

Thursday 9 July 2015

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Situation in Burundi**European Parliament resolution of 9 July 2015 on the situation in Burundi (2015/2723(RSP))**

(2017/C 265/16)

The European Parliament,

- having regard to its previous resolutions on Burundi,
 - having regard to the Cotonou Agreement,
 - having regard to the UN Security Council statement of 10 April 2014 on the situation in Burundi,
 - having regard to the Arusha Peace and Reconciliation Agreement for Burundi,
 - having regard to the Constitution of Burundi,
 - having regard to the statement issued by the East African Community Heads of State on 31 May 2015 in Dar es Salaam, Tanzania,
 - having regard to the urgent call from former Burundian Chiefs of State, political parties and civil society organisations made on 28 May 2015 in Bujumbura,
 - having regard to the decisions on the situation in Burundi adopted at the African Union summit of 13 June 2015,
 - having regard to the Council conclusions on Burundi of 22 June 2015,
 - having regard to the statement by Vice-President/High Representative Federica Mogherini on the suspension of the EU Electoral Observation Mission to Burundi of 28 May 2015 and to the statement by the VP/HR's spokesperson on the situation in Burundi of 29 June 2015,
 - having regard to the decision of the Bureau of the ACP-EU JPA on 14 June 2015 to suspend the election observation mission of the Assembly to Burundi due to the situation in the country,
 - having regard to the EU Guidelines on Human Rights Defenders and the EU Human Rights Guidelines on Freedom of Expression, and to the Council's June 2014 conclusions in which it committed to intensifying its work on human rights defenders,
 - having regard to the Universal Declaration of Human Rights,
 - having regard to the African Charter on Democracy, Elections and Governance (ACDEG),
 - having regard to the International Covenant on Civil and Political Rights,
 - having regard to the African Charter on Human and Peoples' Rights,
 - having regard to Rule 123(2) and (4) of its Rules of Procedure,
- A. whereas Article 96 of the Constitution of Burundi and Article 7.3 of the Arusha Peace and Reconciliation Agreement stipulate that a president can serve only two terms; whereas President Pierre Nkurunziza has been in office since 2005, having been re-elected in 2010 in an election which the opposition boycotted after accusing the government of intimidation;
- B. whereas President Nkurunziza announced on 26 April 2015 that he was running for a third term — claiming eligibility because he had been appointed by lawmakers for his first term —, thereby plunging the country into turmoil and triggering widespread protests and a failed military coup in May 2015;

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- C. whereas, following this announcement, 17 officers were arrested on 14 May 2015 after a failed coup attempt led by former army Major General Godefroid Niyombare, who fled the country, in the wake of which more than 70 people have been killed in the violence and a series of grenade attacks;
- D. whereas two senior members of the Independent National Electoral Commission (CENI) have fled the country, in addition to a senior judge of the Constitutional Court charged with ruling on the legality of the President's third term, and the speaker of the national assembly, all citing fears for their own safety; whereas on 25 June 2015 Burundian Vice-President Gervais Ruyikiri also fled the country after casting doubt on the President's eligibility for a third term;
- E. whereas police have used excessive force in a crackdown on peaceful protestors, which has resulted in the loss of life; whereas police figures indicate that 892 people were arrested in connection with the protests between 26 April and 12 May 2015 and then 568 were released; whereas 280 detainees have been transferred to the public prosecutor's office;
- F. whereas the violence is being made even worse by the actions of the militia linked to the authorities; whereas NGOs and human rights defenders have condemned the infiltration of the police and armed forces by CNDD-FDD (National Council for the Defence of Democracy — Forces for the Defence of Democracy) militia;
- G. whereas opposition parties and civil society have boycotted the elections, citing the partisan use of state institutions, violence and intimidation by the CNDD-FDD youth militia (the Imbonerakure), a lack of confidence in the CENI (Burundi's independent national electoral commission), and government strategies intended to reduce the inclusivity of the electoral process, including voter registration difficulties and the redrawing of electoral boundaries, which favour the ruling party; whereas the situation has also led Burundi's Catholic Church to withdraw the priests it had appointed to help organise the elections, saying that it 'cannot support elections that are full of shortcomings';
- H. whereas Burundi's ruling party has boycotted the resumption of mediation talks under the aegis of the UN facilitator Abdoulaye Bathily, whose resignation they have called for, and the 'facilitation' group consisting of representatives of the UN, the African Union (AU), the EAC and the International Conference on the Great Lakes Region (ICGLR);
- I. whereas the international community plays a significant role in the region as the guarantor of the Arusha Accords, and whereas institutions such as the International Criminal Court are of great importance in carrying out independent inquiries into the violence and crimes committed in Burundi;
- J. whereas, despite calls from the international community to delay elections and despite being boycotted by civil society and the opposition, legislative elections took place on 29 June 2015 and presidential elections are scheduled for 15 July 2015;
- K. whereas on 29 June 2015 the EU withdrew its Electoral Observation Mission to Burundi, taking the view that to hold legislative elections without minimal conditions being in place to ensure their credibility, transparency and inclusiveness could only exacerbate the crisis;
- L. whereas UN observers have declared that the 29 June 2015 poll took place 'in a tense political crisis and a climate of widespread fear and intimidation in parts of the country', and therefore concluded that 'the environment was not conducive for free, credible and inclusive elections';
- M. whereas the election process continues to be seriously marred by restrictions on independent media, excessive use of force against demonstrators, a climate of intimidation for opposition parties and civil society, and lack of confidence in the election authorities, leading to the EU's decision to suspend its Election Observation Mission;
- N. whereas the East African Community (EAC) and the African Union (AU) have declared that conditions conducive to the holding of elections are not currently in place and that it will not be possible to put such conditions in place within the time frame provided for in the Burundian Constitution;
- O. whereas the UN Refugee Agency (UNHCR) says that some 127 000 people have fled Burundi to neighbouring states, creating humanitarian emergencies in Democratic Republic of the Congo, Rwanda and Tanzania, where an outbreak of cholera has been reported;

