



Policy Dialogue Report No: 58

## Dialogue on Burundi



28 July 2016  
Burgers Park Hotel, Pretoria

### EXECUTIVE SUMMARY

On Thursday 28 July 2016, SALO hosted a Dialogue on Burundi reflecting on the security situation in the country, the role of women in peace processes and the prospects for peace. The dialogue aimed to find consensus between the EU, South Africa and Burundi regarding the political situation in Burundi. The focus of the dialogue was on the role of the international community in response to the unrest in Burundi; the dialogue also reflected on the ways to achieve peace and justice through the planned Burundi National Dialogue and the mediation efforts by the African Union. The

backdrop to the dialogue was the post-election violence that engulfed Burundi as a result of President Pierre Nkurunziza's decision to govern for a third term, which catapulted the country into a civil unrest.

The opening remarks were given by **Ambassador Marcus Cornaro, Head of the European Union to South Africa**. He highlighted the importance of having shared views between the EU and South Africa on the developments in Burundi – including supporting the call to have an inclusive mediated dialogue between the Burundian government, the opposition and the broader civil society. He reaffirmed the EU's support towards the role that the East African Community has played in terms of trying to find a lasting political solution. Ambassador Cornaro called on the international community to put pressure on the Burundian government to renounce violence, uphold human rights and address the political and security situation, whilst also respecting Burundi's sovereignty.

**Mr. Richard Smith, SALO Board member, Coordinator of the African Insiders Mediators Platform and Technical Advisor of ACTION**, echoed the sentiment of consolidating and making durable the Arusha Accord peace agreement. The Arusha Accord is the cornerstone of Burundi's Constitution and laid the democratic foundation for the country. He placed emphasis on the need to contain the violence in order to prevent it from displacing citizens who then move into neighbouring countries, thereby putting a strain on the region. He cautioned against heavy handedness by the international community, which could undermine the goodwill and progress in its efforts towards resolving the escalating violence and volatility in Burundi.

## PRESENTATIONS

**His Excellency (H.E.) Ambassador Isaïe Ntirizoshira, Head Mission at Embassy of the Republic of Burundi to South Africa.**



Ambassador Ntirizoshira reaffirmed the government's commitment to the Arusha Agreement and the Constitution of Burundi. He reiterated government's position to abide by the constitutional ruling that permits President Pierre Nkurunziza to contest his second elected term in office, aside from his first appointed term. It is after this ruling that the protests arose, in opposition to the president's announcement to contest a third term, Ambassador Ntirizoshira noted. In 2005, Burundi was due for its presidential and local elections. However, these were disrupted by violent protests in parts of the

capital, Bujumbura. Ambassador Ntirizoshira attested the instability to the opposition parties who refrained from participating in the elections and went as far as denouncing them, which subsequently resulted in the protests.

Ambassador Ntirizoshira gave a brief history of the conflict in Burundi, stating that from 1966, Burundi was under a military regime with only one political party<sup>1</sup> exercising power until 1993. Within months of the (June 1993) democratic elections, President Melchior N'Dadaye was assassinated, which resulted in the country being plunged into a 12 year civil war, which culminated in signing of the Arusha Peace Accord in 2005. This peace accord would determine the future of the country henceforth. It is against this background that Ambassador Ntirizoshira outlined the uniqueness of the Burundian Constitution, with the Arusha Peace Accord serving as the preamble that consecrated a power-sharing agreement between the two main ethnic groups, the Hutus and the Tutsis, so as to exclude ethnic divisions which had divided Burundian people in the past. The Constitution was designed in such a way that there will always be a permanent coalition government, unlike other democracies where the winner takes all, the Ambassador explained.

According to Ambassador Ntirizoshira, the Constitution outlines the following:

1. as mandated by the Constitution, two Deputy Presidents must be appointed under the president, representing two political parties; the two deputy presidents must either be from the Tusti or Hutu ethnic groups respectively.
2. government and the National Assembly are comprised of 60% Hutus and 40% Tutsis
3. the Senate and Defence Armed Security forces constitute 50% Hutus and 50% Tutsis
4. women account for at least 30% of all political institutions
5. all political parties that gain 5% or more votes in the local elections must form part of the local Government

Ambassador Ntirizoshira argued that the 2010 Local Elections were followed by violent protests from the opposition parties, after a 62% win for the ruling party. This was despite international observers declaring the elections peaceful, transparent, free and fair. Ambassador Ntirizoshira recalled how the opposition parties went as far as denouncing those elections and requesting for the elections to be cancelled. He alluded to the 2015 post-election violence as premeditated acts meant to create insecurity, and not related to the nomination of President Pierre Nkurunziza. He attested the growth and momentum of the crisis to “western powerful lobbyists and media” who recruited and trained Burundian insurgents in neighbouring countries to fight against the government.

