



« NON » AU TROISIEME MANDAT ! : THE CRISIS IN BURUNDI

INTRODUCTION

The ongoing crisis in Burundi is rooted in a difficult process of nation and state-building that begun in the colonial and post-colonial period. This stage was politically negotiated through a settlement on August 28th, 2000, popularly known as the *Arusha Accords*.

Burundian women participated in the Arusha peace process, which was facilitated by the United Nations Development Fund for Women (UNIFEM) and the Mwalimu Nyerere Foundation. The latter supported an All-Party Burundi women's peace conference between July 17th and 20th, 2000 in Arusha, Tanzania, attended by over 50 Burundian women representatives from 19 Burundian organisations. They arrived with a set of demands, such as the inclusion of a women's charter in the constitution, measures to ensure women's security, women's rights to land, inheritance and education, and an end to impunity for both gender-based war crimes and domestic violence. All of the recommendations, except the 30% quota for women at all political decision-making levels, were included in the final peace agreement.

It is in the context of the Arusha agreement that the current President, Pierre Nkurunziza, began his first term in office through a parliamentary vote, constituted as an electoral college on August 19th, 2005.

The 2000 Arusha peace accords did not end the difficult nation-building process that has been exacerbated by the impact of protracted conflict seen in a tenuous land re-settlement process, under-developed economic systems and a regime that grew autocratic over the years. The decision by the incumbent Pierre Nkurunziza to run for a third presidential term, rather than a two term constitutional limit triggered violence that has lasted

All Party Burundi Women's Peace Conference Recommendations

- A Woman's Charter to be included in the main constitution and all-discriminating laws to be eliminated.
- The use of affirmative action to ensure women's participation at all decision-making levels during and after the transition period. They recommended a 30% quota in the legislature, the judiciary and the executive branches of government and in all bodies created by the peace accord.
- Special measures to be put in place to ensure women's security, safe return and reintegration of refugees and internally displaced persons.
- Women's rights to property, land and inheritance should be explicitly protected and addressed in the final agreement.
- Women and girls should be guaranteed equal access to education at all levels.
- An end to the impunity on war crimes such as rape, sexual violence that have gone unrecognized and unpunished.
- Mechanisms to ensure that the commitments proposed by women are adequately budgeted and realized.

more than six months. The increasingly violent response by state security services is now met by worrisome reports of armed resistance. The violence has included assassinations, extra-judicial killings and disappearances—many of which target the political opposition and human rights defenders (HRDs)—as well as the forced movement of citizens to neighbouring countries and elsewhere. Women human rights defenders (WHRDs)—and women more generally—have been involved in the public protests that reject Nkurunziza’s third term. As a result, some WHRDs have had to flee the country.

With this brief, Urgent Action Fund-Africa (UAF-Africa) would like to frame its support to WHRDs in Burundi. The women’s led march that took place in downtown Bujumbura on May 10th in defiance of the regime ban on protests, was not only indicative of the mobilisation power of WHRDs around a collective push for peace and democracy but also the reluctance of the state to visibly deploy violent and repressive techniques against women¹. While feminists often caution against the assumptions – that frame such a regime’s response, that women are solely givers of life and politically neutral² -, there are opportunities to strategically engage through the windows these responses open up, as long as the space is quickly seized to recognise women as actors in their diversity.

As a rapid response grant maker, UAF-Africa is keen to ground its support within local dynamics. The Fund would also like to leverage regional women’s movements in placing collective pressure for de-escalation of the crisis and political dialogue that includes WHRDs and responds to the gender-specific and women’s human rights needs both in the country and among the new refugee population. This collective pressure is aimed at political actors in the sub-region given that the East African Community (EAC) is still responsible for the externally mediated dialogue called for by the African Union’s Peace and Security Council (AUPSC) as well as the United Nations Security Council.

