Unity;

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10. *Decides* to re-examine the matter on 31 October 1996, and requests that the Secretary-General report to the Council by that time on the situation in Burundi, including on the status of the negotiations referred to in paragraph 6 above;

11. *Decides*, in the event that the Secretary-General reports that the negotiations referred to in paragraph 6 above have not been initiated, to consider the imposition of measures under the Charter of the United Nations to further compliance with the demand set out in paragraph 6 above; these may include, among others, a ban on the sale or supply of arms and related matériel of all types to the regime in Burundi and to all factions inside or outside Burundi, and measures targeted against the leaders of the regime and all factions who continue to encourage violence and obstruct a peaceful resolution of the political crisis in Burundi;

12. *Reiterates* the importance it attaches to the contingency planning called for in paragraph 13 of resolution 1049 (1996) of 5 March 1996, and encourages the Secretary-General and Member States to continue to facilitate contingency planning for an international presence and other initiatives to support and help to consolidate a cessation of hostilities, as well as to make a rapid humanitarian response in the event of widespread violence or a serious deterioration in the humanitarian situation in Burundi;

13. *Decides* to remain actively seized of the matter.

Speaking after the vote, the representative of France welcomed the steps taken by the authors of the draft. He stated that his Government, in expressing its concerns directly to Major Buyoya, emphasized certain points: that a dialogue needed to be quickly organized that brought together all the political forces to organize an institutional and democratic consensus; that political votes of confidence needed to be given very rapidly to all the political elements in the country; that commitments to respect human rights needed to be made; and that the major State bodies and institutions had to be opened to all ethnic groups. It was also important that a conference be held under the auspices of the United Nations, and in cooperation with the Organization of African Unity, that would deal in a lasting manner with the crises in the Great Lakes region. He stated that his Government had approved of the idea that the Council reconsider the item within 60 days and consider the implementation of binding measures if negotiations with all parties had not begun. In regard to measures taken by the countries at the Arusha meeting on 31 July 1996, he reiterated his delegation's grave concern over the potential humanitarian impact, especially on the most disadvantaged sectors of the population and urged that this question be considered on an urgent basis and that international and non-governmental organizations be allowed to continue their work in favour of these sectors.⁷³

The representative of Italy stated that he had voted in favour of the resolution because in matters such as the Burundi crisis, it was essential that unanimity be shown. He drew the attention of the Council to a letter from the presidency of the European Union on Burundi⁷⁴ that expressed support for the regional leaders, OAU and former President Nyerere in their efforts and called for a dialogue to be organized bringing together all of Burundi's political forces. Noting that this was the second time in one month that the Council had expressed a clear position on the coup d'état in Burundi, he appealed to all the parties to exercise restraint and to show a constructive attitude in order to put the country back on the track of

⁷³ *Ibid.*, p. 3.

⁷⁴ S/1996/673.

democracy, national reconciliation, economic reconstruction and development.⁷⁵

The representative of Burundi thanked the Council for its fervent attachment to saving Burundi and stated that it was incumbent on his delegation to work closely and at all levels with the members of the Council. He expressed his appreciation for the realistic position of the European Union and 14 other European countries. He stated that not only was his Government receptive to the appeals of the Council but was prepared to initiate a set of measures aimed at implementing the provisions of the resolution which were compatible with the sacred and supreme interests of Burundi as a nation and in keeping with the charter of the Organization of African Unity and the Charter of the United Nations. This was a necessary condition for the new regime to eradicate all the causes of the national tragedy. However, he stated that this task could not be accomplished quickly and that they were counting on the patience and indulgence of the Security Council. Moreover, the arbitrary economic sanctions imposed on Burundi were an enormous stumbling block in the way of the general national stabilization programme of the Government. He underlined that being geographically landlocked, diplomatically encircled and economically strangled, they found it impossible to meet fully and quickly all the conditions imposed by the resolution. He stated that the major defects in the resolution were the absence of the express condemnation of the economic blockade, and the at least temporary refusal to establish an ad hoc commission to be dispatched to the Great Lakes region to gather objective and legitimate facts. He maintained that one could not penalize the new regime and the people of Burundi for crimes perpetrated by outlaws. He stated that what emerged from this state of affairs was that the Security Council resolution might from the moment of its adoption be hamstrung because of those defects, and he emphasized that they were counting on the assistance of the Security Council to bypass or remove those stumbling-blocks.⁷⁶

⁷⁵ S/PV.3695, pp. 3-4.