Ambassador Ntirizoshira asserted that according to documents seized by government in 2015, the plan was to delegitimise the state so that the opposition could take over strategic sectors of government, in order to create insecurity and completely disrupt the 2015 election. However, the government responded to these attacks and managed to control the situation. Amidst this, opposition parties took part in peaceful demonstrations in parts of Bujumbura. Ambassador Ntirizoshira noted that according to government, these demonstrators were paid by civil society organisations supported from abroad as bank records obtained by government indicated. It was upon this finding by the Burundian government, that these civic organisations were summoned by the government to explain their position. However their respective leaders had fled to Europe and

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<sup>1</sup> The Union for National Progress (UPRUM)

other African countries where they could coordinate the 'insurrection', as asserted by Ambassador Ntirizoshira. He further stated that government issued warrants of arrest for the violent demonstrators and people behind the attempted coup.

Ambassador Ntirizoshira explained that the intended plan for the demonstrators was to gradually move into the city center of Bujumbura, whilst the insurgents colluded with military officers to conduct a military coup which would result in the opposition seizing power. He further noted that the military coup leader General Niyombare had fled the country, whilst those working closely with him were apprehended and arrested. According to Ambassador Ntirizoshira, General Niyombare was conducting an armed rebellion of about 500 armed fighters outside the country who were responsible for the attacks from Rwanda in July 2015 as well as the attacks on three military camps in Bujumbura in December 2015. Ambassador Ntirizoshira stated that the State Security and Defence forces easily 'crushed' the insurgents. Police and military forces managed to contain the violent protests and restored peace and order in the capital. In July and August (2015), elections throughout all levels resumed with a voter turn-out of 75% which restored the legitimacy of the democratic institutions, said Ambassador Ntirizoshira. He stated that the security situation in Burundi was improving from a very dire situation, and that peace and security had been restored, aside from the few sporadic attacks such as those that resulted in the death of individuals, such as Honourable Hafsa Mossi.

Ambassador Ntirizoshira affirmed the commitment to have an inclusive national dialogue at the request of the international community in order to resolve the crisis in Burundi. He called for those in the country as well as the Burundian Diaspora to seize the opportunity to express their views on the ways and means to strengthen Burundi's democracy, and break the cycle of post-election violence. Through the National Dialogue Commission, facilitated by Ugandan President Museveni and former President Mkapa of Tanzania, as appointed by the East African Community - the Burundian government is committed to reaching a national consensus. This will also be extended to its diaspora in the near future. He emphasised that the government would not sit and negotiate with those who caused and perpetuated the insecurity. The Ambassador ended his address by thanking guests for their commitment to re-establish peace in Burundi. He further called for investors to focus on the eradication of poverty through developmental activities that would create jobs for the educated population - in the hopes of curbing political instability.

**Dr. Martin Rupiye**, Associate Professor at the Institute of African Renaissance Studies (IARS) at UNISA

Dr. Rupiye provided a civil society view that was informed by the African Union position on the conflict in Burundi. He put forward the necessity to consolidate peace and security in post-conflict areas, to prevent countries such as Burundi from relapsing into conflict. He also noted that there is greater danger in post-conflict countries to





regress after 10 years of peace, noting that Burundi has just reached that mark. In June 2015, the AU issued a statement cautioning against the volatile conditions in Burundi which would make it difficult for the country to proceed with elections, prior to the demonstrations. Dr. Rupiya noted that the instability not only threatened the sub-region, but neighbouring regional states as well.

He presented four points that were of concern as a result of the protests:

1. The different interpretations of the policies as agreed to in the Arusha Peace Accord,
2. The failure to implement the power-sharing peace agreement of the Arusha Accord,
3. The weaknesses of the conflict resolution mechanisms and,
4. With electoral processes hampered by multiple challenges in Burundi, the country may need a period of five to ten years of consolidating the Peace Agreement, and therefore may reconsider its emphasis and focus on conducting elections.

Dr. Rupiya stated that the government and civil society had different interpretations of the Constitution, as well as differing interpretations of the root causes of the protests. Civil society was also under threat from government, as civil society oriented operations had been halted by the Burundi government. He suggested security sector reform as well as the disarmament of all groups. Dr Rupiya also indicated that the UN and the AU had not sufficiently dealt with the matter in Burundi as a result of the government wavering with regards to its sovereignty.

