

 HEINRICH BÖLL STIFTUNG
DEMOCRACY

E-PAPER

The Crisis in Burundi and the Apathy of International Politics

YOLANDE BOUKA/NANJALA NYABOLA

Edited by Heinrich-Böll-Stiftung, April 2016

The Crisis in Burundi and the Apathy of International Politics

An analysis by Yolande Bouka and Nanjala Nyabola

Edited by Heinrich-Böll-Stiftung

Table of Contents

| | |
|------------------------------|-----------|
| A country on the brink | 4 |
| Political Groups | 5 |
| Escalation of violence | 6 |
| A peace-mission for Burundi? | 8 |
| Failed Analysis | 10 |
| Old Habits | 12 |
| Mediation efforts | 14 |
| Profound Consequences | 17 |

On 25 April 2015, Burundi's ruling party, the National Council for the Defence of Democracy – Forces for the Defence of Democracy (CNDD-FDD), announced that President Pierre Nkurunziza would be seeking a third term in office, defying pressure to adhere to the requirements of the Arusha Agreement and step down at the end of his second term.[1] The following day, the first of numerous protests against the regime began in the capital, Bujumbura, bringing thousands to the streets in defiance of the government's ban on such protest.[2] Internationally, there was a sense of suspended disbelief. How would the people of Burundi react? Would there be widespread protests? Would there be a return to the violence of prior years? Would this be part of an «African Spring», which analysts had speculated over as the Arab Spring shifted from its epicentre in the Gulf towards North Africa?

Although Burundi has a long, bloody history of ethno-political conflict and genocide, the ethnic dimension only plays a minor role in the current crisis. Almost as soon as it gained independence from Belgium, the country was plunged into what would become a long-standing and escalating pattern of ethnic violence. Cycles of ethnic violence – primarily orchestrated by the state – have persisted, as identity politics were violently deployed to arbitrarily include and exclude groups from access to power. At its worst, between 1993 and 2005, an estimated 300,000 people died – not counting those killed or disappeared during the years of political repression that preceded this phase.

However, an ethnically diverse cross-section of Burundians has expressed – through protest and exile – their rejection of Nkurunziza's third term push, urging a renewed commitment to the Arusha Agreement of 2000, which began the process of ending cycles of violence.

As the creation of two of Africa's most renowned leaders – Julius Nyerere and Nelson Mandela – ideationally at least, the agreement has near-constitutional status in post-conflict Burundi.

In Article 3, the Arusha Agreement provides «any belligerent parties ... continuing their belligerent activities against the people of Burundi, or any section of them, the violent acts of such parties will be deemed to constitute an attack on all the Parties comprising this national platform for the Burundian people, as well as on this endeavour to establish an inclusive democratic Burundian state».

As such, for Burundians, the Arusha Agreement represents more than political détente. It is the spirit and will of the people – exhausted by generational conflict – carving out their hopeful path for the future.

This perhaps explains the tension in Burundi that brought so many out to protest. A third term violates the presidential term limits contained in the Arusha Agreement, even if Nkurunziza's supporters argue that the constitution permits the third term. They read it as al-

1 «Deadly Burundi Protests after President Seeks Third Term», *BBC Africa*, 26 April 2015; available at: www.bbc.com/news/world-africa-32471667 (accessed 9 March 2016).

2 Ibid.

lowing him two elected terms (his first followed a parliamentary vote); most observers read it in light of the spirit of the agreement as allowing two terms, period. To those protesting, this is more than a mere power grab – it is a deliberate disregard of the will of the people.

Although President Nkurunziza's decision to run for a third mandate triggered the current crisis, some of the core causes of popular discontent are tensions within the ruling party, the government's persistent measures to close off the political space since the end of the transition, a failure to consolidate democracy, rampant corruption by government officials, and the slow rate of development.

A country on the brink

Almost a year since Nkurunziza's announcement, the international community remains in a state of suspended animation, seemingly unsure about what to do to solve the problem. The African Union (AU) indicated that it would delegate the East African Community (EAC) to take the lead in diplomacy on the issue but insisted that the solution to the crisis in Burundi should come from Africa. The European Union (EU) seemed satisfied to take a step back and allow this to happen, although the spectre of sanctions was waved early on, particularly by Belgium. The United States Ambassador to the United Nations (UN) and their Special Envoy to the Great Lakes issued stern warnings on the small nation's descent into chaos.

So far, most action on Burundi has been confined to economic pressure, that is, sanctions and the suspension of preferential trade status under various agreements. Meanwhile, the threat of violence has slowly started to materialise – not in a big way, as in prior waves of violence in the country, but in a slow and systemic fashion, in particular targeting leaders of the human rights community and the opposition, who have come out strongly and publicly against Nkurunziza's third term.

In May 2015 there was an attempted coup in Burundi while Nkurunziza was in Dar es Salaam, Tanzania, for talks aimed at resolving the political crisis.^[3] The coup can be seen as a key moment that completely transformed the tone of the crisis, because thousands of civilians came out to celebrate Nkurunziza's deposition alongside the leaders of the coup. When Nkurunziza returned to the country, the government targeted both civilians and soldiers it believed to be affiliated with the coup. Furthermore, as a result of the attempted coup, all independent radio stations were closed.

By October 2015, the UN had recorded 134 killings, primarily in Bujumbura, but unofficial sources and citizen reports, including on social media, suggest that the number might be much higher.^[4] Amnesty International raised an alarm over mass graves on 28

3 «Burundi Nkurunziza Faces Coup Attempt», BBC Africa, 13 May 2015; available at: <http://www.bbc.com/news/world-africa-32724083> (accessed 9 March 2016).

4 Desire Nimubona, «Burundi's Descent into Hell», IRIN News, 5 October 2015; available at: <http://www.irinnews.org/feature/2015/10/05/burundis-descent-hell> (accessed 9 March 2016).

