

ABOUT THE INTERNATIONAL REFUGEE RIGHTS INITIATIVE

The International Refugee Rights Initiative (IRRI) was founded in 2004 to inform and improve responses to the cycles of violence and displacement that are at the heart of large-scale human rights violations.

Over the last 14 years, we have developed a holistic approach to the protection of human rights before, during, and in the aftermath of displacement, by focusing on:

- o identifying the violations that cause displacement and exile,
- o protecting the rights of those who are displaced, and
- o ensuring the solutions to their displacement are durable, rights respecting, safe and timely.

We work to ensure the voices of the displaced and conflict affected communities are not only heard but heeded at the international level through our evidence based advocacy that is built on solid field based research and analysis.

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ABOUT THIS PAPER

Thijs Van Laer drafted this report and coordinated the research, which was carried out jointly with a partner organisation in Burundi and with Ariel Plotkin in Uganda. Andie Lambe and Lucy Hovil reviewed this report. The team would like to express their enormous gratitude to the people who facilitated this research and to all those who gave their time and participated in the study.

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Executive Summary

After a political crisis erupted in Burundi in April 2015, following the third presidential bid of President Pierre Nkurunziza, the East African Community (EAC) responded by setting up talks between the government and its ruling party on the one hand, and the political opposition on the other hand. It appointed a mediator, President Museveni of Uganda, and later a facilitator, former President Benjamin Mkapa of Tanzania.

More than three years after the start of the crisis, however, the dialogue has not seen tangible results. The parties to the dialogue, in particular the Burundian government, have not constructively engaged in the talks, which continue to be marred by disagreement over who should participate, what should be discussed and where they should take place. The process suffered a further set-back when the government called for a referendum to change the Burundian Constitution, including in ways that erodes aspects of previous peace agreements.

Between December 2017 and March 2018, IRRI and its partners interviewed 106 Burundians, both in the country and in exile, about their perception of previous peace agreements and the ongoing talks. The findings show that Burundian citizens are critical about the way this dialogue has been handled by the parties and by the facitilitation team, but nonetheless continue to see talks, in a broader sense, as the only way to reduce tensions, in the spirit of a Burundian tradition of dialogue. Despite scepticism within civil society and international circles about what a dialogue can add to existing peace agreements, and about the unlikelihood of its rapid conclusion, many Burundian citizens support a continuation of talks.

Burundi has a long history of cyclical violence, often followed by various forms of dialogue between the parties in conflict. These previous experiences continue to influence the current processes, and many interpret contemporary events in light of this history. Most of the Burundians interviewed for this research are well aware of previous peace agreements, in particular the Arusha Agreement, signed in 2000, and credited these agreements for ending the civil war and for reducing ethnic tensions. Most were aware of some of the Arusha Agreement's contents, including its ethnic power-sharing, security arrangements and checks and balances. The agreements with rebel groups in 2003 and 2006 were less known but appreciated, despite criticism by some.

There was less agreement on the relevance of the Arusha Agreement today: those more critical of the government lambasted the ruling party for not implementing it, and blamed international guarantors for its lack of follow-up. Several in favour of the sitting government favoured a revision of ethnic quotas and constitutional amendments.

These amendments, approved by referendum in May 2018, were presented as a result of an internal dialogue process that the Burundian government initiated following the crisis that started in 2015. Several interlocutors in Burundi criticised the fact that the participation in this internal dialogue process, and said many participants were instructed or coerced into suggesting constitutional changes or attacking the Arusha Agreement. They therefore described it as a predetermined process to legitimise the constitutional amendments.

While the EAC has called for a conclusion to its talks, this is unlikely to happen soon. Many of those interviewed criticised the facilitator, Benjamin Mkapa, for alleged bias towards the Burundian government and for not sufficiently steering the process, and contrasted his role with that of former facilitators during the Arusha process, Julius Nyerere and Nelson Mandela, former presidents of Tanzania and South Africa respectively. Several suggested that others – not from the region – take over. Mkapa has faced some tough challenges, in particular the government's intransigence and the issue of participation of members of armed groups and other individuals

under an arrest warrant issues by the Burundian judiciary. Inclusion of a broad spectrum of actors, a key demand by several of our interlocutors and by international actors, has not materialised. Many we spoke to support the participation of civil society groups, but only a few citizens wanted to be directly consulted themselves.

Respondents often compared the current dialogue context with the situation in the 1990s, when regional states imposed economic sanctions on the Burundian government and put pressure on armed groups to participate in the talks. Despite calls by Mkapa and civil society organisations, national and regional geopolitical considerations have led to the absence of regional pressure, and international measures, such as targeted sanctions against government and opposition officials and suspension of direct aid to the Burundian state, have not led to a change in the government's practices. The findings suggest that opposition parties, many of whose leaders are currently in exile, are struggling to prove their relevance and power base, and are failing to effectively challenge the status quo. Furthermore, while in the past different rebel groups constituted a real threat to those in power, there have been no sustained attacks in Burundi since 2015, therefore giving little incentive for the Burundian ruling party to make concessions.

Those interviewed in Burundi did not link their day-to-day challenges to the need for an ongoing dialogue and instead pleaded for the government to deliver development, civic education and security in the country. Refugees in Uganda, on the other hand, established strong links between their personal situation and the need to make progress in the talks. Unlike residents of Burundi, they suggested discussing more "political" topics, such as the opening of political and public space, the dismantlement of the *Imbonerakure* youth wing of the ruling party and accountability for crimes committed since 2015. To date, accountability has been woefully absent, both for crimes committed since, as well as prior to, the current crisis, despite clear provisions in previous agreements.

There was little consensus on what should be the subject of the talks. Some rejected the talks outright, either out of pessimism about their outcome, the lack of added value *vis-à-vis* the Arusha Agreement, or because of support for a government which was proclaimed the winner of the 2015 elections. Others suggested that the talks should be about the implementation of the Arusha Agreement, while yet a third group suggested widening the scope of the talks to include a stronger emphasis on current problems. Those respondents in favour of the latter generally agreed on a number of key topics: the need to discuss the return of refugees, the preparation of the 2020 elections and their rejection of power-sharing between the government and opposition as an outcome of any dialogue. Such rejection was linked to a general disillusion with the country's political class, whether in government or from the opposition.

Burundians, both inside the country and in exile, thus have a strong awareness of and attachment towards peace agreements of the past, in particular the Arusha Agreement. While they have differing views on its current relevance, they believe the value of these agreements should not be squandered by self-centred politicians, intent on acquiring or holding onto power. Those interviewed also strongly believe in dialogue as a means to resolve the ongoing political crisis, despite their frustration with the government's intransigence, the failing mediation and the lack of regional pressure. Regional actors should listen to such voices and learn lessons from the successes and failures in the past. Only if there is a renewed commitment by participants and regional states to engage in meaningful talks and a willingness to make compromises, can Burundian citizens renew their trust in the political elites of Burundi and its neighbours.

Recommendations

To the African Union (AU):

- Organise a joint meeting with the EAC and former President Mkapa to assess progress on the dialogue and discuss the way forward;
- Unless the EAC-led process makes real progress soon, prepare for the possibility of taking over the mediation process, including by seeking candidates for the roles of facilitator and/or mediator from outside of East Africa and by mobilising financial and human resources;
- Increase its engagement with the inter-Burundian dialogue by scaling up its interaction with the facilitation team and its parties.

To the East African Community (EAC):

- Organise another summit in light of the adoption of the new Constitution in Burundi in June 2018 to decide on the next steps in the dialogue;
- Provide sufficient guidance to President Mkapa and consider ways to encourage dialogue parties to constructively engage, or officially hand over the process to the AU, fully supporting its role;
- Send a team of high-level officials, including Ugandan President Museveni and former Tanzanian President Mkapa, to Bujumbura, to talk to President Nkurunziza and other high-level officials about their willingness to engage in talks and to press the Burundian government to ease restrictions on civil society, the media and the political opposition;
- Increase its financial contributions to the talks and invest in enhancing its mediation support capacity.

To the United Nations:

- Provide full technical support for the EAC facilitation team and/or to the AU if it takes over the leading role for mediation from the EAC;
- Convene an Arria-Formula meeting of the UN Security Council on dialogue in Burundi in order to discuss the UN's support to the dialogue process and pressure needed to ensure full participation of the dialogue parties;
- Persuade and support other bilateral or multilateral efforts to seek a peaceful resolution to the crisis in Burundi.

To Benjamin Mkapa, President Museveni and their support teams:

- Ensure that the talks are inclusive by extending invitations to all relevant individuals not personally involved in international crimes and by ensuring sufficient security conditions for participants;
- Ensure that civil society groups, including human rights organisations, women's and youth groups, refugee and other minority representatives and religious groups, are represented during the talks.

To the guarantors of the Arusha Agreement and their allies, in particular South Africa and EAC members:

- Appoint a high-level panel to evaluate implementation of the Arusha Agreement in all its aspects and convene an international meeting with all guarantors of the Arusha Agreement to discuss the panel's report and decide on its follow-up.

To the Burundian government:

- Participate unconditionally in any dialogue process proposed by the EAC, the AU or the UN;
- End abuses against members of opposition parties, civil society activists or any other real or suspected opponents or critics, and hold to account those responsible for such abuses;
- Re-commit to ensuring full implementation of the Arusha Agreement and its resulting agreements with armed groups, including by delivering accountability for serious human rights abuses;
- Cease attempts to exclude actors not involved in international crimes from participating in the dialogue process.

To Burundian opposition parties and groups:

- Unequivocally and publicly distance themselves from any armed groups.

Methodology

Between December 2017 and March 2018, IRRI and its partner in Burundi conducted 106 semi-structured interviews in Burundi, Uganda and Belgium. IRRI interviewed 31 Burundian refugees in Nakivale refugee settlement in Uganda in December 2017, and 12 individuals involved in previous and ongoing dialogue efforts in Brussels and Bujumbura, between December 2017 and March 2018.

In January and February 2018, IRRI's partner in Burundi conducted 48 interviews in three different locations in rural Burundi and 15 interviews in different neighbourhoods of the capital city Bujumbura (Bujumbura Mairie province). The locations in Burundi's countryside included an area close to the Tanzanian border with many returned refugees and others who left the country after the 2015 crisis erupted (hereafter: location A), a location with multiple sites of former internally displaced people (IDPs) from the Tutsi ethnic group (hereafter: location B), and an area marked by land conflicts between returnees and other residents (hereafter: location C). For reasons of security, the exact locations and identities of these interviewees have been withheld.

