

Baudelaire in Burundi

Civil society – A voyage to the depths of the unknown?

This essay was written after the parliamentary elections in Burundi and a week prior to the presidential one. The political analysis as well as the several scenarios that could follow after the presidential elections were shared and discussed with some Burundian civil society representatives at that time.

Verse-nous ton poison pour qu'il nous reconforte !
Nous voulons, tant ce feu nous brûle le cerveau,
Plonger au fond du gouffre, Enfer ou Ciel, qu'importe ?
Au fond de l'Inconnu pour trouver du nouveau !

Le Voyage – Fleurs du Mal (Charles Baudelaire)

1. Introduction

Burundian civil society has recently been put to the test by the unrest and violent events that the country has witnessed since the President of the Republic, Pierre Nkurunziza, confirmed his candidature for a constitutionally contested third mandate. This essay examines the role of civil society in this changing environment. Rather than providing answers to current dilemmas that are threatening the future of Burundi, and to which only the Burundians might have the adequate solutions, this essay poses critical questions aimed at gaining the attention of the multiple actors involved in Burundi. It should be noted that the term “civil society” used in this essay is limited to organisations working on human rights, democracy and issues related to the rule of law.

2. The political background of the crisis

A number of Burundian civil society actors, mainly those non-governmental organisations (NGOs) working in human rights, democracy and good governance, with the support of the

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private media launched the campaign “Halte au Troisième mandat” on 26 February 2015. This campaign protested against the third mandate that the current president of the republic had been aspiring to against the will and advice of various international, regional and national actors.

President Nkurunziza, as was expected by many, ignored the protest of these actors and a considerable part of the population when he registered his candidature officially on 8 May 2015 before the Independent National Electoral Commission (CENI) after having pressured the constitutional court to rule in favour of a third mandate. The decision of the constitutional court remains controversial, yet it grants Nkurunziza the needed argument to denounce “political interference in national affairs” when challenged by the international community and others.

The polarisation created by the president’s persistence on a third mandate on the one hand and the opposition of civil society groups, the private media and the political opposition to this mandate on the other, resulted in a drastic destabilisation of the country’s security and political environment. Burundian civil society and the media were the first to call on the population to stand against the third mandate and take to the streets. The political opposition gradually started to join the protests, but the lack of a clear and common viewpoint impeded it from providing a united and strong position in the situation.

3. A political crisis leading to violence

The Burundian National Police (BNP), intensively supported by Security Sector Reform (SSR) initiatives financed by the international community, has failed to deal peacefully with the demonstrators leading to severe acts of brutality that have been reported and documented. The Burundian army initially played an intermediary role between the population and the BNP by protecting the demonstrators and creating a buffer zone between them and the youth armed wing of the ruling party CNDD-FDD, the “Imbonerakure”. Nevertheless, the army’s solidarity was tainted by the sketchy attempt of a “coup d’état” led by the ex-head of the national intelligence service, Major General Godefroid Niyombare, who had been dismissed by the president upon presentation of a report in which he strongly advised against seeking a third mandate given the opposition of many national, regional and international actors. Since the foiled coup, talks and rumours about the instability of the army gained ground especially with several Burundian media outlets reporting that some officers and soldiers have deserted the army and plan another putsch against the regime.

Some alarming acts of humiliation and brutal killings of the “Imbonerakure” and members of the BNP were also committed by demonstrators. In addition, rape and extortion of citizens fleeing to neighbouring countries were reported and an environment of fear and terror is spreading on a national level, especially in the different neighbourhoods of the capital Bujumbura. Citizens in various parts of the capital have been seen “sharpening their machete and knives under the pretext of pre-emptive measures of self-defense”. Overall, in the affected suburbs, the population felt the need to protect itself by building barricades and conducting nightly patrols, mainly carried out by the youth.

Private media outlets, accused by president Nkurunziza to be behind the unrest, have been shut down, their infrastructure has been destroyed and they are currently under judicial investigation. While some of the private media outlets tried to cover the events objectively, others propagated messages of hatred and incited the demonstrators towards more violence. Many journalists and civil society activists are being arrested and intimidated and as a result some have been forced to go into hiding.

The first round of the elections, communal and parliamentary, was conducted notwithstanding the call of civil society and the political opposition for a boycott. According to the CENI, 2.300.463 Burundians out of 3.843.024 registered voters participated in the contested elections. Regardless of the identity of the winning party, if these numbers prove to be credible both the opposition and civil society should draw their conclusions about the responsiveness of the population to their call for a boycott as a means to unseat Nkurunziza from power.