January 2016^[5] and on 2 March 2016. Bujumbura's mayor, Freddy Mbonimpa, conceded the existence of at least one mass grave containing 30 bodies within the city limits. Arbitrary detentions, especially of young adults, took place every day. Meanwhile, almost 250,000 people have fled the country, primarily to Tanzania (122,421) but also to Rwanda (71,140), Uganda (18,427), and the Democratic Republic of Congo (18,832), and many have been displaced internally.^[6] A significant number of those displaced are unaccompanied children whose parents have sent them away for fear that they might be recruited by negative elements of the youth wing of the CNDD-FDD. Since 2010 some members of the group have been accused of functioning as a militia.^[7]

Political Groups

Political groups have begun to coalesce into organised units on all sides of the conflict. The government has closed ranks and managed to absorb some key political figures, notably Agathon Rwasa. Rwasa was the leader of the National Liberation Forces (FNL), which was formed in Tanzanian refugee camps in the 1980s, ostensibly to prepare for an armed struggle to retake Burundi following the violence in 1972.^[8] The FNL was active in the 1993–2005 civil war but was disarmed in May 2008 after signing the Comprehensive Ceasefire Agreement that de facto adhered to the Arusha Agreement.^[9] Rwasa had put himself forward for the presidency in 2010 but pulled out and went into hiding as part of an opposition boycott following repression by the state and several guerrilla attacks between 2010 and 2012 that were attributed to the FNL. In 2013 Rwasa announced that he would run for the presidency against Nkurunziza in 2015. Although he denounced Nkurunziza's

- 5 «Burundi: Satellite Evidence Supports Witness Accounts of Mass Graves», Amnesty International, 28 January 2016; available at: <https://www.amnesty.org/en/latest/news/2016/01/burundi-satellite-evidence-supports-witness-accounts-of-mass-graves/> (accessed 9 March 2016).
- 6 US State Department, «Burundi: Displacement Since April 2015», ReliefWeb.Int, 6 January 2016; available at: http://reliefweb.int/sites/reliefweb.int/files/resources/BurundiDisplacement_2016Jan06_HIU_U1337.pdf (accessed 10 March 2016).
- 7 Tendai Marima, «Unaccompanied Child Refugees Flee Burundi», Al Jazeera English, 1 December 2015; available at: <http://www.aljazeera.com/indepth/features/2015/11/unaccompanied-child-refugees-flee-burundi-151130084231030.html> (accessed 10 March 2016).
- 8 Research Directorate, Immigration and Refugee Board, Canada, «Burundi: Party for the Liberation of the Hutu People-PALIPEHUTU (Parti pour la libération du peuple Hutu), including the date of its creation, founders, its involvement in human rights abuses and its links with the rebels Hutus and how its members are treated by the actual government», 1 June 2000, BDI34391.E; available at: <http://www.refworld.org/docid/3ae6ad4c74.html> (accessed 14 March 2016).
- 9 «Burundi Rebels in Ceasefire Pact», BBC News, 26 May 2008; available at: <http://news.bbc.co.uk/2/hi/africa/7420067.html> (accessed 10 March 2016).

election on 21 July 2015, by the end of the month he had joined Nkurunziza's parliament as deputy speaker.[10]

On 1 August 2015 the Council for the Restoration of the Arusha Agreement and the Rule of Law (CNARED) – a coalition of civil society actors and opposition leaders in exile – was created for the express reason of removing Nkurunziza from power.[11] This overt rejection of Nkurunziza has led to hostility from the government, which claims that the coalition is connected to the coup plotters. Nkurunziza has therefore outright refused to participate in any kind of national dialogue that includes them, thereby limiting the possibilities for genuine and inclusive national reconciliation dialogue.

In December 2015, a new rebel movement that had formed earlier in the year was officially announced in Burundi, The Republican Forces for Burundi (FOREBU).[12] This is the first group that has openly announced that it would use force to depose Nkurunziza and «protect the population and uphold the Arusha Accords».[13] The group also «condemns the barbarity of the Nkurunziza regime [and their] categorical and arrogant rejection of any dialogue». Another armed group, Red-TABARA, was also formed, details about which are lacking except through information available on their Twitter handle.[14] Although neither FOREBU nor Red-TABARA is at least publicly affiliated with CNARED, some observers suspect unofficial links between the armed and political oppositions.

Escalation of violence

Targeted assassinations on both sides of the tension have become prevalent in the crisis in Burundi. On 2 August 2015 one of Nkurunziza's closest associates, Adolphe Nshimirama, was killed in a rocket attack in the capital. On the same day, Pierre-Claver Mbonimpa, a key human rights figure and president of the Association for the Protection of Human Rights and Detained Persons, narrowly survived an assassination attempt and went abroad to seek treatment. In October, Mbonimpa's son-in-law was assassinated, allegedly by security forces, and in November, his son Welly Fleury Nzitonda was also assassinated.[15]

10 «Burundi Opposition Leader Becomes New Parliament's Deputy Speaker», VOA Africa; available at: <http://www.voanews.com/content/burundi-opposition-leader-becomes-new-parliament-deputy-speaker/2887248.html> (30 July 2015).

11 Nimubona, «Burundi's Descent», see note 4.

12 Al Jazeera, «Burundi: New Rebel Group Formed to Oust President», Al Jazeera English; available at: <http://www.aljazeera.com/news/2015/12/burundi-rebel-group-formed-oust-president-151223133950081.html> (23 December 2015).

13 Ibid.

14 Farah Stockman, «An Icon of Peace in Burundi Turns to War» Boston Globe, 21 February 2016; available at: <https://www.bostonglobe.com/opinion/2016/02/21/burundi-when-icon-peace-turns-war/m5xSA7rLxO8P5ZjaQIkiuJ/story.html> (accessed 14 March 2016).

