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This action is funded by the European Union

ANNEX

of the Commission Decision on the allocation of funds under the African Peace Facility (APF) from the 11th European Development Fund for the support to the African Union Human Rights Observers and Military Experts Mission in Burundi

Action Document for the Support to the African Union Human Rights Observers and Military Experts Mission in Burundi

1. Title/basic act/ CRIS number	Support to the African Union Human Rights Observers and Military Experts Mission in Burundi CRIS number: FED/2017/384-056. financed under the financing decision C(2014) 4907of the APF for the period 2014-2016, 11th European Development Fund (EDF)			
2. Zone benefiting from the action/location	The action shall be carried out at the following location: Burundi.			
3. Programming document	The Three-Year Action programme of the APF for the period 2014-2016 was adopted by the Commission Decision C(2014) 4907 of 15 July 2014.			
4. Sector of concentration/ thematic area	Peace and Security	DEV. Aid: No		
5. Amounts concerned	Total estimated cost: EUR 10 000 000 Total amount of EDF contribution EUR 10 000 000			
6. Aid modality(ies) and implementation modality(ies)	Indirect management with the African Union Commission (AUC), Delegation Agreement (PAGODA)			
7 a) DAC code(s)	15220 Civilian peace-building, conflict prevention and resolution			
b) Main Delivery Channel	40000 – Multilateral Organisations			
8. Markers (from	General policy objective	Not	Significant	Main

CRIS DAC form)		targeted	objective	objective
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	X
	Aid to environment	X	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality (including Women In Development)	X	<input type="checkbox"/>	<input type="checkbox"/>
	Trade Development	X	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, Maternal, New born and child health	X	<input type="checkbox"/>	<input type="checkbox"/>
	RIO Convention markers	Not targeted	Significant objective	Main objective
	Biological diversity	X	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	X	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	X	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	X	<input type="checkbox"/>	<input type="checkbox"/>
9. Global Public Goods and Challenges (GPGC) thematic flagships	Not relevant.			
10. SDGs	Main SDG Goal(s) on the basis of section 4.1: promotion of peaceful and inclusive societies for sustainable development, access to justice for all and the strengthening of relevant institutions for building effective, accountable and inclusive institutions at all levels.			

Summary

The EU Foreign Affairs Council of 12 February 2016 recognised that Burundi was the scene of recurrent violence and violations and abuses of human rights and condemned any use of force to solve the crisis. Additionally the European Union (EU) adopted a Decision to conclude Article 96 consultations under the Cotonou Agreement which set out a united EU position of concern at the level of violence, the abuses of human rights, and the ongoing restrictions on the activities of civil society and the media. Related restrictive measures suspended direct financial support to the Burundian administration, including budget support, but maintained both financial support to the population and humanitarian assistance in the region. Restoring full co-operation will require substantial progress in the critical areas – Burundian political dialogue, justice, media, civil society, and human rights.

The African Union (AU) authorised the deployment of Human Rights Observers (HROs) and Military Experts (MEs) in May 2015, with first deployment of personnel taking place in July 2015. The latest AUC planning foresees the deployment of 59 HRO and 16 ME plus additional support staff. During its implementation the AUC has benefitted from UN Peace Building Fund (UN PBF) support for 32 HROs and some operational costs of the mission from April 2016 to 31 January 2017.

The AU Commissioner for Peace and Security has signed on 13 March 2017 the Concept of Operations (CONOPS) of the mission, which mandates the monitors and military experts to report on a regular basis respectively to the AU on human rights violations, on the implementation of the disarmament process and on the security situation in Burundi.

Based on the reports from the observers, the AU Peace and Security Council (AU PSC) has

been briefed and a number of communiques on Burundi have been issued since the beginning of the crisis. The last briefing took place in October 2016 and the EU was invited to participate along with other partners.

This action will contribute to improving the security situation in Burundi through the prevention of further escalation of the violence, raising awareness of the current tensions and facilitate AU efforts to find a durable solution to the situation in Burundi.

By providing support notably on salaries and allowances of the Human Rights Observers, the Military Experts and support staff as well as operational costs for the offices, the action will contribute to its efficient operationalisation.

The action will be implemented from 1 November 2016 to 31 October 2017 through a Delegation Agreement with the AUC.

1 CONTEXT

1.1 Sector/Country/Regional context/Thematic area

In 2015, Burundi saw a sharp rise in political violence linked to the electoral process, which led to a third mandate for President Pierre Nkurunziza. A failed coup attempt provoked violent retaliation measures by both state apparatus and opposition groups. In 2015/16, political violence has resulted in more than 600 deaths (source: UN – March 2017) and thousands of casualties, with government officials systematically curtailing the political space, the freedom of media and of association as well as indulging in hate speech. The report of independent experts of the Geneva Human Rights Council in September 2016 documented systematic human rights violations.