4. Civil society and the crisis

The leaders of the campaign “Halte au Troisième mandat”, after registering a failure to halt Nkurunziza’s candidature through street protests, decided to rectify their strategy by calling on the population to boycott the elections. The Burundian elections are divided into several phases, starting with the parliamentary and communal elections which are followed by the presidential ones. Boycotting the elections is not an unprecedented act in Burundi’s history since the signing of the “Arusha Peace Accord” in 2000. The fragmented political opposition ended up withdrawing from and eventually boycotting the 2010 elections and the same non-governmental actors were sceptical about the results that brought back the ruling party, CNDD-FDD, into power for another term of five years. In 2015, Burundi finds itself facing the same political challenge, yet the events are taking a more dramatic turn with violence erupting between those against a third mandate and the ruling party that controls the government.

Could it be a strategic decision and a political manoeuvre on behalf of the political opposition and civil society to boycott the elections for two successive terms, or does it reflect their incapacity to overthrow Nkurunziza and his ruling party through the direct universal suffrage? This question leads to an examination of Burundian civil society and the responsiveness of the population to its discourses and claims.

5. A panoramic glance of Burundian civil society

Burundian civil society became more active in the early nineties especially during and after the violent ethnic clashes of 1993. Humanitarian aid, relief and emergency services were the focus of a large number of NGOs. However, a lack of funding and resources made most of these organisations dysfunctional and a large number was disdained. The early civil society organisations, defenders of human rights, attracted a considerable number of politicians who failed in the political sphere and continuously struggled for a societal position to grant them power and wealth. Civil society became the jumping board into the political realm, as is the case in many countries suffering from oppression and restricted political space and participation.

Today, most of the non-governmental organisations in Burundi are registered as “association without lucrative purpose”, which is known in French as an “association sans but lucrative (ASBL)”. The accreditation of an ASBL, especially for those working on matters related to human rights, is granted by the Ministry of Interior and Security. Because none of these non-governmental organisations receive any financial support from the Burundian government, their dependency on international donors is acute. It should be mentioned that many other groups, acting as communal organisations, do exist, yet they are neither structured nor accredited by the government. Moreover, the role of the Catholic Church in opening the space of dialogue and reflection should not be ignored although it often remains silent and less outspoken than the civil society groups.

6. A Burundian or a “Bujumburan” civil society - a crisis of leadership?

Bujumbura, the capital of Burundi, with its periphery where approximately one million Burundians reside, remains the hub and the sphere in which civil society is most active and visible. According to many civil society leaders the reason for this phenomenon is the lack of funding and resources to reach the country's interior where around seven million Burundians live in dire conditions. While this could be a plausible justification, one cannot ignore that the current regime managed to take advantage of this situation by strengthening its presence in and control over the country's marginalised interior. African leaders are not often seen mingling with the population and dealing with them on a face-to-face basis. Nkurunziza on the other hand is known to spend more time in the country's interior conducting community development work by building schools and hospitals, than he does dealing with state affairs from his presidential palace in the capital. The participation of the cabinet's members and its administration in the construction work alongside the head of state projects an image of unity and solidarity between the regime and the interior's population. Many Burundian citizens in the country's interior, referred to as “peasants” by the capital's elite, are often heard praising the ever-present “Sebarundi” Nkurunziza, a Kirundi word meaning “father of the republic”. They also criticise civil society leaders “paying their field visits while driving their fancy four-by-four vehicles garnished by logos of international actors and donors and talking about human rights without dispensing any money needed for survival”. In addition to the community work, the strongly devoted protestant-Christian Nkurunziza benefits from the public religious celebrations where he portrays an image of a devoted individual. Moreover, his fanatical passion for sports, and the fact that he is a player and captain of a soccer team, brings him closer to the Burundian youth who suffer from unemployment and poverty. Being an ex-rebel, a pious Christian, a sportsman, a humble African president at the service of the population and a charismatic statesman safeguarding the achieved peace in Burundi after a long civil war, are the ideal traits to create the profile of “The Leader” in a worn-out country like Burundi.

Most of the community work conducted by the president is made possible through the manipulation of the national budget to which international aid contributes more than 55 per cent of its total. Meanwhile, both civil society leaders and the international partners of Burundi are well aware of the endemic corruption by the state and the manipulation of the international aid for electoral purposes in favour of the regime. Unfortunately, civil society is yet to hold the international partners accountable for turning a blind eye on this dangerous phenomenon. Civil society's political advocacy campaigns against corruption, bad governance and other state related issues are still far from holding the international actors accountable for what could be considered as double standards and complacency with the regime. The international donors and actors benefit from a sort of “impunity” given the clement attitude that civil society is exhibiting towards them, which is probably influenced by the fact that the latter depends exclusively on foreign funding.

