

REPUBLIC OF BURUNDI**PRESIDENCY OF THE REPUBLIC
Secretariat-General of the State****MEDIA RELEASE CONSECUTIVE TO THE CABINET MEETING
HELD ON WEDNESDAY 07 OCTOBER 2020**

A Cabinet Meeting was held on Wednesday 7th of October 2020, under the chairmanship of His Excellency Evariste Ndayishimiye, President of the Republic of Burundi. The following items were analyzed:

1. Bill revising organic law n ° 1/13 of 12 June 2019 on the organization and functioning of the Superior Council of the Magistracy, presented by the Minister of Justice.

In any society, justice plays a very important role. Aware of its place in the building and consolidation of the rule of law, the Government of the Republic of Burundi has placed justice at the centre of its concerns. This is why it occupies a good place in the National Development Plan.

The Superior Council of the Magistracy is one of the essential tools to face the challenges which arise in order to satisfy the aspirations of the population in matters of justice. It is this powerful lever that the state needs.

It must live up to its main mission, namely to be the true protector of the rights of litigants and magistrates.

Organic Law No.1 / 13 of June 12, 2019 on the organization and functioning of the Superior Council of the Magistracy needs to be revised to have a legal framework adapted to the importance of the issue.

This is the motivation of this project.

Among other innovations it brings, it clarifies the place of the President of the Republic, Supreme Magistrate within this Council, highlights the powers of the Council and specifies the status of members.

At the end of the debate, the bill was endorsed with some corrections.

2. Bill supplementing the provisions of the Code of Civil Procedure relating to the reinstatement of the Notables of the Hill, presented by the Minister of Justice.

In all human societies, social life is always punctuated by various conflicts. To resolve these conflicts, each people develop appropriate mechanisms for resolving misunderstandings according to its traditions.

This applies for Burundi.

Conscious of the importance of the traditional mode of conflict resolution, the legislator had, through law n ° 1/004 of January 15, 1987 on the Code of organization and judicial competence, instituted the Council of Notables of the hill in order to promote reconciliation rather than the strict application of the rules of law. This procedure was abandoned by Law n ° 1/08 of March 17, 2005 on the Code of Organization and Judicial Competence.

Currently, the need to return to this traditional institution is felt, in particular because of the importance of the volume of disputes experienced by courts and tribunals, the cost and slowness of proceedings as well as the geographical distance.

As conciliation is also a means of improving access to justice for all, the place of the Council of Notables of the Hill in the Burundian procedural system is undeniable.

It is necessary to reorganize this institution so that it deserves the trust of the citizens and contributes to the challenges of access to justice, as well as to the consolidation of social peace and the development of the country. This is the subject of this project.

It specifies the powers of this Board, its composition and the criteria for being part of it, as well as its functioning.

After discussion and debate, the project was adopted after having undergone some alterations.

3. Draft decree on the method of electing the members of the Council of the Hill Notables, presented by the Minister of Justice.

In order to establish local justice as a response to the concerns of the litigant, the Government initiated the law reinstating the Council of Notables of the Hill. This Council will help to establish social peace through the amicable settlement of disputes.

This law provides that the mode of election of the members of the Council of Notables is fixed by decree.

This is how this draft decree specifies the conditions of eligibility of members of the Council of Notables, the way in which the ballot is prepared, the voting method and voting procedures, as well as the way in which the results are announced.

After discussion and debate, the project was adopted with some corrections.

4. Draft decree establishing the general census of the population, housing, agriculture and livestock 2022, presented by the Minister of Finance, Budget and Economic Planning

In any country, the population census serves to collect, group, analyze, publish demographic, economic and social data at a given time.

According to the United Nations recommendation, the period between censuses is ten years.

In Burundi, the last census was organized in 2008.

The data resulting from this operation has become obsolete and no longer meets the needs of users. Burundi should have carried out another census in 2018 had it not been for the postponement adopted by the countries of the East African community to carry out their census in 2022 in order to harmonize the database on the census in the latter as well as the data of other indicators of the community.

In order to meet the 2020 deadline, the National Council for Statistical Information recommended that preparations for this operation begin as soon as possible and to couple this operation with the first census of agriculture and livestock.