#### **Ms Mediatrice Barengayabo, A member of Civil Society in Burundi**

Ms Barengayabo highlighted that the situation in Burundi had been a theatre for conflict and violence, more so against women who have suffered sexual violence in the form of rape, they have also experienced other forms of gender based violence. Women have had to raise their children singlehandedly in refugee camps, as displaced persons in neighbouring Democratic Republic of Congo (DRC), Tanzania and other countries around the world. Burundian women have been marginalised and faced the brunt of socio-economic struggles in a political environment dominated by men, argued. She also highlighted an alarming disregard for human rights, particularly of women and girls. Ms Barengayabo argued that women have continued being denied opportunities as a result of the gender inequalities in Burundi.



It was only until the Arusha process, between 1998 and 2000, that the role of women began to be noticed as they participated in conflict resolution processes and helped integrate gender equality into governance frameworks and peace-building processes, Ms Barengayabo recalled. According to her, the initial participation of women in the process was inconsistent as there was lack of political will from the men and, in some cases, strong resistance from political parties, until a united front of

Hutu and Tutsi women protested. Progress has been made in terms of integrating women into the decision-making processes in civil society, media and the business sector. However, meaningful integration in relation to socioeconomic development has been lacking.

**Mr. Andre van Straten**, Deputy Director, Indian Ocean Islands Department of International Relations and Cooperation



Mr. van Straten spoke of South Africa's core Foreign Policy objective which places Africa as central to its global community engagements with the view to create a peaceful, stable and prosperous continent towards the implementation of Agenda 2063. The South African government has already made diplomatic commitments towards finding lasting political solutions to Lesotho, Burundi, South Sudan and the Great Lakes Region.

On the position of Burundi, Mr. van Straten spoke of the good bilateral relations between South Africa and Burundi that are grounded in

history. It was South Africa's mediating role, under President Nelson Mandela, that led to the signing of the Arusha Peace Agreement. He went on to explain that the government is still heavily invested in the peace and stability of Burundi. Mr. van Straten expressed concern over the ongoing instability in Burundi and cautioned that this can have a negative impact on the neighbouring countries. He commended Burundi on the initiative of a national dialogue and expressed confidence in the mediation efforts led by the East African Community (EAC). He called for the violence and assassinations to stop and for refugees to be permitted back into their country, and also highlighted South Africa's support towards the deployment of military and human rights observers in Burundi.

In line with DIRCO's initiatives of building national, regional and international consensus on Burundi, Mr van Straten urged international donors to not suspend funding for developmental assistance. At the regional level South African president, Jacob Zuma, coordinated a high-level AU delegation aimed at initiating talks with stakeholders in Burundi in February 2016. At national level the South African government committed to:

*"Assisting Burundi through post-conflict reconstruction and development initiatives, such as a Truth and Reconciliation Commission, training of diplomats and city officials and to prioritise the implementation of bilateral agreements and programs of action which includes fields like communication and agriculture, women empowerment, health, science and technology."*

He concluded by affirming commitment to the people of Burundi in their quest for peace, stability and development.

## Contributions from the floor

**His Excellency High Commissioner Julius Peter Moto, Ugandan High Commission in South Africa** said, in searching for peace, ‘we are searching for justice, and searching for reconciliation, we ought to find new approaches to the conflicts in trying to find a way forward.’ He had the following points to contribute:

1. The importance of people to people centered dialogue where communities speak to each other about the atrocities they have experienced, as opposed to just having bodies such as the AU, UN and EAC speaking to politicians only;
2. To have a developmental approach in seeking peace, this includes the channeling of investments towards infrastructure so as to directly assist communities in terms of establishing health clinics for example;
3. To have a grassroots approach to seeking justice such as the Gacaca system<sup>2</sup>.

**Izak Khomo of Channel Africa** questioned the required threshold needed in order to change the Burundian Constitution so that it can be able to address the existing political concerns. He argued that for South Africa, in general, you need a two thirds majority in Parliament in order to change the Constitution, but in Burundi you need 80% of the Parliamentary representatives. What is the essence of that? Is the intention to maintain the status quo or a spirit to actually develop the country? He further questioned Dr. Rupiya’s suggestion of a Trusteeship as a form of transitional governance, in terms of who it would constitute as well as who would serve as the appointee.

**One contributor** called for the AU to provide concrete resolutions to resolve the conflict peacefully, and further questioned if any ground work had been done by the AU in attempting to solve the conflict. **Another contributor** questioned how particular institutions would be organised, as there are competing interests between government and international institutions, interests that are not people centered. **A contributor** asked if there was any correlation between the regression of new democracies after ten years with the end of two political terms of the president and/or of the governing party. **The last contributor** attributed the protests and instability to poverty and the lack of employment opportunities, in an economy that is largely dependent on foreign donors.

