

Burundi: Peace Sacrificed?

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I. Overview

Despite the failed coup attempt on 13 May, popular mobilisation against outgoing President Pierre Nkurunziza's third term has not abated, and confrontation between the government and the "*Halte au troisième mandat*" (Stop the Third Mandate) street movement is intensifying. Over 90,000 Burundians have fled and a cholera outbreak has been declared in the most populous place of refuge in western Tanzania. As international pressure on the president continues to fall on deaf ears and the government reiterates its intent to hold municipal and legislative polls on 5 June, and the presidential election on 26 June, all elements of an open conflict have fallen into place. Delayed elections are not sufficient to avoid a rapid escalation of violence, a political and security climate conducive to free and peaceful elections must be restored. The East African Community (EAC) summit on 31 May in Dar es Salaam, Tanzania is the perfect opportunity to reflect on, and react to, this reality.

The week following the attempted coup saw the government's radicalisation and attempted arrests of journalists and politicians. Protesters responded to the "*Halte au troisième mandat*" movement's call for a resumption of protests in Bujumbura on 18 May with fervour. Diplomatic initiatives meanwhile have not yielded any progress. The dialogue between the government and the opposition established by the UN special representative, which was suspended a few days after the assassination of opposition figure Zedi Feruzi in the Ngagara neighbourhood of Bujumbura on 23 May, remains fragile. The opposition has just announced that it will not participate in the elections.

In this climate of fear and uncertainty several scenarios are possible for Burundi's immediate future, ranging from the highly improbable withdrawal of President Nkurunziza's candidacy, to the significantly more dangerous path toward a more or less violent, and intractable, conflict. Nevertheless, peaceful resolution is still possible if the following measures – aimed at appeasing electoral tensions and improving security and political conditions – are taken as soon as possible:

- During the EAC summit, the presidents should urge the president of Burundi to postpone the June elections. They should also advocate for the creation, under the guidance of the UN special envoy, of a new electoral calendar that addresses both opposition demands and those of the current government, while ensuring that the security and political conditions necessary to hold elections are restored.
- Those conditions include the release of individuals arrested during protests, the reestablishment of freedom of expression, the right of opposition parties to gather, freedom of information for independent media, the acceptance of the deploy-

ment of human rights observers from the African Union (AU) and the proportional use of force by security forces.

- ❑ Certain media outlets, as well as speeches by political leaders should be subject to close monitoring, notably by civil society and the International Criminal Court (ICC) prosecutor, in terms of incitement to ethnic hatred.
- ❑ Screenings of Burundian personnel sent for peacekeeping missions should be reinforced to prevent the participation by the Imbonerakure and Burundian security forces who took part in recent violence.
- ❑ Finally, UN and humanitarian agencies should launch humanitarian operations in western Tanzania and southern Burundi to end the cholera epidemic.

If Burundian authorities refuse to push back the polls and the climate of repression intensifies, the following measures should be taken:

- ❑ Concerning development aid, Burundi's donors, should follow Belgium's example and publicly announce changes to the terms of their development aid and their intention to reorient it toward Burundian civil society. They should also suspend all budgetary aid to the current government and reallocate a portion of institutional aid to humanitarian aid for Burundian refugees.
- ❑ The European Union (EU) should, without any further delay, initiate internal consultation relative to stipulations contained in article 96 of the Cotonou Agreement. If these consultations concerning Burundi's respect of clauses contained in article 9 are inconclusive, the EU should suspend its institutional aid, specifically its state building contract (143 million euros), which includes budgetary aid and sectoral support (judicial, public finance and decentralisation). The EU should further increase its financial support to civil society and its humanitarian aid to Burundian refugees.
- ❑ On a judicial level, the ICC prosecutor should open an investigation into the violence and assassinations carried out since the protests began, and establish the responsibility held by the Imbonerakure leadership and Burundi's security services.
- ❑ Concerning participation in peacekeeping missions, the AU, UN and Burundi's other international partners should warn President Nkurunziza and his military command that the involvement of Burundian troops in these operations across the continent will be under review.