Though the number of security incidents has decreased in 2016, political tensions continue to undermine domestic stability where Burundian authorities are adopting an increasingly authoritarian stance. The former Tanzanian President Mkapa who has been mandated by the East African Community (EAC) to facilitate the inter-Burundian political dialogue was so far not able to overcome the current impasse. At the same time, the government-sponsored National Commission for Inter-Burundi Dialogue (CNDI) is aiming at revising the constitution and questioning the 2000 Arusha accords as the basic political framework. Nkurunziza has hinted he may run for a fourth term in 2020. The adoption of constitutional amendments that would reverse provisions of the Arusha Agreement and eliminate presidential term limits would, under the current circumstances, bear the risk of plunging the country back into armed conflict, with unpredictable repercussions for the region. Overall developments are more and more disrupting livelihoods and humanitarian needs are increasing; UN estimates that 550,000 people are severely food insecure, 1.1 million people require protection and health services. About 399,768 Burundians have fled to five neighbouring countries since the beginning of the crisis, and an estimated 169,000 are internally displaced according to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA). The economic situation is deteriorating steadily, with restrictions on movements of people and goods, a projected 9% inflation rate for 2017, depreciation of the national currency and sharp decrease of foreign exchange availability.

Within the framework of the AU efforts to find a solution to the crisis, a High Level Delegation of 5 Heads of State travelled to Burundi in February 2015. As a result of this visit,

the AUC authorised the deployment of Human Rights Observers and Military Experts in May 2015, with first deployment of personnel taking place in July 2015.

As of March 2017, 45 HROs have been deployed, out of which 32 have been covered by the UN Peacebuilding Fund until 31 January 2017 and the rest covered by the Early Response Mechanism (ERM) until end of October 2016.

The African AU 45 HROs since February 2017. Only 8 MEs are currently on the ground.

The Memorandum of Understanding (MoU) between the AU and the Government of Burundi has so far not been agreed. The Government of Burundi has delayed its signature but has authorised the deployment of the mission and continue freely their fact-finding activities.

In view of the increasing political tensions and violence, the EU Foreign Affairs Council of March 2016 adopted a Decision to conclude Article 96 consultations under the Cotonou Agreement which set out a united EU position of concern at the level of violence, the abuses of human rights, and the ongoing restrictions on the activities of civil society and the media and suspends direct financial support to the Burundian administration, including budget support, but maintained both financial support to the population and humanitarian assistance in the region. Restoring full co-operation will require substantial progress in critical areas such as the Burundian political dialogue, justice, media, civil society, and human rights. The EU mission to Bujumbura in October 2016 revealed no significant progress in these key areas. The Council has renewed travel ban and asset freeze sanctions in four cases in September 2016.

The EU is contributing to solving the Burundian crisis, including through bilateral cooperation, at regional level, and in cooperation with the African Union and the United Nations. This support includes the African-led processes, and especially the inclusive dialogue facilitated by President Mkapa on behalf of the EAC via the ERM, framed by the principles of the Arusha Agreements and the Burundian constitution. The EU has also, via the ERM, already provided support to the deployment of the AU Human Rights Observers and Military Experts between its initial deployment in August 2015 and October 2016.

The United Nations Security Council Resolution (UNSCR) 2303 (2016) of July 2016 requested the Secretary-General to establish a United Nations police component to monitor the security situation and to support UN Human Rights Office of the High Commissioner (OHCHR) in monitoring human rights violations and abuses, in coordination with the AU HROs and MEs.

It should be noted that the UN Security Council (UNSC) remained divided on this decision and that the Government of Burundi so far has not agreed on the deployment of a UN police component. At the moment, the Government is prepared to relaunch its activities with OHCHR by proposing a new MoU to the UN High Commissioner for Human Rights (UNHCHR). The UNHCHR offices in the Provinces of Gitega and Makamba have been closed on 31 March 2017. This new development will impact negatively the activities of the AU HROs as they were assisted by UNHCHR while on mission in these Provinces.

1.1.1 Public Policy Assessment and EU Policy Framework

The Joint Africa-EU Strategy (JAES), adopted in Lisbon in 2007, defined peace and security as one of the eight areas of the Africa-EU Peace and Security Partnership. The intent of the partnership is to support "African solutions for African problems". The JAES and its

successive Action Plans were renewed at the third Africa-EU Summit in Tripoli in 2010. The fourth Africa-EU Summit held in Brussels in April 2014 adopted the Roadmap 2014-2017, which refocused the implementation of the JAES on five at the priority areas, including peace and security.

The APF is the main tool for implementing the Africa-EU Peace and Security Cooperation. This cooperation consists of the following three inter-linked priorities:

- Enhanced dialogue on challenges to peace and security;
- Operationalisation of the African Peace Security Architecture (APSA);
- Support to Peace Support Operations (PSOs) in Africa.

The APF is a pan-African instrument in nature. Undertakings at national levels (e.g. training and funding of purely national actors) are not eligible for funding. Instead, the financial support must be requested by and provided to the AU and/or the African Regional Economic Communities included in the APSA.

Financial support to the AU HROs and MEs Mission in Burundi falls within the scope of the APF since it supports an AUC peace-building, conflict prevention effort.

In line with APF decision making procedures, the EU PSC in its meeting on 10th January 2017 approved the political appropriateness of the request.