For the selection of interviewees, IRRI and its partner took into account the following criteria: gender, ethnicity, age, political affiliation and displacement history. The results of these interviews are used for purely qualitative analysis: the methodology does not permit any quantitative analysis or extrapolation.

The preliminary results of this research were presented on 15 March 2018 in Brussels, Belgium, to a selected number of experts from academia, Burundian civil society and international NGOs. Their feedback on the findings is incorporated in the report. IRRI also attempted to meet with the team of the EAC facilitator, but was unable to secure such a meeting before the publication of this report.

In addition to these interviews, IRRI consulted a wide range of primary and secondary sources, including official statements by the Burundian government, opposition groups and regional actors, as well as the inventory of documents on the website of the "Law, Power and Peace in Burundi" project of the University of Antwerp.²

² See https://www.uantwerpen.be/en/projects/great-lakes-africa-centre/law-power-peace-burundi/more/ (accessed on 5 June 2018.)

The Legacy of Previous Peace Processes

Burundi's current political crisis is deeply rooted in its history of violent conflict and peace processes. Between independence in 1962 and its first multi-party elections in 1993, the country was dominated by a small (Tutsi) elite from southern Burundi. Its Tutsi-dominated armed forces were responsible for several massacres in reaction to Hutu uprisings, most notoriously in 1965 and 1972, when hundreds of thousands of people, mostly Hutu, were killed.³ Between 1988 and 1993, the first forms of national dialogue and power-sharing took place, resulting, amongst other things, in a Charter of National Unity. Some of the interlocutors for this report remembered this charter and criticised it for its inability to bring about positive change.⁴ A pastor in Southern Burundi called it "a comedy to blind the international community."⁵ While not the focus of this research, these processes continue to influence the current dialogue dynamics and its parties' behaviour.⁶

In 1993, after Melchior Ndadaye, a Hutu, was elected president, radical Tutsis staged a coup, killing the president and several of his political allies. In reaction, ethnic massacres erupted throughout the country, sparking a civil war that ravaged the country. The violence ended after the signing of several peace agreements between 2000 and 2006: The Arusha Peace and Reconciliation Agreement (2000) between political parties of the two major ethnic groups, the Hutu and the Tutsi, the National Assembly and the government; and the "global ceasefire agreements" between the government on the one hand and the rebel groups *Conseil National de Défense de la Démocratie - Forces pour la Défense de la Démocratie* (CNDD-FDD, the current ruling party) in 2003 and *Forces Nationales de Libération* (FNL) in 2006 on the other hand. Those interviewed unanimously and overwhelmingly credited these agreements for ending the civil war, bringing back stability and reducing ethnic tensions. As an interviewee in Bujumbura described it, "thanks to these agreements, Burundians reconciled. The war immediately stopped after these agreements. [...] Ethnic problems found a durable solution."

The Arusha Agreement

The Arusha Agreement is an almost 200-page long document, consisting of different protocols on the conflict and its solutions, democracy and good governance, peace and security, and reconstruction and development.⁸ Yet most interviewees described three main elements of the agreement in their assessment: its power-sharing arrangements, the reform of the state's security institutions and the checks and balances it instored. Those interviewed were overwhelmingly positive about this institutional engineering and its consequences. One of the respondents described the dynamics it addressed: "Power-sharing had a positive effect, because the people who felt discriminated against won consideration, while minorities continued to be taken into account.

³ R. Lemarchand, "The Burundi Killings of 1972", in *Online Encyclopedia of Mass Violence*, June 2008, available at http://migs.concordia.ca/documents/The-Burundi-Killings-of-1972Lemarchand.pdf (accessed on 9 April 2018).

⁴ Interview with Burundian citizen, Location B, 23 February 2018. Interview with Burundian expert, Bujumbura, 24 January 2018.

⁵ Interview with Burundian citizen, Location B, 23 February 2018.

⁶ For an overview of the different processes and their power-sharing dynamics, see S. Vandeginste, "Power-Sharing, Conflict and Transition in Burundi: Twenty Years of Trial and Error," in *Africa Spectrum*, 44, 3, pp. 63-86.

⁷ Interview with Burundian citizen, Bujumbura, 31 January 2018.

⁸ Accord d'Arusha pour la Paix et la Réconciliation au Burundi, (hereafter "Arusha Agreement") 28 August 2000, available (in French) at

https://www.uantwerpen.be/images/uantwerpen/container2143/files/DPP%20Burundi/Paix/Accords%20de%20paix/Arusha Accord Pour la Paix et la R%C3%A9conciliation du 28 ao%C3%BBt 2000 int%C3%A9gral.pdf (accessed on 6 April 2018). The UPRONA party and some of its allies signed it with reservations.

[...] It is a fact that politicians don't kill each other anymore because of ethnicity, but because of their egoism."9

Despite their strong belief in the agreement, a significant group of those interviewed had no, or very limited, knowledge of the agreement. Former refugees who returned to Burundi after it was signed, for example, stated that they were insufficiently informed about the content of the agreement, mainly because of their absence from the country when it was adopted. A civil society member involved in the negotiation process explained that this was the result of a lack of public awareness raising about the agreement: "We didn't go back to the population to explain the Arusha Agreement. Even the country's elite does not know it." This was also illustrated by the fact that many suggested a clarification of the Arusha Agreement's provisions on presidential term limits (see below), while in reality the articles in the Arusha Agreement do not leave much room for interpretation (contrary to the Constitution, which did contain legal ambiguities). 11

The Arusha Agreement was mediated by influential African leaders, including former presidents Julius Nyerere of Tanzania and Nelson Mandela of South Africa. Many of the people IRRI spoke to credit these high-profile mediators with brokering the Arusha Agreement. A Bujumbura resident said: "The signatories of the agreement could not think of bypassing these two personalities. They had the support of many people. It is for this reason that these agreements have lasted until today." Similar credit is given to regional actors for putting pressure on the then-Burundian government through economic sanctions as well as on the Hutu opposition, whom some of the neighbouring countries supported.

Despite consensus on the importance of the Arusha Agreement, there was less agreement on its current status. The different views, to a large extent, corresponded with respondents' opinions about the current government: those in favour of the government, dominated by the former rebel group CNDD-FDD and headed by President Pierre Nkurunziza, suggested revisions to the agreement, while those critical of the government criticised the latter for not implementing it.

Several interlocutors, mainly those strongly supporting the current government but also some more critical about the current leadership, expressed the view that the agreement had been implemented, but that its ethnic quotas in government (from the national down to the local level), the security services and in parliament are out of date and need revision in order to allow "meritocracy" to determine who gets a position within the state apparatus. Some also opposed the idea that former presidents automatically got a seat in the Senate, which is no longer the case in the new Constitution. As a member of the CNDD-FDD, while critical of his party, explained:

The quotas gave seats to certain groups who did not win elections. We created a group of people who believe blindly that they will have this or that position in government without deserving it. This created frictions between [this group and] those who won elections. [...] Some parts [of the Arusha Agreement] have to be revisited, as at the time it was signed, the country was at war. They have to be removed, as there is no longer any war.¹³

Such calls for a review of ethnic quota were contested by those who held the view that currently most government positions are distributed according to an individual's membership of, and

⁹ Interview with Burundian citizen, Bujumbura, 31 January 2018.

¹⁰ Participant workshop, Brussels, 15 March 2018.

¹¹ Arusha Agreement, protocol II, chapter 1, art 7.3.

¹² Interview with Burundian citizen, Bujumbura, 31 January 2018.

 $^{^{\}rm 13}$ Interview with Burundian citizen, Bujumbura, 31 January 2018.

involvement with, the CNDD-FDD. As a CNDD-FDD member said: "If you are member or follower of the ruling party CNDD-FDD, there is no problem, but if you are in the opposition, you must be cautious. The opposition do not have the same freedom as we do. When it comes to getting jobs, the system eliminates the opposition [...] I am forced to be a member of that political party if I want to keep my job but deep down in my heart as a Christian, I know that there are many things done in my political party that are not right at all."¹⁴

Many others, especially those critical of the government, including all refugees interviewed in Uganda, felt that the Arusha Agreement had to be upheld and protected in its entirety, and blamed the CNDD-FDD and the government it dominates for not doing this. As a man who considered himself close to the CNDD-FDD said: "With regard to the Arusha Agreement, we did not see that what was agreed was implemented. The government should put much more effort in implementing and translating into action what they had agreed in the Arusha Agreement and if so, it could solve the Burundi crisis once and for all." 15

Most made reference to the contested decision by President Nkurunziza to run for a third presidential term in 2015, which ran counter to provisions in the Arusha Agreement and sparked protests and a political crisis, resulting in the deaths of many Burundian citizens and the arrival of 430,000 refugees in neighbouring countries. If "Arusha did not lead us to a durable peace, because of the lack of political will of the president. He wants to stay in power and violates the Arusha Agreement", a refugee in Uganda told us. If The agreement states that "no one can exercise more than two presidential mandates. Is Nkurunziza had already been elected president twice, indirectly by parliament in 2005 and directly through elections in 2010. He was announced winner of the heavily criticised elections of 2015, after the Constitutional Court controversially ruled in favour of his party's claim that this would constitute his second term, as he was indirectly elected in 2005.

Others mentioned that the government violated the Arusha Agreement by imposing serious restrictions on public freedoms since 2015¹⁹ and criticised the dominance of the security services by the CNDD-FDD.²⁰ Citizens in areas affected by land disputes between returned refugees and those who occupied the lands during their absence also criticised the lack of implementation of the Arusha Agreement's land provisions.²¹ One told us: "What brings conflicts and misunderstandings are land issues, whereby returnees say they have been left to fend for themselves and feel they did not get what the Arusha Agreement promised."²² A former refugee in Tanzania, who fled the 1972

¹⁴ Interview with Burundian citizens, Location C, 21 February 2018.

¹⁵ Interview with Burundian citizen, Location C, 23 February 2018. While the CNDD-FDD did not sign the Arusha Agreement, a case can be made that the current government has a (legal) responsibility to uphold the commitments signed by the previous government.

