

PSC Briefing on Burundi

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Tomorrow (19 September) the PSC will have its session on Burundi, postponed from 6 September. In a first meeting of the PSC since October last year, the Council will receive a briefing from Commissioner for Peace and Security, Smail Chergui on the political, security, human rights and socioeconomic and humanitarian situation in Burundi. The meeting will also listen to statements from Burundi, International Conference of the Great Lakes Region (ICGLR) and Uganda, as the mediator of the East African Community (EAC).

The meeting is a follow up to the decision of the PSC from 27 October 2017 to receive a 'more comprehensive briefing from the Commission and other relevant stakeholders on the evolution of the situation in Burundi'.

The major recent development that is linked with the situation in Burundi is the constitutional referendum that was held on 17 May 2018. Held in the absence of a settlement for the current crisis and in an atmosphere of violations and intimidation, the referendum that endorsed the proposed constitutional amendment with 73 percent of the votes cast is feared to lead to the erosion of the foundations of the peace settlement under the Arusha Accord while also further limiting the already fraught chances of negotiated settlement within the framework of the EAC led talks.

Following the 7 June announcement of the decision by the incumbent President Pierre Nkurunziza that he would not seek re-election in the 2020 election, international and continental efforts to resolve the political standoff are increasingly focusing on the pace and success of the inter-Burundian dialogue, and reaching a political settlement within

that framework to prepare the groundwork for the 2020 elections. Though various stakeholders warmly received the declaration of the President that he won't seek another term at the end of his term, the lack of meaningful progress to break the political impasse in the peace talks has been an issue for concern. While a roadmap for the 2020 elections came out of the workshop of 36 Burundian political parties based in Burundi that took place on 3 August 2018, some key political parties boycotted the event.

Although Burundi did not feature on the agenda of the PSC since October last year, the AU has remained engaged and seized with the Burundi situation. As a guarantor of the Arusha Peace Accord, the AU expressed concern over the slow progress in the peace talks and the implications of the referendum on the constitutional amendment. Ahead of the referendum on 9 May, AU Commission Chairperson, Moussa Faki, sent an open letter to Ugandan President Yoweri Museveni, the official mediator of the talks on behalf of the EAC, calling on him to take action. The letter copied to the guarantors of the Arusha Accord—the Democratic Republic of the Congo, Ethiopia, Kenya, Rwanda, South Africa, Tanzania, Zambia, the UN Secretary-General and the EU Commission – expressed concern about the erosion of the gains of the Arusha Accord since 2015 and warning that the constitutional amendments 'will likely have far-reaching negative consequences for Burundi and the region'.

What is of particular interest for the PSC in this session is to get adequate appreciation of the implications of the May 2018 constitutional referendum on both the EAC led peace talks and the Burundi post-conflict peace settlement anchored on the power-sharing scheme of the Arusha peace agreement reflected in Burundi's constitution. Although the constitutional amendment did not change the ethnic quotas—a key element of the Arusha Accord—of 60 percent Hutu and 40 percent Tutsi in the executive branch, the parliament and the judicial branch,

it opens the possibility of future review following ordinary majority decision-making.

The intervention from the EAC during the PSC session is expected to provide updates to the PSC on latest developments in the peace process. While efforts are now underway for reconvening the talks in Uganda, the EAC led peace talks have remained stalled for many months, facing boycotts on all sides and government intransigence. Major Burundian diaspora opposition forces were absent from the last round of talks, and the talks ended with no major progress or agreement. The government has expressed its willingness to participate in this next round of talks which is deemed by many

including the facilitation team as the 'final' attempt, although it indicated that this will be the last round of talks to take place outside of Burundi. Indeed, the EAC led mediation made very little progress. The major challenge since PSC's last session has reportedly been the outstanding refusal of the Burundian government to recognize and engage in talks with some of the major opposition forces. Bujumbura rejects the opposition coalition Conseil National pour le respect de l'Accord d'Arusha pour la Paix et de l'État de Droit (CNARED, or National Council for the Respect of the Arusha Agreement and Rule of Law) claiming that they are associated with the May 2015 failed coup. The other challenge is the fact that the EAC is trying to mediate the political standoff with a divided house, and without an agreed roadmap among its member states.

The interconnectedness of the security complex in the region, the issue of migrants, and the sensitive topic of third termism and its implication in the national political contexts of its member states made EAC's role a complex and difficult one.

What is of significant value for the PSC, apart from the interest to be updated about the current status of the EAC led peace talks and EAC's efforts for reconvening the talks, is to

have proper analysis on the chances of any breakthrough in the talks and the EAC's plan on the next steps if its current efforts fail to produce progress in the talks.

The human rights situation, and the broader political climate will also be further areas of concern in the session. The PSC would be interested to hear about the political and human rights situation in Burundi, including the challenges facing the AU human rights monitors and policy options available for the PSC to enable the AU office deliver on its roles including with respect to human rights monitoring. Given the lack of breakthrough in the peace talks and the fragile political and security environment, this important presence of the AU in Burundi with human rights observers and military monitors should be maintained.

The signing by Burundi of the MoU on the presence of the mission of the human rights observers would be another issue for critical reflection during this PSC session.

Despite improved security since 2016, the tense and polarized political sphere, lack of a inclusive dialogue, the history of violent conflict, the difficult regional security and power dynamics and worsening of the socio-economic situation make the marginal security improvement fragile. At the beginning of August 2018, three soldiers of the Burundian army were ambushed and killed and five others were injured in an attack that took place in the town of Gihanga, 15 km from the capital Bujumbura.

Apart from these incidents of sporadic violent attacks from armed groups, there remain concerns about the human rights situation in the country. As pointed out in the 2016 human rights investigation report of the African Commission on Human and Peoples' Rights submitted to the PSC, there remain major issues of impunity among the state's security forces. Militia groups still spread violence.

The human rights and humanitarian situation has faced further set backs due to the major challenges facing Burundi's economy. In a report released very recently, the International Crisis Group (ICG) stated that '[i]n the wake of this political and security crisis, the country's economy has shrunk at an alarming rate and socioeconomic progress made after the end of the civil war in the 2000s has been derailed'. The report particularly highlighted the worsening food and fuel shortages and the serious foreign currency reserves shortage the Burundian economy faced resulting in 'new taxes and obligatory public 'contributions', forcing civil servants and ordinary Burundians to donate extra money to state coffers'. The report warned that the economic challenge could pull the country back to violence.

Given the gravity of the socio-economic situation, the PSC may also discuss the implications of the EU sanctions on Burundi and recommend for their lifting. This could address not only the immediate challenges facing the population but also it can potentially be used to leverage the peace process in Burundi.

African members of the UN Security Council including Ethiopia have been expressing their concern on the political impasse and lack of progress in the EAC led mediation. Ethiopia has called for a re-launch of the dialogue under the auspices of the EAC with support of the African Union and United Nations. Tomorrow's meeting may consider how to scale up PSC's role in the mediation and the preparation of the 2020 elections.

The expected outcome is a communiqué. With respect to the EAC led peace talks, this communiqué may in particular call on the EAC and the AU Commission to elaborate a roadmap on how the two organizations pursue the peace process jointly. In terms of the role of the AU, the PSC could emphasize the need to keep the operation of the human rights observers and military experts in Burundi until the 2020 elections and set benchmark for reviewing their presence. The communiqué could reiterate

the need for finalizing the signing of the MoU and indicate how the PSC plans to continue engaged on the situation in Burundi as well.