

REPUBLIC OF BURUNDI**PRESIDENCY OF THE REPUBLIC
Secretariat-General of the State****MEDIA RELEASE NO 31 CONSECUTIVE TO THE CABINET MEETING HELD ON WEDNESDAY 22 DECEMBER 2021**

A Cabinet Meeting was held on Wednesday 22nd of December 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 Minister of the Interior, Community Development and Public Security to present the summary of the observations resulting from the preparatory meeting of the Council of Ministers which he chaired on Monday, December 20, 2021 on the delegation of the Prime Minister, and which was devoted to the analysis of the same files on the agenda.

After restitution by the Minister of the Interior, Community Development and Public Security, the following items were analyzed:

1. Bill on the Rail Transport Code, presented by the Services of the Presidency of the Republic.

In order to establish sustained and inclusive economic growth, the Government of Burundi has adopted a National Development Plan 2018-2027.

The implementation of this Plan will make it possible in particular to build basic infrastructure for the economy and develop the industrial fabric.

Strategic orientation n ° 1 of the National Development Plan recommends, in its axis n ° 2, the development of transport infrastructure, with a view to opening up and connecting Burundi to neighbouring countries by rail.

To achieve this objective, the country must put in place a legal, institutional and operational framework for rail transport.

The interest in rail transport also stems from the comparative advantages that this mode of transport offers over road: transport capacity, low cost of transport, greater security of freight transport, longer service life railway infrastructure, etc...

Burundi abounds in a lot of minerals, especially the nickel deposits in the perimeters of Musongati, Waga and Nyabikere. This is why many mining companies are interested in these deposits but face the challenges of transporting these products to international markets.

Commitments between the Government of Burundi, the United Republic of Tanzania and the Democratic Republic of Congo have already been made to build the UVINZA-MUSONGATI-GITEGA-BUJUMBURA-UVIRA-KINDU railway line.

The member countries of the East African Community, for their part, have recognized the need to rationalize the development of rail transport and to harmonize operations in the main transport corridors.

It is therefore essential that Burundi equips itself with a legal, institutional and operational framework in harmony with the national and regional requirements of rail transport.

After analysis and debate, the project was adopted with the following observations and recommendations:

- We must ensure that the UVINZA-MUSONGATI-GITEGA-BUJUMBURA-UVIRA-KINDU railway project succeeds because it is strategic for Burundi;
- Burundi must show concrete actions for the implementation of this project, including the implementation of this law;
- It is necessary to take advantage of the good relations existing between Burundi and Tanzania to implement this project;

- The documents related to this project which are ready and which concern Burundi and Tanzania should be signed as soon as possible to materialize the commitment of these countries;
- Diplomacy should work a lot with concrete data to show Tanzania the interest of passing the railway through Burundi in relation to other routes that would be proposed to it;
- It is important to submit to the ADB a joint request from Burundi, Tanzania and the Democratic Republic of Congo to finance the UVINZA-MUSONGATI-GITEGA-BUJUMBURA-UVIRA-KINDU railway project.

2. Public Investment Program (PIP) 2022-2025, presented by the Minister of Finance, Budget and Economic Planning.

In order to meet the socio-economic needs of the population, Burundi has put in place a range of planning instruments serving as a reference and orientation for any intervention by the State or by the technical and financial partner. This concerns in particular the National Development Plan 2018-2027 and its priority action plan 2018-2022.

The PIP constitutes all the projects and programs submitted by the various ministries as a milestone for the implementation of the PND 2018-2022.

It is made up of two major categories namely:

- Projects under implementation for which funding is available or assured
- Projects for which funding has yet to be mobilized.

For this, each ministry is called upon to prepare a work plan and an annual budget for the projects registered in the first year of the PIP.

This work plan should show the activities planned under the project for the year in question, the expected results, as well as the objectively verifiable indicators.

The total cost of the 2022-2025 PIP is estimated at 6553.55 billion BIF of which 24.98% will be made up of domestic resources, 30.43% of resources coming from outside. This implies that the Government will

have to think of other financing mechanisms aimed at mobilizing resources to cover the financial gap estimated at 44.59%.