¹ See <https://news.vice.com/article/hundreds-of-women-march-in-defiance-of-burundis-ban-on-protests>

² Or that an attack on women is the ultimate signal of a weak male led regime because you are not attacking an equal

TIMELINE OF EVENTS

Some of the key events that have occurred since April 2015

Date	Event
2010	Opposition threatens to boycott the elections citing authoritarian government, shrinking political space, political repression and rising corruption
25th April 2015	Nkurunziza, as flag bearer of National Council for the Defense of Democracy – Forces for the Defense of Democracy (CNDD-FDD), announces his intention to run on 26 th June 2015 arguing that his first term was not a direct vote by citizens
25th April	Mass protests begin in Bujumbura and continue for three weeks
5th May	Constitutional court clears Nkurunziza to run for a third term
10th May	Women lead march into Bujumbura against the third term
13th May	1 st Extra ordinary Summit of East African Community (EAC) Heads of State on Burundi attended by Nkurunziza in Dar es Salaam calls for elections to be postponed for a period that doesn't exceed mandate of government
13th May	Coup attempt led by Godefroid Niyombare who was sacked from intelligence post in February after opposing Nkurunziza's 3 rd term
13th May	Crack down on private radio stations Radio Publique Africaine, Bonesha FM, Radio REMA - FM, Radio - Télévision la Renaissance and the closure of Radio Isanganiro
29th May	UNHCR estimates that 90,000 Burundians have fled to neighbouring Rwanda, Tanzania, Democratic Republic of Congo
31st May	2 nd Emergency EAC Heads of State Summit calls for elections to be postponed by no less than one and a half months
25th June	Second Vice president CNDD-FDD Gervais Rufyikiri goes into exile in Belgium after declaring Nkurunziza's candidacy unconstitutional
26th June	Opposition groups announce election boycott.
28th June	Pierre Ntavyohanyuma, the President of the National Assembly flees to Belgium citing unrest and his opposition to Nkurunziza's third term bid.
6th July	3 rd Emergency EAC Heads of States Summit. President Museveni of Uganda appointed as mediator ahead of elections
21st July	Presidential elections held
3rd August	Prominent human rights activist Pierre Claver Mbonimpa and opponent of Nkurunziza, shot in Bujumbura and is badly injured
9th August	Pierre Claver Mbonimpa is shot in the face again and transported to a hospital in Belgium for treatment
20th August	Nkurunziza sworn in as President for a third term

SCENARIOS³

The Presidential elections rather than reducing tensions in the country have led to a general state of insecurity. While numbers remain difficult to verify, the United Nations (UN) indicates that as of November 23rd, 2015, at least **250 people have been killed** and another **217,000** have fled the country into neighbouring Rwanda, Tanzania and the Democratic Republic of Congo. Targeted killings, arbitrary arrests, torture, and political repression by security forces, as well as violence by youth militia affiliated to the ruling party continue⁴. On November 24, 2015, [Burundi's Interior Minister suspended ten civil society groups, accusing them of fuelling widespread violence in recent months](#). These are groups that have campaigned against the incumbent's third term. In light of ongoing events, there are scenarios foreseen by Burundian WHRDs.

SCENARIO ONE: "*Collective Suicide: Facteur Declenchant*"⁵

The ongoing events in Burundi particularly the threats against citizens and hate speech by state operatives represent for some Burundians a regime keen to self-destruct and willing to undertake collective suicide. Those who subscribe to this scenario, see the actions of the regime - turning against citizens that view the current term as illegitimate - as indicative of the potential for the escalation of collective violence rather than de-escalation. In this scenario, a regime with little to lose carries the citizens along with it to pursue "collective suicide". Observers indicate that the current environment in the country mirrors a country that can easily lapse into a civil war and what is missing is a *facteur declenchant*. The use of hate speech by state officials is rife and representatives of the regime are looking for an excuse to massively crackdown on the citizens in a final push to hold onto to power. A number of factors and actions point to the systematic use of violence to discipline opponents. It is this use of systematic violence and its organized nature that shape the collective suicide scenario. The first factor is an increase in disappearances, arbitrary arrests and extra-judicial killings. The absence of accurate information about these deaths serves the objective of limiting the pursuit of legal claims around state responsibility. The second factor is the grey relationship between the militia - *Imbonerakure* - affiliated to the ruling party CNDD-FDD and security sector institutions. *Imbonerakure* have taken control of search activities along checkpoints in the country. This is not only indicative of rifts within the security sector, which has also included purging non-regime allies but also confirms the devolution of arms and light weapons creating a situation where the potential for wide scale violence fueled by non-state actors is high. The third factor is the closure of alternative media outlets limiting both public communication and collective mobilization efforts. The state is in control of the narrative outside the capital. The fourth factor lies in the fact that while stark ethnic mobilization for political ends has not worked thus far, socio-economic exclusion framed by ethnic undertones is on course. There are worrying rates of what appear to "random" group