15 Eloge Wily Kaneza, «Son of Human Rights Activist Killed in Burundi, Alarm Grows», Associated Press, 6 November 2015.

A witness claimed that police officers demanded Nzitonda's identification card and subsequently assaulted him. His body was later found in an empty house in the Mutakura neighbourhood of Bujumbura.

Meanwhile on August 15, Jean Bikomagu, Chief of Staff of the armed forces from 1993 to 1996, was also assassinated in a motorcycle drive-by shooting on his way back from church.[16] On September 7, Patrice Guhungu, a spokesperson for a small political party, was shot dead in front of his house, forcing other party leaders into exile. On September 29, Jean Baptiste Nsengiyumva, another leading opposition figure, was assassinated.[17] In the meantime, the police have continued to summarily arrest and detain individuals, some of whom are still in detention, some of whom have gone missing and not been heard from since.

Nkurunziza has openly and repeatedly claimed that he is acting on the will of God and that the third mandate is ordained by a higher power.[18] Local religious leaders in Burundi have tried to lobby Nkurunziza, with little success. Thus, religious leaders have a key role to play in the crisis and have openly criticised Nkurunziza's third term; in March 2015, the Catholic Bishops of Burundi urged against a third term for Nkurunziza.[19] On September 22, Burundi's Conference of Catholic Bishops demanded «real dialogue» for all actors, including CNARED – a call that, to date, Nkurunziza has continued to ignore – and condemned the deteriorating security situation.[20] Meanwhile, the Archbishop of Bujumbura survived an assassination attempt on May 31.[21]

In the same breath, civil society has been significantly affected by targeted assassinations, exile, and government policy. On November 23, the Burundi government provisionally banned several local NGOs, claiming they were «facing judicial action for their role in crimes committed».[22]

16 Nimubona, «Burundi's Descent», see note 4.

17 Ibid.

18 Al Jazeera, «Burundi», see note 12.

19 «Catholic Bishops of Burundi Oppose President's Third Term», Vatican Radio, 9 March 2015; available at: http://en.radiovaticana.va/news/2015/03/09/catholic_bishops_of_burundi_say_no_to_presidents_third_term/1127998 (accessed 9 March 2016).

20 Nimubona, «Burundi's Descent», see note 4.

21 Nsango Ya Bisu, «Burundi: une tentative d'attentat contre l'archevêque de Bujumbura déjouée», 3 June 2015; available at: <http://www.medias-presse.info/burundi-une-tentative-dattentat-contre-larcheveque-de-bujumbura-dejouee/32588#CCaKmsWpU3QURowB.99> (accessed 10 March 2016).

22 «Burundi Government Provisionally Bans Local NGOs», AFP, 23 November 2015; available at: <http://reliefweb.int/report/burundi/burundi-govt-provisionally-bans-local-ngos> (accessed 10 March 2016).

The violence has continued to escalate. On November 16, there were 60 people treated at a hospital in Bujumbura after grenades exploded across the city.[23] On November 22, at least four people were killed and many more wounded in Bujumbura, and heavy gunfire and grenade explosions were heard overnight.[24] On December 1, seven people were killed in a 24-hour period across the country, with several bodies found in the streets the next morning, grenades flung into bars, and a police patrol ambushed in the context of another daily gun battle.[25] On December 9, police drove into Cibitoke and shot five victims during a search for suspects.[26] On December 12, gunmen launched a coordinated assaults on three army bases, during which 12 gunmen were killed and another 21 arrested.[27] After three weeks of relative calm, at least one person was killed and several injured in an attack on New Year's Eve.[28] Another grenade attack was launched on February 2, killing one person.[29]

Without a workable political solution, the crisis in Burundi continues to threaten the lives of Burundians and the stability of the entire region.

A peace-mission for Burundi?

In January 2016, the AU held its 26th summit in Addis Ababa. Among the many anticipated topics on the agenda was whether the AU would authorise the deployment of an African Prevention and Protection Mission in Burundi (MAPROBU),[30] despite the vehement opposition of the government. Basing its decision on Article 4(h) of the AU's Constitutive

- 23** «Burundi: MSF treats 60 People Wounded in Grenade Explosions», MSF International, 18 November 2015; available at: <http://reliefweb.int/report/burundi/burundi-msf-treats-60-people-wounded-grenade-explosions> (accessed 10 March 2016).
- 24** «Four Killed in Burundi Battles», AFP, 23 November 2015; available at: <http://reliefweb.int/report/burundi/four-killed-burundi-battles-police> (accessed 10 March 2016).
- 25** «Seven Killed in Burundi Grenade Blasts and Battles», AFP, 2 December 2015; available at: <http://reliefweb.int/report/burundi/five-killed-burundi-grenade-blasts-battles-government> (accessed 10 March 2015).
- 26** «Bujumbura: 5 Shot Dead in Cibitoke», AFP, 9 December 2015; available at: <http://reliefweb.int/report/burundi/bujumbura-five-shot-dead-cibitoke> (accessed 10 March 2015).
- 27** «Alarm as Gunmen Stage Coordinated Attacks in Burundi», AFP, 12 December 2015; available at: <http://reliefweb.int/report/burundi/alarm-gunmen-stage-coordinated-attacks-burundi> (accessed 10 March 2016).
- 28** «One Dead: Dozen Injured in Burundi Grenade Attacks» AFP, 1 January 2016; available at: <http://reliefweb.int/report/burundi/one-dead-dozen-hurt-burundi-grenade-attacks-police> (accessed 10 March 2016).
- 29** «Grenade Attack Kills One as Burundi Violence Continues», Reuters, 2 February 2016; available at <http://reliefweb.int/report/burundi/grenade-attack-kills-one-burundi-violence-continues> (accessed 10 March 2016).
- 30** Communiqué PSC/PR/COMM.(DLXV) (Addis Ababa: African Union); available at: <http://www.peaceau.org/uploads/psc.565.comm.burundi.17.12.2015.pdf>