1.1.2 Stakeholder analysis

The African Union Peace and Security Council (AU PSC) is the primary actor in the area of peace and security in the continent as foreseen by the 2001 AU PSC Protocol. It is the standing decision-making organ for the prevention, management and resolution of conflicts. Its key missions are to provide political leadership, to coordinate the other APSA components, as well as to generate actions. It is composed of representatives of AU Heads of states. The AU observation mission in Burundi will increase awareness of the human rights situation of Burundi of the AUC PSC, thus influencing AU PSC informed statements with a view to contribute to the crisis resolution in Burundi.

The African Union Commission Peace and Security Department (AU PSD) provides support to the AU PSC and to the overall AUC. It builds upon its various divisions, prominent among which is the Peace Support Operations Division (PSOD). The AU has set up liaison offices in countries affected or at risk of being affected by conflict. The AU PSD Liaison offices contribute to conflict analysis, provide early warning and support the implementation of conflict management activities. By receiving accurate information on the security situation in Burundi, the AU PSD will provide an efficient and effective support to the AU PSC, thus influencing positively its decision and contributing to the crisis resolution.

The AU Political Affairs Department:

By receiving accurate information on the political and human rights situation in Burundi, the AU Political Affairs Department will provide an efficient and effective support to the AUC PSC, thus influencing positively its decision and contributing to the crisis resolution.

The African Commission on Human and Peoples' Rights (Commission):

In addition to performing any other tasks which may be entrusted to it by the Assembly of Heads of State and Government, the Commission is officially charged with three major functions:

- the protection of human and peoples' rights
- the promotion of human and peoples' rights
- the interpretation of the African Charter on Human and Peoples' Rights

The Commission is thus expected to respond to eventual complaints of violation of the African Charter on Human and People's Rights by the African Court on Human and People's Rights and to make any necessary public statement on the Human Rights situation in Burundi, thus contributing to limit human rights violations in Burundi. Therefore, by receiving accurate information on the political and human rights situation in Burundi, the Commission will raise its awareness about the human rights situation and publish informed statements with a view to contribute to the crisis resolution in Burundi.

The Government of Burundi: The Government of Burundi, which denies the existence of massive violations of Human Rights in Burundi, is not cooperating with international stakeholders. It has denied the content of reports of various origins on the Human Rights situation in the country, and has refused access to the Commission of Inquiry on Human Rights established by the Council of Human Rights.

The Independent national Commission on Human Rights in Burundi (CNIDH) was created by Act No. 1/04 of 5 January 2011. It is an independent body which can receive complaints and investigate human rights abuses, undertake regular, announced or unannounced visits to all detention facilities, prevent torture and other cruel, inhuman or degrading treatment, refer cases of human rights violations to the Public Prosecutor; provide or facilitate the provision of legal aid to victims and propose measures likely to promote the protection of human rights.

The CNIDH has a broad mandate to ensure the protection of fundamental rights in Burundi. To this end, the Commission is invested with powers of requisition; enforcement, inquiry, and the ability to launch own motion investigations and access information. However the CNIDH is now under scrutiny, as its "A" status could be downgraded to "B" if it fails to prove more independent and effective in the protection of Human Rights.

The United Nations:

The Office of the United Nations High Commissioner for Human Right (OHCHR) in Burundi: created by the UN Resolution 48/141 of 20th December 1993 aims at ensuring the promotion and protection of Human Rights in Burundi and to advise and assist the Burundi Government for the development and the implementation of strategies, programmes and measures aiming to protect Human Rights in the country. The OHCHR has to draw the attention of the Government of every violation of Human Rights occurring on the national territory in order to allow the realisation of enquiries aiming at solving the situation. The OHCHR reports to the High Commissioner who may decide to publish them. The Government of Burundi is consulted and given a delay to respond to the reports before their publication. The OHCHR has become the main independent source of information and verification of Human Rights issues in Burundi; however, it is now under the constraints created by the suspension of the seat agreement by the Government of Burundi. A discussion is ongoing for a new seat agreement, but there is no evidence that an agreement could be

reached in a near future. In this context, its capacity to monitor the situation of Human Rights is deeply reduced. A new MoU is being negotiated between the Government of Burundi and the United Nations since February 2017 and it is to be signed in the near future.

The UN Peacebuilding Fund is the Secretary General's Fund – launched in 2006 to support activities, actions, programmes and organisations that seek to build a lasting peace in countries emerging from conflict.

The Secretary-General has delegated overall management responsibility for the Peacebuilding fund to the Peacebuilding Support Office. The Peacebuilding Fund (PBF) has been engaged in Burundi since early 2007, following the holding of peaceful democratic elections in 2005, the country's placement on the agenda of the Peacebuilding Commission in 2006, and the transition from a peacekeeping mission, United Nations Operation in Burundi (ONUB), to an integrated mission, United Nations Integrated Office in Burundi (BINUB). The current phase of PBF support to Burundi was approved in early 2014 with a view to sustaining UN political accompaniment following the withdrawal of the UN political mission, BINUB and with a specific focus on supporting dialogue and stability in the pre-electoral period, electoral and post-electoral periods. Following the tensions around the elections, PBF support is focussing on supporting human rights' observation, dialogue led by the UN Special Advisor to the Secretary General on Burundi, and local dialogue initiatives through the civil society and through local women mediators and women groups, as well as positive engagement of youth in social cohesion, community security and activities to address trauma and conflict. Moreover, for the first time in its history, PBF has approved funding directly to the AUC to bridge the gap in funding of its human rights observers in Burundi and to strengthen its daily cooperation with the UN Office for High Commissioner for Human Rights.