³ For purposes of security this paper adopted the Chatham House Rules, which does not attribute statements to anyone.

⁴ See <http://time.com/4125043/burundi-united-states-vatican/>

⁵ Trigger. The argument being that this is a government keen to self-destruct and will carry everyone along with it. It simply needs an excuse to trigger large scale violence

deaths with limited state accountability for them and failure to establish security even for those against the current regime. If these factors continue unabated, there is the likelihood of Burundi exploding into full-blown civil war under the watch of regional actors. This scenario is viewed as only possible when a suitable *facteur déclenchant* is found.

SCENARIO TWO: A move from 100% inaction to *Jumuiya*⁶

In this scenario, some Burundian observers see the potential of regional actors moving from the state of 100% inaction that has engulfed regional institutions such as the African Union (AU) and the East African Community (EAC) to one where these institutions invoke provisions within regional instruments. Of significance is the *African Union Charter on Democracy, Elections and Governance*. Using regional norms and instruments as well as collective peer pressure will be designed to force the current regime to the negotiating table. In this scenario, the incumbent accepts to manage a transitional government of national unity. In so doing, he acknowledges that the elections were illegitimate in the eyes of citizens given that the conditions under which they were carried out cannot be considered free, fair and democratic. In this regard, the Museveni led mediation process takes on a new responsibility of pursuing a political agreement with a clear road map towards elections that does not focus solely on political parties but brings together a broad based group of actors⁷ much like the Burkina Faso negotiations.

IMPLICATIONS

Both of these scenarios require a collective approach, whether it is to avert scenario one or to pursue scenario two. In both instances, WHRDs who have been actively involved in organizing alongside other human rights actors need strategic responses in the following areas. The following entry points have been suggested by various actors engaged during the development of this brief:

1. ***Engaging the Museveni-led negotiations:*** A process initiative by the EAC to engage parties to the conflict in Burundi is underway through the leadership of President Museveni of Uganda. As an existing framework, it would be critical for Burundian women to engage this mechanism not only for the purposes of inclusion but with a clear set of envisaged outcomes. Burundian women can also draw women's organisations located in countries that belong to the EAC to place collective pressure on their governments and respective political appointees participating in the Museveni- led team.
2. ***Geo-politics and the opportunity in Tanzania's new presidency:*** Burundians feel let down by the collective inaction by regional actors. This inaction is obviously shaped by intricate geo-political dynamics that are influenced by historical ties between countries as well as the relationship between specific heads of states with Burundi. Some of these include an uneasy relationship

⁶ Kiswahili word for Community used colloquially to refer to the East African Community

⁷ Trade unions, civil society actors – women's rights, human rights, media, faith organisations amongst others.

between Rwanda and Burundi that has its roots in arguments around the active support of *Forces Democratique de Liberation du Rwanda* (FDLR)⁸ by Burundi. Tanzania who is historically perceived to have supported Hutu led rebellions, a Ugandan President that is deeply engaged in national elections and Kenya that is viewed as a fence sitter unless there is a direct threat to its national sovereignty. Connected to these dynamics is the ongoing conflict in the DRC in which many of the EAC states are implicated. However, the new presidency in Tanzania, despite the continuity in party (*Chama cha Mapinduzi*) presents an opportunity to catalyse different sets of actions within the EAC to impact the regime in Burundi. Tanzania remains one of the main countries that has hosted and continues to receive Burundi refugees.