⁷⁶ *Ibid.*, pp. 4-5.

**Decision of 30 May 1997 (3785th meeting):
statement by the President**

At the 3785th meeting of the Security Council held on 30 May 1997 in accordance with the understanding reached in its prior consultations, the President, with the consent of the Council, invited the representative of Burundi, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President drew the attention of the Council to a letter dated 18 April 1997 from the United Republic of Tanzania,⁷⁷ transmitting a copy of the official communiqué of the Fourth Arusha Regional Summit on the Burundi Conflict.

At the same meeting, the President made the following statement on behalf of the Council:⁷⁸

The Security Council is concerned that, despite recent positive developments, there is continuing instability in Burundi. It recalls its resolution 1072 (1996) of 30 August 1996, in which, *inter alia*, it demanded that all sides in Burundi declare a unilateral cessation of hostilities and initiate unconditional negotiations with a view to reaching a comprehensive political settlement.

The Council reiterates its support for the efforts of the regional leaders and takes note of the joint communiqué of 16 April 1997 issued following the Fourth Arusha Regional Summit on the Burundi Conflict. In particular, the Council welcomes the decision of the regional leaders to ease sanctions in order to alleviate the suffering of the people of Burundi.

The Council welcomes the fact that talks are being held in Rome which are complementary to the Arusha process. It also welcomes the commitment of the Government of Burundi to the comprehensive political dialogue among all the parties within the framework of the Arusha process. It urges all the parties in Burundi to continue to pursue a negotiated settlement and to refrain from actions which are detrimental to such dialogue.

The Council expresses its deep concern at the involuntary resettlement of rural populations and calls upon the Government of Burundi to allow the people to return to their homes without any hindrance.

The Council expresses its support and appreciation to former President Nyerere as well as to the Special Representative of the Secretaries-General of the United Nations and the Organization of African Unity in their efforts to find a peaceful solution to the crisis in Burundi.

The Council requests the Secretary-General to continue to keep it informed on the situation in Burundi, especially with

⁷⁷ S/1997/319.

⁷⁸ S/PRST/1997/32.

regard to the progress of a negotiated and peaceful settlement in the country.

The Council will remain seized of the matter.

Decision of 12 November 1999 (4068th meeting): statement by the President

At the 4067th meeting of the Security Council, held on 12 November 1999 in accordance with the understanding reached in its prior consultations, the President, with the consent of the Council, invited the representatives of Burundi, Finland, Norway and the United Republic of Tanzania, at their request, to participate in the discussion without the right to vote. The President, with the consent of the Council, also invited the Assistant Secretary-General for Political Affairs to present his report on the situation in Burundi under rule 39 of the provisional rules of procedure.

The Assistant Secretary-General for Political Affairs stated that since the Secretariat's previous briefing of the Security Council, the basic situation regarding the peace process in and around Burundi had not changed. The process remained at a very critical stage, which gave rise to little optimism owing to political tensions, insecurity, the deterioration of the humanitarian situation and the political vacuum caused by the death of the Facilitator, former President Nyerere. He stated that he would focus on two facets: the internal situation and the situation regarding the Arusha process. The internal situation remained disturbing at all levels. At the political level, Burundi was facing a worrisome internal crisis, and the political partnership was faced with serious difficulties that threatened its very survival. This polarization of positions risked affecting the upcoming series of negotiations. The security situation remained uncertain, volatile and disturbing, with regular acts of violence in a number of provinces. The insecurity had been heightened by the departure of many Burundians for the United Republic of Tanzania, where they would join the other refugees, who were already numbered at more than 300,000. Conditions in the camps were deeply worrying. As for the process of the Arusha accords, the death of former President Nyerere had created a political vacuum and the process had ground to a halt. He informed the Council that the Government of Burundi had requested assistance from the Secretary-General and the international community in seeking mediation and had suggested a South African

