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Escalating Conflict in Burundi

The Challenges of Overcoming Radicalisation

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Key Points:

- The current conflict in Burundi stems from both controversy over the presidential elections and previously unsettled political issues.
- In today's context, key actors in the conflict have adopted increasingly radicalised political positions. This has exacerbated the conflict and limited opportunities to move towards a solution.
- Burundi has never truly been the success story it is lauded to be. Despite significant progress in terms of security and institutional reforms, the Burundian political scene has remained fragile and is marked by severe conflicts within and between different political parties.
- By failing to address and accept these dimensions, national, regional and international efforts carry only limited capacity to improve the situation.
- Widening the debate to include other issues would open up the possibility of going beyond the questions of for versus anti third presidential term for Nkurunziza and find common ground.
- In order to create a favourable environment for a sustainable and inclusive political settlement, the radicalisation processes of key actors in the conflict needs to be understood and addressed.

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Since April 2015, Burundi has gradually fallen into conflict. Starting with peaceful demonstrations against the candidacy of Pierre Nkurunziza in the presidential elections, more than 200,000 people have now fled the country, thousands have been arrested, a failed coup d'état has taken place and hundreds of people have been killed. While international actors are trying to bring different parties to the negotiating table, Burundi is mutating into an ever more complex situation with no straightforward solution in sight. This policy briefing outlines the drivers of the current conflict. It begins with a discussion of the positions at the two ends of the Burundian political spectrum with regard to the electoral process and the resulting violence. It then goes on to discuss the wider political context post-2000 that has caused many of the current political and security struggles in Burundi. Finally, the paper briefly discusses national, regional and international efforts to mediate the crisis.

Nkurunziza's Third Term: Illegal or Convenient Interpretation of the Constitution?

On 26th April 2015, President Pierre Nkurunziza was announced as the running candidate for presidential elections for the CNDD-FDD, the ruling party. This implied running for a third term after acting as President since 2005. Shortly after this announcement, demonstrations against his candidacy started to take place in Bujumbura, the capital. The police were ordered to stop demonstrators from coming into the town centre. They used tear gas and real bullets on demonstrators. Many responded by throwing stones at the police and barricading themselves in their neighbourhoods (BBC 2015). After a failed coup d'état in May, the situation escalated further, with the police perpetrating more violence and arresting demonstrators. The regime perceived demonstrators and those who had celebrated the coup as 'putschists' and repressed them even more (e.g. HRW 2015; ICG 2015). Official reports claim that more than 400 people have been killed since May; victims include residents in 'dissident neighbourhoods', key political and military actors, and representatives of civil society and their relatives, as well as members of the Police and the Army. International actors had put pressure on the government to postpone the elections. Most opposition parties decided to not register for the elections. Postponed by a week from the initial date, the presidential elections took place on July 21 – re-electing Nkurunziza as President with 69.4% of the votes.

On one side, the most fervent supporters of the Nkurunziza presidency consider that a third term for Nkurunziza is legal. They adopt a strict interpretation of the relevant articles in the Constitution.¹ The two term limit for the President refers to universal direct suffrage. His supporters therefore argue that Nkurunziza's first term should not count because he was elected by the transitional parliament in 2005. According to Nkurunziza's supporters, people not supporting this view are spoilers; the opposition and demonstrators are trying to destabilise the country and are a threat to security. These supporters consider that Burundi is doing well except in 'dissident neighbourhoods'. In public statements, they consider that armed forces respond only to attacks from the population and armed groups, and state that abusive use of lethal violence shall be dealt with. They mainly reject accusations from international actors.

On the other side of the political spectrum, many opponents consider that a third term for Nkurunziza is illegal and fails to respect the Constitution and Arusha Peace Agreements. They took part in or encouraged the demonstrations under the slogan 'No to the 3rd Term'. Many left the country to voice their opposition and/or in fear for their life. A number of them celebrated the coup d'état and the assassination of CNDD-FDD hard liners such as Adolphe Nshimirimana (the former head of Burundi's intelligence service). Opponents have increasingly expressed fear that Burundi is on the edge of a new genocide, considering that the CNDD-FDD commanded its armed forces to exterminate the population. They want Nkurunziza to step down and refuse to engage in negotiations until he does. They also blame the international community for not intervening and failing to protect the Burundian population.