This general census of the population, housing, agriculture and livestock aims to take stock of the demographic, to determine the characteristics of the habitat, to take stock of the agricultural and pastoral potential.

All of this data will be needed for development planning.

The preparations for this census must begin as soon as possible.

It is for this reason that this project is proposed. It defines the legal bases of the operation and defines its organizational structures.

At the end of the exchanges and debate, the Council adopted it after having made certain improvements.

5. Draft decree revising decree n ° 100/19 of October 7, 2010 on the creation, organization and functioning of the Permanent National Commission for the Fight against the Proliferation of Small Arms and Light Weapons, presented by the Minister of the Interior, Community Development and Public Security.

The fight against the proliferation of arms is a major national security imperative. To do this, a legal and institutional framework adapted to the evolution and to the socio-security environment is essential.

It is within this framework that the law on the regime of small arms and light weapons was promulgated in August 2009.

In the same vein, the Permanent National Commission for the fight against the proliferation of small arms and light weapons was set up in October 2010.

Ten years after the implementation of the policy to combat the proliferation of small arms and light weapons by the Commission, an assessment of the operational framework of the Commission calls for a review. Hence the need for this project.

Among other changes, the draft decree takes into account the fact that the Ministry responsible for the Commission has seen its missions extend to other areas and its name change, hence the need for adaptation.

To avoid confusion with the Permanent Secretariat at ministerial level, the project proposes to change the Permanent Secretariat at Commission level to a permanent National Coordination.

After analysis, the project was adopted with some corrections.

6. Draft decree granting the second renewal of the exploration permit for Colombo-tantalite and associated minerals on the Runyankezi perimeter in favor of the company N.T.E.G.A HOLDING BURUNDI

7. Draft decree granting the first renewal of the exploration permit for gold and associated minerals on the Muhwazi perimeter in favor of the company African Mining Limited

These two projects were presented by the Minister of Water, Energy and Mining.

The company N.T.E.G.A Holding Burundi S.A obtained the Colombo-tantalite exploration permit and its accompanying elements on the perimeter called “Runyankezi” in May 2015.

After three years of research, this company applied for the renewal of its permit, in accordance with the provisions of the Burundi Mining Code, and obtained it in August 2018 for a period of two years.

The company continued its research work during the validity period of the renewal of the exploration permit. In the meantime, this company has applied for and obtained a permit to exploit these minerals on part of this perimeter.

In February 2020, the company submitted a request for the second renewal for a period of two non-renewable years according to the provisions of the Burundi Mining Code, on the remaining perimeter.

Regarding the company African Mining Limited, it obtained its exploration license for gold and associated minerals on the Muhwazi perimeter in August 2017 for a period of three years.

In the meantime, it too has applied for an operating permit on part of its perimeter.

After three years of research, this company submitted an application to renew its permit on the remaining perimeter, in accordance with the provisions of the Burundi Mining Code.

After discussion and debate on these projects, the Board noted that:

- Before requesting any renewal, these companies must first justify the reasons why the research was not completed on time.
- These companies must also show the results of the exploitation of the minerals on the parts of the perimeters for which they have obtained the exploitation permits.
- They must also produce reports on the results of research they have already carried out so that the state knows the quantity and quality of minerals they have found in order to properly assess their value.

The operating conditions will be discussed with these companies in a win-win partnership.

These renewal requests have not been accepted until these elements are clarified yet.

8. Draft amendment to the management contract n ° 760/01 / DG / 2017 of February 15, 2017 for invoicing operations, payment of drinking water and electricity products and payment of invoices, signed between the State of Burundi and the company PAYWAY BURUNDI

9. Draft amendment to the interested Régie contract n ° 760/01 / CRI / 2017 for the supply of equipment and the package of intelligent solutions for the analysis, collection, storage and sharing of reliable data in the system invoicing of the priority revenue center for efficient management and monitoring of the hydraulic sectors of Bujumbura, signed between the State of Burundi and the company ITRON GLOBAL TRADING

The two projects were also presented by the Minister of Water, Energy and Mining.

The State of Burundi signed contracts with these two companies in March 2017.

These contracts had a term of three years and ended on March 04, 2020 for PAYWAY Burundi, and April 04, 2020 for ITRON GLOBAL TRADING.