mediator, although this had been opposed by some parties to the conflict.⁷⁹

The representative of Burundi stated that regarding the peace process, real progress had been made, even though the time limits set by both the Government and the facilitation process had not been respected. The death of the Facilitator had slowed the momentum of the peace negotiations and the Government had addressed a letter to the Secretary-General of the United Nations asking him to contribute to finding a new Facilitator as soon as possible. He maintained that the armed factions that considered themselves to have been excluded from the Arusha negotiations and to be the real combatants on the ground had to also be involved. He noted that since the beginning of the crisis they had been drawing attention to the contribution of the neighbouring countries to the return of peace since the rebels had bases outside the country and were in collusion with genocidal Rwandan elements, militias and the former Rwandan armed forces, which had begun to move back towards Burundi in the light of the Lusaka Accords. He noted that if the international community was not careful the conflict in the Democratic Republic of the Congo could further complicate an already tense situation in the entire subregion. Speaking about the *regroupement* of the population, he stated that the Government had decided to regroup the population of the region of rural Bujumbura in what were called "protection areas". However, he emphasized that the regroupement was not forced, they had responded to a real concern of the population, which was necessary to protect them and the capital. He urged the United Nations and the non-governmental organizations working in the humanitarian sphere not to become discouraged but to continue to come to the assistance of those who needed it. He informed the Council that a judicial commission had been established to investigate the circumstances of the death of the two United Nations staff members. He also informed the Council that the economic and social situation was deplorable, noting that although the regional embargo had been suspended, regional actors did not want to resume cooperation until the peace agreement had been signed. He stated that the Government had already presented a peace plan and it was a real compromise. He expressed his hope that the neighbouring countries and the rest of the international

⁷⁹ S/PV.4067, pp. 2-4.

community would accompany the process towards a definitive peace.⁸⁰

The representative of the United States stated that despite the upsurge in violence, there was a sizeable constituency for peace in Burundi and they needed to use this opportunity to ensure that the peace process went forward. She noted that the counter-insurgency effort now included the regroupement of 340,000 people near the capital, which they considered to be a major human rights violation and a matter of serious humanitarian concern. She maintained that the Security Council needed to endorse the immediate resumption of the peace process. She emphasized that the Security Council had to reassert its leadership in protecting the rights of individuals, and had to provide guidance and direction for non-governmental organizations operating in Burundi. She urged the Security Council to call for the resumption of negotiations, with a Facilitator acceptable to those Burundian parties that had entered into the process; affirm the Arusha process; condemn continuing violence and appeal to warring parties to come to the negotiating table; affirm the urgent need for States of the region to do everything possible to halt all cross-border insurgent activity; call for the dismantling of regroupement camps and recognize Burundi's desperate economic situation; and call for the donor community to expand economic assistance and deliver help as soon as possible.⁸¹

The representative of France stated that the death of the Facilitator of the Arusha accords had brought about a period of uncertainty and that the increased violence on the part of armed rebel groups had heightened tensions. He maintained that despite all difficulties, the reconciliation process, both internal and external, needed to resume and to make progress. He offered several suggestions that had resulted from the recent visit to the Great Lakes of the French Minister of Cooperation and La Francophonie. First, it was essential that the reconciliation process be based on what had already been achieved within the context of the Arusha negotiations. Second, it was essential for all the parties to participate in the negotiations with a view to finding a settlement, with halting the fighting being a priority. Finally, the resumption and continuation of the process had to be supported by the

international community in concrete and material terms with international assistance for reconciliation, reconstruction and democratization. He emphasized that the Council needed to consider the linkage with the situation in the Democratic Republic of the Congo. The implementation of the Lusaka Agreement was necessary if the full and complete recovery of Burundi was to be achieved. It was therefore necessary for the Council to consider the connection between the implementation of the Lusaka process and the resumption of the process that began with the Arusha negotiations. He concluded that a reasonable goal for the international community was the holding of a regional conference on the Great Lakes, sponsored jointly by the United Nations and OAU.⁸²

Several speakers spoke, expressing concern over the deteriorating situation; condemning the murder of United Nations staff; calling on the Government to provide security for all humanitarian personnel and on all parties to end hostilities and return to negotiations; paying tribute to former President Nyerere; supporting the idea of an international conference on the Great Lakes region; and urging that a new Facilitator be named as soon as possible.⁸³