Following the analysis of this document, the Council of Ministers adopted it with the following observations and recommendations:

- Projects with funding must be identified in the ministries in order to align them with priority projects;
- All projects with budgets or whose studies are ready must appear in the PIP;
- Ministries must ensure that all projects registered in the first year are fully implemented;
- All the actors must contribute in order to reduce the so large gap observed;
- Projects executed by NGOs should also appear in the PIP;
- Annual action plans must be developed;
- Ensure that municipal hospitals meet the required standards;
- The ministries must make available at all times the project studies to be presented to the financial partners;
- The ministries are called upon to organize meetings with the various development partners to focus on the areas of intervention of each;
- The ministries that assume the projects or project ideas which have been proposed have not been taken into account or which have other proposals for corrections are called upon to transmit their observations to the Minister in charge of Economic Planning within a deadline not exceeding two weeks for their integration into the final document.

3. Draft organic law revising organic law n ° 1/04 of February 20, 2017 on the missions, organization, composition, instruction, conditions of service and functioning of the National Defense Force of Burundi, presented by the Minister of National Defense and Veterans Affairs.

The missions, organization, composition, instruction, conditions of service and operation of the National Defense Force of Burundi are set by organic law n ° 1/04 of February 20, 2017.

This law needs to be revised to meet the following requirements:

- The consecration of the title "Commander-in-Chief" for the Head of State as included in the Constitution instead of "Supreme Commander" which was previously used;
- The integration into the organic law of the provisions consecrating the existence and operationalization of a unit devoted to patriotic supervision and development support, in this case the Reserve Force and Development Support "FRAD".
- The creation of a special operations unit capable of dealing with terrorist threats and carrying out ad hoc missions;
- The establishment of an Office responsible for the prevention and management of epidemics and pandemics.

After discussion and debate, the bill was adopted with some corrections to be made.

- 4. Draft joint ordinance fixing the salaries of permanent military teachers and fees of non-permanent military and civilians at ISCAM**
- 5. Draft joint ordinance on modalities for granting supervision costs to health care structures and health professionals taking care of trainees of the Military Paramedical School (EPMM)**
- 6. Draft joint ordinance granting honoraria to civilian professors and members of the jury at the Ecole Militaire des Métiers (EMM)**

These three projects were presented by the Minister of National Defense and Veterans Affairs.

The Higher Institute of Military Cadres has two categories of teachers, namely permanent military teachers on the one hand, and military teachers and non-permanent civilian teachers on the other.

Decree No. 100/170 of 22 November 2018 on the reorganization and operation of ISCAM provides in its article 44 that permanent military teachers assigned to ISCAM benefit from special treatment set by a specific regulatory text.

The same article provides that non-permanent teachers at ISCAM benefit from fees and supervision costs for end-of-study work set by a joint ministerial order of the Minister in charge of National Defense and the Minister in charge of Finance on proposal of the Head of the National Defense Force.

Since the signing of this decree, neither of these two implementing texts has been put in place.

This draft ordinance addresses this concern.

Regarding the Military Paramedical School (EPMM), it was created by ministerial ordinance n ° 520/1860 of 11/27/2014.

This school is recognized by the Ministry in charge of Public Health. It therefore complies with the standards of secondary paramedical schools in Burundi, as well as all other requirements of the regulations in force.

The interns at this school do internships in health facilities and benefit from related supervision like all other students in paramedical schools. These structures and their authorized personnel receive training fees from trainees via the classic debt declaration procedure.

But currently, for reasons of budgetary governance, the granting of these costs must be provided for in a regulatory text.

This has led to the temporary freezing of the granting of these fees, pending the implementation of this text, which handicaps the operation of this school.

The purpose of this draft ordinance is to meet this administrative and regulatory requirement to allow the normal functioning of this school.

Regarding the Military School of Trades (EMM), it was approved by ministerial decree n ° 570/2108 of 11/21/2016 of the Minister of Public Service and Employment and therefore has the obligation to comply with all the requirements prescribed by the technical and vocational training regulations.

This School calls on teachers and civil experts who receive fees through the classic procedure of declaration of debt.