These companies are currently working illegally as they refer to the terms of expired contracts, hence the need to rectify the situation.

According to article 46 of the law of July 2019 on the general regime for public-private partnership contracts, "Contracts concluded before the date of the promulgation of this law remain valid for their duration. They remain governed by the laws and regulations under which they were established. These contracts are subject to evaluation and monitoring by the Support Agency for the implementation of Public-Private Partnership contracts (ARCP)

A report is transmitted to the Council of Ministers by the authorized bodies for assessment and decision".

The Public-Private Partnership Contracts Support Agency carried out an assessment mission and found that the level of contract implementation is relatively satisfactory by these companies.

For the moment, there is a constructive dialogue underway to find an alternative solution to the management of expired contracts by way of amendment, with a reciprocal commitment to negotiate new contracts in accordance with the law of July 2019 on the general regime of contracts of private public partnership.

Thus, PAYWAY Burundi and ITRON GLOBAL TRADING on one side and REGIDESO on the other side have agreed to amendments to the nine-month contracts, with retroactive effect to the expiration date of the contract.

These amendments are intended to give the parties sufficient time to negotiate and conclude new contracts in accordance with the law of July 2019 on the general regime of public-private partnership contracts.

This is why these draft amendments are proposed.

After discussion and debate, these amendments were accepted. However:

- The Council recalled that the State has given a mission to REGIDESO to sell energy and drinking water on behalf of the State. The contracts awarded to these two companies constitute, for this purpose, a subcontract and this shows that REGIDESO is not in a position to do its job correctly.

- REGIDESO was further asked to show what it produces, what it sells and what it earns before considering signing new contracts, within a time limit not exceeding two months.
- Within this same two-month period, REGIDESO must have generalized the use of meters with a modern prepayment system, and for electricity (cash-power), and for water (cash-water) to avoid theft.
- Finally, the Minister in charge of Energy was asked to propose comprehensive and individual measures that are necessary to redress REGIDESO so that it can accomplish the mission entrusted to it.

10. Note on the main mission of the Youth Investment Bank presented by the Minister of East African Community Affairs, Youth, Sports and Culture.

The Youth Investment Bank was created with the aim of contributing to the financing of development projects initiated by young people who are organized in groups or companies.

Its mandate is to grant loans to youth groups at preferential rates not exceeding 7% without the conventional mortgages required by commercial banks.

While this bank has not yet started to implement its initial mission, during a General Assembly of the Board of Directors of the Bank, a decision was taken on September 2, 2020, to grant loans to economic operators.

This decision henceforth gives the Bank the status of a commercial bank and relegates the main mandate for which it was created to the background.

The Note proposes a series of proposals for the Bank to operate within the framework of its mandate, in particular the revision of certain texts which govern it especially at the level of the Board of Directors to comply with the Government's vision in favor of investment for the youth.

After discussion and debate, the Board noted that the Youth Investment Bank needs to have a commercial component in order to develop and meet the objective assigned to it.

For this purpose, it must be open to anyone who would like to open an account.

The difference will be made at the time of the granting of the credits because the credits to the projects of the young people will be granted at preferential interest rates and others at the ordinary rates charged by other banks.

It was also recommended to find regular funding mechanisms for the Impulse, Guarantee and Support Fund (FIGA) which guarantees the repayment of these credits granted to young people.

11. Any Other Business

The Council of Ministers was informed by the Coordinator of the Office of Strategic and Development Studies at the Presidency of the Republic on the National Program for the economic empowerment and employment of young unemployed graduates in Burundi and on the digitization of the national census campaign of these young people.

This Program is at an advanced stage because throughout the Burundian territory, all the young unemployed have been identified using software developed by young Burundian engineers.

Currently all the data regarding their workforce, level and qualification, and social situation are available.

Very soon, the bodies for implementing this Program will be set up.

The Council of Ministers appreciated this Program and took the opportunity to congratulate these young Burundian engineers for the work accomplished thanks to their know-how.

The Council called on all state structures that need their skills to use their expertise.

Done at Bujumbura, October 8th, 2020

**Prosper NTAHORWAMIYE
Secretary-General and Spokesman.-**