As mentioned earlier, many communal and informal and non-accredited non-governmental organisations are active in the country's interior. These structures are mainly focused on poverty reduction, health and education, women's rights and gender issues, and reconciliation and peace building. Despite the existence of various Bujumbura based NGO networks, the urban civil society has not yet succeeded in supporting these informal structures through tailor-made strategies, which could link the country's interior with the capital Bujumbura through the web of existing NGO networking consortiums. Once more, urban civil society finds itself incapable of spreading, through the existing NGO networks, its modern discourse of change towards the marginalised interior. A clear illustration of this shortcom-

ing is its timid success in mobilising the population in the country's interior to take to the streets for its campaign against the third mandate.

Over the last decade, the private media in Burundi has become a key player in informing and mobilising citizens, both in urban and rural areas. In rural areas radio is the primary source of information about current events, human rights violations and malpractices on behalf of the government and the ruling party. The private media was extremely involved in the campaign against the third mandate and often accused of being pro-opposition. The synchronisation between civil society initiatives and the work of the private media is proving to be successful when resources permit it. Meanwhile, the private media could benefit from acquiring incremental knowledge in investigatory journalism allowing it to be more neutral and effective. A more elaborate cooperation between the private media, urban civil society agencies, and the rural ones, based on a reciprocal partnership, might prove useful in closing the gap between the capital and the interior. As a result a nationwide informed population could be mobilised to stand up against malpractices and oppression.

Nevertheless, it remains surprising to note that all private media outlets – radio, TV, websites – failed to find an alternative to sustain their broadcasting, either through clandestine antennas, or from neighbouring countries or hosted website engines outside of Burundi, after their infrastructure was destroyed by the regime. Is it lack of funding, fear of persecution or simply a lack of readiness to accompany the generated momentum of public opinion against the third mandate?

7. Civil society – A real political opposition?

In the absence of a consolidated political opposition and in the presence of a repressive regime, civil society has acted as an alternative actor for these two political constructs in many countries. The creation of the Burundian League for Human rights, “Ligue Burundaise des droits de l’homme – la Ligue Iteka”, in the early nineties, is an illustration of how civil society could emerge as a de facto political opposition under a repressive regime. As the creation of political parties was not allowed in Burundi at that time, several individuals struggled for the creation of the League Iteka through which a space to voice political claims and struggle to be heard was created. One could argue that some of the emerging leaders of today's civil society are still influenced by this tradition and practice through which they find themselves aspiring for a political role. Although multipartyism is officially allowed under the Nkurunziza regime, his government, through intimidation and direct intervention by the ministry of interior, has managed to scatter and divide the political opposition over the last five years. It succeeded in suspending several opposing political parties and in creating new leadership for many of the ones who dared oppose the regime. The intimidation and a number of alleged assassinations of members of civil society by the current regime reinforced the de facto role of civil society as an opposition political front. Over the past five years, many figures from the political opposition were forced into exile, creating a void on the political scene, which allowed civil society a considerable margin of manoeuvre within the political sphere. Civil society acted as de facto opposition in the country and developed more strength in the capital Bujumbura than anywhere else in the country's interior, where the ruling party cultivates a strong influence.

Moreover, the historical ethnic divide in the country played a crucial and negative role in confirming the stereotype of a Tutsi-driven civil society given the fact that the Hutu ethnic group was denied access to education in general and to higher education in particular thus limiting the leadership of civil society to highly educated Tutsi groups. Fortunately, the leaders of the current civil society, with the exception of a few, managed to overcome this reality and did not adopt an ethnic discourse. Nevertheless, some sore Burundians, known to be

radically anti-government, and especially groups in the diaspora, often portray the repression by the government against civil society as being aimed at the Tutsi ethnic group.

The strength of civil society and the private media is considerable due to the support of some actors from the international community, who themselves are partners to the Burundian government. With increasing talks about the suspension of aid to Burundi on behalf of some international actors due to the on-going violence, civil society will find itself in a difficult situation and might lose the needed leverage gained with the financial support should this aid be suspended or halted. To this end, and given the complexity of the current political situation in Burundi, civil society might want to consider alternative strategies if it is to secure its much needed support.