But currently, for reasons of budgetary governance, the granting of these costs is conditional on the establishment of a related regulatory text.

This has led to the temporary freezing of the granting of these fees, pending the implementation of this text, which handicaps the operation of this school.

The purpose of this draft ordinance is to meet this administrative and regulatory requirement to allow the normal functioning of this school.

The Council of Ministers had analyzed these three draft ordinances and returned them with guidelines for them to be reworked.

During the analysis of these drafts at second reading, the following observations and recommendations were made:

- Certain aspects may induce a budgetary impact not foreseen in the 2021-2022 annual budget;
- It is not necessary to regularize, through these ordinances, situations where advantages were unduly granted;
- The granting of certain advantages (bonuses, indemnities, fees) may lead to claims in other structures;
- Some rates or amounts that these ordinances want to apply greatly exceed those applied elsewhere.
- We must not limit ourselves only to the fact that the funds are available to grant them, but rather we must comply with the regulations in force;

Ultimately, the Council of Ministers noted that the guiding principle is the harmonization of wages.

For this, the Minister in charge of Finance and that in charge of National Defense were asked to come together to harmonize the amounts proposed by complying with the texts in force before proceeding to the signing of these ordinances.

It was also recommended to ensure that there will not be double pay.

7. Draft decree on a code of ethics for healthcare providers and health services, presented by the Minister of Public Health and the fight against AIDS.

The right to healthcare is recognized by international and national legal instruments.

In the context of its various field and supervision visits, the Ministry in charge of public health noted that certain aspects deserve improvements with regard to the provision of healthcare and services in health facilities.

Gaps can be observed from reception until the patient is discharged from healthcare facilities.

All these shortcomings in relation to the entire process of providing quality care and services must be transcribed into a code that will serve as a professional guide, but also as a reference for taking sanctions in the event of a breach.

This Code, which is of very great importance, provides information on:

- The provisions allowing the offer of quality services and care by the providers of all the services of a health facility,
- The limits of the duties and obligations of patients to facilitate the work of providers in a care structure,
- Administrative and, where applicable, criminal penalties to be taken against any person having violated the provisions of this Code.

In general, this draft decree determines the rules, practices and principles by which any provider of healthcare and services should be inspired in the practice of their profession.

During the analysis of this project, the following observations emerged:

- The Order of Physicians, an advisory body, seems to have replaced state bodies with regard to monitoring the behaviour and breaches of physicians in their duties;

- It is difficult to establish the responsibilities of care providers because more often than not, people outside the service do not have access to the places where they work;
- When it comes to establishing responsibilities in the event of shortcomings, the colleagues of the person presumed to be responsible must be called upon;
- The Criminal Code under review should take into account the offenses that may be committed in this sector;
- Doctors should realize that they are called upon to perform anywhere in the country where they are assigned;
- Doctors should be required to produce reports on the operations carried out and the problems encountered;
- Medical ethics should be taught to aspiring physicians so that they can make an informed commitment;
- The question of medical liability insurance deserves careful consideration;
- It should be seen whether it is necessary to grant a special status to healthcare and service providers before implementing this Code;
- Being a Code, this text should be drawn up in the form of a law.

The Council of Ministers ultimately recommended a more in-depth analysis of this file on the basis of all these observations, before bringing it the file back to the Council of Ministers.

8. Draft joint ministerial ordinance amending ministerial ordinance n ° 770/2148 / CAB / 2017 of 03 October 2017 regulating the import, marketing and distribution of hydrochlorofluorocarbons (HCFCs) and hydrofluorocarbons (HFC), presented by the Minister of the Environment, Agriculture and Livestock.

The Montreal Protocol is an agreement signed in 1987 by all countries for the implementation of the Vienna Framework Convention signed in 1985 for the phasing out of substances that deplete the ozone layer. It had five amendments for better implementation.

In its provisions, this Protocol states that the parties shall endeavour to ensure that the use of substances that deplete the ozone layer is limited to uses for which there is no other substance better suited to the environment.

The substances regulated by the Montreal Protocol are chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs) and hydrofluorocarbons (HFCs) used in refrigeration, air conditioning and agriculture.