¹⁶ UNHCR, Burundi situation, available at http://www.unhcr.org/burundi-situation.html (accessed on 9 April 2018).

 $^{^{\}rm 17}$ Interview with refugee, Nakivale refugee settlement, Uganda, 18 December 2017.

 $^{^{18}}$ Arusha Agreement, art. 7.3.

 ¹⁹ See for example Arusha Agreement, protocol II, chapter 1, art 3 and Protocol III, chapter 1, art 8. Such criticism is confirmed by human rights reports from Burundian and international NGOs and the UN Commission of Inquiry.
 20 Interview with Burundian expert, 24 January 2018, Bujumbura. See Arusha Agreement, protocol III. Such criticism has been confirmed by International Crisis Group, "Burundi: The Army in Crisis", report 247, 5 April 2017, available at https://www.crisisgroup.org/africa/central-africa/burundi/247-burundi-army-crisis (accessed on 6 April 2018).
 21 See for example Arusha Agreement, protocol IV, chapter 1, art 8.

²² Interview with Burundian citizen, Location B, 23 April 2018. The Arusha Agreement created a *Commission Nationale des Terres et Autres Biens* (CNTB), responsible for dealing with land issues. The CNTB has been the object of frequent criticism, including about its independence. See for example International Crisis Group, "Fields of Bitterness (II): Restitution and Reconciliation in Burundi", 17 February 2014, available at https://www.crisisgroup.org/africa/central-africa/burundi/fields-bitterness-ii-restitution-and-reconciliation-burundi (accessed on: 25 June 2018).

violence and only returned in 2008 after sensitisation on the Arusha Agreement, confirmed: "Today, we realise that we have been deceived."²³

Actors from government, civil society and opposition interviewed during this research, and to a lesser extent other citizens, pointed to the absence of accountability for past crimes as promised by "Arusha". Government supporters mainly referred to crimes committed by the previous Tutsiled governments, as many senior CNDD-FDD members are survivors and lost family members during those atrocities, while refugees and civil society members also demanded accountability for crimes committed following the 2015 crisis.²⁴

However, there was also an understanding that this lack of accountability could not be blamed exclusively on the CNDD-FDD. According to one civil society member, it is the result of an unwritten consensus between all the parties in Burundi, as they have all been responsible for serious crimes in the past: "Impunity is a point of consensus. They say: 'Protect me, and I will protect you.'"25 While a Truth and Reconciliation Commission has been created, after many years, in the current context it is unable to provide real accountability for past crimes.²⁶ The Arusha Agreement also foresaw the establishment of a special tribunal, but this has never been created. As a consequence, these past events continue to cast a shadow over contemporary events: "Today's crises are interpreted through the lens and wounds of the past."²⁷

Despite assurances to IRRI by a senior government official of the importance of the Arusha Agreement for his government and party, several members of civil society said the CNDD-FDD had never been serious about respecting and implementing the Arusha Agreement.²⁸ Some explained this by the absence of CNDD-FDD members during the Arusha negotiations – it was still an active rebel group, even after 2000.²⁹ A teacher, for example, said: "The youth was not represented [during the Arusha talks], while they played an important role in the cyclical conflicts that our country has known. As they still were still hot headed, they mobilised to disturb security."³⁰ Others responded that while the CNDD-FDD was not present, it was represented to some extent by other Hutu leaders.

Some of the interlocutors said there was inadequate follow-up and monitoring of the Arusha Agreement. One refugee said: "Mechanisms in Arusha for a durable peace were not put in place, or not respected. [...] Justice for crimes committed before 2000 was never put in place. There were no follow-up tools to monitor the creation of such systems. The 50/50 rule in the army was progressively violated, but there was no follow-up to show this."31 He added that guarantors of the

²³ Interview with Burundian citizens. Location C, 21 February 2018.

²⁴ A UN Commission of Inquiry stated it had "reasonable grounds to believe that crimes against humanity have been committed in Burundi since April 2015." UN Commission of Inquiry on Burundi, final report, 11 August 2017, available at http://ap.ohchr.org/documents/dpage e.aspx?si=A/HRC/36/54 (accessed on 9 April 2018).

²⁵ Burundian civil society member, workshop, 15 March 2018, Brussels.

²⁶ Interviews with Burundian experts, Bujumbura, 23 and 24 January 2018.

²⁷ Interview with Burundian expert, Bujumbura, 23 January 2018.

²⁸ Interview with senior government official, Bujumbura, ²⁴ January 2018. Interview with civil society leader, ¹⁹ December 2017, Brussels; Interview with former CNDD-FDD official, ²⁹ December 2017, Brussels. See also *Feuille de route des partis politiques, des indépendants et du gouvernement du Burundi pour les élections de 2020*, ³ December 2017, available at

https://www.uantwerpen.be/images/uantwerpen/container2673/files/Burundi%20DPP/conflit/dial/041217b.pdf (accessed on 10 April 2018).

²⁹ Interview with Burundian experts, Bujumbura, 23 and 24 January 2018 and with Burundian refugee, Nakivale refugee settlement, Uganda, 19 December 2017.

³⁰ Interview with Burundian citizen, Location A, 18 February 2018.

³¹ Interview with Burundian refugee, Nakivale refugee settlement, Uganda, 18 December 2017.

Arusha Agreement did not play their role after its adoption. An NGO worker agreed: "The guarantors didn't do anything. They don't even remember the Arusha Agreement."³²

This position was also taken by opposition politicians during the EAC-led dialogue (see below), who stated that "one of the primary causes of the collapse of the Arusha Agreement is the lack of engagement by the UN, the AU and the EAC to guarantee the implementation of the agreement, while they were supposed to be its guarantors."³³ Others pleaded for an evaluation of the Arusha Agreement.³⁴ In April 2018, the UN Security Council called on guarantors to ensure the Arusha Agreement is respected and implemented.³⁵ Some citizens interviewed for this report said civil society organisations had previously played the role of holding the government to account on the implementation of the Arusha Agreement, but had lost the ability to do so after the 2015 crisis, because of the government crackdown, shrinking civil society space and the exile of many of its main figures.³⁶

Agreements with Armed Groups

The CNDD-FDD signed a "global ceasefire agreement" with the then-transitional government in 2003, which is an "integral part" of the Arusha Agreement.³⁷ Its forces were integrated into the security institutions and the rebel group transformed into a political party. It won the 2005 and 2010 elections and now is Burundi's main ruling party. Those citizens who were aware of the 2003 global ceasefire agreement (significantly fewer compared to those with knowledge of the Arusha Agreement) considered it unanimously successful. "The agreement between the government and the CNDD-FDD was a relief for the population to a great extent, because it [the CNDD-FDD] was the most virulent and covered the whole national territory. After the signing of the agreement, the war stopped in almost the whole country," said a member of the CNDD-FDD.³⁸ Several remembered the role that former President of South Africa Jacob Zuma played in brokering this agreement: "I think Zuma was the right facilitator, for in the past the ANC had been sidelined [in South Africa] as the Hutu had been sidelined in Burundi," one man said.³⁹

There was less consensus and knowledge about the agreement signed in 2006 with the FNL, the last rebel movement to demobilise and convert into a political party in 2009. While most credited the 2006 agreement with ending the violence that had continued around Bujumbura even after the Arusha Agreement, some said that the FNL had been "tricked" into signing. This "trick" generally referred to the previous absence of FNL representatives in government, its more limited integration into the security forces, the ongoing persecution of its members and internal divisions

 $^{^{32}}$ Interview with Burundian expert, Bujumbura, 24 January 2018. This analysis was echoed during the workshop on 15 March 2018 in Brussels.

³³ Propositions des partis et acteurs politiques de l'opposition sur le règlement pacifique de la crise actuelle au Burundi, 30 November 2017, available at

https://www.uantwerpen.be/images/uantwerpen/container2673/files/Burundi%20DPP/conflit/dial/041217.pdf (accessed on 10 April 2018). (Proposition des Partis Nov 2017)

³⁴ Ibid & Interview with Burundian expert, Bujumbura, 23 January 2018.

³⁵ UN Security Council, "Deeply Concerned at Worsening Conditions in Burundi, Security Council Presidential Statement Stresses Dialogue Only Viable Process to Resolve Political Situation", SC/13278, 5 April 2018, available at https://www.un.org/press/en/2018/sc13278.doc.htm (accessed on 12 April 2018).

³⁶ Interview with Burundian citizen, Location C, 21 February 2018.

³⁷ Accord global de Cessez-le-feu, 16 novembre 2003, art. 2, available at https://www.uantwerpen.be/images/uantwerpen/container2143/files/DPP%20Burundi/Paix/Accords%20de%20paix/GOB_CNDD-FDD_fr_GCA_161103.pdf (accessed on 6 April 2018).

³⁸ Interview with Burundian citizens, Bujumbura, 31 January 2018.

³⁹ Interview with Burundian citizens, Location C, 21 February 2018. Some of these weaknesses are confirmed by International Crisis Group, "Burundi: To Integrate the FNL Successfully", 30 July 2009, available at https://www.crisisgroup.org/africa/central-africa/burundi/burundi-integrate-fnl-successfully (accessed on 26 April 2018).

in the FNL, partly orchestrated by the government.⁴⁰ As a pastor from Bujumbura explained: "There was no sincerity during the signing of this agreement, because the FNL members complain until today. They are not free in their movements. They cannot organise meetings like other political parties. They complain about detention and targeted assassinations of their members."⁴¹ A CNDD-FDD member added: "The leader of the FNL [Agathon Rwasa] was cheated. It was not a true peace accord, since what they had agreed was never implemented. He was trapped and he had to accept the verdict."⁴² Others, however, attributed this frustration to the inability of the FNL to win elections and accept its results, alleging vote rigging.⁴³

⁴⁰ Interview with Burundian citizens, Bujumbura, 31 January 2018.

⁴¹ Interview with Burundian citizen, Bujumbura, 31 January 2018.

⁴² Interview with Burundian citizen, Location C, 21 February 2018.

⁴³ Interview with Burundian citizen, Location A, 18 February 2018.

A Controversial National Dialogue

Following the 2015 crisis, the government launched a "national inter-Burundian dialogue" under the auspices of the National Commission for the Inter-Burundian Dialogue (CNDI). The CNDI was sworn in in October 2015, but its work was boycotted from the outset by opposition parties.⁴⁴ According to the CNDI, more than 20,000 people participated in the national dialogue and discussed social, political and cultural issues during a series of meetings and workshops held in Burundi between October 2015 and May 2017.⁴⁵ This national dialogue took place in parallel with, and independently from, the EAC mediation process.