II. The Elements of Confrontation

The Arusha accords, signed on 28 August 2000, brought a gradual end to a civil war that began in 1993. Pierre Nkurunziza was elected as President in 2005, however the 2010 presidential elections which inaugurated his second mandate were boycotted by the opposition. Post-electoral repression, rising corruption, the shrinking of political space and authoritarian governance came to characterise Burundi during his second term.¹ Since President Nkurunziza's announcement in April 2015 of his can-

¹ See Crisis Group Reports N°185, *Burundi: A Deepening Corruption Crisis*, 21 March 2012 and N°192, *Burundi: Bye-bye Arusha?*, 25 October 2012.

didacy for a third term, which was validated by the Constitutional Court at the beginning of May, the country has been stirring with anger. Taking advantage of the president's absence during a visit to Dar es Salaam, on 13 May the military attempted a coup, rocking Bujumbura. It was finally crushed the following evening, and the president resumed the reins of power.

1. The government's radicalisation

Despite presidential reassurances,² the government's stance toward journalists and politicians hardened significantly in the week following the coup attempt.³ Leading opposition and civil society figures are now abroad or have gone underground. The 23 May assassination of opposition leader Zedi Feruzi of the Union for Peace and Development (UPD) Zigamibanga further illustrated this new phase of repression.⁴

The attempted coup was also followed by a wave of repression against the security forces' old guard.⁵ Many Tutsi officers were targeted for investigation, some leaders of the security forces have fled, and the minister of defence – a former Tutsi officer – was replaced by a Tutsi not belonging to the old guard. It is the second time since independence in 1962 that a civilian has taken this post. His appointment on 20 May was immediately followed by a call for unity within the army, effectively exposing the extent of current divisions.⁶

In addition to the dismissal of three ministers deemed too moderate (defence, foreign and trade), the president refuses to postpone the presidential election and is actively ensuring it goes ahead as planned. He has signed a decree delaying municipal and legislative elections by one week (5 June instead of 26 May) but maintains the 26 June date for the presidential poll, which he intends to win in the first round. Given the recent suspension of election funds by Swiss, Belgian and Dutch donors, the president has decided to reallocate funds from government ministries and has called on the generosity of the Burundian people to provide support.⁷ Only the National Council for the Defence of Democracy – Forces for the Defence of Democracy

² President Nkurunziza's address to the nation, 15 May 2015 and 20 May 2015.

³ For more on the attempted coup and its failure, see "Burundi's coup from within", In Pursuit of Peace, (<http://blog.crisisgroup.org/>), 13 May 2015 and "Burundi's crisis not over yet", 15 May 2015.

⁴ Witnesses said that those who shot at them wore uniforms of the Special Brigade for the protection of state institutions. Thousands of people attended their funerals. "Burundi: assassinat du leader d'opposition Zedi Feruzi", RFI, 23 May 2015.

⁵ In accordance with the Arusha accords, security forces are divided into an old military guard – those who had been part of security forces (Burundi armed forces and gendarmerie) before the Arusha accords were signed – and former guerrilla movement members, integrated into security forces after the Arusha accords. A revision of this power sharing within security forces is one of the issues at stake in the upcoming elections. Crisis Group Africa Report N°224, *Elections in Burundi: Moment of truth*, 17 April 2015. The Arusha accords were signed in 2000 thanks to mediation by Nelson Mandela, and brought peace to Burundi by putting in place institutional power sharing between Tutsi, Hutu and various political movements in the country. See Crisis Group Africa Report N°192, *Burundi: bye-bye Arusha*, 25 October 2012.

⁶ Press release, Ministry of Defence, Bujumbura, 20 May 2015. A colonel from the military old guard is currently under arrest.

⁷ Ministries' budgets were readjusted and partially reallocated to finance the elections, Decree 100/160, president's cabinet, Bujumbura, 21 May 2015. Some €25 million should be taken from these budgets. President Nkurunziza has also appealed for donations from the population on the government's official Facebook page; a dedicated bank account was opened to receive such donations. Communiqué of the government of Burundi, Bujumbura, 26 May 2015.