The President, with the concurrence of the members of the Council, suspended the meeting.⁸⁴

When the Council resumed its 4067th meeting on 12 November 1999, the representative of Finland spoke on behalf of the European Union and the associated and aligned countries.⁸⁵ He expressed their serious concern about the slow pace of progress in the peace process and deplored the deterioration in the security, humanitarian and human rights situation in Burundi and its regional implications. He reiterated their support for the internal negotiations and the Arusha peace process and encouraged all Burundi rebel movements to join. While deploring the renewed outbreak of indiscriminate violence in Burundi, he urged that the neutrality of refugee camps in the region

⁸⁰ *Ibid.*, pp. 4-6.

⁸¹ *Ibid.*, p. 9.

⁸² *Ibid.*, p. 12.

⁸³ *Ibid.*, pp. 6-7 (Russian Federation); p. 7 (China); pp. 7-8 (Argentina); pp. 9-10 (Canada); pp. 10-11 (United Kingdom); and pp. 11-12 (Bahrain).

⁸⁴ S/PV.4067, p. 12.

⁸⁵ S/PV.4067 (Resumption 1), p. 7 (Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia, and Cyprus, Malta and Liechtenstein).

be assured and called upon States to prevent the use of their territory to stage attacks against their neighbours. He reiterated their appeal to all parties to respect human rights and international humanitarian law, and to cooperate with humanitarian organizations. He welcomed the Secretary-General's decision to extend the United Nations political presence in Burundi and stated that the European Union remained ready to support the Secretary-General in his task of facilitating the restoration of constitutional rule and to promote peace and reconciliation and the rule of law and called on the Government of Burundi to continue its cooperation with the United Nations human rights mechanisms, particularly the Office of the United Nations High Commissioner for Human Rights.⁸⁶

The representative of Norway stated that he was deeply concerned by the recent increase in violence and that the international community had a special responsibility to prevent another human tragedy from happening. He strongly urged all parties concerned to join in the effort to appoint a new Facilitator. In light of the volatile situation in the Democratic Republic of the Congo, he maintained that it would be difficult to ensure peace in Burundi if the Lusaka Agreement was not effectively implemented.⁸⁷

The representative of the United Republic of Tanzania stated that the most fitting tribute the Council could bestow on the memory of his country's former President, Mwalimu Julius Kambarage Nyerere, would be to rededicate itself to the resolute search for a lasting solution to the conflict in Burundi. The situation there remained tense and challenging and it was incumbent upon the Council to take stock of where the efforts for a negotiated settlement in Burundi stood. He noted that there had been frequent accusations against his country that they supported and harboured armed elements operating against Burundi. He strongly rejected the allegations and reiterated that the United Republic of Tanzania had no interest in supporting armed attacks against Burundi or in harbouring, training or arming its opponents and stated that they were determined to continue to honour their international obligations relating to the hosting of refugees and, together with the rest of the region, to strive for peace in Burundi. As for the role of the

Security Council, he stated that it was important for it to come out unequivocally in support of the Arusha process and to continue to encourage the parties to persist in dialogue and to remain committed to the principle of a negotiated settlement. Second, it had to maintain and urge sustained support for the facilitation process and needed to provide it with resources. He expressed his gratitude on behalf of the facilitation, to the countries and organizations that had until now extended financial and other support to the Arusha process, which had enabled many actors to take part in the talks. Finally, he stated that his Government believed that the United Nations had to make contingency preparations for the outcome of the Arusha process, since they had learned in other situations how tragic it could be if they were not prepared. Burundi would also need to be supported in the area of reconstruction, in dealing with internally displaced people and refugees, and in building the institutions that would oversee the implementation of the peace process.⁸⁸

At the 4068th meeting of the Security Council, held on 12 November 1999 in accordance with the understanding reached in its prior consultations, the President, with the consent of the Council, invited the representative of Burundi, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:⁸⁹

The Security Council notes with concern the recent outbreaks of violence in Burundi and the delays in the peace process. It calls upon all the parties to put an end to this violence and pursue negotiations towards the peaceful resolution of Burundi's ongoing crisis.