1 Constitution of Burundi, Adopted on 18 March 2005, "Article 96: The President of the Republic is elected by universal direct suffrage for a term of five years renewable one time."

"Article 163: The two chambers of the Parliament meet in Congress to: ... 4. Elect the first President of the Republic posttransition"

Different elements are used and/or manipulated by each side of the political spectrum in order to mobilise external actors to their causes. However, many other views lie between these positions, supporting nuanced or contradictory dimensions in relation to the causes and solutions of the crisis.

Nevertheless, the debate around Nkurunziza third term goes beyond the legal question. It entails strong ideological and political dimensions. Many of his supporters would lose their privileges gained through current everyday governance if Nkurunziza accepted calls to step down. This said, it is unlikely that Nkurunziza will step down given that he has now remained to the point where he has nothing left to lose, and is convinced that God sent him to save Burundi (he uses recurrent biblical narratives to explain the current situation to his supporters). On the other hand, beyond the question of legitimacy, the renouncement of Nkurunziza would result in the holding of new elections. This would re-open the political game and create a political space for opposition parties which are currently excluded from Burundian institutions. Only an approach that reconciles, or at least accepts, these contradictory positions will enable a de-escalation of the on-going conflict, and gradually bring about a sustainable political resolution.

Most international media and monitoring organisations reported the political crisis as resulting from the disagreement about the legality and legitimacy of Nkurunziza's third term. Such perspectives present the conflict as a recent problem. Indeed, Burundi has often been portrayed as a peacebuilding success since the signature of the Arusha Peace and Reconciliation Agreements in 2000. However, throughout the last decade, the wider political context highlights the country's difficult transition. Given this political background, it is clear that the question of the third term is the final straw rather than the main cause.

Since Arusha: A Fragile Transition

The Arusha Agreements provided for a consociational democratic and power-sharing framework; ensuring that reformed institutions represent the ethnic, regional and gender diversity of the Burundian population in their composition and while undertaking their work. While 17 political groups signed the Arusha agreements, two armed groups did not sign them and remained active (the CNDD-FDD until 2003, and the FNL until 2008). A closer review of the recent socio-political context demonstrates the limited success of peacebuilding and democratisation in Burundi. Burdens of past violence remain important challenges in the political and local spheres of life in Burundi (See Lemarchand 2016; Nindorera 2015 for historical relevance of genocidal violence in 1972 and 1993 in today's socio-political context).

In terms of democracy, the political evolution led to the 'establishment' of a single-state party de facto ruled by the CNDD-FDD (Vandeginste 2015). Shortly after disarming, the CNDD-FDD became the key winner of elections in 2005. Over the years, it consolidated its power by appointing party members with strong military backgrounds into high-level political positions. CNDD-FDD governance practices are referred to as the "système DD" marked by corruption, misappropriation, arbitrary arrests, oppression, torture, and murder (Hirschy and Lafont 2015). Despite widespread critiques inside and outside the country, the CNDD-FDD populist politics attracted strong support from rural communities. However, these problems are not specific to the CNDD-FDD, previous regimes also operated through abuses of power and violence.

The democratisation process took a further negative turn after the election in 2010 – when most opposition parties withdrew from elections. They alleged that elections were rigged and assumed the international community and the population would support their boycott and push for the reorganisation of elections. Consequently, the CNDD-FDD maintained the presidency and most ministerial seats. This resulted in a failure to establish a consociational democratic system and consolidated CNDD-FDD power (see Stef Vandeginste 2011; ICG 2011; Guichaoua 2016).

Since 2014, opposition to the third term of the President Nkurunziza has been causing important political problems.

In March 2014, the Movement for Solidarity and Development (MSD) organised a walk-out demonstrating against the third term. Some 70 demonstrators were arrested; the leader of the party escaped and left the country. Later, 21 demonstrators were sentenced to life imprisonment, and 26 received lighter sentences and a few were acquitted (BBC 2014).