(CNDD-FDD) and affiliated political parties have been able to campaign as members of the opposition have been intimidated and their activities blocked by the Imbonerakure and security forces.⁸ In light of these developments, the Catholic Church recently announced its withdrawal from the electoral commissions.⁹

The rise in tensions has been accompanied by ethnically charged rhetoric framing the “*Halte au troisième mandat*” movement as a Tutsi construction and explicitly referring to the civil war era.¹⁰ This type of narrative risks stirring up ethnic antagonisms the Arusha accords had managed to calm.¹¹

The president’s response to this rapidly deteriorating situation has been continued denial. He has asserted that 99.9 per cent of the country is calm, and that the over 110,000 refugees were in fact fleeing the attempted coup, not his regime.¹²

2. Trial of strength with the streets

A week after the failed coup, protesters once again mobilised in vast numbers in response to the call of the “*Halte au troisième mandat*” movement. In accordance with an already well-established system, protests were held every day in the neighbourhoods of Musaga, Kanyosha, Cibitoke, Kinama, Nyakabiga, Buyenzi and Ngagara.¹³ Protesters opposed to the president’s third term clashed with security forces, causing several deaths every day. While security forces have thus far managed to contain protests to peripheral districts of the capital, clashes are more violent every day and incidents are beginning to be reported from areas outside the capital region.¹⁴ Diplomatic initiatives to delay the 5 and 26 June polls have failed, while the ruling party has started campaigning throughout the country, leading to attacks targeting electoral logistics and voting structures.¹⁵

While a majority of the army remained neutral during the coup attempt, it is far from an ally of the regime. Differing responses to protests have highlighted the level of discord within the security forces and the army’s discontent, as reported by Crisis Group in March, continues to fester.¹⁶ The police and the army have taken opposite approaches to the protests: while the police has used disproportionate force (including the use of automatic weapons), the military has generally adopted a peaceful approach. A strong hand has never been the way of the army, rather it is that of the police and the National Intelligence Service (SNR). These divisions have led to clashes between police and army members, as well as incidents between the institutions’ Special Protection Brigade and other military units.¹⁷

⁸ Crisis Group interviews, opposition member and civil society representative, Bujumbura, May 2015. For more on the Imbonerakure, see Crisis Group Africa Report N°224 *Elections in Burundi: Moment of Truth*, 17 April 2015, p. 9.

⁹ “Crise au Burundi: l’Eglise catholique se retire du processus électoral”, AFP, 28 May 2015.

¹⁰ These speeches are notably broadcast by the AG News media agency (<http://burundi-agnews.org>).

¹¹ “Plus la crise dure, plus le risque de conflit ethnique se renforce”, *Le Monde*, 22 May 2015.

¹² President Nkurunziza’s address to the nation, 20 May 2015.

¹³ See map of protests and violence in Burundi <https://2015burundi.crowdmap.com>.

¹⁴ Crisis Group email correspondences, civil society representatives, May 2015. A civilian was killed in clashes with police in the province, in Matana commune; “Tweet by David Thomson, @DTAfrigue, Burundi correspondent for RFI, 8:40, 27 May 2015”.

¹⁵ Protesters destroyed election materials in Mukike and Ijenda. “Manifestations à Bujumbura: que se passe-t-il dans le reste du pays?”, *RFI*, 23 May 2015.

¹⁶ For more on the divisions within the security forces, see Crisis Group Africa Report N°224, *Elections in Burundi: Moment of Truth*, op. cit.

¹⁷ Crisis Group interview, civil society member, Bujumbura, May 2015.

3. Showdown with the international community

Diplomatic initiatives have not yielded any progress and dialogue led by the UN special envoy to the Great Lakes region, which was suspended following opposition figure Zedi Feruzi's assassination, resumed on 28 May 2015. Nevertheless, there is no shortage of international mediators in Bujumbura. In addition to the UN special envoy, the AU has sent two representatives (Edem Kodjo and Ibrahima Fall), while the East African Community (EAC) and the Common Market for Eastern and Southern Africa (COMESA) have both sent delegates. These combined efforts are part of an attempt to produce a new electoral calendar to present to the president. These efforts however have blatantly ignored the principal demand from the streets, civil society, the Catholic Church and the opposition, namely the withdrawal of the president's candidacy. In this context an election delay alone is not enough, it is imperative to combine it with the restoration of a political and security environment conducive to democratic elections. If it succeeds, this proposed electoral calendar could be carried forward by two diplomatic initiatives: a new East African Community (EAC) summit on Burundi and a visit to Bujumbura by four presidents to (Kenya, South Africa, Uganda and Tanzania).¹⁸

These mediation efforts are also accompanied by pressure from international donors, preventive measures from the AU and a warning by the International Criminal Court (ICC).¹⁹ The AU wants to deploy its human rights observers and has put in place an emergency plan with the regional force stationed in East Africa ready for deployment.²⁰ Security cooperation with Burundi has been suspended as has U.S. military support for training of Burundian peacekeeping forces. Belgium meanwhile is the first country to have expressed a change to the terms of its aid provision, but will certainly not be the only country to do so, while the EU has just withdrawn its electoral observation mission.²¹ Consequently, tensions have increased between the government and the international community,²² heightening the risk of the country's further isolation.