Act, which claims «the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity», the Peace and Security Council (PSC) recommended that a 5,000-strong mission be sent to Burundi to stop the escalating violence in the country and to foster the necessary conditions to promote genuine and inclusive dialogue among the relevant actors. Unsurprisingly, hours of discussions among the heads of states on the issue led to the categorical rejection of MAPROBU without Burundi's consent. Instead, the AU agreed to send a high-level delegation to Burundi to engage in consultations with the government and other actors about the Burundian dialogue and to encourage the government to welcome the deployment of MAPROBU.[31]

The push to deploy a peacekeeping mission in Burundi followed the worst episodes of violence since the beginning of the political crisis triggered in April 2015. Indeed, on 11 December 2015, rebels attacked four military camps around Bujumbura. An armed confrontation between the assailants and government forces followed. The next day, residents found dozens of corpses scattered in the streets. Witnesses claimed that during the confrontation, security and defence forces summarily executed young people in opposition neighbourhoods and arrested hundreds.

The AU PSC responded to this particularly violent event by issuing a communiqué that gave the Burundian government 96 hours to accept the deployment of an AU peacekeeping force. The Burundian government categorically refused, and President Nkurunziza, in a televised address, stated that any AU deployment without the government's consent would be considered a hostile invading force and would be treated as such.[32]

Although the PSC's push for the peacekeeping mission appeared to demonstrate the AU's resolve, it presented major obstacles. First, deployment without Burundi's acquiescence would require a two-thirds majority of the heads of states, which is a tall order, considering the reluctance of African presidents to deviate from their principle of non-interference. This would have been the first time in AU history that the organisation deployed military force without the host country's agreement. Second, even if the AU had secured two-thirds of the vote, it would have had to then seek approval from the UN Security Council. The AU has framed the MAPROBU mandate in such a way that it would be operating under the aegis of Chapter VII of the UN Charter rather than exclusively under Article 4(h) of the

31 «African Union Appoints the High Level Delegation to Burundi», press release (Addis Ababa: African Union); available at: <http://reliefweb.int/sites/reliefweb.int/files/resources/com-pr-burundi-eng-4-02-2016.pdf>

32 «Burundi: President Pierre Nkurunziza Vows Fight African Union Peacekeeping», IB Times, 30 December 2015; available at: <http://www.ibtimes.co.uk/burundi-president-pierre-nkurunziza-vows-fight-african-union-peacekeeping-force> (accessed 11 March 2016).

AU's Constitutive Act.[33] Article 4(h) is textually inconsistent with Chapter VII of the UN Charter because it permits launching a humanitarian military intervention without the consent of the subject state, which cannot occur without the approval of the UN Security Council. Therefore, the AU would still require UN authorisation. This is not without precedent – it happened in Libya – but it certainly complicates the issue.

As it stands, the fate of MAPROBU remains uncertain. For all intents and purposes, the possibility of a mission, though slim, remains on the table, as the AU's main argument for not deploying the mission was that it was premature. The high-level delegation sent to Bujumbura on February 25–26 was tasked with addressing the potential deployment of MAPROBU, possibly indicating that the AU has not yet given up on that option. That being said, important questions remain about the AU's capacity and resources to deploy such a mission – many of the member states are far behind in regard to the payment of their membership fees. Although the AU has authorised the creation of not one, but two military forces to respond to situations such as these, neither the African Capacity for Immediate Response to Crises (ACIRC) nor the African Standby Force (ASF) have been deployed in Burundi. The existence of two forces doing essentially the same thing has divided scarce resources; where ACIRC does not yet have full capacity, the ASF has not reached full operationalisation.[34] Those countries that have willingly participated in other peacekeeping missions are reluctant to extend their commitments to Burundi, predominantly because this would set a dangerous precedent of intervention without the permission of the host country.

But while the AU scrambles to find new momentum to mediate the Burundi crisis – and as the violence shows no signs of abating – the question is whether international and regional actors have any tools left to deal with a government that is suppressing dissents by all means necessary as well as to deal with a growing armed rebellion. As the relevant stakeholders assess how to move forward, they would be well served to identify the numerous factors that have allowed Burundi to slowly sink into the worst crisis since the civil war.

Failed Analysis

International responses to the crisis in Burundi have been hobbled by many factors. Among them, two are worth noting. First, the failure of some policymakers to seriously consider Burundi's history and the evolution of its political landscape has led to a number of policy false starts. On one hand, the international impetus has for some time been so focussed on

33 «Special Report: The African Union's Coercive Diplomacy in Burundi», 18 December 2015; available at: <http://reliefweb.int/report/burundi/special-report-african-union-s-coercive-diplomacy-burundi> (accessed 10 March 2016).

34 «Will ACIRC Survive the AU Summit?», Institute for Security Studies Peace and Security Unit, 10 June 2015; available at: <https://www.issafrica.org/pscreport/addis-insights/will-acirc-survive-the-au-summit> (accessed 10 March 2016).

the ethnic dimension of post-transition Burundian politics that policymakers did not pay close attention to the politically transformative impact of the intra-ethnic power struggle between Hutu actors that seems to have consumed the early post-transitional years. Indeed, from the dismissal of 22 CNDD-FDD deputies following the arrest of once-party chairman and strongman Hussein Radjabu to the relentless dismantling of Agathon Rwasasa's FNL to weaken its political base, initially much of the political competition took place among the Hutu political elite and inside the ruling party. This intra-ethnic political competition remains relevant to this day.

Over the years, the lack of democratic consolidation inside the ruling party – as well as within the opposition parties – exacerbated and created new divisions within the CNDD-FDD.[35] These internal tensions are extremely relevant, as they presented a challenge to President Nkurunziza and his circle of power early in his second term. As such, the March 2015 revolt by the branches of the CNDD-FDD[36] opposed to Nkurunziza's third mandate was simply a manifestation of long-brewing frustrations at the heart of the party. There is no doubt that this crisis has seen increased Tutsi participation in the extra-parliamentary opposition, and as such, the Tutsi community has paid a heavy price for it. However, the magnitude and sustained nature of the current crisis is partly due to the discontent among the CNDD-FDD, leading to the defection of key political and military actors now part of both the political and armed oppositions.

