

Testimony by Thierry Vircoulon, Central Africa Project Director, International Crisis Group to the Senate Foreign Relations Committee hearing on “The Political and Security Crises in Burundi”

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I appreciate the opportunity to appear this afternoon on behalf of the International Crisis Group before the Senate Foreign Relations Africa Subcommittee to discuss the current political and security crisis in Burundi. We want to thank the chairman and members of the Committee for calling U.S. attention to an already severe humanitarian crisis and one that has the potential for mass atrocities and regional destabilization.

The International Crisis Group came into being because our founders believed that too often, major powers and international organizations ignored the cables, however incomplete they might be, coming from Rwanda, or Srebrenica or the Congo. After the Cold War, there seemingly no longer were strategic linkages from those countries affecting major powers, other than the sheer horror of the human suffering being inflicted.

We are an independent, non-partisan, non-governmental organization that provides field-based analysis, policy advice and recommendations to governments, the United Nations, the European Union and other multilateral organizations on the prevention and resolution of deadly conflict. We were founded in 1995 by distinguished diplomats, statesmen and opinion leaders. Our president is Jean-Marie Guéhenno, former head of UN peacekeeping, and our board of national and international leaders includes four former heads of state and eight former foreign or defense ministers and distinguished African leaders including Cheryl Carolus, former South African High Commissioner to the UK and Secretary General of the African National Congress; Mo Ibrahim, president of Ibrahim Foundation; and Ayo Obe, Nigerian lawyer and human rights activist. U.S. foreign policy leaders on our board include Ambassador and former Undersecretary of Political Affairs Thomas Pickering, former NATO Supreme Commander Wesley Clark, former Senator Olympia Snowe, former career Ambassador Mort Abramowitz and former Secretary of the Treasury Lawrence Summers.

Crisis Group has been following developments in Burundi for almost two decades, and we have warned repeatedly about this crisis building under President Pierre Nkurunziza, one with political origins but with clear ethnic undercurrents. The first phase of the present crisis began with the 2010 elections. Those polls were a logistical success but political failure. The opposition only participated in the communal elections and boycotted the national ones, charging the government with unfairly tilting the playing field, but thereby leaving national political institutions dominated by the National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD).

Immediately following those elections, the government launched a repressive post-electoral campaign of extrajudicial killings and forced its main opponents out of the country. As a result, civil society and independent media became the only dissenting voices. From 2010 to 2014, there was steady polarization, socio-economic discontent and further closing of political space. It included a failed constitutional review, public disputes between civil society watchdogs and the government, and the government arming the youth wing of the CNDD-FDD known as the Imbonerakure to maintain a tight grip on the countryside. The Nkurunziza administration established a near monopoly and corrupt control over state resources, bribed and coerced opposition party leaders and over time used national police and security forces to enforce authoritarian governance.

The earlier political deterioration exploded finally into the second phase of the crisis in 2014 centered on the growing evidence that Nkurunziza intended to run for a third term—violating the Arusha Accord which had ended the country's 12 year civil war. During the electoral preparations, the government and the opposition disagreed on almost everything, from the composition of the local electoral commissions to the registration of voters, stripping its legitimacy from the start. At the end of 2014, all the unsolved problems of the previous four years had resurfaced. With the ruling party rejecting any consensual approach, opposition and civil society had no faith in the electoral process as a means to achieve political change.

The third phase of the crisis started in April this year with street protests against President Nkurunziza's candidacy for a third term. After the president managed to obtain the blessing of the constitutional court and to silence those who opposed his candidacy within his own party, demonstrations in Bujumbura, the capital city, quickly turned violent. Daily confrontations occurred between the security forces/Imbonerakure and a coalition of political opposition/civil society organizations who enjoyed the moral support of the Catholic Church. Two key developments happened during this phase. First, the army, which had initially played a positive role by interposing its forces between demonstrators and police to halt conflict, became increasingly fractured leading finally to high-ranking officers organizing a failed coup in May. Second, given increasing rifts within the CNDD-FDD and fearing for their lives, many moderate leaders of the ruling party fled the country, leaving the radicals in complete control of the party and the state. Regional and international attempts to mediate the crisis in June and July only managed to delay elections without substantially improving the conditions under which they were held.