Just for Show?

Most of the participants in the national dialogue – and a minority of those interviewed by IRRI, mostly supporters of the government – were positive about the process and its outcome. An *Imbonerakure* leader described the process as "open, transparent, free and fair" and said that "everybody was invited to participate."⁴⁶ Another participant praised its outcome: "At the end of the meeting, we recommended to change the Constitution, so that the population has the power to elect its own leaders. Everyone was happy about the suggestions."⁴⁷

A significantly larger number of people, however, including some dialogue participants, rejected it. One respondent said:

The national dialogue was aimed at distracting the international community. The government wanted to coerce Burundians into singing from the government's hymn sheet and to control what was happening. The government feared holding an external negotiation because it cannot control it. To me, the national dialogue which took place in Burundi was a joke, a play, since none of the actors invited had any conflict between them. To me, it was a show and, therefore, useless.⁴⁸

Several participants echoed this sentiment and described a number of flaws. Some mentioned the problems with participation. As a CNDD-FDD member said: "My concern is that those who are not under the wing of the government were not invited to the so-called national dialogue."⁴⁹ Another man said:

The so-called national dialogue held in Burundi was just play acting and, as a result, it could not contribute to finding lasting solutions to the conflict, since the invitees were the wrong people; they were just pretending. The majority of Burundians did not take part in this national dialogue. The result was that the government got what it wanted. It achieved its results as planned, to the dissatisfaction of the opposition who never took part in the said national dialogue.⁵⁰

⁴⁴ Reuters, "Burundi sets up body aimed to end crisis, opponents dismissive", 24 October 2015, available at https://af.reuters.com/article/africaTech/idAFKCN0SI07A20151024 (accessed on 9 April 2018).

⁴⁵ CNDI, "Sur le rapport de six mois d'activités de ladite commission", available at http://www.ppbdi.com/index.php/extras/societe-justice-et-securite/4912-cndi-conference-de-presse (accessed on 7 May 2018); Interview with senior government official, Bujumbura, 24 January 2018.

⁴⁶ Interview with Burundian citizen, Location B, 23 February 2018.

⁴⁷ Interview with Burundian citizen, Location B, 23 February 2018.

⁴⁸ Interview with Burundian citizen, Bujumbura, 30 January 2018.

⁴⁹ Interview with Burundian citizen, Location C, 21 February 2018.

 $^{^{\}rm 50}$ Interview with Burundian citizen, Bujumbura, 31 January 2018.

Others criticised the way the process was steered in favour of a predetermined outcome. A member of the CNDD-FDD said:

It was a biased dialogue as it was masterminded by the ruling party and prepared in advance. The questions to be asked were prepared in advance in the CNDD-FDD laboratory and given to the people to ask. They also prepared answers to those questions. [...] One wonders how all the people from different areas would have the same ideas, written the same way and read the same way, using the same language. It is as if they were reading from the same script.⁵¹

This was confirmed by several others. Some said participants were afraid to speak their minds, especially given the serious restrictions on public freedoms: "I have heard many people complain that they think they would have paid harshly if they dared to say something different from what the ruling party had prepared beforehand in their think tank laboratory."⁵² The CNDI was led by Justin Nzoyisaba, the former head of the Methodist church in Burundi, who was also criticised: "The mediator had a preference for one side. […] He was executing the orders of his master."⁵³

Changing the Constitution

As a consequence, most respondents who had participated in or were informed about the national dialogue saw it as a smokescreen to amend the Constitution, including on term limits, and to erode the Arusha Agreement, although its official agenda was broader and included "social and political questions, questions related to peace consolidation, security, economic development and evaluating the Arusha Agreement, the Constitution, the Global Ceasefire agreement, the Charter of National Unity, etcetera." Not surprisingly given the way it was conducted, the majority of participants reportedly endorsed proposals to amend the Constitution in order to allow President Nkurunziza to stand for additional presidential terms, and supported more "equal" representation of ethnic groups, as opposed to the quota provided in the Arusha Agreement. Some even suggested getting rid of the Arusha Agreement.

The CNDI presented its results in May 2017 to President Nkurunziza, and concluded that "the main proposal that results from the consultations concerns the necessity to amend the Constitution." ⁵⁶ Because of the criticisms above, however, several respondents doubted whether the suggestions of participants were duly incorporated in its final report. "Nobody knows if what was aired in those meetings was well recorded and reported," one said. ⁵⁷ As a consequence of the outcome of the national dialogue, constitutional amendments were drafted and subjected to a referendum on 17 May 2018. A reported 73.24 % of voters voted in favour of the constitutional amendments. Despite questions as to whether it also needed approval by Parliament, President Nkurunziza promulgated the new Constitution on 7 June 2018.

⁵¹ Interview with Burundian citizen, Location C, 21 February 2018.

 $^{^{\}rm 52}$ Interview with Burundian citizen, Location C, 21 February 2018.

 $^{^{\}rm 53}$ Interview with Burundian citizens, Bujumbura, 31 January 2018

⁵⁴ Interview with Burundian citizens, Location B, 23 February 2018 and Location C, 21 February 2018; President of the Republic, "Décret n° 100/34 du 23 Septembre 2015 portant création, mandat, composition, organisation et fonctionnement de la commission nationale de dialogue interburundais", 23 September 2015, available at https://www.uantwerpen.be/images/uantwerpen/container2673/files/Burundi%20DPP/conflit/dial/CNDI230915.pdf (accessed on 16 April 2018). Own translation.

⁵⁵ Interview with Burundian citizens, Bujumbura, 2 February 2018.

⁵⁶ Burundi Presidency, "La CNDI présente son rapport final au président Nkurunziza", 12 May 2017, available at http://www.presidence.gov.bi/2017/05/12/la-cndi-a-presente-son-rapport-final-au-president-nkurunziza/ (accessed on 9 April 2018).

 $^{^{\}rm 57}$ Interview with Burundian citizen, Location C, 21 February 2018.

To the surprise of many, however, President Nkurunziza announced during his promulgation speech that he would support a new president and that his mandate would end in 2020. While it unclear what the consequences will be for the 2020 elections, it countered criticism by opposition, civil society groups and donors who slated the constitutional amendments as a move to extend President Nkurunziza's stay in power. While not changing the maximum number of presidential mandates, the revised Constitution is interpreted by some as allowing President Nkurunziza to stand again for president in 2020, as it extended presidential terms from five to seven years and could be seen as resetting the counter. The amended Constitution further created the position of prime minister, eliminated one of the two vice-presidents, reduced voting majorities in parliament and foresees an evaluation of ethnic quotas. While keeping (and even extending) ethnic quotas, the new Constitution reduced the impact they have on Burundi's institutions and reinforces the power of the executive branch. ⁵⁸

The internal dialogue, the constitutional amendments and the referendum were from the outset contested by opposition groups and civil society. The opposition-in-exile platform *Conseil National pour le Respect de l'Accord d'Arusha et la Restauration de l'Etat de Droit* (CNARED) called for a boycott, ⁵⁹ while opposition groups inside the country made contradictory statements, some calling for a boycott, other for a no vote, while not recognising its outcome, alleging voter intimidation and other abuses. International actors also made clear their opposition to the constitutional review process. The UN warned it would "exacerbat[e] tensions with the opposition" ⁶⁰ and Mkapa said that there is "a general consensus among the regional and international community that fundamental constitutional amendments should not be advanced until the situation has stabilized." ⁶¹ Interlocutors expressed similar fears that it would create more tension, which could result in the return of insecurity, and denounced the fact that it "suits the interests of greedy and power-hungry people." ⁶² Several western actors also expressed their disappointment in the process.

⁵⁸ S. Vandeginste, "Burundi's constitutional referendum: Consolidating the *fait accompli* in the run-up to the 2020 elections", *ConstitutionNet*, 23 January 2018, available at http://www.constitutionnet.org/news/burundis-constitutional-referendum-consolidating-fait-accompli-run-2020-elections (accessed on 6 April 2018).

⁵⁹ CNARED, "Communiqué du 13 février 2018 sur la référendum forcé", 14 February 2018, available at

http://cnared.info/wordpress/communique-du-13-fevrier-2018-sur-la-referendum-force/ (accessed on 9 April 2018). 60 UN Secretary-General, report on the situation in Burundi, S/2018/89, available at

https://reliefweb.int/report/burundi/report-secretary-general-situation-burundi-s201889 (accessed on 9 April 2018). 61 B. Mkapa, opening statement Burundian dialogue, 17 February 2017, available at

https://www.uantwerpen.be/images/uantwerpen/container2673/files/Burundi%20DPP/conflit/dial/170217.pdf (accessed on 5 July 2018).

⁶² Interview with Burundian citizen, Bujumbura, 31 January 2018; Interview with Burundian citizen, Location B, 23 February 2018.

The Stalled Regional Process

Burundian citizens inside and outside Burundi, when aware of it, almost unanimously expressed their disappointment in the regionally-led dialogue that has taken place between 2015 and 2017 and regretted that it had not been concluded. To date, the dialogue has not yielded any tangible results. While most blamed the Burundian government for this situation, others pointed to other deficiencies including the regional mediation, lack of regional pressure and an insufficiently inclusive approach to the talks.

Regional Mediation Efforts

When the crisis in Burundi erupted in 2015, the EAC, a regional bloc comprising Burundi, Kenya, Rwanda, South Sudan, Tanzania and Uganda, appointed Ugandan President Yoweri Museveni to facilitate a dialogue between the different parties, often dubbed the Inter-Burundi (-an) dialogue.⁶³ Museveni and his minister of defence, Crispus Kiyonga, met President Nkurunziza and other stakeholders in Bujumbura and presided over discussions in December 2015 in the Ugandan capital Kampala, which continued in January 2016 in Arusha, Tanzania.⁶⁴

On 2 March 2016, the EAC appointed former Tanzanian President Benjamin Mkapa to "facilitate the mediation", while maintaining Museveni as "mediator" for the inter-Burundi dialogue. Mkapa has since organised three dialogue sessions in Arusha, in May 2016, in February 2017 and in November/December 2017. He convened a fifth round in Entebbe (Uganda) between 24 an 28 April 2018, but suspended it after the government said it wouldn't be available. Mkapa has regularly consulted with stakeholders in and outside Burundi and briefed Museveni and other EAC heads of state on the proceedings.