¹⁸ Press release, 9th Extraordinary Summit of the International Conference on the Great Lakes Region (ICGLR) Heads of State and Government, Luanda, 18 May 2015.

¹⁹ "Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, regarding the recent pre-election violence in Burundi", Statement, ICC, 8 May 2015.

²⁰ Security Council press release, Addis Ababa, 14 May 2015. Crisis Group interview, members of AU, Addis Ababa, 26 and 27 May 2015.

²¹ "Burundi: No classic bilateral cooperation programme in case of third term", press release, Department of Belgian Development Cooperation, 21 May 2015. "Statement by High Representative/Vice-President Federica Mogherini on the suspension of the EOM in Burundi", Brussels, 28 May 2015.

²² "Le gouvernement du Burundi est ... profondément préoccupé par l'activité diplomatique en cours qui tend à saper et – dans une large mesure – à dénigrer les institutions républicaines et constitutionnelles du pays", ["The government of Burundi is ... deeply concerned by the ongoing diplomatic activity aimed at undermining and – to a large extent – denigrating republican and constitutional institutions in the country"] declaration by the spokesperson of the government on national radio, Bujumbura, 26 May 2015.

III. The Immediate Future

While the president and his entourage have remained totally inflexible in the face of intensified internal and external pressure, many fear a violent escalation could spark large-scale conflict. UN agencies, some embassies and international NGOs have already evacuated their personnel. In this volatile environment, the following scenarios are possible:

1. Scenario 1 – Toward peaceful resolution?

Diplomatic initiatives succeed in reconciling opposing demands: a new electoral calendar is accepted by both camps and the president withdraws his candidacy or the opposition accepts it. Protests stop and all parties agree to participate in delayed elections in a peaceful context. This scenario (in the absence of the immediate implementation of measures intended to appease electoral tensions and improve political and security conditions) is highly unlikely.

2. Scenario 2 – Toward autocracy?

The presidential camp manages to crush the opposition in Bujumbura and organise elections that have no credibility. Many forms of repression are possible, but a failed attempt to assassinate the president would be the perfect justification for an unprecedented wave of repression. The number of refugees would increase, the opposition would go into exile and a regime born of illegitimate elections would be internationally isolated. In the current context, this seems the most likely scenario.

3. Scenario 3 – People power

The street movement manages to defeat the government on its own and to chase out President Nkurunziza and his entourage. Either the government's defeat is total, or it manages to hold power in provincial strongholds. In the first case, a transition government is put in place and elections are organised in the final trimester of 2015 or in 2016. In the second case, the country descends into civil war.

4. Scenario 4 – A military coup?

Discontent among security forces culminates in a new coup attempt. Whether or not it succeeds, this coup will have significantly more violent consequences than the previous one. In the case of a failed attempt, the old guard will be fiercely repressed; in the case of success, the president and his entourage will become targets of the coup leaders. A transition government will be formed.

5. Scenario 5 – Toward civil war?

Clashes between security forces escalate and provoke a fragmentation of the army, a portion of which joins the opposition camp. Armed insurrection spreads through Bujumbura thanks to equipment provided to protesters by dissident army members. An intractable street war breaks out in Bujumbura and spreads throughout the country.

This scenario could also be the result of failed diplomatic initiatives and an intensification of street protests. Protesters attempt to sabotage electoral logistics and voting structures, and the government responds with brutal repression. The death toll rises as does the number of refugees fleeing. A humanitarian crisis accompanies

the refugee influx in Tanzania and Rwanda. Violence spreads to rural areas, sparking a spiral of massacres that reignite ethnic tensions. Widespread violence prevents the holding of elections, or elections are organised without domestic or international credibility. The president's re-election is a Pyrrhic victory in a country ravaged by civil war.

IV. Conclusion

If elections are held in June, Burundi is sliding rapidly and surely toward an authoritarian regime that won't even have the appearance of democracy. Burundians can now see the elements that led to massacres and war in the past falling into place (ethnically charged rhetoric, refugees, political assassinations, repression of liberties, etc). Only a few weeks are left to avoid the past ten years becoming but a brief interlude between two wars.

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