It has been proven that civil society and the media have the capacity to mobilise some of the urban population and call on them to demonstrate regardless of the danger they might face from a brutal military force. The question remains whether they have the power and influence to keep the demonstrators in check and avoid further bloodshed in the country. This is becoming more complex given the fact that several civil society and media leaders have already fled the country or are wanted by the police. Many Burundian citizens, after witnessing the killing of their compatriots on the streets, are doubting the leadership of their civil society who went underground and are more sceptical about being left alone to protest in the streets. Another interesting development was the fact that most of the demonstrators were youth from marginalised areas and often suffering unemployment and poverty. Meanwhile and during the demonstrations, the university youth took refuge by camping in front of the American Embassy rather than manifesting in the streets. This could be a sign that civil society finds it difficult to mobilise a larger group of youth needed for change, one that includes the “educational elite”. Bringing the youth on board in a country suffering from its acute political manipulation is yet to be dealt with by civil society.

8. Scenarios, challenges and civil society

Given the latest rapid developments and current events, several scenarios can be envisaged as to how the crisis could unfold in Burundi.

At the fortnight of the presidential elections, civil society organisations seem to have shifting strategies as to how to proceed with their campaign against the third mandate. In case of failed negotiations for a peaceful solution between the regime and the opposition, it is feared that civil society could once more find itself in the quagmire of the streets, should they decide to ask the population to resume the demonstrations. So far, the volatile current situation in Burundi has proven that violence could be manifested in various forms ranging from self-defence, rape, looting and vengeance, and might take an ethnic dimension in case the situation is not contained.

8.1. Scenario one: a deal between the regime and the opposition

With the current tensions and severe political polarisation between Nkurunziza and the opposition, neither winning a third mandate nor his voluntary withdrawal from the presidential electoral race could be concretised without a political deal with the opposition if the country is to be spared another round of violence. This deal would likely have to be concluded with the most prominent presidential candidate from the opposition, Agathon Rwasa. The informal results for the communal and parliamentary elections show that the

coalition “Amizero y’Abarundi”, consisting of the historical leader of the National Forces for the Liberation, “Forces nationales de liberation” (FNL), Agathon Rwasa, and the contested Charles Nditije, head of the Union for the National Progress, “L’Union pour le progrès national” (UPRONA), ranked second, winning 21 seats at the national assembly. So far, Rwasa and Nditije are refuting the results under the pretext of having boycotted the elections.

For some Burundian observers, the so-called win of Rwasa and Nditije is nothing but a ruse to lure them into a coalition, which would allow Nkurunziza a third mandate while having a prominent leader from the opposition in his camp. It could also be considered as a prelude for a transitional government, which would allow Nkurunziza a clean exit from his current crisis while keeping the influential role of his party, the CNDD-FDD. The measured discourse of Agathon Rwasa, in the midst of the political instability and the resulting violence, leaves the door open to various possibilities and scenarios. Should this deal be concretised, civil society would find itself facing a dilemma. Would it be willing to accept the new political reality and by doing so retract their fierce refusal of a third mandate for Nkurunziza? By doing so, it might run the risk of granting impunity to Nkurunziza and his regime for the committed violence and human rights abuses, and fail to uphold its discourse in favour of rule of law and democracy. This deal might compel the international community to recognise the new political reality, under the pretext of non-interference in national political affairs. Civil society will then have to decide whether or not to hold accountable its main supporter, the international actors and donors, who often prefer “security to justice”. In addition, would civil society sanction the leadership of an ex-rebel accused of alleged war crimes, as is Agathon Rwasa, in a country that confirmed the establishment of a Truth and Reconciliation Commission for which the same civil society has been struggling for many years?

Should civil society decide to remain coherent with its discourse and objectives against a third mandate, it must re-examine the responsiveness of the population to its course of action before calling again on the population to take to the streets in protest against such a political compromise.

8.2. Scenario two: “le coup d’état”

The scenario of a coup has been tested and failed. Many disillusioned Burundians spread rumours that Nkurunziza was behind the coup, and that in fact it was a manufactured conspiracy intended to lift the pressure inflicted upon him by the demonstrators and international and regional actors. Civil society members and some media leaders were cautious in welcoming or contesting the coup. It was only after its failure that they have condemned this undemocratic way of opposing the third mandate. At the time of the coup, its leader Major General Godefroid Niyombare declared that a transitional government, including civil society and the opposition, would be formed in order to prepare for free elections. Some argue that civil society leaders would have joined the cabinet put in place by the “Putschistes”. After the failed coup, Major General Niyombare went underground, and after the last election was conducted he declared that an armed resistance is to be formed and will not cease its action until Nkurunziza is removed from power. Civil society should be extremely cautious of such an improbable scenario since it requires international and especially regional consensus given its complexity and the fear of creating precedents in the Great Lakes Region with the upcoming elections in Rwanda and the Democratic Republic of Congo. While this scenario might seem favourable for some it contains the high risk of dividing the army and as a result tumbling the country into extreme violence if not a civil war with regional repercussions.