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- P. whereas the political deadlock in Burundi and the deteriorating security and economic situation have serious consequences for the population and pose risks for the region as a whole, with Burundi facing its gravest crisis since the 12-year ethnically charged civil war that left an estimated 300 000 people dead by 2005;
- Q. whereas, in response to previous resolutions of the European Parliament and in particular the references therein to Article 96 of the Cotonou Agreement, EU representatives have insisted on the need for inclusive participation in the electoral process by all the country's political forces, in line with the election roadmap and the Code of Conduct in Electoral Matters (*Code de bonne conduite en matière électorale*);
- R. whereas the EU has suspended the disbursement of the outstanding amount of EUR 1,7 million in election support to Burundi, given that the preconditions needed to ensure the credibility and smooth running of the electoral process in a way that is peaceful, inclusive and transparent, and does not infringe political freedoms, including freedom of expression, are currently not in place;
- S. whereas Belgium has also announced the suspension of electoral aid, opting to withhold half of the EUR 4 million it had set aside for the polls and pulling out of a EUR 5 million police cooperation deal funded jointly with the Netherlands; whereas France has also suspended security cooperation with Burundi, and Germany has announced the suspension of all bilateral cooperation involving the Government of Burundi;
- T. whereas the right to freedom of expression is guaranteed by the Burundian Constitution and by international and regional treaties ratified by Burundi, is included in the National Strategy for Good Governance and the Fight against Corruption, and is an essential condition for free, fair, transparent and peaceful elections; whereas, nevertheless, there is a total clampdown on the media as a result of the closure of privately owned broadcasters in mid-May, the mass exodus of journalists and the constant threats against those still in Burundi;
- U. whereas the EU contributes significantly to Burundi's annual budget, approximately half of which comes from international aid, and has recently allocated EUR 432 million to Burundi — one of the world's poorest nations — from the European Development Fund 2014-2020, inter alia to assist with improving governance and civil society;
- V. whereas the current situation has an impact on the economic and social life of all Burundians; whereas most schools and university campuses are closed because of violent demonstrations in the capital, Bujumbura, the local currency has depreciated, unemployment has increased and tax revenues have decreased, because of the closure of commercial centres and the slowdown of trade with neighbouring states;
1. Expresses grave concern about the worsening political and humanitarian situation in Burundi and the wider region; calls for an immediate end to violence and political intimidation of opponents and the immediate disarmament of all armed youth groups allied to political parties; extends its sympathy to victims of the violence and to those who have lost their lives, and calls for immediate humanitarian assistance for those who have been forced to flee their homes;
 2. Condemns the decision of the Burundian Government to go ahead with the elections despite the critical prevailing political and security situation and given that the election process has been seriously marred by restrictions on independent media, excessive use of force against demonstrators, a climate of intimidation for opposition parties and civil society and a lack of confidence in the election authorities; urges the Burundian authorities to postpone the presidential elections set for 15 July 2015 in line with calls by the African Union and to involve all stakeholders in the efforts to create an environment conducive to a peaceful, credible, free and fair electoral process;
 3. Calls on all those involved in the electoral process, including the bodies responsible for organising elections and the security services, to honour the commitments made in the Arusha Agreement, and recalls that this agreement put an end to the civil war and is the foundation on which the Burundian Constitution is based; underlines the importance of a consensual agreement on the electoral calendar on the basis of a technical assessment to be undertaken by the UN;

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4. Emphasises, once again, that only through dialogue and consensus, involving the Burundian Government, opposition and civil society in accordance with the Arusha Agreement and the Burundian Constitution, can a lasting political solution be found in the interests of security and democracy for all the people of Burundi; calls on all Burundian stakeholders to resume dialogue on all areas of disagreement; supports, therefore, the mediation efforts being made by the AU, the EAC and the UN, and is ready to support the implementation of the specific measures recently announced by the AU;