While some academic research provides strong support for a mediation role by regional organisations,⁶⁷ respondents in our research seriously criticised the current regional mediation on Burundi. In particular, many criticised the alleged lack of neutrality of Mkapa and Museveni and pointed to their inability to make progress in the talks, despite their status as former and current presidents and as guarantors of the Arusha Agreement. As one interviewee said: "Mkapa certainly had the right profile to reconcile Burundians. But in his actions, there were problems, as there is a clear difference between someone's profile and his competences. He didn't win everyone's confidence because he had a bias in favour of the government."⁶⁸ This allegation was apparently

⁶³ East African Community, "Communiqué: The 3rd emergency summit of Heads of State of the East African Community on the Situation in Burundi", 6 July 2015, available at

https://reliefweb.int/sites/reliefweb.int/files/resources/COMMUNIQU%C3%89 %203RD%20EMERGENCY%20SUMMI T%200F%20HEADS%200F%20STATE%200F%20THE%20EAST%20AFRICAN%20COMMUNITY%20ON%20THE%20 SITUATION%20IN%20BURUNDI.pdf (accessed on 6 April 2018).

⁶⁴ East African Community, Communiqué on the opening ceremony of the re-launch of the East African Community (EAC) mediated Burundi Dialogue, 28 December 2015, available at

 $[\]frac{https://www.uantwerpen.be/images/uantwerpen/container2673/files/Burundi\%20DPP/conflit/dial/commM728121}{5.pdf} (accessed on 10 April 2018).$

⁶⁵ East African Community, "Joint Communiqué: 17th Ordinary Summit of the East African Community heads of state", 2 March 2016, available at https://www.eac.int/communique/374-446-526-joint-communique-17th-ordinary-summit-of-the-east-african-community-heads-of-state (accessed on 6 April 2018).

⁶⁶ AU Peace and Security Council, "Report of the Peace and Security Council on its activities and the state of peace and security in Africa", July 2018, on file, p. 14.

⁶⁷ They share many features with the parties in conflict, have a greater stake in the outcome, are not viewed as colonisers, and often have a similar regional legal framework. See for example S. Gartner, "Deceptive Results: Why Mediation Appears to Fail but Actually Succeeds" in *Penn State Journal of Law & International Affairs*, 2 (1) 2013; J. Bercovitch, and A. Houston, "The study of international mediation: Theoretical issues and empirical evidence" in J. Bercovitch, *Resolving international conflicts. The theory and practice of mediation*, Boulder: Lynne, 1996, pp. 11-38. ⁶⁸ Interview with Burundian citizen, Bujumbura, 30 January 2018.

confirmed by the positive assessment of a member of the *Imbonerakure*: "To me, he did a good job, as he sided with the government of Burundi and the ruling party." ⁶⁹

In their criticism, several of our interlocutors mentioned declarations Mkapa made about the legitimacy of the government after meeting President Nkurunziza in Bujumbura – declarations which were welcomed by the government. A refugee expressed his feelings about Mkapa's role: The facilitator, Mkapa, is on the side of those in power in Bujumbura. He recognised [Nkurunziza's] third term, which shocked the opposition and refugees. His lack of impartiality was seen to have negatively impacted his ability to make progress in the talks: to preside over negotiations, a mediator has to be neutral and able to listen to all parties in the conflict, according to a CNDD-FDD member, who described how Nyerere and Mandela had to build the confidence of different parties in their mediation role during the Arusha proceedings.

Many respondents, especially refugees, suggested that other actors take the lead in the mediation process, proposing the UN, the AU, individual African states from outside the East African region or western actors as alternatives. Most importantly, they said, it should be someone "Mandela-like", referring to the South African president's role in the nineties. Experts also suggested other actors, such as non-East African members of the AU, but underlined the need to keep the region involved, not least given their considerable leverage over the Burundian government.⁷³

Mediation Strategy

There was also criticism for the way in which Mkapa organised the talks. Many had hoped that he would employ similar tactics to Nyerere and Mandela in the nineties, who used "a mix of moral suasion and strong-arm tactics, and significant international pressure."⁷⁴ But from the beginning, Mkapa downplayed his role and underlined that his mandate consisted of "facilitating" consensus between the different stakeholders, as opposed to "mediation". But it was not only about the mandate; Nyerere's and Mandela's title was also "facilitator", but they employed much more direct tactics than Mkapa. As a teacher remembered: "Sometimes, Mandela was forceful, but unfortunately Mkapa does not have that calibre of making the opposite sides bow and implement what they have agreed."⁷⁵ Museveni, who has the official mandate of "mediator", appears to have invested very little in the dialogue process since his visit to Burundi in late 2015 and the appointment of Mkapa.

While Mkapa and Museveni's more passive role was appreciated by pro-government actors, who regularly pointed at the distinction between mediation and facilitation and between negotiations and dialogue, opposition actors have repeatedly asked Mkapa to play a more active and stronger role, and have criticised his team, composed of representatives from EAC member states, the AU and the UN, for their alleged lack of organisation and direction.⁷⁶ During the November/December

 $^{^{\}rm 69}$ Interview with Burundian citizen, Location B, 23 February 2018.

 $^{^{70}}$ B. Mkapa, statement to the EAC summit, 20 May 2017, available at

https://www.uantwerpen.be/images/uantwerpen/container2673/files/Burundi%20DPP/conflit/dial/200517m.pdf (accessed on 10 April 2018). (B. Mkapa May 2017); Iwacu, "Mkapa : « Le pouvoir de Bujumbura est légitime »", 19 December 2016, available at http://www.iwacu-burundi.org/mkapa-le-pouvoir-de-bujumbura-est-legitime/ (accessed on : 27 July 2018).

⁷¹ Interview with refugee, Nakivale refugee settlement, Uganda, 14 December 2017.

⁷² Interview with Burundian citizen, Bujumbura, 31 January 2018.

⁷³ Workshop, Brussels, 15 March 2018.

⁷⁴ K. Bentley & R. Southall, An African Peace Process: Mandela, South Africa and Burundi, 2005, HSRC press, available at https://www.researchgate.net/publication/299395231 An African Peace Process Mandela South Africa and Burundi (accessed on 12 April 2018), p. 77.

⁷⁵ Interview Burundian citizen, Location B, 23 February 2018.

⁷⁶ Interview with representatives of recognised UPRONA (the wing of the opposition party UPRONA that has been recognised by the government), 22 January 2018, with dialogue expert, 23 January and with senior government official, Bujumbura, 24 January 2018; Proposition des Partis November 2017, own translation. (accessed on 10 April 2018).

2017 session, opposition actors made the unrealistic demand that "if there were to be new blockages, the mediation should decide."⁷⁷

Despite criticism of his rather passive role in the discussions, Mkapa has regularly suggested dialogue topics and presented summaries of the different positions. During the last session in November and December 2017, Mkapa declared that he hoped the session would be concluded with an agreement signed by the different parties, which enraged the government delegation and contributed to its decision to obstruct the proceedings.⁷⁸

As a consequence of the absence of an agreement after more than two years of talks, some respondents asked whether the real dialogue had already started, or "rather there has been a collection of views so that one day there can be a confrontation and real negotiations which will culminate in the signing of a peace accord as it was done in 2000."⁷⁹ Another thought that this was "just a brainstorming session. The real negotiations are yet to come. This was a good ice breaker."⁸⁰

While an agreement still remains out of reach at the time of writing, some respondents already mentioned the need for the monitoring of the implementation of any future agreement, referring to weaknesses in the implementation and follow-up of the Arusha Agreement. One participant suggested: "There should be a mixed commission composed of UN-mandated people, and not only a president like Museveni who is in the same situation as our president [as he attempts to extend his stay in power]. They should apply sanctions to any participant to the negotiation table who does not obey and implement what has been agreed upon. [...] Otherwise, they will remain agreements on paper and will not be translated into action."

Blaming the Parties to the Dialogue

While the lack of direction has certainly hindered progress, ultimately most interlocutors blamed the lack of results on the behaviour and irreconcilable position of the Burundian parties. Several interviewees, including a man from Bujumbura, blamed all sides at the table: "The government was neither open nor willing to take part in these negotiations, and avoided confrontation. The opposition wanted to be there for their own selfish interests. So there were no real negotiations." Another blamed both sides for unrealistic demands: "Everyone took a radical position in front of the mediator. [...] Every party should adopt a more flexible position and be prepared to make concessions so that the negotiations can proceed." 83

Most, however, clearly put the blame on the Burundian government: "The president does not want to negotiate, [and thus] the mediation won't get anywhere", a young student who fled to Uganda said.⁸⁴ Even the facilitator of the dialogue has stated that "there is an impasse because the Government of Burundi is reluctant to talk to its opponents."⁸⁵ Criticism of the government increased further since it announced the constitutional referendum, opposed by opposition parties, many civil society organisations and regional and international actors. As a refugee said: "The negotiations won't change anything, [as long as] the government is [...] calling for a vote on the Constitution."⁸⁶ The government refused to attend the fifth session of the dialogue, organised

⁷⁷ Proposition des Partis November 2017

⁷⁸ Interview with civil society leader, 18 December 2017, Brussels, Belgium.

⁷⁹ Interview with Burundian citizen, Location B, 23 February 2018.

⁸⁰ Interview with Burundian citizens, Location C, 21 February 2018.

²¹ Interview with Durundian citizens, Eccation C, 21 rebruary 2010

⁸¹ Interview with Burundian citizen, Bujumbura, 31 January 2018.

⁸² Interview with Burundian citizen, Bujumbura, 31 January 2018.
83 Interview with Burundian citizen, Location B, 23 February 2018.

⁸⁴ Interview with Burundian refugee, Nakivale refugee settlement, Uganda, 15 December 2017.