8.3. Scenario three: le boycott

Nkurunziza does not succumb to the pressure and insists on running for the presidential elections after failing to lure the opposition into a coalition. He will be re-elected and would form a cabinet composed of different political factions, derivatives of the opposition that he managed to create by political manipulation and intimidation over the last years. The international community will be extremely challenged as to how to deal with the new government of Burundi. Diplomatic and economic sanctions upon Burundi will have to be considered. Moreover, diplomatic missions in Burundi might have to re-consider their level of representation in Bujumbura. This situation will create chaos in the country and leave Nkurunziza and his government without any checks and balance as to their practice of governance. The opposition will have to continue its demonstrations and protest against the newly elected president who will be deemed unconstitutional by some.

With the imminent threat of an armed resistance, renewed high intensity violence or even civil war might become a new reality. Civil society could then be overtaken by dangerous developments and ought to consider more peaceful strategies to contain the course of events and avoid further bloodshed.

9. A missed opportunity – Daring yet peaceful – Arusha scrutinised?

The “Arusha Peace Accord” for Burundi became an icon if not a myth by which the political discourse of all actors is being controversially governed. For all actors, the contested and ambiguous constitutionality of a third mandate, in favour or against Nkurunziza’s candidature, emanates in the first place from the biased interpretation of the Arusha accord and the

constitution. If one were to examine the details of this accord and its numerous dispositions, one would realise that not all actors have adhered to it to the letter. The discourse of competing Burundian actors provides a confirmation of the shortcomings of the accord’s implementation by often referring to the “spirit of Arusha” rather than the accord itself. Civil society’s claims are not an exception to this mainstream discourse. If civil society claims to speak on behalf of the Burundians and their unwavering commitment to the Arusha accord is genuine, they might have entrenched their argument by asking the population to renew its adherence to the accord through a referendum. The legislative and communal elections could have served as a peaceful democratic expression in order to

subject the controversial constitutionality of the third mandate to a direct referendum amongst the population. This option seems to have been ruled out since it entails the scrutinising of the “Arusha myth” according to which the opposition and civil society have been building their arguments.

In this way, civil society would have given the population an issue on which it could vote and not only a candidate claiming a void leadership over Burundi. Burundian civil society is not meant to provide the population with a leader but has the responsibility to help identifying and creating the needed profile of the leader; otherwise it will fall into the quagmire of power politics and lose its credibility.

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10. Update: Nkurunziza once more President

This update was written two weeks after the presidential elections and the appointment of Agathon Rwaso as vice-president of the national parliament.

On 21 July 2015 Nkurunziza was re-elected as the President of Burundi with international and national controversy. More importantly the call for the boycott of the presidential election by the opposition and civil society proved to be inefficient and the scenario of a deal between the leader of the opposition group, Agathon Rwaso, and Nkurunziza prevailed with the former accepting the post of first vice-president of the parliament. It is important to note that when the abovementioned scenarios were shared with some civil society leaders for reflection, prior to the presidential election, they were faced with scepticism and were categorically refuted. Such a reaction on behalf of civil society leaders reflects the disillusion by which some of them deal with the political reality of the country. Some civil society leaders feel betrayed by the political opposition and to some extent by the population itself. This might be the chance for civil society to revisit its discourse and strategy towards social change. The question remains whether for civil society it was worth to focus its campaign on denying Nkurunziza access to a third mandate or whether it was too early for the Burundians to comprehend and support civil society's call for social change towards a more democratic practice?

Baudelaire in "Le Voyage – Fleurs du mal" wrote:

Pour out your poison that it may refresh us!
This fire burns our brains so fiercely, we wish to plunge
To the abyss' depths, Heaven or Hell, does it matter?
To the depths of the Unknown to find something new!

Translation: William Aggeler (Fresno, CA: Academy Library Guild, 1954)

The voyage of Burundi and its civil society towards change is thorny and long but hopefully, with critical reflection and unwavering will for change, the "new" shall be reached.

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