The final phase of the crisis—armed confrontation—corresponded with President Nkurunziza securing a third-term mandate in July after fraught elections declared unfair by virtually every observer, including the African Union, the European Union, the U.S. and other governments. Nightly police raids and execution-style operations followed in districts of Bujumbura where many regime opponents lived and have led now to the militarization of the political conflict, with dead bodies dumped in the streets each night and grenade attacks occurring almost daily. A normal day in Bujumbura starts with the counting of the night's death toll.

Why the Burundi crisis matters

Even beyond the the humanitarian tragedy unfolding in Burundi, the regime now looks more and more like a failed police state. There is violent and open confrontation between armed government forces and a large opposition consortium, also increasingly armed. President Nkurunziza and the leaders of the ruling party are bunkering themselves; the economy is barely functioning (according to the IMF, GDP will have shrunk by 7.2 per cent this year); many businessmen and women, civil society leaders and journalists are out of the country; security institutions are politicized and divided. The stability of Burundi is in jeopardy with dangerous regional consequences.

Regional spillover no longer is just a threat, but a reality. Population flight already has produced a refugee crisis with several hundred thousand Burundians fleeing across the country's borders in eight months. The formal refugee numbers, undoubtedly understated, of 215,000 include 70,000 in Rwanda, more than 100,000 in western Tanzania and the rest in DRC and Uganda. Serious tensions with Rwanda include the severing of diplomatic ties and Kigali accusing Burundi of tolerating the presence of Rwandan Hutu FDLR (Democratic Forces for the Liberation of Rwanda, an armed militia that may still include former genocidaires) and Bujumbura accusing Kigali of recruiting, training and arming Burundian refugees in refugee camps in Rwanda.

The pattern of violence changed immediately following the reelection of president Nkurunziza. Targeted assassinations of key personalities in both camps have taken place (General Nishirimana, Colonel Bikomagu, an assassination attempt of Pierre Claver Mbonimpa, a well-known human rights activist, and the recent murder of one of his sons; and another attack on the army chief of staff) along with mortar attacks against the presidential palace. Both sides are radicalizing. Government officials are reviving the rhetoric from the civil war of 1993-2005. The president made public an ultimatum giving the "criminals" seven days to lay down arms. Révérien Ndikuriyo, the Senate president, cryptically warned on 1 November that the police would soon go to "work" and asked district heads to identify "elements which are not in order". The language is unambiguous to Burundians and chillingly similar to that used in Rwanda in the 1990s before the genocide. The opposition is organizing in exile and a platform was created in Addis Ababa by politicians (including the moderates from the ruling party), civil society leaders and former military officers. The present patterns of violence are a reminder of what happened before the civil war broke out in 1993. For the Burundians, the story is repeating itself. This déjà vu feeling and the memories of the civil war are the reasons why so many of them have left their country.

One of the fundamental reasons why this crisis matters for Burundi, Africa and the international communities is that it challenges the Arusha peace agreement of August 2000 that was painstakingly negotiated during four years to bring peace to a country where 300,000 had died in

more than a decade of conflict. That accord, negotiated with the facilitation of two African presidents (President Julius Nyerere and President Nelson Mandela) and endorsed by the UN, AU, US France and the EU, institutionalized political and ethnic power-sharing between Hutu and Tutsi. The Arusha agreement explicitly mentions the two-term limit for presidents (article 7). While there had been a long list of violations of the Arusha agreement since its signing and a failure in the constitutional review attempt of 2014, it was the violation of the no third term provision that was the straw that finally broke the camel's back.

In its report *Bye Bye Arusha*, written in 2012, Crisis Group warned that the ruling party was distancing itself from the Arusha agreement and listed all the violations of the peace accord. The CNDD-FDD never genuinely adhered to its principles and blocked the implementation of those which were detrimental to its monopoly of power. For instance, it discarded the creation of a special tribunal to deal with the crimes of the civil war and opted only for the creation of a truth and reconciliation commission whose work has not even started. Indeed the issue of post-conflict justice has remained the elephant in the room during the two mandates of president Nkurunziza who has been granted provisional amnesty. The present crisis also has demonstrated another critical violation of the Arusha agreement: the politicization of the security forces. The ruling party gradually distanced itself from the Arusha agreement because most Arusha guarantors did not follow up on their commitments to long-term political engagement and resorted to a near completely private diplomatic approach without firm consequences until very recently, despite clear signs of authoritarian actions and violation of the Arusha accord.