⁸⁵ B.Mkapa, May 2017

 $^{^{86}}$ Interview with Burundian refugee, Nakivale refugee settlement, Uganda, 15 December 2017.

and then suspended by Mkapa in Entebbe (Uganda) in April 2018, as it was "in full preparation of the Constitutional Referendum."⁸⁷

The government has employed different strategies to stall the dialogue. It boycotted the third session in early February 2017 and the fifth session in April 2018 and at the same time used international declarations on the improved security situation and the return of several opposition politicians to press for a "repatriation" of the dialogue to Burundi. This proposal was deemed unacceptable for opposition and civil society leaders outside of the country and was described by Mkapa as a "volte-face in the thinking of the ruling party [which] surprised everybody and was viewed as a set back to the on-going peace process."88

The proposal to "repatriate" the agreement was supported by several interlocutors close to the ruling party,⁸⁹ while others saw the potential dangers, such as this CNDD-FDD member: "Some wanted the negotiations to be carried out in Burundi while the opposition was afraid to come back to Burundi for fear of being arrested and imprisoned. The opposition was free to express all they wanted [in Arusha] and the government never appreciated the fact that those negotiations took place in Arusha. In fact, the ruling party wanted to repatriate the talks, because [if they took place in Burundi], they could silence anybody who would express himself or herself against the government and the ruling party."⁹⁰

When it participated in the most recent session in November/December 2017, the government and its allies allegedly attempted to obstruct the conclusion of an agreement, and refused to engage directly with its political opponents, as the facilitator intended. They reportedly tried to obstruct the presentation of a summary of different positions, which the facilitator had asked the different groups to prepare as an alternative to the failure to hold direct talks.⁹¹

Many placed their criticism of the government and other parties in the context of wider discontent about Burundi's political class. As a security guard told us: "The real problem is the politicians themselves. Their conflicts always have negative consequences on the population. [...] They are all driven by bad intentions, as their conflict is motivated by egotistical sentiments." He continued by accusing the delegations of stalling the dialogue in order to collect *per diems*. An opposition member also lamented what he believed were overly expensive dialogue sessions, contrasting them with people's hardship in Burundi. 93

The Challenges of "Inclusivity"

The question of participation in the talks has marred the process since the beginning. International actors have consistently demanded "inclusive" talks, without defining exactly what that would mean, while interlocutors have blamed the government and the facilitator for failing to include all necessary actors.

Managing participation in the talks has been a challenge for Mkapa and his team since the beginning, and, as mentioned above, they have been criticised for their pro-government stance on the matter. As a refugee in Uganda said: "The mediator did not invite all those concerned. It is as if

⁸⁷ AU Peace and Security Council, "Report of the Peace and Security Council on its activities and the state of peace and security in Africa", July 2018, on file, p. 14.

⁸⁸ B. Mkapa, May 2017.

⁸⁹ Interview with senior government official, 24 January 2018, Bujumbura. Interview with representatives of recognised UPRONA, 22 January 2018, Bujumbura; Interview with Burundian citizens, Location B, 23 February 2018.

⁹⁰ Interview with Burundian citizens, 21 February 2018.

⁹¹ The facilitator's summary of the 4th session of the Inter-Burundi dialogue held from 27th November to 8th December 2017, available at https://www.uantwerpen.be/images/uantwerpen/container49546/files/Burundi/conf/081217E.pdf (accessed on 10 April 2018). (Facilitator's Summary Nov 2017)

 $^{^{\}rm 92}$ Interview with Burundian citizens, Bujumbura, 31 January 2018.

 $^{^{\}rm 93}$ Interview with opposition member, Brussels, 20 December 2017.

negotiations were between the government, the ruling party and their allies. If the mediation continues this way, negotiations won't get anywhere. It needs to change and to open doors to all concerned."⁹⁴ While at the start, Mkapa still managed to ensure a representative and high-level participation by all sides, the February 2017 session was boycotted by the government because of the attendance of individuals wanted by the Burundian justice system: the government has refused to sit at the same table as people it accuses of being involved in the failed coup attempt of 13 May 2015, and against whom Burundian judicial authorities have issued arrest warrants, including leading civil society actors and human rights defenders.⁹⁵ It has used this as yet another strategy to block substantial discussions.⁹⁶ As a refugee stated: "The government says the others are coup plotters. It is not prepared to negotiate with its real opponents. There is no willingness from the side of the government."⁹⁷ Other respondents, however, advocated for the arrest of those wanted by the Burundian justice system and even preconditioned the start of real negotiations on such arrests.⁹⁸

The government has maintained its position. After the facilitator presented a summary document during the last session with points of convergence and disagreement, the government delegation agreed on all but two (procedural) issues: dialogue with armed groups and the lifting of the arrest warrants. Have a regularly pleaded for the lifting of those arrest warrants, stating the importance of including these individuals and downplaying the accusations against them. How at the same time, he has also taken the arrest warrants into account when extending invitations to opposition actors, armed groups and civil society.

The government sent a delegation to the last round of talks in November/December 2017 in Tanzania, but the opposition in exile was not present because neither their platform CNARED nor several individuals under arrest warrants had been invited. Only opposition groups still present in Burundi, consisting essentially of the FNL and the *Front pour la démocratie au Burundi* (FRODEBU) attended this session. Coordination between those opposition actors inside and outside the country has only recently been improved, but remains weak. Other those outside of the country have been accused of being out of touch with the day-to-day realities of Burundian citizens and of failing to influence the agenda – they don't do anything but shout, according to a civil society member of while those in Burundi are restricted in their movement and speech. The government has succeeded in the last years in dividing opposition parties and has recognised those parties pro-government wings as the sole legally recognised political parties.

Another difficulty has been the inclusion of armed groups which the government delegation has vehemently rejected. Mkapa consulted the EAC heads of state on the participation of these groups,

⁹⁴ Interview with refugee, Nakivale refugee settlement, Uganda, 15 December 2017.

⁹⁵ Office of the Facilitator of the Burundi Dialogue, press release, 22 May 2016, available at

https://www.uantwerpen.be/images/uantwerpen/container2673/files/Burundi%20DPP/conflit/dial/EAC220516.pdf (accessed on 10 April 2018). (Office of the Facilitator PR May 2016). RFI, "Burundi: la justice lève les mandats d'arrêt contre 15 personnalités", 20 February 2016, available at http://www.rfi.fr/afrique/20160220-burundi-justice-levee-mandats-arrets (accessed on 10 April 2018).

⁹⁶ Interview with civil society leader, Bujumbura, 23 January 2018.

⁹⁷ Interview with refugee, Nakivale refugee settlement, Uganda, 18 December 2017.

⁹⁸ Interview with Burundian citizens, Location B, 23 February 2018.

⁹⁹ Facilitator's Summary November 2017. Interview with senior government official, Bujumbura, 24 January 2018; Interview with representatives of recognised UPRONA, Bujumbura, 22 January 2018.
¹⁰⁰ B. Mkapa, May 2017.

¹⁰¹ Facilitator's Summary, November 2017.

¹⁰² In January 2018, a meeting took place between representatives of the opposition inside and those outside of the country, but it was marred by criticism from other opposition actors. See RFJ, "Burundi: les oppositions réunies à Nairobi pour un «Front uni»" 30 January 2018, available at http://www.rfi.fr/afrique/20180130-burundi-opposition-interne-exil-cnared-rencontre-nairobi-front-uni-reforme-constitu (accessed on 12 April 2018).

¹⁰³ Interview with civil society leader, Bujumbura, 23 January 2018.

¹⁰⁴ Interview with leaders of CNARED and FNL, Belgium, 20 and 29 December 2017 &16 March 2018.

after "receiving informal messages from various armed groups indicating that they are ready to pursue a peaceful settlement of the crisis" and warning of the possible risks of excluding them. Only a few citizens advocated for the direct involvement of armed groups during our research. One of them, a member of the CNDD-FDD in Bujumbura, said that negotiations would lead to nothing concrete because of the absence of representatives of armed groups FNL-Nzabampema, a breakaway armed faction of the FNL active in the Democratic Republic of Congo (DRC), of the Forces républicaines du Burundi (FOREBU), which changed its name to Forces populaires du Burundi (FPB) in August 2017, and of RED-Tabara, linked to Alexis Sinduhije, the former leader of opposition party Mouvement pour la solidarité et la démocratie (MSD).

In addition to the need for political inclusivity, many interlocutors favoured the inclusion of civil society members, women and youth representatives and representatives from religious groups in the talks. While such representatives have been part of the talks, their participation has been controversial. Several civil society groups have been very vocal in their opposition to Nkurunziza's third term and the ensuing repression and some briefly joined an opposition coalition, which prompted criticism by some respondents about their role, including suggestions to leave those in exile out of the talks.¹⁰⁷ The government has used a wide array of means to attack civil society groups, ranging from arrests of its members, regulatory restrictions on civil society space as well as vitriolic attacks against its leaders. It has been accused of creating its own "civil society organisations", whose leaders have, on several occasions, attended the talks and have tried to block critical civil society representatives from participating.

This government positioning has influenced the facilitator's decisions about whom to invite to the talks. In February 2017, for example, the facilitator requested civil society organisations to only send delegates not under an arrest warrant to Uganda for a briefing event, which civil society leaders contested in their reply. During the last dialogue session in November/December 2017, most independent civil society members were either not invited or boycotted the session, citing the absence of prior consultations, clear parameters, inclusivity and security as their reason. Only three leading civil society figures attended the talks. They were included at the same level as political actors, in contrast with an emerging practice in international mediation to include civil society in a separate "track" or at specific occasions, such as the opening or conclusion of talks.

During the interviews, only a limited number of people advocated for direct consultations of citizens to feed into this external dialogue. A female village leader, for example said: "Those negotiations should not be held in top secret. [...] The approach should be bottom up and not top down. It seems that we, as grassroots people, are there to swallow things we did not chew, things that were masterminded from a think tank. We are at the receiving end and hence at the mercy of the politicians with their ambitions and selfish motives." 111 Most however felt that they were not concerned by the talks, that their day-to-day problems would not be part of its discussions or felt they were represented by government, opposition or civil society delegates.

(accessed on 10 April 2018).

¹⁰⁵ B. Mkapa, May 2017.

 $^{^{\}rm 106}$ Interview with Burundian citizen, Bujumbura, 1 February 2018.

 $^{^{\}rm 107}$ Interview with Burundian citizens, Bujumbura, 30 & 31 January 2018.