However, one should not dismiss the reality of the dangerous ethnicisation of the current crisis. There is no denying the increase in violent government rhetoric against the Tutsi[37] and the rising number of Tutsi victims[38] of political violence. Also, a large part of the Hutu opposition is in exile. Moreover, the cross-ethnic nature of the opposition, while still real, is waning,[39] as the participation of Rwasasa in government institutions has led some of his remaining supporters to shift away from active opposition.

35 «A House Divided in Burundi: Rifts at the Heart of the Ruling Party», ISS, 1 April 2015; available at: <https://www.issafrica.org/iss-today/a-house-divided-in-burundi-rifts-at-the-heart-of-the-ruling-party> (accessed 11 March 2016).

36 Eduard Madirisha, «De grosses pointures du Cnnd-fdd disent non à un 3ème mandat de Pierre Nkurunziza», IWACU, 23 March 2015; available at: <http://www.iwacu-burundi.org/de-grosses-pointures-du-cnnd-fdd-disent-non-a-un-3eme-mandat-de-pierre-nkurunziza> (accessed 5 March 2016).

37 «Burundi Hears Echoes Anti-Tutsi Hate Speech That Sparked Rwanda Genocide», IB Times, 9 November 2015; available at: <http://www.ibtimes.co.uk/burundi-hears-echoes-anti-tutsi-hate-speech-that-sparked-rwanda-genocide> (accessed 11 March 2016).

38 «Ahead of U.S. Meetings, Top Burundian Official Denies Mass Rape», Foreign Policy, 21 January 2016; available at: http://foreignpolicy.com/2016/01/21/ahead-of-u-s-meetings-top-burundian-official-denies-mass-rape/?wp_login_redirect=0 (accessed 11 March 2016).

39 «Burundi's Cross-ethnic Opposition Under Threat», African Arguments, 16 February 2016; available at: <http://africanarguments.org/2016/02/16/burundis-cross-ethnic-opposition-under-threat> (accessed 11 March 2016).

Still keeping in mind Burundi's history of political violence,[40] stakeholders should be cautious not to conflate the ethnic dimension of the Burundian civil war – and the proximity to Rwanda – to a country on the brink of replicating the 1994 genocide in Rwanda. By anticipating a massive genocide before serious action is taken to resolve the political crisis, we fail to recognise the previous patterns of political violence that are being replicated today. Previous episodes of violence in Burundi were often characterised by state security agents engaging in the bulk of violence, assisted by youth militias, such as in 1972 and 1993. Equally important is taking note that the origins of the Republican Forces of Burundi, one of the rebel groups, has interesting similarities to the evolution of the CNDD rebellion prior to the civil war. Although the context is drastically different, the CNDD rebellion also initially started with limited resources and a few defections from the armed forces and the military academy. Similarly, they initially posed a limited challenge to the state and were belittled by the government. Only time will tell whether the current rebellion will be able to gather support in the countryside and gain momentum.

While the international community waits for signs of a civil war with ethnical dimensions, it needs to consider and investigate the mounting evidence of current human rights violations. The absence of Rwanda-style genocide in such a fragile post-conflict state should not be an excuse for complacency. In fact, waiting for genocide before decisive measures are taken would be devastating. Should the dynamics change to give way to massive ethnic conflict, with no political or peacekeeping presence on the ground, the UN would not be equipped to respond appropriately and in a timely manner.[41]

Old Habits

The second factor worth noting is that the regime has had years to learn how to avoid serious negative repercussions from the international community for its bad behaviour. One could easily argue that there is little that is new about the ruling party's current behaviour and that it has, in fact, been facilitated by years of international complacency about Burundi's peacebuilding success story. As such, the ruling elite seem to believe that they will get through this storm relatively unscathed.

Since their arrival in power, the CNDD-FDD ruling elite has consistently used coercive measures for political gains. Inside the party, it has used expulsions, demotions, and reassignments of dissenting members to maintain party discipline. Outside the party, it has used a number of legal and security tools to close the political space and neutralise enemies. As

40 «In the Shadow of Genocides Past: Can Burundi Be Pulled Back from the Brink?», African Arguments, 22 January 2016; available at: <http://africanarguments.org/2016/01/22/in-the-shadow-of-genocides-past-can-burundi-be-pulled-back-from-the-brink> (accessed 11 March 2016).

41 «U.N. Says Ill-prepared for Rwanda-style Descent in Burundi», Reuters, 10 November 2015; available at: <http://www.reuters.com/article/us-burundi-politics-un-idUSKCN0S21RX20151110> (accessed 11 March 2016).

such, in 2010 – as it would five years later – the government used harassment, intimidation, and arrests of opposition members[42] to weaken their political rivals, the press, and civil society organisations. The international community, while taking note of the pre-election repression, declared the elections to be free and fair.[43]

Between 2010 and 2011, the government – in retaliation for insurgency threats from some parts of the opposition – engaged in the relentless and violent dismantling of FNL networks. International organisations reported acts of torture, disappearances, extrajudicial killings, and other massacres at the hands of government security forces. Yet, in 2012, the government was able to secure a steep increase[44] in donor assistance, surpassing the government's initial targets. «In return the Burundian government promised to respect democracy, human rights and the rule of law.»[45]

However, it became quickly apparent that the government had no intentions of prioritising democratic consolidation or respect for the rule of law. Instead, the government engaged in a series of legislative reforms with new and amended laws concerning political and opposition parties, public demonstrations, and the press, thereby further restricting the political space. One also has to mention that the withdrawal of the opposition from its parliamentary work after the elections in 2010 was also an obstacle for democratic development, as they paved the way even more so for the dominance of the CNDD-FDD.

