

REPUBLIC OF BURUNDI**PRESIDENCY OF THE REPUBLIC
Secretariat-General of the State****MEDIA RELEASE NO 24 CONSECUTIVE TO THE CABINET MEETING HELD ON WEDNESDAY 25 AUGUST 2021**

A Cabinet Meeting was held on Wednesday 25th of August 2021, under the chairmanship of His Excellency Evariste Ndayishimiye, President of the Republic of Burundi.

After the presentation of the agenda, His Excellency the President of the Republic invited the Prime Minister to present the summary of the observations resulting from the preparatory meeting of the Council of Ministers which the Prime Minister chaired on Monday 23 August 2021, and which was devoted to the analysis of the same files on the agenda.

After restitution by the Secretary General of the State to the President of the Republic, the the following items were analyzed:

1. Draft decree on the missions, organization and functioning of the Permanent Secretariat of the Superior Council of Magistracy, presented by the Minister of Justice.

The Constitution of the Republic of Burundi provides for the establishment of an organ in matters of justice, called the "Superior Council of the Magistracy", the presidency of which is ensured by the President of the Republic in his capacity as Supreme Magistrate.

The missions and powers assigned to this body are specified in Organic Law No.1 / 02 of January 23, 2021 amending Organic Law No.1 / 13 of June 12, 2019 on the organization and functioning of the Superior Council of the Magistracy.

This law provides for a Permanent Secretariat to support the Superior Council of Magistracy.

Decree n ° 100/063 of 22 September 2020, reorganizing the services of the Presidency of the Republic for its part, places the Permanent Secretariat of the Superior Council of the Magistracy, among the specialized administrations under the Presidency of the Republic.

This draft decree clarifies how this Permanent Secretariat will operate.

The Permanent Secretary of the Superior Council of Magistracy is called upon to coordinate the activities of the Permanent Secretariat of the Superior Council of Magistracy and of the Permanent Secretariat of the Superior Council of Prosecutors. It is placed under the direct authority of the President of the Republic

The Permanent Secretariat of the Superior Council of Magistracy is made up of three specialized units responsible respectively for the good administration of justice and the fight against impunity, the discipline and career of magistrates, and finally administrative and financial affairs.

After discussion and debate, the Council of Ministers adopted this project with, among other observations:

- Prepare a presentation note for this draft decree;
- Combine or put under the same chapter provisions which deal with the same subject;
- Properly frame the scope of action of the Superior Council of Magistracy with regard to judicial decisions because it only intervenes for appeals on decisions that have become final;
- Specify that the Permanent Secretariat makes proposals to the Superior Council of the Magistracy and not to the Government.

The Ministers in charge of Justice, the Interior and National Education will support in the finalization of this text.

2. Draft ministerial order establishing a framework for participatory management of protected areas in Burundi, presented by the Minister of the Environment, Agriculture and Livestock.

Protected areas were created but their management used methods that excluded local populations, hence the birth of conflicts around these protected areas.

Yet local communities are the first to exert pressure on the resources of protected areas to meet their multiple needs, including the search for fuelwood, the search for medicinal plants and food resources.

The coordination of management actions for protected areas is the responsibility of the Office Burundais pour la Protection de l'Environnement with regard to its missions, but it cannot do it alone without the participation of other partners, in particular the local administration, the local populations, etc.

To address the shortcomings observed, Law No. 1/10 of March 30, 2011 establishing protected areas in Burundi indicates the mechanism for participation and engagement of stakeholders in the management of existing and future protected areas. It also provides for the establishment of a support committee for each protected area.

However, some protected areas do not have a support committee, and even for those that do, their establishment and organization are not uniform.

This draft ordinance standardizes the management mode of protected areas by establishing a participatory management framework. It sets up a support committee made up of officials from the body in charge of protected areas, officials from the local administration and elected representatives of the neighbouring populations.

After discussion and debate, the project was adopted with, among other recommendations:

- Avoid the use of the term "indigenous" in the text because it creates confusion with the risk of singling out part of the population;
- Specify that the body responsible for the protection of protected areas is the Burundian Office for the Protection of the Environment "OBPE";
- Use the term "protection of areas" instead of "conservation of protected areas" to avoid confusion in interpretation.