The Council reiterates its support for the Arusha peace process and for the efforts to build an internal political partnership in Burundi. It notes with great sadness the death of Mwalimu Julius Nyerere, while at the same time rededicating its efforts to the cause of peace he served. The Council firmly believes that the process chaired by the late Mwalimu Nyerere offers the best hope for peace in Burundi and should be the foundation for all-party talks leading to the conclusion of a peace agreement. The States of the region, in close consultation with the United Nations, need to act quickly to appoint a new mediation team that is acceptable to the Burundian parties to the negotiations.

⁸⁶ *Ibid.*, pp. 7-9.

⁸⁷ *Ibid.*, pp. 9-10.

⁸⁸ *Ibid.*, pp. 10-12.

⁸⁹ S/PRST/1999/32.

The Council commends those Burundian parties, including the Government, that demonstrated their commitment to continue negotiations, calls upon those parties that remain outside the process to cease hostilities and calls for their full participation in Burundi's inclusive peace process.

The Council condemns the murder of United Nations personnel in Burundi in October. It calls upon the Government to undertake and cooperate with investigations, and for the perpetrators to be brought to justice. The Council urges all parties to ensure the safe and unhindered access of humanitarian assistance to those in need in Burundi and to guarantee fully the security and freedom of movement of United Nations and humanitarian personnel. The Council recognizes the important role of the States of the region, in particular the United Republic of Tanzania, which is host to hundreds of thousands of

Burundian refugees and home to the Julius Nyerere Foundation, which has provided outstanding support to the talks.

The Council calls upon States of the region to ensure the neutrality and civilian character of refugee camps and to prevent the use of their territory by armed insurgents. It also calls upon the Government of Burundi to halt the policy of forced regroupment and to allow the affected people to return to their homes, with full and unhindered humanitarian access throughout the process. It condemns the attacks by armed groups against civilians and calls for an end to these unacceptable incidents.

The Council recognizes Burundi's dire economic and social conditions and affirms the need for the donor community to expand assistance for Burundi.

7. Letters dated 20 and 23 December 1991, from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America

Decision of 18 April 1996 (3655th meeting): statement by the President

At its 3655th meeting, held on 18 April 1996 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the item entitled "Letters dated 20 and 23 December 1991, from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America".¹ in connection with (a) the judiciary inquiry conducted on the attack on the UTA DC-10 airliner, flight 772 of 19 September 1989 (S/23306); (b) the investigation into the destruction of Pan Am flight 103 over Lockerbie, Scotland on 21 December 1988 and a joint declaration by the United States and the United Kingdom; and (c) the text of a tripartite declaration on terrorism issued by the Governments of France, the United Kingdom and the United States on 27 November 1991 following the investigation into the bombings of Pan Am flight 103 and UTA flight 772.

At the same meeting, the President made the following statement on behalf of the Council:²

¹ S/23306, S/23307, S/23308, S/23309 and S/23317.

² S/PRST/1996/18.

On 16 April 1996, a Libyan-registered aircraft flew from Tripoli, Libyan Arab Jamahiriya, to Jeddah, Saudi Arabia. The Security Council considers this clear violation of Council resolution 748 (1992) of 31 March 1992 as totally unacceptable and calls upon Libyan Arab Jamahiriya to refrain from any further such violations. It recalls that arrangements have been made consistent with resolution 748 (1992) in order to fly Libyan pilgrims to perform the Hajj. The Council will review the matter should further violations occur.

The Council has requested the Committee established pursuant to resolution 748 (1992) to draw to the attention of Member States their obligations under resolution 748 (1992) in the event that Libyan-registered aircraft land in their territory.

Decision of 29 January 1997 (3734th meeting): statement by the President

At the 3734th meeting of the Security Council, held on 29 January 1997 in accordance with the understanding reached in its prior consultations, the President (Japan) drew the attention of the Council to a letter dated 20 January 1997 from the Libyan Arab Jamahiriya, transmitting a letter dated 17 January 1997 addressed to the President of the Council from the Secretary of the General People's Committee for Foreign Liaison and International Co-operation of the Libyan Arab Jamahiriya, concerning the balloonist,