3. ***The alternative:*** Experiences from Tunisia and Egypt in particular offer recent examples of women playing key roles in mobilising and working for structural transformation and almost immediately witnessing a roll back in their rights not only within progressive spaces but also within the “new” state structures. While addressing the immediate cessation of violence, disarmament of militia groups and accountability for the killings must be at the forefront of any demands, the focus must also be on alternative candidates and groups that can play an influential role in any transitional arrangement. In essence, the women’s movement must begin to prepare for the pursuit of power as an outcome in this process.
4. ***The role of supra-nationality:*** The AU has made some steps to respond to Burundi, including refusing to observe the presidential elections, ongoing negotiations with Burundi to deploy 100 civilian, military and police personnel by **December 15th, 2015**, plans for targeted sanctions against Burundian officials directly involved in promoting acts of violence, the continued negotiation to have AU human rights observers present in the country and African Commission on Human and People's Rights’ request to launch a thorough investigation on the violations of human rights and other abuses against the civilian populations. However, there remains much more that can be done through its frameworks to lead to the outcomes desired by Burundian citizens. Burundi has signed but not ratified the African Charter on Democracy, Elections and Governance. While signing does not commit a State to ratification, it does oblige the State to refrain from acts that would defeat or undermine the treaty’s objective and purpose. There are various provisions⁹

⁸ https://en.wikipedia.org/wiki/Democratic_Forces_for_the_Liberation_of_Rwanda

⁹ Article 5 - State Parties shall take all appropriate measures to ensure constitutional rule, particularly constitutional transfer of power; Article 6 - State Parties shall ensure that citizens enjoy fundamental freedoms and human rights taking into account their universality, interdependence and indivisibility; Article 10 - State Parties shall ensure that the process of amendment or revision of their constitution reposes on national consensus, obtained if need be, through referendum. State Parties shall protect the right to equality before the law and equal protection by the law as a fundamental precondition for a just and democratic society.

under this Charter than can be invoked. Action by the AU becomes more critical given Burundi's continued role as chair of the AUPSC.

UAF-AFRICA: Catalysing Women's Rights Action in the Burundi Crisis

UAF-Africa has a long history of supporting WHRDs and women's rights organisations in dangerous, and fragile political and socio-economic contexts, providing support for their protection (physical, digital, legal) of WHRDs as well as organisational protection and catalysing evidence, analysis and advocacy efforts that capitalise on opportunities to advance and protect women's rights. The Fund is supporting similar protection and advocacy efforts prioritised by Burundian women.

UAF-Africa is reaching out to its networks, including WHRDs in Burundi and now in exile, and across East Africa, who are seeking to protect and support WHRDs and women's organizations in the vital efforts they are undertaking at this critical time to curb violations, pressure for dialogue and engage the mediation.

UAF-Africa is supporting women's organisations now operating in a precarious environment, as civil society continues to be targeted by the Government of Burundi. Aware of the vital role played by Burundian women journalists in presenting alternative narratives to events as they unfold, and the gendered violations that occur, the Fund is supporting women journalists in presenting their views on the country's crisis securely. Additionally, the Fund will serve as a platform for these journalists to voice their thoughts and opinions. We invite any women journalists who feel threatened and unable to document unfolding events under their own name to get in touch with the UAF-Africa team.

RECOMMENDATIONS

As outlined above, UAF-Africa is working with women's organisations on multi-pronged strategies. The Fund is supporting the collective and individual efforts within Burundi, without whose resilience and perseverance the voice of Burundians would remain unheard. UAF-Africa believes that conflict in any part of the world is a conflict that affects every part of the world. It is therefore not just a responsibility of the people of Burundi to ensure a resolution to the conflict but a shared responsibility of the citizens of the world.

UAF-Africa is recommending that African Heads of States take action on Burundi to avert more chaos and death. The Fund further recommends that an inclusive, democratic, ethnic, and gender considerate solution be urgently found through the EAC mediation, to ensure accountability and justice.

Finally, UAF-Africa recommends that more financial and technical resources go towards women's substantive inclusion and gender-responsive outcomes from the EAC mediation.