



**Brussels, 16 October 2015
(OR. fr)**

13105/15

**ACP 143
COAFR 305
CFSP/PESC 666
RELEX 826**

"I/A" ITEM NOTE

From:	ACP Working Party
To:	Permanent Representatives Committee/Council
No. Cion doc.:	12919/15 + ADD 1 - COM(2015) 500 final
Subject:	Opening of consultations with Burundi under Article 96 of the ACP-EU Partnership Agreement
	- Letter to the Burundian authorities

1. In the light of the worsening situation in the run-up to the parliamentary and presidential elections of summer 2015 in Burundi, the political dialogue already conducted in accordance with Article 8 of the Cotonou Agreement was stepped up.
2. Political violence escalated following the announcement on 25 April 2015 that President Pierre Nkurunziza would seek a third mandate. To date, the crisis has resulted in over 120 deaths and thousands of casualties and has forced over 190 000 people to seek refuge in neighbouring countries, exacerbating the risk of a spillover of the violence into the surrounding region.
3. The situation in Burundi deteriorated even further as the legislative and presidential elections in June and July drew nearer.
4. On 9 October 2015 the Commission sent the Council a Communication proposing to invite the authorities of Burundi to consultations under Article 96 of the ACP-EU Partnership Agreement.

5. The objective of the dialogue proposed under Article 96 of the ACP-EU Partnership Agreement is to encourage Burundi to commit to take measures within a specified time-frame in the critical areas of democracy, human rights and the rule of law, on the basis of the principles set out in the Arusha Agreements.
 6. Following discussions on the political situation in Burundi within the Africa Working Party, the ACP Working Party examined the Commission proposal and, on 15 October 2015, approved the final text of the draft letter which is annexed hereto.
 7. The Permanent Representatives Committee is invited to suggest that the Council approve this draft letter.
 8. The consultations should begin no later than 30 days after the invitation, under Article 96(2) of the ACP-EU Partnership Agreement. They should take place in Brussels on a date to be fixed by mutual agreement.
-

Draft letter

His Excellency Mr Pierre Nkurunziza

President of Burundi

Excellency,

In a statement issued on 23 July 2015 by the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission, the European Union presented its assessment that the decisions taken by the African Union and the East African Community which would have opened the way to credible and inclusive elections in Burundi had not been implemented.

The European Union also conveyed its view that, as Burundi had failed to respect essential elements of the Cotonou Partnership Agreement, namely human rights, democratic principles and the rule of law, it considered it appropriate to launch the procedure leading to the opening of consultations as foreseen by Article 96 of the Cotonou Agreement.

In accordance with those provisions, we have the honour, on behalf of the European Union and its Member States, to invite your country for consultations in order, as provided for in the Agreement, to study the situation in depth and, where necessary, take steps to remedy it. The European Union will undertake these consultations in a spirit of dialogue, with a view to seeking a mutually agreeable solution.

The consultations will provide an opportunity for Burundi to present the Government's programme, particularly as regards democratic principles, human rights and governance.

We propose that these consultations be initiated, at a date to be agreed jointly, in Brussels.

We have the honour to be, Sir, Yours faithfully,

For the Council

For the European Commission

Copies:

President of the ACP Council of Ministers

Chairman of the ACP Committee of Ambassadors

Secretary-General of the ACP Group