In relation to security, despite improvements in the previous decades, acts of violence committed by some Imbonerakure (Kirundi for 'those who see far' – youth members of the ruling party) are reported weekly (Centre d'actualité de l'ONU 2015). These crimes include killings, beatings, rape, threats and extortion against their perceived opponents and other Burundians. HRW (2014) reported that "despite a public outcry and promises by government and party officials to punish such actions, abuses continued." In 2014, there were allegations that the Imbonerakure were receiving weapons and military training from parts of the defence authorities.

Between 30th December 2014 and 3rd January 2015, clashes occurred in Cibitoke (the Northern Province neighbouring DRC) between an armed group (whose political affiliation has not been officially identified) and Burundian armed forces. Security Forces with support from some Imbonerakure tracked down the armed rebels who entered from DRC. HRW reports that at least 47 rebels were extra-judicially killed (HRW 2015). All these events illustrate the severe deterioration of the security and political situation since 2014 in the lead up to the elections. Political affairs are volatile and operate in continuity with past logics of intimidation, fear, arrest and murder. Overall, reformed institutions have helped to maintain a relative peace over the last decade. Yet democracy and peace were not as consolidated as suggested. Such context should not be neglected in analysis of the current conflict.

Current Efforts and Suggested Solutions

Various initiatives have been put in place by national, regional and international actors in order to solve the current Burundian conflict. Here is a short presentation of key institutional initiatives, their strengths and limitations.

At the National Level

- A Presidential Decree put in place the 'National Commission for Inter-Burundian dialogue' on 23rd September 2015. Working under the Presidency, 15 Burundian commissioners have been given the mission of undertaking dialogue at all levels of Burundian society. Based in Burundi, this could constitute a useful institutional channel when the political context improves. Operating under the Presidency, the Commission is, however, perceived as being too close to the CNDDFDD. The Commission will also not talk to political actors outside of the country or those who do not support the third mandate. It is therefore refusing to engage with key opposition representatives. Consequently, it is not seen as a credible channel for the opposition within or outside the country.

- After a meeting in the Ethiopian capital, the opposition in exile organised themselves into a political platform: The National Council for the Respect of Arusha Agreements and the re-establishment of the Rule of Law in Burundi (CNARED). As its name indicates, members of the council stand together for the respect of Arusha agreements (which are clearer than the constitution about the number of presidential term). They have been invited to represent the opposition in mediations led by regional actors (see below).

The CNARED creates a place of dialogue for most of the key opponents of the CNDD-FDD outside of the country. They have a good relationship with international actors. The council is limited because it includes actors who do not have a shared political agenda beyond the question of the 'third term' issue. For the Burundian regime, they are not legitimate players and the regime has blamed them for arming the reemerging rebellion. For its part, the CNARED takes a hard line on the illegality of the third term, many of its members refuse to consider proper negotiations that do not involve discussions about Nkurunziza stepping down.

At the Regional Level

- Since the first waves of violence in Bujumbura, the East African Community (EAC) attempted to bring Burundian

politicians to the negotiation. Yoweri Museveni, the Ugandan President, was appointed as the leading Mediator.

A number of meetings have been organised by the EAC so far, but limited substantive discussions have taken place. Its attachment to the Burundian conflict entails both its main strengths and weaknesses to resolve the conflict. The previous leaders from EAC member states have significant experience in supporting mediations in Burundi. Neighbouring countries are hosting most of the 220,000 refugees that have left the country over the past months and the risk of relapse into a longer conflict is a serious destabilising factor for the whole region. Directly affected, EAC members are the most legitimate and best equipped actors to help Burundi. At the same time, they are also key actors in the conflict given their bilateral relations with the Burundian authorities and their national responses towards the current situation (the most flagrant example being Rwanda – with President Kagame openly criticising Nkurunziza legitimacy and being blame to recruit rebels among these who sought refuge in Rwanda). Museveni has been criticised for not giving sufficient attention to his mediating role.

- The Peace and Security Council of the African Union (AU) took a number of decisions in relation to the crisis. First, they decided not to observe the elections due to the absence of the necessary conditions for the holding of free and fair elections. They later decided to deploy human rights observers and military experts. In December, they released a communique to send an African Prevention and Protection Mission (MAPROBU) to protect civilians in Burundi.