5. Expresses, once again, its support for the sustained efforts being deployed by the EAC, and emphasises the relevance of the measures agreed upon by the summits held in Dar es Salaam on 13 and 31 May 2015, including the call for the postponement of the elections and the immediate cessation of violence, the disarmament of youth groups affiliated to political parties, the initiation of a dialogue among Burundian stakeholders, and the commitment on the part of the region not to stand by should the situation deteriorate, which provide a framework for a political and consensual solution to the crisis;

6. Recalls that the EU's partnership with Burundi is governed by the Cotonou Agreement, and that all parties are bound to respect and implement the terms of that agreement, in particular respect for human rights; notes that Burundi has also signed and ratified the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, and therefore has an obligation to respect universal human rights and freedom of expression; calls on the Government of Burundi, therefore, to allow genuine and open political debate to take place without fear of intimidation, and to refrain from misusing the judiciary to exclude political rivals;

7. Takes note of the dialogue which has taken place between the EU and the Burundian authorities under Article 8 of the Cotonou Agreement; believes, nevertheless, that there are continuing breaches of the essential and fundamental elements of the Cotonou Agreement, in particular respect for fundamental human and democratic principles, and calls on the Commission, therefore, to initiate Article 96 proceedings with a view to taking appropriate measures;

8. Calls also on the Commission, to this end, to reassess EU aid as a matter of urgency with a view to diverting it, to increasing financial support for civil society and to focusing on humanitarian aid as opposed to central budget support, while keeping in mind the highly commendable role of the Burundian army in the peacekeeping mission in Somalia;

9. Joins the Foreign Affairs Council of 22 June 2015 in calling on the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) to prepare a list of targeted restrictive measures and visa and travel bans against those responsible for acts of violence, repression and serious human rights violations, together with those who are actively impeding a political solution within the framework proposed by the AU and the EAC, and also asks the VP/HR to take the necessary measures to freeze the assets of all of these individuals in the EU Member States;

10. Expresses its deep concern at the number of victims and the number of cases of serious human rights violations reported since the beginning of the crisis, particularly those abuses attributed to members of the Imbonerakure; notes the intimidation and risks faced by human rights defenders, political activists and journalists and the arbitrary arrest of opposition party members; calls for the immediate and unconditional release of all individuals arrested as a result of exercising their right to peaceful assembly and expression;

11. Demands that the violence and intimidation exercised by the Imbonerakure be brought to an immediate end; calls on the CNDD-FDD to take immediate action to disarm the youth militia and stop its members from intimidating and attacking opponents, and to ensure that those responsible for abuses are brought to justice; calls for an independent international investigation into claims that the CNDD-FDD arms and trains its youth wing; similarly, urges the leaders of opposition parties to prevent violence from being perpetrated against their opponents;

12. Reiterates that there can be no impunity for those responsible for serious human rights violations, who must be held individually responsible and brought to account in a court of law; considers that it is of particular importance that the deployment of human rights observers and military experts announced by the AU start immediately;

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13. Notes that attempts by certain forces to transform the riots into an ethnic conflict are failing, and that political divisions in Burundi are not explicitly ethnic; believes that this demonstrates the success of the Arusha Accords in establishing an ethnically balanced army and police force; invites the International Criminal Court prosecutor to therefore monitor those media closely for incitement to ethnic hatred, as well as speeches by political leaders;
 14. Reiterates, in this context, the importance of abiding by the Code of Conduct in Electoral Matters and the UN-brokered election roadmap signed by political actors in 2013, and fully supports UN and regional efforts to prevent a further increase in political violence;
 15. Calls for the immediate lifting of restrictions on the media and access to the internet, and denounces once again the repeated targeting of Radio Publique Africaine, which serves as one of the country's principal news outlets; considers that legitimate elections cannot take place unless media outlets are able to operate without restrictions, and journalists to report without intimidation;
 16. Commends the role of humanitarian organisations and the authorities of neighbouring countries which are addressing the needs of those fleeing the crisis and are offering protection for refugees; welcomes the Commission's announcement of an additional EUR 1,5 million to ease the humanitarian situation; warns, however, that commitments must be redoubled as a matter of urgency by both the EU and its Member States, given the huge influx of refugees into an already fragile region, reported outbreaks of cholera and alarming reports of sexual violence; underlines the importance of a long-term strategy for not only medical and nutritional assistance but also reintegration and psychological assistance for those forced to flee;
 17. Calls for the EU and its Member States to deliver on all commitments to the UN Burundi Regional Refugee Response Plan, which requires USD 207 million up to September 2015 in order to assist the expected 200 000 Burundian refugees, including by topping up existing grants to the region;
 18. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States, the Government of Burundi and the governments of the countries of the Great Lakes region, the governments of the East African Community, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, Federica Mogherini, the African Union, the Secretary-General of the United Nations, the Co-Presidents of the ACP-EU Joint Parliamentary Assembly and the Pan-African Parliament.
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