The East African Community: The East African Community (EAC) is a regional intergovernmental organisation of 6 Partner States: the Republics of Burundi, Kenya, Rwanda, South Sudan, the United Republic of Tanzania, and the Republic of Uganda. Some Member States (Rwanda, Tanzania) have expressed concern at the number of people seeking refuge in neighbouring countries out of fear of violence; Tanzania, the largest recipient, tries to monitor the flow of refugees. Additionally, the EAC has led mediation efforts by President Yoweri Museveni which has been supported by the APF via the Early Response Mechanism.

The International Conference on the Great Lakes Region (ICGLR): composed of twelve countries (Angola, Burundi, Central African Republic, The Democratic Republic of Congo, Kenya, Republic of Congo, Rwanda, Sudan, Tanzania, Uganda Zambia and South Sudan), has created a legal framework for security architecture and the improvement of the conditions for development with the support of the EU, UN and AU as well as other partners. The strategic importance of the ICGLR as guarantor for peace in the region and as facilitator for setting the preconditions for stability and economic development has long been recognised internationally as well as by the EU in its communication "a strategic framework for the Great Lakes region" and the Council conclusions of June 2013. ICGLR was given by its members states extensive competences in human rights at regional level.

1.1.3 Priority areas for support/problem analysis

Burundi has seen on-off armed violence for more than 40 years since gaining independence in 1962. Its conflict issues, rooted in political and historical tensions between different social groups, have killed more than 300,000 people, many of them civilians. Mass killings in 1972 and 1993 are considered to be acts of genocide, according to the final report by the International Commission of Inquiry for Burundi presented to the UN Security Council in 2002.

Although much of the violence has subsided in recent years, extreme poverty, a lack of law and order and ongoing human right violations, as well as the difficulty of integrating former rebels into state institutions, continue to be major barriers to stability and sustainable peace in the country.

In April 2015, protests began against the president's decision to run for a contested third consecutive term. Since then, the security and the human right situation has deteriorated, with more than 600 people killed, almost 400,000 displaced to five neighbouring countries.

There is a need to support efforts that contribute to the stabilisation of the situation in Burundi and thus facilitating long term development.

2 RISKS AND ASSUMPTIONS

Risks to the achievement	Likelihood of occurrence (high, medium, low)	Severity of risk impact (high, medium, low)	Mitigating Strategy (and Person/Unit responsible)
Burundi Government does not sign a Memorandum of Understanding with the AU authorizing the observers to carry out effectively and efficiently their mission in the country	High	high	The Peace and Security Operation Division of the AUC is consulting with the Government of Burundi and other partners to adopt a protection plan for all its personnel.
Burundi Government places constraints on the observers' activities, impeding easy access or independence	Medium	Medium	Burundian Government is facilitating the activities of AU HROs and is facilitating free access.
AU deployed personnel' data does not translate into actionable reports for the AUPSC and other international partners	Medium	Medium	One reporting Officer based in Addis Ababa is helping with coordination of the report and ensuring its strategic use.

Under-performance of individual observers	Low	Medium	All HROs are supervised by their overall coordinator in Burundi according to a performance management system. All HROs were screened by the AU Department of Political Affairs and Peace and security department.
AU observers do not have the appropriate expertise nor training to carry out properly their tasks	Medium	Medium	UA makes sure that the observers that are being sent to Burundi have proper expertise and have been trained accordingly.
Observers do not have the trust of segments of the population and are not given easy access to sites and objective information	Medium	Medium	The AU observers used to meet with informers secretly. They are not in hotels but in some private houses rented purposely. The information collected from the population and on site are confirmed by fact-finding undertaken by the AU observers
Duplication and confusion of work with OHCHR human rights observers	High	High	Additional consultations will be held between the UN OHCHR and the AU HROs to strengthen their collaboration on the ground.
UA observers reporting are not properly done, documented, completed nor sent on a regular basis to the AU and the EU	High	High	AU commits to: 1)send reports on a regular basis to its Headquarters and 2)send consistent and exhaustive narrative reports to the EU.
Assumptions			
AU PSC will be able to continue to pre-finance costs until first payment is effective mid-2017. Burundi Government does not prevent the work of the monitors and the military experts to exert its mandate.			

3 LESSONS LEARNT, COMPLEMENTARITY AND CROSS-CUTTING ISSUES

3.1 Lessons learnt

An external evaluation of the APF was carried out in two phases from 2011 to 2013. It concluded that the APF, by playing a critical role in backing African efforts in the area of peace and security, had had a direct and positive impact on the lives of hundreds of thousands of Africans affected by crises. APF-supported actions had given the EU an important role in supporting conflict reduction efforts on the continent, with the enhanced political credibility and influence this brought.