Similarly, the government failed to implement key provisions of the roadmap it agreed to in 2013. In March of that year, the UN brokered a tentative rapprochement between the opposition and ruling parties by organising a workshop in which all participants agreed on a 42-point roadmap to prepare for successful elections in 2015. Yet, with no implementation mechanisms, the ruling party violated its commitments on a number of items on the roadmap, notably on the promotion of conditions for inclusive, free, and fair elections, and refraining from attempting to unilaterally change the constitution.

It is therefore not surprising that the government has handled the current crisis in a similar fashion. In the past year, the government has made a number of commitments for genuine and inclusive dialogue with the opposition, only to renege on its commitments or abide only to the letter – and not the spirit – of its engagements. When the international communi-

42 «Seventh Report of the Secretary-General on the United Nations Integrated Office in Burundi», United Nations Security Council, 8 June 2010; available at: http://www.un.org/ga/search/view_doc.asp?symbol=S/2010/608&Lang=E (accessed 11 March 2016).

43 «Burundi, Rapport Final: Elections Communales Elections communales, présidentielle, législatives, sénatoriales et collinaires» (Brussels: European Union, 2010).

44 «Burundi Donors Conference End on a High Note», Devex, 31 October 2012; available at: <https://www.devex.com/news/burundi-donors-conference-ends-on-a-high-note-79608> (accessed 11 March 2016).

45 «Situation and Cooperation», Bundesministerium fuer Zusammenarbeit, 10 June 2015; available at: http://www.bmz.de/en/what_we_do/countries_regions/subsahara/burundi/zusammenarbeit/index.html (accessed 11 March 2016).

ty condemned the government for the way it handled a disarmament programme[46] in November 2015, the government softened its approach, as all eyes were on Burundi. But a month later, following the rebel attacks on military positions, the government is reported to have engaged in disproportionate retaliation and numerous extrajudicial killings.[47] It is only after AU threats to deploy MAPROBU that the government showed some willingness to resume mediations, which took place in Uganda on December 28 and have since stalled.

Mediation efforts

Numerous groups have attempted to mediate the crisis in Burundi, with no successes to date.

The EAC was the first to attempt mediation, led by Ugandan President Yoweri Museveni. In July 2015, Museveni flew to Burundi to start talks between Nkurunziza and the opposition in Bujumbura, including Rwasas's FNL.[48] Selecting Museveni to be mediator was met with some scepticism because he himself was looking to extend his term in office to a staggering 30 years, and therefore seemingly has no moral basis on which to criticise Nkurunziza. Furthermore, Museveni was promptly distracted by a hotly contested election at home, seemed to have lost interest in the mediation efforts, and has instead turned to managing the fallout of the visibly compromised election. January 2016 talks scheduled for Arusha were a non-starter, as Burundi refused to send a delegation as long as CNARED was at the table.[49] On March 2, at the end of the East African Summit, former Tanzanian President Benjamin Mkapa, who was part of the team that oversaw the signing of the Arusha Agreement, was named as the mediator in Burundi.[50]

It is important to recall that the EAC is an economic community focussed on economic integration and not a political union, and thus the organisation was always intervening in

46 «Burundi: Bujumbura Residents Flee as Illegal Weapons Amnesty Expires Today», All Africa, 7 November 2015; available at: <http://allafrica.com/stories/201511070667.html> (accessed 11 March 2016).

47 «Burundi Accused of 'Systematic Killings' in Capital», Al Jazeera, 22 December 2015; available at: <http://www.aljazeera.com/news/2015/12/burundi-accused-systematic-killings-capital-151222090152823.html> (accessed 11 March 2016).

48 «Ugandan President in Burundi for Mediation Talks», Al Jazeera English, 15 July 2015; available at: <http://www.aljazeera.com/news/2015/07/ugandan-president-burundi-mediation-talks-150715055302962.html> (accessed 9 March 2015).

49 Lee Mwititi, «Burundi Crisis: Nkurunziza Sits Pretty, AU Mediation Effort in Chaos, and a Leaked UN Memo Paints Bleak Picture», Mail and Guardian, Africa, 13 January 2016; available at: <http://mgafrica.com/article/2016-01-12-burundis-nkurunziza-sits-pretty-as-au-mediation-effort-inchaosand-how-dozens-of-militaries-could-be-drawn-in> (accessed 9 March 2016).

50 «Mkapa Named New Crisis Mediator», The Independent, Uganda, 2 March 2016; available at: <http://www.independent.co.ug/news/136-the-news-today/11090-mkapa-named-new-burundi-crisis-mediator> (accessed 9 March 2016).

Burundi from a place of inexperience. The EAC has been unable to reach a consensus on how to manage the crisis. Indeed, competing foreign policy imperatives have divided the heads of states over President Nkurunziza's third mandate. Museveni and Rwandan President Paul Kagame's personal interest in avoiding criticism for third-termism seems to have suffocated any leadership from more democratic regimes. Rwanda in particular has taken a hands-off approach, although a confidential UN report accused Rwanda of arming rebels fighting against Nkurunziza.[51] Tanzania's former president had urged Nkurunziza not to seek a third term but backtracked slightly, even before the change in government in late 2015, whereby the new administration seems to be favouring a wait-and-see approach. And with active interventions into South Sudan, the Central African Republic, and Somalia, the Kenyan government has not demonstrated an interest in taking the lead on Burundi. As such, no real leadership has come from the EAC.