One of the most glaring failures by Arusha sponsors was not enforcing respect for the results of international mediation. Mediation brokered a deal for the return of the opponents in exile in 2013 with the view of making the 2015 elections inclusive. Special envoys from the U.S., the EU, Belgium, France, the UK and other countries also enabled a dialogue led by the UN special envoy between the opposition coalition and the government to try and bring peace during street protests earlier this year. However, the aim of an inclusive electoral process was gutted by Nkurunziza's insistence on running for a third term. The mediation was officially handed over to the Ugandan president Yoweri Museveni this past summer but, despite informal consultations, no meeting has happened yet under his chairmanship. The resumption of the dialogue is the only option at this stage but only informal consultations have been held and the most that is hoped is that a meeting may happen before the end of the year.

As Burundi's civil war was ended by an agreement negotiated by African leaders, Western governments have again waited for an African solution, i.e. a regionally mediated dialogue. Unfortunately, times have changed. South Africa has disengaged from Burundi and its present government seems disinterested in preserving Mandela's legacy. The East African Community (EAC) has been mandated to find a solution but is too divided. In addition, its chief mediator, Ugandan President Museveni, in power since 1986, is himself busy with the preparation of elections in early 2016.

U.S. President Barack Obama's 27 October decision to exclude Burundi from the "African Growth and Opportunity Act" is an important signal of the U.S.'s growing concern, but it is not enough. The African Union (AU) Peace and Security Council (PSC) has been most outspoken in demanding an end to violence and a resumption of a facilitated dialogue, issuing a strong communique and threatening the use of an African Union intervention force, but does not want to bypass president Museveni and the EAC.

Right now the westerners are waiting for the AU, the AU is waiting for president Museveni and the people of Burundi are waiting for the end of violence. If there is no regionally mediated dialogue, the likely scenarios include: a new coup attempt, the emergence of a guerilla force in the countryside and/or a large scale repression against the rebellious districts of Bujumbura.

Another reason why what happens in Burundi matters is it could set a dangerous precedent among its neighbors. While there are substantial differences in each of its neighbors where the third term issue also is a matter of dispute, the potential for political unraveling appears greatest in the DRC where a third term for its president Joseph Kabila constitutes a similar violation of the peace agreement and the DRC constitution.

The way forward

The resumption of the dialogue between the opposition and the government is absolutely essential. This implies the formation of an international mediation team with AU, EAC, International organization of the French speaking countries (IOF), UN representatives, supported by the U.S. and the EU with additional sanctions against those responsible for egregious violence, like those the U.S. announced last week--to put pressure on the reluctant stakeholders.

The agenda of the internationally mediated dialogue should be open and it should include the Arusha agreement. As the stumbling block of the post-conflict regime, the Arusha agreement is the reference point in every political discussion about Burundi but a frank discussion is needed about the future of the Arusha agreement and its values that have underpinned the hard-won peace in Burundi. The Arusha agreement is at the core of the Burundi crisis and therefore it must not be taboo. Some 15 years after its signing it is legitimate to ask whether some changes – but only if adopted consensually – are needed.

The UN should be planning, if an AU led peace implementation mission cannot be deployed quickly to bring MONUSCO's FIB into action if there is a need to halt atrocities. In addition, the AU should be examining how it could replace Burundian troops in AMISOM if that becomes necessary. In addition, the AU, the U.S., UK and other concerned members of the international community should quietly stress to the Rwandan and new Tanzanian governments that they must play more constructive roles.

The wait-and-see attitude of the international community during the past four years is part of the reason why the crisis has brought us to this point. There is now urgency for more coherent and determined international action to halt the country's further disintegration and expanded violence within and beyond Burundi's borders.