Various Results-Oriented Monitoring (ROM) missions have been carried out in 2015-2016. Recommendations were used to decide on the appropriateness of a continuation of ongoing programmes and, when approved, on the design of follow up phases.

The results of the Institutional Assessment of the AUC carried out in 2015 showed that the AUC's financial management systems need to be strengthened. In an Aide-Mémoire signed in April 2016, the AUC and the European Commission agreed on a number of measures to this end which will also be applied to this action.

The AUC deployed an assessment mission to Burundi from 16 to 20 September 2016. The main objective of the assessment team was to review the deployment, the operations expenditure and funding according to the rules and regulation of the Union. The assessment also focused on the concept of operations. The team had a working session with all the key components of the mission to discuss their challenges. Following the report transmitted by the assessment team, the AU has deployed an audit mission to Burundi. The recommendations issued in the reports of both the assessment and the audit missions are currently being implemented by the AU Liaison Office in Burundi and the Peace and Security Department.

While the need to have impartial and professional observers in Burundi is acknowledged by all stakeholders it also became clear during the initial deployment that the effectiveness of the mission is limited due to the lack of a solid operational framework. As a consequence, the AUC is negotiating with Government authorities the finalisation of the Memorandum of Understanding with the Government of Burundi and has finalised and adopted the Concept of Operations.

3.2 Complementarity, synergy and donor coordination

The Decision of the Council of 14th March 2016, concluding the article 96 of the Cotonou Agreement consultations with Burundi, has led to the suspension of EU funding to the Government while continuing to provide support to the poorest populations. The respect for Human Rights constitutes a large part of the expected commitments by the Government of Burundi in order to resume a regular cooperation with the country. However, the assessment so far shows no visible progress. In this context, the EU is funding several projects in the field of Human Rights. This support consists in financing health, nutrition, rural development and energy programmes in order to ensure a minimum degree of resilience of the Burundi population. At the same time the EU is supporting displaced people, refugees (outside the country), young people, civil society organisations and Human Rights defenders and organisations. Till now the EU has worked closely with the UN – OHCHR Burundi Office to follow the Human Rights situation and verify HR violations.

In terms of funding, the AUC also benefitted from financial support from the UN PBF during the period April 2016 to January 2017. This support was provided for 32 HROs and some operational costs of the mission. The EU has engaged in a frequent dialogue with the UN PBF so as to ensure any possible overlap of the financial support provided to the AUC in the past via the ERM under the APF.

3.3 Cross-cutting issues

The EU is promoting the increased participation of women in conflict prevention, conflict resolution and peace building efforts by the AU.

In line with the activities included in the Road Map adopted at the 4th EU Africa Summit, the APF is part of EU efforts to end sexual violence and protecting civilians, in particular women and children who are the most affected by armed conflicts. The 2012-2014 and 2015-2019 Action Plans of the Strategic Framework on Human Rights and Democracy, commit the European Union to 1) contribute to the implementation of the EU human rights policy and 2) ensure consistency with the promotion, protection and enforcement of international human rights law and international humanitarian law. This action contributes to these objectives by tracking and reporting on possible Human Rights violations in Burundi.

The mission will ensure that:

- All monitors and military experts will be trained on Human Rights issues and comply with International Humanitarian Law.
- All components will support the full restoration of good governance.

4 DESCRIPTION OF THE ACTION

4.1 Objectives/results

This programme is relevant for the United Nations 2030 Agenda for Sustainable Development. It contributes primarily to the progressive achievement of SDG target Goal 16 related to the promotion of peaceful and inclusive societies for sustainable development, access to justice for all and the strengthening of relevant institutions for building effective, accountable and inclusive institutions at all levels.

The overall objective of the APF is to contribute to promote peaceful and inclusive societies for sustainable development (SDG 16) and to the Africa Agenda 2063 by supporting African led efforts "to silence the guns by 2020" and therefore reducing the number of violent conflicts in the continent.

The main objective of the mission is to support the AU with the logistical needs of the deployment of 59 HROs and 16 MEs whose mandate is to monitor, investigate, and report on the situation of human rights in Burundi, verify the process of disarmament of the militias and other armed groups, as well as to undertake local peace building and mediation activities.

The main expected outcomes of the mission are:

- 1) Increased awareness of human rights and security situation in Burundi for the AUC PSC, the Political Affairs Department and the African Commission on Human and Peoples' Rights which leads to more informed and coordinated statements and actions by the AU around human rights and security matters and improved security in the country.

2) Strengthened justice for victims of human rights violations, with a special emphasis on women, and other vulnerable populations, and increased responses from the Burundi Government to the human rights violations.

4.2 Main activities

In relation to Result 1: Increased awareness of human rights and security situation in Burundi for the AUC PSC, the Political Affairs Department and the African Commission on Human and Peoples' Rights which leads to more informed and coordinated statements and actions by the AU around human rights and security matters and improved security in the country.