The African Union has also made attempts at mediating the crisis. The latest effort was the proposed deployment of the MAPROBU forces, but even while all signs pointed to the rejection of the force, there were talks of up-scaling the diplomatic efforts to resolve the crisis. On 29 December 2015, the Chairperson of the African Union, Dr Nkosozana Dlamini Zuma, celebrated the resumption of the AU-led inter-Burundian dialogue.[52] She cited the authorisation of MAPROBU as being a key success in the AU's diplomatic efforts in her press release, and this perhaps fed into the great expectation that the force would be approved at the January 2016 AU summit, which it was not. The AU did go ahead with a high-level delegation to Burundi consisting of several African heads of state, led by South African President Jacob Zuma. This culminated in the authorisation of 100 human rights observers and 100 military monitors for Burundi.[53] This has been lauded as a success by the African Union, but there are already concerns that key issues were not tabled in the negotiations. For instance, there was no call for the need to include CNARED in the peace talks, or for the deployment of MAPROBU.[54] Moreover, the increase in the number of human rights observers and military experts was agreed upon months ago, but never imple-

51 Michelle Nichols and Louis Charbonneau, «Exclusive: Burundi Rebels Say Trained by Rwandan Military – U.N. Experts», Reuters, 3 February 2016; available at: <http://www.reuters.com/article/us-burundi-rwanda-un-idUSKCN0VD04K> (accessed 9 March 2016).

52 «The African Union Welcomes the Resumption of the Inter-Burundian Dialogue and Reiterates Its Call to the Parties to Extend Full Cooperation to the Mediation», African Union Peace and Security Council, 29 December 2015; available at: <http://www.peaceau.org/en/article/the-african-union-welcomes-the-resumption-of-the-inter-burundian-dialogue-and-reiterates-its-call-to-the-parties-to-extend-full-cooperation-to-the-mediation#sthash.9HR3uAkg.dpuf> (accessed 9 March 2016).

53 «Zuma: African Union to Send Monitors to Burundi», Al Jazeera English, 28 February 2016; available at: <http://www.aljazeera.com/news/2016/02/zuma-african-union-send-monitors-burundi-160228035159349.html> (accessed 9 March 2016).

54 Mohammed Yusuf, «AU to Send Monitors to Burundi», VOA Africa, 29 February 2016; available at: <http://www.voanews.com/content/au-to-send-monitors-to-burundi/3213193.html> (accessed 9 March 2016).

ment. As such, claiming the outcome of the high-level delegation's visit to be a success is misleading.

The UN has also struggled to find a workable way forward on Burundi. To its credit, in addition to several Human Rights Council Statements, on December 19 the Security Council issued a strong statement condemning the violence and human rights violations, urging Nkurunziza to accept MAPROBU.[55] Similarly, members of the Security Council visited Burundi in January,[56] as did the UN Secretary-General himself on 22 February 2016 to urge dialogue and an end to the violence.[57]

In October, the US suspended Burundi from the African Growth and Opportunities Act programme.[58] In December, the US Ambassador to the UN apparently told British and French diplomats that she was frustrated with the Security Council, which seemed hamstrung on Burundi with «no contingency planning, no UN presence, no dialogue ... and a lack of resources».[59] But despite the UN's efforts, a leaked memo from the Department for Peacekeeping Operations (DPKO) revealed that the organisation was completely unprepared for any further escalation in Burundi.[60] The DPKO memo affirmed that the UN would not be able to respond to a genocide or open war in Burundi, and was further unable to respond to violence against civilians owing to the lack of a political framework for such an intervention. Key states within the Security Council extended the grim news. The Security Council – as a unit and as individual nations – has been unable to offer any direction on the crisis in Burundi.

Through all of this, both regional and international actors have been unable to pressure the Burundian government to make consistent moves towards peace and conciliation. Most of the 100 AU human rights observers agreed upon have yet to be deployed, and those that are on the ground as part of a previous agreement have not signed a memorandum of understanding (MOU), thereby limiting their ability to operate in the country.

55 UN Security Council, «Security Council Press Statement on Situation in Burundi», 19 December 2015; available at: <http://reliefweb.int/report/burundi/security-council-press-statement-situation-burundi-1> (accessed 10 March 2016).

56 Camilla Tertsakian, «Dispatches: Pulling Burundi Back from the Brink?», Human Rights Watch, 20 January 2016; available at: <http://reliefweb.int/report/burundi/dispatches-pulling-burundi-back-brink> (accessed 10 March 2016).

57 «Ban Arrives in Burundi in Support of UN Efforts to Resolve Political Crisis», UN News Centre, 22 February 2016; available at: <http://www.un.org/apps/news/story.asp?NewsID=53287#.VuGTVkCRpuM> (accessed 10 March 2016).

58 «Burundi: Conflict Alert», International Crisis Group, 5 November 2015; available at: <http://reliefweb.int/report/burundi/burundi-conflict-alert> (accessed 10 March 2016).

59 Samuel Oakford, «Exclusive: Leaked UN Memo Shows There's No Plan to Prevent Genocide in Burundi», Vice News, 10 January 2016; available at: <https://news.vice.com/article/exclusive-leaked-un-memo-shows-theres-no-plan-to-prevent-genocide-in-burundi> (accessed 9 March 2016).

60 Ibid.

Consequently, it is very possible that the government believes that continued intransigence will pay off again.

Profound Consequences

The crisis in Burundi continues to grow in severity and intensity, but apparently not severely or intensely enough to warrant high-level interventions. In recent weeks, the government seems to have made steps to relax its stance against independent media and the opposition by allowing two important radio stations that had been destroyed during the coup attempt of May 2015 to broadcast again, but under strict government conditions.[61] The government has also removed the names of 15 prominent[62] opposition members, civil society leaders, and journalist from an international warrant. Nevertheless a return from exile is not possible. Although this may represent the government turning a new leaf after its diplomatic victory at the AU summit, it may also be the regime attempting to ease tensions as the EU considers imposing sanctions[63] as a result of unsatisfactory consultations based on Article 96 of the Cotonou Agreement. Article 96 calls for a re-evaluation of assistance for the EU and EU member states if a partner state fails to respect essential elements of human rights, democratic principles, and the rule of law. The loss of financial support from the EU and its member states would be a devastating blow to the country's deteriorating economy.[64] It is therefore possible that the regime is attempting to take a few measures that would indicate its resolve to move in a positive direction. Now the question is whether the government will fully implement these measures and move towards genuine and inclusive dialogue with the main actors of this political standoff.