3. Draft ministerial order regulating the rights of use of biological resources in protected areas and other natural environments, presented by the Minister of the Environment, Agriculture and Livestock.

Currently, it is increasingly recognized that any initiative to conserve biological diversity that does not take into account the rights, needs and interests of local communities is doomed to failure.

Indeed, many protected areas are created on the ancestral territories of these communities, from which they have often been expelled.

The question that arises is to know to what extent and in what terms customary rights and traditional practices of local communities can be recognized in the context of the management of protected areas in Burundi.

Law n ° 1/10 of May 30, 2011 on the creation of protected areas in Burundi provides for the promotion of user rights, but this promotion is only possible through adequate regulations that take into account the real situation of users and biological resources concerned by the right of use.

This draft ordinance is proposed within this framework, and fixes in particular the general principles for the management of the biological resources of protected areas and natural environments, the conditions of exercise of the rights of use, the tools essential for the rational exploitation of biological resources subject to user rights and control mechanisms, etc.

At the end of the discussions, the draft ordinance was adopted with, among other recommendations:

- Provide for an exception with regard to research activities, for the take-pay principle to be applied to any activity linked to the removal of genetic or biological resources;
- Provide a temporary zone before the protected area where activities can be carried out;
- Have the annexes approved by the Minister in charge of the Environment before their signature by the Director General of the Burundian Office for the Protection of the Environment;
- Enrich the list of biological resources concerned and write their names in Kirundi;
- Specify that the annexes are an integral part of the text.

4. Draft ministerial order regulating the management of invasive alien species, presented by the Minister of the Environment, Agriculture and Livestock.

One of the main threats to biodiversity is invasive species.

These threats take different forms and affect native species and the structure and function of ecosystems.

Invasive alien species can also have a significant adverse effect on human health and the economy.

Considering the fact that new invasive alien species are likely to be introduced at any time in Burundi and that the species already present are spreading and expanding their range, there is an urgent need to take measures to stop their spread.

Law n ° 1/10 of May 30, 2011 on the creation of protected areas in Burundi already provides that the Ministry having nature conservation in its attributions takes the necessary measures to prevent the introduction of exotic species that threaten the ecosystems.

This draft ordinance is proposed as an implementing text of this law.

After analysis, the project was adopted with, among other recommendations, to rework the table annexed to the project concerning invasive alien species to be eliminated by arranging the names according to their family and in alphabetical order in collaboration with the Minister in charge of National Education.

The names of these species must be written in Kirundi.

5. Memorandum of Understanding between the Ministry of Health of the Russian Federation and the Ministry of Public Health and the Fight against AIDS of the Republic of Burundi, presented by the Minister of Public Health and the Fight against AIDS.

The aim of this memorandum of understanding is to strengthen and develop joint and mutually beneficial cooperation in the field of health and medical science on the basis of the friendship between the two parties.

The parties will contribute in particular to development in the following areas:

- Prevention and control of infections;
- The training of specialists in the field of health;
- Prevention of non-communicable diseases;
- Protection of mother and child, etc. ...;

After discussion and debate, the draft memorandum was adopted.

6. Note concerning the increase in the share capital at the Banque de l'Habitat du Burundi (formerly FPHU), presented by the Minister of Finance, Budget and Economic Planning.

The Fund for the Promotion of Urban Housing (FPHU) was created in 1989 with the sole shareholder of the State of Burundi with a share capital of 100 million Fbu. Its main mission was to finance the first housing for executives and agents of the State and parastatal enterprises.

From 1993, the Urban Housing Promotion Fund became a mixed company with a capital of Four Hundred Nine (409) million BIF distributed among fourteen (14) shareholders.

Currently, it has a capital of Thirteen Billion Nine Hundred and Thirty Five Million Six Hundred and Seventy Five Thousand Two Hundred Ninety Four Fbu (13,935,676,294) distributed among 27 shareholders, of which 67.08% belong to the State of Burundi.

In order to promote housing, the Government recommended that the Fund be transformed into a Bank, which would enable it to mobilize more resources.

This happened this year because the Urban Housing Promotion Fund (FPHU) became the "Housing Bank of Burundi" and was approved by the Bank of the Republic of Burundi.