¹⁰⁸ Office of the Facilitator of the Inter-Burundi dialogue, letter on "invitation to the inter-Burundi dialogue briefing session in Entebbe, Uganda, 11 May 2017, and reply, 15 May 2017, available at https://www.uantwerpen.be/images/uantwerpen/container2673/files/Burundi%20DPP/conflit/dial/110517.pdf

¹⁰⁹ Facilitator's Summary Nov 2017. Interview with civil society leader, Brussels, 19 December 2017.

¹¹⁰ P. Wallensteen & M. Eriksson, Negotiating Peace: Lessons from Three Comprehensive Peace Agreements, Uppsala University, 2009.

¹¹¹ Interview with Burundian citizen, Location C, 21 February 2018.

The Lack of Pressure on the Government

The fact that the government has not engaged constructively in the dialogue process and seems unwilling to reach a conclusive agreement was explained by many by the absence of pressure on it to change course. In other words, there is no "mutually hurting stalemate", a situation wherein parties believe they cannot end the conflict through violence, that continued violence will worsen their situation and that negotiations are a viable option for solving the conflict in accordance with their expectations. ¹¹² This is yet another difference with the situation in the nineties, when armed groups such as the CNDD-FDD and FNL posed a real political threat to the government, despite lacking the firepower to overthrow it through military means, and when regional and international actors stimulated progress in the talks through pressure, including through punitive measures.

Despite its appointment of a facilitator and a mediator, and its regular review of the lack of progress, the EAC has not put pressure on the Burundian government to meaningfully engage in the talks, despite requests by Mkapa for the heads of state's personal engagement and for "decisive measures." In contrast to the context of the pre-Arusha Agreement negotiations, there have so far been no regional sanctions against the Burundi government, nor real pressure on the opposition. Many explain this lack of regional pressure by pointing at political dynamics between and within EAC member states. As a teacher put it bluntly: "The EAC is not able to play a role in restoring peace and order in Burundi, or advise anybody, since those presidents are as corrupt as the Burundian president, hence they have nothing to offer and say." A refugee added: "These countries that they call 'mediators', they have themselves a problem with [presidential] terms, so they can't say anything about term limits in Burundi." Burundi."

Rwanda, despite clear frustration with the course of events, has remained largely silent in the regional debate due to its difficult relations with Burundi, its own constitutional review process (which allowed President Kagame to run for another term in office in 2017) and regular accusations of support to Burundian opposition armed groups. Uganda's president is formally in charge of the mediation process, but has been busy managing his own re-election in 2016 and further removing constitutional limits to his longevity in power. Kenya and South Sudan have also been busy with their own political turmoil and seem to be less interested in the Burundian situation. Tanzania, which hosts a large Burundian refugee population, has been mostly protective of the Burundian government, arguably because of a combination of sympathy for the CNDD-FDD, economic interests and regional geopolitics.¹¹⁶

Also in contrast to the past, there is no sustained armed mobilisation at present. Several Burundian armed movements (see above) remain active in the DRC or are regularly accused of attempting to recruit in Tanzania or Rwanda, but there has not been a sustained attack since the failed *coup d'état* in May 2015 and attacks on military camps in December 2015. Despite violent government repression and sporadic grenade explosions, most respondents in Burundi's countryside said they could enjoy relative freedom of movement, absence of ethnic quarrels and good neighbourliness, while pointing at abuses by the *Imbonerakure*, land problems and common crime.¹¹⁷

Not surprisingly, refugees were far more negative about the security situation in Burundi. With even a small number supporting the use of violence to challenge the Burundi government,

¹¹² W. Zartman, "Ripeness: The Hurting Stalemate and Beyond" in *International Conflict Resolution After the Cold War* (2000), pp. 226 – 250.

¹¹³ B. Mkapa, May 2017.

¹¹⁴ Interview with Burundian citizen, Location B, 23 February 2018.

¹¹⁵ Interview with refugee, Nakivale refugee settlement, Uganda, 15 December 2017.

¹¹⁶ Interviews in Bujumbura, 22 to 25 January 2018.

¹¹⁷ The absence of independent sources of information, the tight restrictions on freedom of expression and an individual assessment of the situation might contribute to this relatively positive assessment of the security situation.

sometimes out of frustration with the current dialogue process. A refugee in Uganda, for example, who fled because of his role in the anti-third term protests, said: "We want an armed force to go to Burundi. Mediation can't work with Nkurunziza." 118

In addition, political opposition groups have also not been able to constitute a significant threat to the Burundian government, due to their divisions, exile and the restrictions in Burundi. Some interlocutors accused the opposition platform CNARED of having no power or leverage and only looking after their personal interests: "You cannot talk when you are outside the country and expect to get something from the government unless you have a coercing force to make the government bow and negotiate. [But] armed struggle is not possible, as all Burundians are tired of war." 119

The EU and the US have imposed targeted sanctions against individuals accused of involvement in human rights abuses and most western donors have suspended direct development support to the government, although several channels remain open. People interviewed for this report were divided on those measures. Those critical of the government, including refugees and civil society in exile, welcomed these sanctions and asked for international actors to increase their involvement and for regional actors to also impose targeted sanctions.¹²⁰

Those supportive of the actions of the Burundian government described their disappointment in the role of international actors and accused them of being biased towards the opposition. "It is difficult to have a real conversation during these negotiations, because actors from the international community are suspected of supporting this or that conflict party. That is the reason why the intervention of the international community has to be dealt with with caution." Some rejected interference of outside actors, suggested limiting their role to the financing of development projects and pressed them to lift the suspensions on direct aid, as they impacted on their daily lives. President Museveni, the EAC-appointed mediator, has criticised the EU for its sanctions on Burundi and some interlocutors, especially members of the CNDD-FDD, want the EAC to press western actors to ease these measures.

The UN Security Council, divided over how to respond to the crisis in Burundi, has expressed its "deep concern" about the slow progress in the EAC-led dialogue and has called on its parties "to participate actively and unconditionally", pointing especially at the government.¹²⁴ International actors, especially the EU and China, have financed the dialogue process, with contributions by the AU and the UN. Mkapa has asked EAC heads of state to also contribute, as "apart from credibility and independence of the Facilitation, ownership of the process will revert to the region." ¹²⁵ A Burundian citizen also questioned this dependence on external funding: "We say that the EAC leads the negotiations but we know that the funds come from the West. Hence the EAC is not independent. It has to satisfy the countries that mandated it and gave it the funds." ¹²⁶ In the first dialogue sessions, international envoys were present during the talks, but this seems to have become more restricted recently, especially after the government explained that one of the

¹¹⁸ Interview with refugee, Nakivale refugee settlement, Uganda, 19 December 2017.

¹¹⁹ Interview with Burundian citizen, Bujumbura, 30 January 2018.

 $^{^{\}rm 120}$ Interview with Burundian citizen, Location B, 23 February 2018.

¹²¹ Interview with Burundian citizen, Bujumbura, 31 January 2018.

¹²² Interview with Burundian citizen, Location B, 23 February 2018.

¹²³ President Museveni on twitter, 21 May 2017, available at

https://www.uantwerpen.be/images/uantwerpen/container2673/files/Burundi%20DPP/conflit/dial/200517b.pdf (accessed on 12 April 2018).

¹²⁴ UN Security Council, "Deeply Concerned at Worsening Conditions in Burundi, Security Council Presidential Statement Stresses Dialogue Only Viable Process to Resolve Political Situation", SC/13278,

⁵ April 2018, available at https://www.un.org/press/en/2018/sc13278.doc.htm (accessed on 12 April 2018).

¹²⁵ B. Mkapa, May 2017.

 $^{^{\}rm 126}$ Interview with Burundian citizen, Location B, 23 February 2018.



 $^{^{\}rm 127}$ Office of the Facilitator PR, May 2016.

The Way Forward

Should the Dialogue Continue?

When asked about whether the EAC-led dialogue should continue, one commentator responded: "What are we going to speak about? What's the added value? Nothing." He was not alone in this response – many expressed such viewpoints, but presented different reasons.

Some rejected the talks because they felt that "all the issues they discussed were already covered in the Arusha Agreement", as participants in the third EAC dialogue said, or that "reaching an agreement is tantamount to revising the Arusha Agreement." They linked the current problems to the lack of implementation of the Arusha Agreement and suggested getting this back on track, monitored by a committee composed of regional and international experts. A former businessman in Bujumbura, now in exile in Uganda, concurred: "Uganda and Tanzania know everything because of the first Arusha Agreement. Museveni was there. We don't need another mediation. They just need to take the first agreement and make them abide by it. The negotiations in Arusha are a joke. It is a game." 130

Others saw no added value in talks because they did not believe they would lead to any change. A teacher and CNDD-FDD member, for example, said he found the external dialogue a "distraction" and a "waste of time", citing the constitutional change following the referendum and the consolidation of power of the CNDD-FDD-led government.¹³¹ Such viewpoints were also shared by government supporters, albeit for other motives: they said there is no need for any ongoing dialogue as they believed the government gained sufficient legitimacy through the ballot box in 2015, they saw the country as stable and claimed the internal dialogue had allowed ample space for discussion.

Another group, especially among civil society and opposition figures, suggested that the EAC-led dialogue should focus on the Arusha Agreement and its implementation.¹³² Formally, all parties present at the dialogue supported the Arusha Agreement,¹³³ but many point to a discrepancy between the rhetoric of the government and its allies on the one hand, and its actions, such as President Nkurunziza's decision to stand for a third term in 2015 and the constitutional changes in 2018, on the other hand.

Despite these criticisms, most continued to believe in the need for continued dialogue, about wider issues than the Arusha Agreement. A woman living in Bujumbura expressed a view shared by a wide number of interlocutors: "The solution is in negotiations, without resistance by one or the other. Each party to the conflict has to accept to cooperate. [...] They shouldn't prioritise their interests above those of the country. This is the case for opposition and for the government." 134

This also remains, at least officially, the position of all actors at the table. After its most recent summit in February 2018, the EAC called upon the parties "to expeditiously conclude the dialogue." Opposition and civil society actors residing outside of the country have, despite their

 $^{^{\}rm 128}$ Interview with Burundian expert, Bujumbura, 23 January 2018.

¹²⁹ B. Mkapa, May 2017.

¹³⁰ Interview with refugee, Nakivale refugee settlement, Uganda, 15 December 2017.

¹³¹ Interview with Burundian citizen, Location C, 21 February 2018.