To implement the various obligations arising from these instruments for the protection of the ozone layer, with regard to Burundi, ministerial ordinance n ° 770/2148 / CAB / 2017 of 03 October 2017 regulating imports , the marketing and distribution of hydrochlorofluorocarbons (HCFCs) and hydrofluorocarbons (HFCs) has been set up.

However, this ordinance contains shortcomings which do not allow all the obligations arising from these instruments to be taken into account, in particular:

- The lack of clarification of the procedures for requesting and granting import quotas for substances that deplete the ozone layer,
- Lack of control mechanisms to facilitate monitoring of substances that deplete the ozone layer,
- The conditions of use of substances that deplete the ozone layer,
- Transport and transit of substances that deplete the ozone layer,
- Signatures of ministerial authorities involved in the management and control of substances that deplete the ozone layer.

This project corrects these shortcomings.

After analyzing this project, the Council of Ministers adopted it with the recommendation to write the name and surname of the current Minister in charge of Trade.

9. Note on the management of the issue of execution of the contract for the sale of the land housing the former AFB stadium concluded between the Government of Burundi and TOYOTA BURUNDI,

presented by the Minister of Infrastructure, Equipment and Social Housing.

The purpose of this Note was to inform the Council of Ministers of the progress of the execution of the contract between the Government and the company TOYOTA BURUNDI in connection with the land of the former AFB stadium that the latter bought to the State of Burundi since February 2013.

It was also a question of the position to be taken after the formal notice sent to TOYOTA BURUNDI with regard to its breaches of its contractual obligations as well as the follow-up to it.

It was observed in fact that the reaction to the formal notice was made by a company other than TOYOTA BURUNDI which signed the contract with the State of Burundi.

The Council of Ministers had analyzed this file on April 7, 2021 and the following recommendations were made:

- Notify the company which responded to the letter of formal notice sent to TOYOTA BURUNDI that the State of Burundi does not know it as a party to the contract;
- Invite TOYOTA BURUNDI to respond itself to correspondence sent to it, especially since it is the party to the contract;
- If it expresses interest in pursuing the project to which it is committed, grant her the necessary documents, in particular the building permit;
- In an additional agreement to be signed, give it a period not exceeding three months to start the work;
- In the meantime, gather all the available elements demonstrating the bad faith of TOYOTA BURUNDI as well as the elements presuming its fraudulent attempts;
- Collaborate with the Minister in charge of Justice in the management of this file.

By evaluating the step that would have been taken by TOYOTA Burundi in the fulfilment of its commitments, and after having had the clarifications on the process of issuance and transfer of the title of ownership, the Council of Ministers noted that this company never

expressed the will to implement its commitments, and that it rather indulged in fraudulent manoeuvres.

It is obvious that in buying this land, TOYOTA Burundi had other aims.

To this end, it was decided as follows:

- Gather all the elements attesting to the fraudulent manoeuvres used in obtaining and transferring the title deed of this land;
- Cancel the sales contract and recover the land;
- Show the damage suffered by the State;
- Compare the condition of the land at the time of the sale and its current condition;
- Assess the losses caused to the State of Burundi by TOYOTA Burundi and make it bear them.

A team made up of a representative of the Presidency of the Republic and representatives of the Ministries in charge of Infrastructure, Justice and Hydraulics will finalize this file which will be brought back to the Council of Ministers at the beginning of February 2022.

10. Any Other Business

- His Excellency the President of the Republic informed the Council that the State will organize a prayer of thanksgiving from December 27 to December 31, 2021, a government retreat from January 4 to 5, 2022, followed a Government Leave.

- He asked members of the Government to always study strategies to better meet the expectations of the population. From 2022, strategies will be implemented for more efficiency.

- He also informed members of the Government that controlling state resources is the only way to properly plan and execute development projects. For this, digitization is the best solution for collecting state resources and making payments electronically.

He called on all ministries to prepare for it because the World Bank is ready to finance the project, especially as it falls within the framework of good governance.

- To conclude, His Excellency the President of the Republic wished a Merry Christmas to the members of the Government.

Done at Bujumbura, December 23rd, 2021

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