It is in this context that this new bank wishes to mobilize the resources to increase its capital, from 13 billion of Fbu to 20 billion, which will come primarily from the contribution of current or potential shareholders.

The State of Burundi being the promoter and main shareholder, if it wants to maintain 67% of the shares, it is essential to increase its capital by Four Billion Six Eighty Fifteen Million Six Hundred Thousand BIF (4,695,600,000) in order to maintain its level of representativeness on the Board of Directors.

After analyzing the Note, the Council of Ministers recognized the need for the Fund to become a Bank and made the following observations and recommendations:

- The process of transferring the Fund to the Bank was carried out without the State, the main shareholder, having been consulted by its representatives in the administrative bodies of the Fund;
- It is necessary to establish responsibilities for the shortcomings observed in this process;
- A detailed note explaining the process of transfer from the Fund to the Bank is required;
- It must be ensured that the Fund's initial missions, namely the promotion of housing, remain the same;
- We must ensure that the Bank really works in order to promote housing by lowering the interest rate so that it stands out from commercial banks;
- It is necessary to ensure that the staffs meet the necessary conditions required for a Bank.

The Minister in charge of infrastructure will ensure that the legal framework governing this new structure is put in place and that the recommendations made are implemented.

7. Note on the start-up of the Burundi Digital Broadcasting Company (STNB), presented by the Minister of Communication, Information Technologies and Media.

The government of Burundi and the Chinese company StarTimes Communication Network Technology Co Limited have agreed to create a mixed company responsible for the management, operation and maintenance of the digital television network as well as the repayment of the credit contracted by the Burundian government for the establishment of the digital television broadcasting network.

The said company called Société de Télédiffusion Numérique du Burundi (STNB) was actually created in 2015, but is not really functional to date due to the lack of management bodies.

The articles of association of this company set its capital at 150 million fbu with shares distributed in proportions of 40% for the State of Burundi and 60% for Startimes.

The total cost of the contract was US \$ 32,600,000, a credit contracted by the State of Burundi, which was used to carry out the project.

The start-up of the Burundi Digital Television Company remains imperative to make digital television broadcasting operational and thus avoid the deterioration of the equipment installed since 2016.

This note indicates the crux of the problem, the steps taken to bring this file to fruition as well as the roadmap for the effective start of the company.

It also indicates the points that have not found consensus and to be negotiated with the Chinese side, namely:

- The distribution of statutory positions within the Board of Directors and General Management of the Burundi Digital Broadcasting Company;
- Funding of the start-up budget of the Burundi Digital Television Broadcasting Company;
- The contract between the Burundian side and the Burundi Digital Broadcasting Company for the management, operation and maintenance of the digital television infrastructure belonging to the State of Burundi as well as the repayment of the credit.

During the analysis of this Note, the Council of Ministers made the following observations:

- It is important to make the Société de Télédiffusion Numérique au Burundi (STNB) operational as quickly as possible;
- It is essential to check whether the contributions of the two parties make it possible to make the company operational and if necessary, increase the capital by the shareholders;
- We must negotiate the distribution of statutory positions within the Board of Directors and Management of the Digital Broadcasting Company in Burundi (STNB);
- It is necessary to ensure that the rights of the State of Burundi are safeguarded with regard to the management of the infrastructure because it is its property especially since it was put in place on the credit that it contracted;
- It is necessary to set up a team of experts to assess the contributions of each and audit the use of the funds that the company StarTimes has used for the establishment of the infrastructure;
- National Television must always be accessible free of charge.

8. Any Other Business

The Minister of National Education and Scientific Research presented a note relating to the setting of the minimum pass mark for the national competition and the orientation procedures for post-basic education, Edition 2021.

He indicated that the minimum pass mark for the national certification and orientation competition is 90/200, or 45%.

He also indicated the modalities of access to boarding school, in schools of excellence and in vocational training centres and in vocational education centres.

The Council of Ministers has asked that in terms of class size, it should be set at 50 students to take into account the possibilities of repetition.

Taking this new orientation into account, the minimum pass mark for the national certification and guidance competition of 45% may be slightly lowered.

Done at Bujumbura, August 26th, 2021

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