1.1 The deployment of 59 human rights monitors and 16 military experts is ensured from a logistical and security perspective.

1.2 AU human rights observers and Military experts provide weekly and monthly reports on the human rights and security situation in Burundi to the African Union Peace and Security Department for the PSC as well as the Political Affairs Department.

1.3 Specific reporting on the human rights situation of women and other vulnerable groups is ensured.

1.4 AU human right observers and Military experts and the international Community representatives in Burundi strengthen coordination on human rights monitoring and advocacy for greater joint impact.

In relation to Result 2: Strengthened justice for victims of human rights violations, with a special emphasis on women, and other vulnerable populations, and increased responses from the Burundi Government to the human rights violations.

2.1 AU advocacy efforts lead to concrete responses by the Government of Burundi and improved results for victims of violations notably women.

2.3 The Government of Burundi provides concrete actions/statements with regards to human rights in Burundi, including the concerns of women and other vulnerable groups.

4.3 Intervention logic

In line with the overall objective of the APF, this action aims to contribute towards the achievement of SDG 16 in Africa, in particular target 16.1, and thus at removing a direct cause for forced displacement and helping create the conditions for sustainable social and economic development. This will be achieved by supporting the AU integrated Human Rights Observers and Military Experts Mission, who will maintain a presence in key areas all around the country of potential volatility in order to stop widespread physical violence, human rights abuses and to contribute to the protection of civilians. The action will also contribute to an informed AUC position with regards to Burundi by addressing the lack of sufficient information on the deteriorated political and security situation notably in the area of human rights. By providing timely and contrasted information and by supporting the deployment of

key headquarters staff, the action will put the AUC in a position to take informed decisions and continue mediation activities with the Government.

In line with the JAES, the basic assumption upon which this action relies is that the most effective approach to achieve peace and stability in Africa is by supporting the efforts of the African Organisations that have a mandate to promote peace and security

5 IMPLEMENTATION

5.1 Financing agreement

In order to implement this action, it is not foreseen to conclude a financing agreement with the AUC, referred to in Article 17 of Annex IV to the ACP-EU Partnership Agreement.

5.2 Indicative implementation period

The indicative operational implementation period of this action, during which the activities described in section 4.2 will be carried out and the corresponding contracts and agreements implemented, is 12 months from November 2016 until October 2017.

Extensions of the implementation period may be agreed by the Commission's authorising officer responsible by amending this decision and the relevant contracts and agreements; such amendments to this decision constitute non-substantial amendment in the sense of Article 9(4) of Regulation (EU) 2015/322.

5.3 Implementation modalities

5.3.1 Indirect management with an international organisation

This action may be implemented in indirect management with the AUC in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012 applicable in accordance with Article 17 of Regulation (EU) 2015/323. This implementation entails the support to the African Union Human Rights Observers and Military Experts Mission in Burundi. This implementation is justified because of the AUC's specific mandate to lead the implementation of peace and security operations in Africa as well as its proven expertise in doing so, including in previous operations financed by the Early Response Mechanism.

The entrusted entity would carry out the following budget-implementation tasks: concluding service, works and supply contracts, payment of allowances and salaries to Human Rights Observers and Military experts as well as support staff.

Considering the AUC underwent the assessment under Regulation (EU, Euratom) No 966/2012 and taking into consideration the results of this review were not satisfactory for the procurement, accountancy and sub-delegation pillars, the European Commission has concluded an 'aide mémoire on measures to strengthen the financial management of the AUC with the AUC in 2016 that contains a series of engagements, including remedial measures that had been agreed in previous 'aide mémoires' signed in 2009 and 2011. These rules of engagement include the implementation of a pillar assessment roadmap; the communication on a regular basis to the European Commission of the AUC's audited financial statements as

well as the information on actual expenditures, accounts or detailed financial situation of the AUC as an organisation.

As part of the rules of engagement, the European Commission can fund technical assistance specifically targeted at addressing the administrative and financial management challenges identified in the pillar assessment.

The authorising officer responsible deems that, based on the longstanding cooperation with the AUC, budget-implementation tasks can be entrusted to this entity subject to the implementation of the following measures:

- a) The Contracting Authority will make the final payment only after completion of an external audit of the action
- b) Payments of the European Commission to the AUC will be made on a designated bank account in EUR which has been specifically opened for this action.
- c) A procurement plan will be agreed ex-ante. The AUC will apply its own rules for procurement procedures, subject to an ex-ante control by the European Commission. Tenders launched will be agreed ex-ante and the European Commission will participate to the tender evaluation as an observer.

5.4 Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply.

The Commission's authorising officer responsible may extend the geographical eligibility in accordance with Article 22(1)(b) of Annex IV to the ACP-EU Partnership Agreement on the basis of urgency or of unavailability of products and services in the markets of the countries concerned, or in other duly substantiated cases where the eligibility rules would make the realisation of this action impossible or exceedingly difficult.

5.5 Indicative budget

This funding is requested to meet the AUC requirements to support the African Union Human Rights Observers and Military Experts Mission in Burundi. The activities related to both of the expected results of the action will be implemented through a Delegation Agreement (PAGODA) with the AUC.