## Responses from the panelists:

**Dr. Martin Rupiya** responded by pointing out that when the AU Commissioner of Political Affairs, H.E. Dr. Aisha L. Abdullahi, took office, at least 28 African countries were struggling with governance and thus conflict mechanisms had to a great extent failed. He called for the AU Secretariat, Heads of States and governments (the decision-makers) to take responsibility. He said the gap that existed between conflict identification and intervention was one that the AU had to deal with. The matter of Trusteeships was about governments failing to govern after democratic elections where the “winner takes all”, which then leads to a regression. In countering this

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<sup>2</sup> A traditional Rwandan community based justice system

regression, a plan needs to be made so that countries like Burundi do not find themselves at such a crisis point in future.

**Ms Mediatrice Barengayabo** stated that it was the armed youth who were responsible for the unrest in Burundi and that the motives of those who arm them must be investigated. She called on the government of Burundi and civic organisations to find a way in which civic organisations can be sponsored. She claimed civic organisations with significant donor funds were not representing the people as they were supposed to, but rather the armed youth insurgents. She said it will be through the National Dialogue where the rest of the world will get collective information from the people themselves.

**Ambassador Isaïe Ntirizoshira** said the basis for social and political cohesion in Burundi is the Arusha Accord and thus, all stakeholders need to refer to it in terms of their respective contributions towards peace in Burundi. The government will negotiate with anyone committed to peace. He mentioned that civil society organisations would also participate in efforts towards peace and stability in Burundi, aside from those who worked with some of the military personnel that were involved in the coup d'état, this would be an inclusive dialogue.

On the issue of international donors pulling out of Burundi, **Ambassador Marcus Cornaro** said it was Article 96 of the EU-ACP partnership agreement (Cotonou agreement) to suspend not the entire aid, but the portion of aid directly given to the Burundi government. This Article proposed for the continuation of the portion of projects going directly to the beneficiaries who do not fall under government control. This has been subject to a six months review by the EU Council. He said that even after the review, it would be difficult to have positive results, as the conditions are straightforward and are not subject to the European view of the crisis. He made mention of the considerable increase in aid that the EU has committed to the the refugee crisis, for instance the Nyarugusu Refugee Camp situated in Kigoma, Tanzania, which is currently one of the most overcrowded refugee camps in the world. The European Union would thus focus its resources on the plight of refugees rather than the direct assistance of government.

## CLOSING REMARKS

**Ambassador Welile Nhlapo**, Former South African special envoy to the Great Lakes region and former National Advisor to the President

Ambassador Nhlapo spoke of the international community and its responsibilities - that even after the agreements in Arusha were concluded, agencies were needed to ensure commitments were undertaken. He said people's expectations in post-conflict countries were not delivered upon and that this needed to be addressed with great honesty as it was people's lives in difficult situations that were being addressed. This was due to the international





community not living up to expectations, he said. On justice, he said the Arusha Accord provided a platform through the Truth and Reconciliation Commission, which had not been implemented as the UN had not supported its establishment or the processes towards its enactment. This was because the UN did not believe in the idea of amnesty as it is purported to promote impunity. Ambassador Nhlapo mentioned that issues of reconciliation had to be taken more seriously and engaged with.

On the question of peace, he questioned what adequate structures were in place to deal with the issue of peace in Burundi. He pointed out that, if there are none in place, a question remains: who would take responsibility for providing such infrastructure for peace? He asked whether there was any relationship between the internal dialogue and the dialogue headed by President Mkapa, because if these very necessary dialogues were not related and complementary, they would amount to nothing. So, it is imperative for some outcomes to come out of the two processes, he argued. He further noted that the AU had made efforts in terms of intervening in the Burundi crisis by deploying a peace enforcement force, however this was later rejected by the Burundian government. In his opinion, this was justifiable because the military force would not have been effective.

He called on institutions to not take lightly the need to give people the opportunity to negotiate an agreement, as they will hardly commit to agreements they are not part of. He further stated that the CNDD (Conseil National Pour la Défense de la Démocratie) [*National Council for the Defense of Democracy*] and FNL (National Forces of Liberation) were present at the Arusha negotiations, however their military wings refused to recognise the negotiations, but negotiators insisted they participate. So, the negotiations were not completely flawed. He concluded by noting that the peace and security structures are heavily dependent on donors who decide where the money needs to go and thus donors can manipulate situations. He called for Africa to finance its own institutions.

*The analysis and recommendations included in this Policy Dialogue Report do not necessarily reflect the view of SALO or any of the donors or conference participants, but rather draw upon the major strands of discussion put forward at the event. Participants neither reviewed nor approved this document. The contents of the report are the sole responsibility of SALO, and can under no circumstances be regarded as reflecting the position of the donors who provided financial assistance for this policy dialogue session.*

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The Southern African Liaison Office (SALO) is a South African-based not-for-profit civil society organisation which, through advocacy, dialogue, policy consensus and in-depth research and analysis, influences the current thinking and debates on foreign policy especially regarding African crises and conflicts.

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