Despite the government's recent actions, there are also other forces that have the potential to negatively impact peace and security in Burundi. The armed opposition, with its nebulous ties to some members of the political opposition,[65] also contributes to domestic and regional instability. Confrontations in the streets of Bujumbura have resulted in the deaths of numerous civilians. Moreover, the serious allegations that Rwanda may be involved in recruiting and training rebels[66] should lead the international community to

61 Rénovat Ndabashinze, «Isanganiro et radiotélévision Rema peuvent de nouveau émettre», Iwacu, 19 February 2016; available at: <http://www.iwacu-burundi.org/isanganiro-et-radiotelevision-rema-peuvent-de-nouveau-emettre/> (accessed 9 March 2016).

62 «Burundi: la justice lève les mandats d'arrêt contre 15 personnalités», RFI.fr, 20 February 2016.

63 Conseil de l'Union européenne, «Consultations UE - République du Burundi au titre de l'article 96 de l'Accord de Cotonou – Conclusions de l'Union européenne», 8 December 2015; available at: <http://www.consilium.europa.eu/fr/press/press-releases/2015/12/08-burundi-conclusions/> (accessed 5 March 2016).

64 Desire Nimubona, «How Burundi's Political Crisis Has Crippled It's Economy», IRIN News, 12 February 2016.

65 Stockman, «An Icon of Burundi's Peace Turns to War», see note 14.

66 Nichols and Charbonneau (2016), «Exclusive: Burundi», see note 53.

take a serious look into the dynamics between governments and non-state armed groups in the Great Lakes region as a possible contributing factor to – though not the cause of – the escalation of violence in Burundi, given the legacy of such relationships in the region.

Finally, if the political opposition in exile is invited to negotiate with the government, will it be able to set aside the egos and opportunism it has at times displayed in the past? Although it is clear that the main political actors have not changed much since the war, the opposition in exile needs to ensure it engages in the mediation for the good of the people and not solely for individual political aspirations. Hence, when the talks eventually resume, those in charge of leading the process should be keen not to replicate the status quo of distribution of power and influence and ensure that other, often neglected, stakeholders such as youth and women are included.

It is hard to understand why Nkurunziza and his inner circle are so determined to push through a third term in the shadow of street protests, an attempted coup, an opposition boycott of the elections, and countless exhortations from regional and international organisations to step aside. Although the Burundi Constitutional Court endorsed Nkurunziza's proposed third term, defections by court judges and several senior government representatives have severely compromised the Court's procedural legitimacy.

The material consequences of their intransigence are already evident. To date, 250,000 refugees have arrived in neighbouring countries as images of (mostly) young men killed by police forces trickle through the newsfeeds of those monitoring the situation. Burundi is not a small country – it looks small because it is dwarfed by its massive neighbours – and mass movement of its 10 million-strong population, especially into the volatile eastern region of the Democratic Republic of Congo, will destabilise the already restive region.

Other severe consequences will take longer to manifest but can already be mapped. As one of the major troop contributors to the AMISOM peacekeeping mission in Somalia, Burundi devouring itself will weaken the force, and probably create security vulnerabilities, especially for Kenya and its already overstretched military, which is elbow-deep in the war against Al-Shabaab.

Furthermore, Nkurunziza is perpetuating the historical weakness of the Burundian presidency as an institution. Since independence in 1962, only one president in Burundi has completed a term in office: Pierre Buyoya, whose two terms were consequences of coups d'état. By posing himself as indispensable, Nkurunziza is making it harder to separate the individual from the institution.

As of the time of writing, no political solution to the conflict is in sight. Even so, there have been several key developments in Burundi that have complicated the situation further. Whether or not MAPROBU is ever deployed should not determine the level of engagement of regional and international actors in solving the crisis. In the weeks since the AU decision not to deploy the mission, a number of high-level delegations have visited Burundi. However, one year since the beginning of the crisis, there is no tangible strategy to help Burundi pull itself away from the brink of war. The status quo is unsustainable, and the internatio-

nal community is unlikely to let the situation solve itself. Time is of the essence: the longer stakeholders delay decisive – as opposed to symbolic – engagement with Burundian actors, the more likely we are to see permanent losses to the post-Arusha gains.

About the Authors

Dr. Yolande Bouka is a Research Associate for the Institute of Security Studies in the Conflict Prevention and Risk Analysis Division. Her areas of expertise include in conflict, politics and gender and security and she has extensive field research experience in the Great Lakes Region.

Nanjala Nyabola is the current Head of Programmes for the Heinrich Boell Foundation's Regional Office for the East and Horn of Africa in Nairobi, Kenya. Her independent research focuses on refugees and displacement, as well as conflict and post conflict transitions in East and Central Africa.

Imprint

Edited by Heinrich-Böll-Stiftung
Schumannstr. 8, 10117 Berlin
Place of publication: www.boell.de
Release date: April 2016

The views and opinions expressed in this article are those of the authors and do not necessarily reflect the position of the Heinrich Böll-Stiftung.

You can find other E-Books here:
www.boell.de/en/publications

License

Published under the following Creative Commons License:
www.creativecommons.org/licenses/by-nc-nd/3.0/

- Attribution – You must attribute the work in the manner specified by the author or licensor (but not in any way that suggests that they endorse you or your use of the work).
- Noncommercial – You may not use this work for commercial purposes.
- No derivatives – If you remix, transform, or build upon the material, you may not distribute the modified material.

Deviations from these conditions require the approval of the Heinrich Böll Foundation under: internetredaktion@boell.de