	EU contribution (amount in EUR)	Indicative third party contribution (Amount in EUR)
1. Delegation Agreement (PAGODA) with the AUC	10 000 000	
Total	10 000 000	

5.6 Organisational set-up and responsibilities

At the strategic level, an Aide Mémoire steering committee (AMSC) has been established and is responsible for providing strategic guidance to the implementation of actions funded under the APF. The steering committee is chaired jointly by the AUC and the European Union. EU and AU member states will be fully informed on the outcomes of the Steering Committee meetings and could also be associated on an ad hoc basis to the meetings, as has been the practice in the past.

For this specific action, the AU is the implementing body responsible for the deployment of human rights observers and military experts in Burundi. The head of the mission will report to the Chairperson of the AU Commission through the AU Commissioner for Peace and Security. The AU PSD will make the reports available to the members of the AU PSC. The reports will be used as useful inputs informing the Council's deliberations and decisions. The EU will be informed about the activities of the mission as part of the regular narrative reports on the activities of the mission provided by the AUC and also, through summary reports, about Human Rights and security findings.

5.7 Performance monitoring and reporting

The day-to-day technical and financial monitoring of the implementation of African Union Human Rights Observers and Military Experts Mission in Burundi will be a continuous process and part of the implementing partner's responsibilities.

To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and direct outcomes) as measured by corresponding indicators, using as reference the log frame matrix. The report shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the action. The final report, narrative and financial, will cover the entire period of the action implementation.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

5.8 Evaluation

Bearing in mind that an external evaluation of the APF was carried out in 2013 and that a new external evaluation will take place in 2017, a final evaluation is not foreseen for this action or its components.

The Commission may, during implementation, decide to undertake an evaluation for duly justified reasons either on its own decision or on the initiative of the partner.

The European Commission will undertake internal and external monitoring missions, request external evaluations and audit according to the provisions set in the contract.

The evaluation reports shall be shared with the partner country and other key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

The financing of the evaluation shall be covered by the funds foreseen for this purpose in the 2014 – 2016 Action Programme of the APF.

5.9 Audit

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements.

As for all the actions financed by the APF, the Commission will conduct an external financial audit of the operation after the action has been completed to verify the eligibility of the costs incurred and financial and administrative management of procedures put in place for the implementation of the action.

The financing of the audit shall be covered by the funds foreseen for this purpose in the 2014 – 2016 Action Programme of the APF.

5.10 Communication and visibility

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated at the start of implementation and supported with the budget indicated in section 5.5 above.

In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the partner country, contractors, grant beneficiaries and/or entrusted entities. Appropriate contractual obligations shall be included in, respectively, the financing agreement, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Manual for European Union External Action shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

APPENDIX - INDICATIVE LOGFRAME MATRIX (FOR PROJECT MODALITY) ¹

The activities, the expected outputs and all the indicators, targets and baselines included in the log frame matrix are indicative and may be updated during the implementation of the action, no amendment being required to the financing decision. When it is not possible to determine the outputs of an action at formulation stage, intermediary outcomes should be presented and the outputs defined during inception of the overall programme and its components. The indicative log frame matrix will evolve during the lifetime of the action: new lines will be added for including the activities as well as new columns for intermediary targets (milestones) for the output and outcome indicators whenever it is relevant for monitoring and reporting purposes. Note also that indicators should be disaggregated by sex whenever relevant.

	Results chain	Indicators	Baselines (incl. reference year)	Targets (incl. reference year)	Sources and means of verification	Assumptions
Overall objective: Impact	Support AU with the logistical needs of the deployment of 59 human rights observers and 16 military experts whose mandate is to monitor, investigate, and report on the situation of human rights in Burundi, verify the process of disarmament of the militias and other armed groups, as well as to undertake local peace building and mediation activities	<p>Increasingly positive progress and trends on the state of human rights respect and protection in Burundi is reported by human rights reports (documenting and analysing the status of human rights)</p> <p>Increased number of human rights reports (one report per month and per year) and timely responses by AUC in addressing human rights issues</p> <p>Increased security situation reported by Military Experts as a deterrent effort of their presence.</p> <p>Decreased number of human rights violations in Burundi.</p> <p>Increased number of militias and other armed groups that have been disarmed.</p>	TBD.	<p>At least 1 report per quarter on the measures taken by the Government to improve HR issues.</p> <p>At least 3 reports per year on the human rights situation in Burundi.</p> <p>All reports include a section on gender based violence issues.</p>	<p>Daily, monthly reports provided by the mission as well as the AU liaison office.</p> <p>Reports provided by the mission to the AUC</p>	<p>Access by the monitors to the sites where the human rights violations are exerted is permitted.</p> <p>The security situation allows the monitors to complete their mandate.</p>

¹ Mark indicators aligned with the relevant programming document mark with '*' and indicators aligned to the EU Results Framework with '**'.