Dealing with the Burundian situation is a crucial step for the AU, and particularly the Peace and Security Council, to establish its political credentials. Compared to other international actors, the African Union holds more legitimacy in condemning the situation and supporting a solution. This is the first time they have decided to send a peacekeeping force by themselves, even though this option seems unlikely after the Burundian government declared it would not support such a deployment. Many political and logistical constraints made it difficult to fully implement these decisions (for more details see Williams 2015; ISS 2016).

At the International Level

- The main bi- and multi-lateral donors imposed pressure and sanctions on the Burundian authorities (e.g. EU, Belgium, US, Germany). They cut their funding for the electoral process and encouraged the delay of elections until the situation improved (Al-Jazeera 2015). The EU electoral observation mission was sent back to Europe (Iwacu 2015). They continue to encourage political dialogue at the national and international levels.

As Burundi is an aid-dependant country, donors hold a key role in political affairs. They can impose financial pressure and incentives with a real impact on the Burundian public budget. The key donors have regular contact with Burundian authorities, even though relationships have deteriorated over the past year. Donors have maintained a good relationship with opposition parties. The international donors only made strong statements about the elections and political situation in the public arena once the tensions were triggered, and hence hold limited capacity for improvement through pressure. Furthermore, over the past decade, the international community has conveniently “turned a blind eye to governance abuses, human rights violations, and militarism ... as long as Burundi remained generally stable” (Curtis 2012). International donors have become entangled in national politics. Burundian authorities are responding negatively to the recent pressure. These elements give the donors limited capacity and legitimacy to encourage a political change.

- The UN Security Council instigated national mediations by appointing and sending a number of mediators in succession since the early phase of the crisis. In December 2015, the UN Human Rights Council requested the deployment of a mission of experts to report on human rights abuses currently being committed in Burundi. The UN Security Council sent a team of diplomats to encourage inclusive dialogue in January 2016.

The UN have been a crucial player in the peacebuilding process in Burundi over the last decades. They hold a great

understanding of the situation and the context leading to it, with a number of important actors deeply concerned about Burundi. However, they also have limited capacity to react as quickly as the situation is deteriorating. At the same time, they are also gradually losing their capacity to influence the key actors in the conflict. Two years ago, the UN Security Chief was declared persona non grata by Burundian authorities when one of his correspondences on allegations about Imbonerakure was leaked. Recently, two UN mediators stepped down after failing to encourage dialogue. Most recently, the UN OHCHR mission was not deployed due to the lack of response from Burundian authorities. On 22nd February, Ban Ki-Moon visited Burundi to encourage inclusive and non-conditional dialogue among different parties, as well as addressing human rights violations.

In all these different efforts, the main challenge remains how mediators and suggested solutions are perceived by the most extreme actors in the conflict. Each solution put forward so far has been seen as lacking legitimacy by one side or the other. Furthermore, the political position of each of these external actors, and the resulting relations they entertain with the parties of the conflict, constrains their capacity to improve the situation in Burundi.

Conclusion

Various efforts are slowly being put in place in reaction to the deteriorating situation in Burundi. Meanwhile, the everyday stress of living in fear is becoming unbearable for those living in the country. Since the failed coup d'états, many Burundians have either fled the country in fear or are too frightened to leave their houses. Schools and universities are frequently closed. Everyday life is heavily marked by the need to stay safe, avoid going outside unnecessarily, and the regular shooting noises all over the capital. The deteriorating Burundian economy is also heavily impacting on living conditions (Falisse 2015). It is crucial that the international media and monitoring actors consider their role beyond counting victims and attacks or describing the level of cruelty used by armed forces. There is a need to understand the radicalisation processes which are leading to the abusive use of violence. Although, there are frequent calls for foreign actors to help the Burundian population, there is also a need to grasp the limitations of such an approach. Due to the nature of the problem (obstinate political actors that legitimise the use and abuse of violence to exterminate their enemy) and the issues surrounding the involvement of foreign actors, an efficient resolution can really only be found and put in place by Burundians themselves.