¹³² Interview with civil society leaders, Brussels, 18 and 19 December 2017; with opposition member, Brussels, 20 December 2017; interview with civil society leaders, Bujumbura, 23 and 24 January 2018.

¹³³ Interview with representatives of recognised UPRONA, 22 January 2018, Bujumbura; Interview with senior government official, Bujumbura, 24 January 2018.

¹³⁴ Interview with Burundian citizen, Bujumbura, 31 January 2018.

¹³⁵ East African Community, "Joint Communiqué: 19th Ordinary Summit of the heads of state of the East African Community", Uganda, 23 February 2018, available at https://www.eac.int/communique/1001-joint-

frustration, supported a continuation of talks outside of Burundi. After a joint AU-UN statement expressing concern about the suspension of the government's participation in the talks, the latter reacted that it does not intend to boycott the dialogue. International actors publicly expressed their support for a continuation of the dialogue in their reactions to the referendum, the constitutional changes and Nkurunziza's announcement about the 2020 elections.

What Should be Discussed?

Among those who want the external dialogue to continue, most did not have elaborate ideas about what should be on the agenda. Some, however, made concrete suggestions.

Firstly, several Burundians interviewed for this report, both inside the country as well as in exile, rejected any form of power-sharing as part of the outcome of dialogue. As a respondent told us: "Those who live outside the country want what we call sharing meat, and this brings chaos in the country. We do not want a government that is sharing and dividing meat while it has not done anything for the country and its people." However, others saw the sharing of power as an inevitable but difficult part of the discussions. "They should negotiate how to share and divide posts and positions, and that equation will never be solved. There is a lot of greed and looting so nobody wants to let go the position from which he is eating." 139

The facilitation suggested discussing the implementation of an EAC recommendation "to form a government of national unity involving those who participated in the elections and those who did not and [...] provide seats for special interest groups."¹⁴⁰ The opposition has been blowing hot and cold on this issue: in early 2017, some of its members told Mkapa that a government of national unity is "immaterial", but during the most recent session, they suggested the establishment of "consensual institutions", which, they specified, "should not be confounded with the formula of government of national unity and should concern the whole state corpus."¹⁴¹ The government has rejected the idea of a transitional government or any power-sharing, pointing at its electoral victory and the preparation of the 2020 elections.¹⁴² "You can't participate in negotiations when you realise that at the end of them, you risk walking barefoot while you had a vehicle provided by the state before," explained a man in Bujumbura.¹⁴³

A second recurring theme among respondents, both in Burundi and Uganda, was the return of refugees. This was not a topic explicitly suggested by Mkapa's team, even though many causes of exile, such as the security situation (many mentioned abuses by *Imbonerakure*), the fight against impunity and the opening of political space, were explicitly suggested. Some refugees linked progress on the dialogue to the possibility of return. "As the negotiations fail to make progress, we

<u>communiqu%C3%A9-19th-ordinary-summit-of-heads-of-state-of-the-east-african-community</u> (accessed on 6 April 2018).

¹³⁶ Interview with civil society leader, Brussels, 19 December 2017.

¹³⁷ L. Manishatse, "Burundi never announced intention to boycott dialogue, says government secretary", 19 April 2018, available at http://www.iwacu-burundi.org/englishnews/burundi-never-announced-intention-to-boycott-dialogue-says-government-secretary/ (accessed on: 9 May 2018).

¹³⁸ Interview with Burundian citizen, Location B, 23 February 2018.

¹³⁹ Interview with Burundian citizens, Bujumbura, 30 January 2018.

¹⁴⁰ East African Community, "Communiqué: The 3rd emergency summit of Heads of State of the East African Community on the Situation in Burundi", op. cit.; Office of the Facilitator of the Inter-Burundian Dialogue, "Les 8 points de discussion", November 2017 (Les 8 points, November 2017), on file with IRRI.

¹⁴¹ Proposition des Partis November 2017, p. 16.

 $^{^{142}}$ Interview with representatives of recognised UPRONA, Bujumbura, 22 January 2018.

¹⁴³ Interview with Burundian citizens, Bujumbura, 31 January 2018.

¹⁴⁴ Les 8 points, November 2017. For more information on cause of exile of Burundian refugees, see IRRI, "'I Fled Because I was Afraid to Die: Causes of Exile of Burundian Asylum Seekers", August 2017 http://refugee-rights.org/wp-content/uploads/2017/09/Causes-of-exile-Burundi-2017.pdf (accessed on 6 April 2018).

don't know when we can return," a man who lived in Bujumbura before coming to Uganda told us.¹⁴⁵

Many inside Burundi saw the continuous presence of refugees in neighbouring countries as an indicator that the situation has not yet returned to normal. As a teacher in southern Burundi said: No single reasonable person can eat and sleep peacefully when other citizens are living in exile. Despite consensus on the return of refugees as a key issue, the way such returns are being dealt with is a contentious issue. While the government and its regional allies want refugees to return as soon as possible, in order to showcase the country's improvements in terms of security, refugees themselves demand progress on key conditions to ensure a safe, dignified and sustainable return.

A third issue that many people mentioned is the preparation of the next elections in 2020. Refugees mentioned a need to discuss the conditions for the organisation of free and fair elections, highlighting specific issues such as the participation of the opposition in exile, the credibility of the electoral commission or the need for a transitional government to prepare elections. While some of those interviewed in Burundi also advocated for the return of politicians in exile and their participation in the 2020 elections, others demanded the implementation of arrest warrants or the revocation of the dual nationality held by some (exiled) politicians.

Fourth, accountability for human rights abuses since the 2015 crisis, and the third presidential term, were regularly mentioned by refugees and civil society members interviewed throughout this research, but less by citizens in Burundi.¹⁵⁰ The government and its supporters were less likely to raise these issues, since the government bears heavy responsibility on both counts. However, opposition actors, some of whom had initially refused to engage in talks that did not challenge the legitimacy of President Nkurunziza's third term, have lowered their demands on this point, for example telling Mkapa the third term is "no longer a topical issue"; some of them have also not been very vocal on accountability for crimes. ¹⁵¹ On the other hand, a refugee, a former nurse, said: "They have to ensure that there is an end to impunity in Burundi and that those who killed people are punished. There has to be an international justice mechanism which sanctions those who violate human rights in Burundi." ¹⁵² The International Criminal Court announced in October 2017 it had opened an investigation into abuses committed between April 2015 and October 2017. ¹⁵³

While refugees focused more on issues related to political and civil rights, such as *Imbonerakure* abuses, accountability and fundamental freedoms, citizens in Burundi, especially on the countryside, wanted to see more focus on development-related issues, such as employment, private sector development and food security, as well as on land issues for those directly affected. "Their dialogue should first focus on strategies to improve the conditions of the population, instead of promoting their own interests," one of them said. Such topics were included by the facilitation team in its proposed list of topics for debate.

 $^{^{145}}$ Interview with refugee, Nakivale refugee settlement, Uganda, 15 December 2017.

¹⁴⁶ Interview with Burundian citizen, Bujumbura, 1 February 2018.

¹⁴⁷ Interview with Burundian citizen, Location C, 21 February 2018.

¹⁴⁸ Interview with senior government official, 24 January 2018, Bujumbura; Interviews with refugees, Nakivale refugee settlement, Uganda, 14-19 December 2017.

¹⁴⁹ Interviews with refugees, Nakivale refugee settlement, Uganda, 14-19 December 2017.

¹⁵⁰ Interview with civil society leader, 19 December 2017, Brussels. Burundian civil society members, workshop, Brussels, 15 March 2018. Interviews with refugees, Nakivale refugee settlement, Uganda, 14-19 December 2017. ¹⁵¹ B. Mkapa, May 2017.

¹⁵² Interview with refugee, Nakivale refugee settlement, Uganda, 15 December 2017.

¹⁵³ International Criminal Court, "Situation in the Republic of Burundi", available at https://www.icc-cpi.int/burundi (accessed on 27 July 2018).

 $^{^{\}rm 154}$ Interview with Burundian citizen, Bujumbura, 31 January 2018.

Conclusion

The solution to put an end to Burundi's ongoing political crisis "would be to convince the government, its opponents and all other politicians to sit around a negotiation table and find together strategies to develop their country, instead of each looking after his own interests," a man from Bujumbura told us.¹⁵⁵ Despite their disappointment in the talks, he and many others continue to believe in dialogue as a way to solve the political crisis in Burundi.

Burundi has been through many attempts to organise dialogue and mediation between parties during its various crises. This has resulted in several peace agreements, the most recent of which, the Arusha Agreement has been universally lauded for its impact. Despite ongoing serious human rights violations, there is a broad consensus that this agreement continues to prevent the country from sliding back into civil war and ethnic conflict. If it were not for its lack of implementation by the parties, and the lack of follow-up by international guarantors, the Arusha Agreement could have kept Burundi on the path towards reconciliation and peace, on which it made significant progress for the first decade after its signature.

What is clear from this research is that despite the complexity and political nature of the topic, many Burundian citizens have a good understanding about the past, present and future of dialogue in Burundi. They are well aware of the advantages and limitations of previous deals and ongoing processes. And they share a disappointment in the political games played by regional actors, for which they bear the consequences, and by their own political class set on maximising its "share of the cake".

It is up to regional actors to learn lessons from their previous engagement on Burundi, both during the civil war as well as in the last three years. Such lessons can point to a number of conclusions directly relevant to the Burundi context but also to other situations. First, a dialogue without pressure by regional actors on the parties to make clear commitments will have little or no positive impact. Second, mediation demands specific skills and profiles – something that the EAC can and should invest in further. Third, implementation is key, and without follow-up by the guarantors, peace agreements are unlikely to achieve their full results.

More than three years have passed since the start of the crisis in Burundi and mediation efforts have produced very little in terms of concrete results. It is high time for leaders in the region to make a choice. Either they use their leverage to push President Nkurunziza and the Burundian government to commit to engaging in meaningful talks, or they should pass the baton to other actors, as suggested by many interlocutors. The AU is next in line to tackle the Burundian quagmire. This would at least allow the dialogue process to be supported by actors with fewer direct interests or similar domestic problems, as is the case with Burundi's neighbours. Whether the AU is up to the task that Burundian citizens expect from them remains to be seen.

 $^{^{\}rm 155}$ Interview with Burundian citizen, Bujumbura, 31 January 2018.