Specific objective(s): Outcome(s)	Outcome 1 Increased awareness of HR and security situation in Burundi for the AUC PSC, the Political Affairs Department and the African Commission on Human and Peoples' Rights which leads to more informed and coordinated statements and actions by the AU around human rights and security matters and improved security in the country	1.1. The number of African Union statements and proposed actions regarding the human rights situation of Burundi including the consideration of individual complaints of violations of the African Charter on Human and Peoples' Rights and the two Protocols on the Rights of Women and children in Africa by the African Court on Human and Peoples' Rights. 1.2. The number of AU PSC reviews and approved reports from the AU HR observers	All the AU PSC statements are released based on the reports produced by the deployed personnel to Burundi	At least 20% more public AUC statements (TBD) by AUC and the African Commission on Human and People's Rights. Eventual complaint of violation of the African Charter on Human and People's Rights by the African Court on Human and People's Rights.	The number of public statements by AUC and the African Commission on Human and People's Rights. The number of complaints on violation of the African Charter on Human and People's Rights including the two Protocols on Women and children's Rights by the African Court on Human and People's Rights.	The political situation allows the AUC to agree on the presentation of public statements on the human rights situation in Burundi.
	Outcome 2 Strengthened justice for victims of human rights violations, with a special emphasis on women, and other vulnerable populations, and increased responses from the Burundi Government to the human rights violations.	2.1. The government of Burundi announces investigations of documented HR violations and provides timeframe for justice actions. 2.2. The Government of Burundi provides other concrete actions/statements with regards to human rights in Burundi, including the concerns of women and other vulnerable groups.	Regular meetings and consultations with concerned Burundian authorities help to address cases of human rights violations of vulnerable population. According to the reports provided by the AU HROs and ME, the Government acknowledges the existence of violations of HR and promises to pursue an inquiry.	At least 1 monthly meeting with Burundi authorities is organised for monitoring of violations of HR and the judicial follow up. At least 1 monthly meeting with local authorities and civil society organisations. At least a set of actions is agreed by Burundi when violations are reported.	Meetings reports between AUC and Burundi authorities/ local authorities and civil society organisations. Reports on the actions taken by the Government in response to violation of human rights. Minutes of meetings with Burundi authorities.	

Direct outputs	<p>Output 1.1 The deployment of 59 human rights monitors and 16 military experts is ensured from a logistical and security perspective.</p>	<p>The AU personnel are deployed/sustained in Burundi from 1st November 2016 to 31 October 2017 and office space and logistic facilities are provided.</p>	<p>59 Human Rights Observers and 16 Military experts are on the ground from 1st June 2017.</p>	<p>75 staff are operational for the 12 months period.</p>	<p>Information on the total number of AU personnel deployed as well as their capacity in performing their mandate.</p>	<p>The security situation allows monitors to be deployed to complete their mandate.</p>
	<p>Output 1.2 AU human rights observers and Military experts provide weekly and monthly reports on the human rights and security situation in Burundi to the African Union Peace and Security Department for the PSC as well as the Political Affairs Department</p>	<p>AU HR observers are deployed and the security provisions are strengthened.</p>	<p>Number of reports provided weekly and monthly on the human rights and security situation in Burundi.</p>	<p>At least 20% more reports are transferred on the human rights situation in Burundi.</p>	<p>Weekly and monthly reports.</p>	<p>Access to information is permitted to the monitors.</p>
	<p>Output 1.3 Specific reporting on the human rights situation of women and other vulnerable groups is ensured</p>	<p>Each weekly and monthly report has a designated section for the situation on women and other vulnerable groups.</p>	<p>The subcommittee on women and refugees used to insert their situation in the report</p>	<p>A dedicated section on women and vulnerable groups is included in the report.</p>	<p>Weekly and monthly reports.</p>	
	<p>Output 1.4 AU human right observers and Military experts and the international Community representatives in Burundi strengthen coordination on human rights monitoring and advocacy for greater joint impact.</p>	<p>Existence of joint work plan between AU and UN on human rights monitoring and advocacy</p>	<p>Work plan exists including monitoring plan.</p>	<p>Enhanced coordination (1 monthly meeting) with UN and EU on HR monitoring</p>	<p>Minutes of meetings and monitoring missions.</p>	

Induced outputs	<p>Output 2.1 AU advocacy efforts lead to concrete responses by the Government of Burundi and improved results for victims of violations notably women.</p>	<p>AU has regular meetings with concerned authorities of Burundi on human rights violations.</p>	<p>The number of regular meetings with concerned authorities.</p>	<p>At least (1 meeting per month if necessary).</p>	<p>Minutes of the meetings and reports with figures details are provided by the AU personnel deployed on the ground</p>	
	<p>Output 2.2. The Government of Burundi provides concrete actions/statements with regards to human rights in Burundi, including the concerns of women and other vulnerable groups</p>	<p>AU has regular meetings with concerned authorities of Burundi on human rights violations.</p>	<p>The number of regular meetings with concerned authorities.</p> <p>The number of statements published by the Government of Burundi on the human rights situation with special emphasis of women and other vulnerable groups.</p>	<p>At least (1 statement) published if necessary.</p>	<p>Minutes and statements.</p>	