The aim of this paper is not to denigrate the horror taking place in Burundi, but to encourage comprehension of the causes of the conflict so that this may be worked with to find a sustainable solution. Widening the debate to include broader political issues opens the possibility of going beyond the pro- and anti- third term dichotomy to hopefully find common ground beyond this question. Given this political background, it is clear that the question of the third term is the final straw rather than the main cause.

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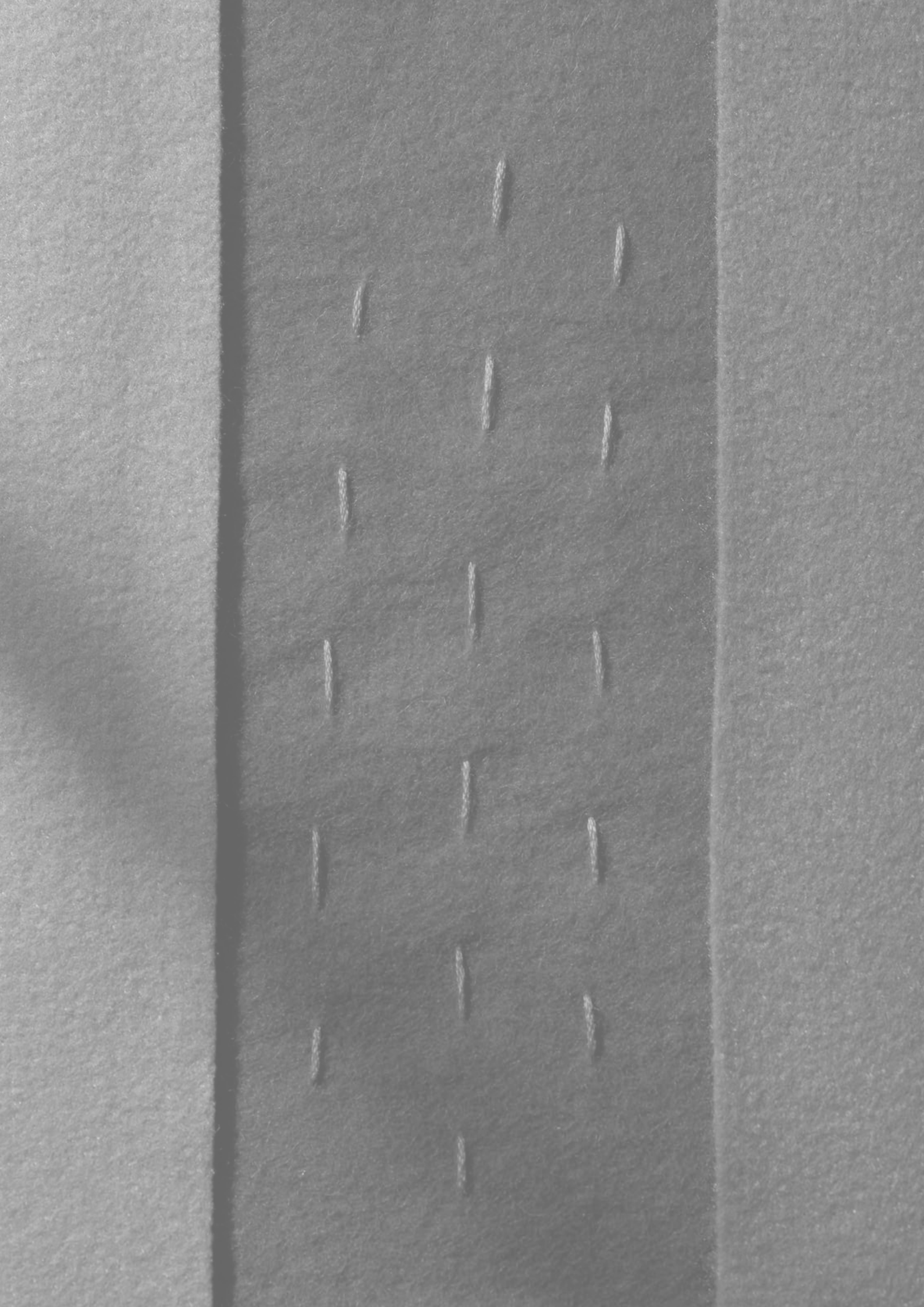
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