

Central Africa Report

The AU and the ICGLR in Burundi

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Summary

The crisis in Burundi – which was brought on by the president's decision to run for a third term – was a significant test of regional and continental organisations' ability to effectively intervene in African member states experiencing instability. Issues of coordination and cooperation across organisations have emerged as a key obstacle, but it is the lack of political will of African states to sanction their peers that is the greatest barrier to tackling the instability that frequently arises when incumbents choose to alter term limits.

BURUNDIAN PRESIDENT PIERRE NKURUNZIZA'S decision to seek a third term in office in Burundi sparked the country's most significant crisis since the end of the last Burundian civil war, and shattered the country's hard-won stability. Over the last eighteen months, the country has experienced a significant outflow of people from rural and urban areas alike. Throughout the country security forces and militia loyal to the ruling party have spread a climate of fear. Human rights abuses, disappearances and killings are frequent. The Burundian political opposition has moved into exile, and several armed anti-government groups have formed, launching sporadic attacks in the country and engaging in killings. Regional and continental attempts to resolve the crisis through negotiations have so far been unsuccessful.

This report traces the efforts of the African Union (AU) and the International Conference on the Great Lakes Region (ICGLR) to support efforts to resolve the crisis in Burundi. It examines the institutional and political constraints that these organisations face when attempting to address instability in their member states.

Finally, the report also addresses coordination issues between the AU, the ICGLR and the East African Community (EAC), which has been the lead body on the Burundi crisis.

This is the fourth in a series of reports on the Burundi crisis. The series includes a separate report analysing the role of the EAC.

The AU's quest for leverage in Burundi: leading from behind

The AU was the guarantor of the Arusha Peace and Reconciliation Agreement signed in 2000 between the government of Burundi and Hutu rebels. Burundi was also the theatre of the first peacekeeping mission, deployed by the new organisation in 2003. But when faced with a crisis in Burundi 12 years later, its intervention has been less successful.

The AU's Peace and Security Council (PSC) held its first meeting on Burundi on 5 March 2015. This meeting followed numerous reports sent by the continental early warning system to the organisation's commissioner of peace and security. It was prompted by the recognition that Burundian President Nkurunziza wanted to run for a third term in spite of controversy over whether it was legal for him to do so.

The consultations led by the high-level delegations in May did not produce any results because of the intransigence of the Burundian government

The PSC communiqué from the meeting reveals the ambivalence of the AU on the looming crisis. On the one hand, PSC member states expressed their commitment to respect the sovereignty of Burundi. But on the other hand, the council recalled 'the need for all member states to work towards the effective implementation of the relevant provisions of the African Charter on Democracy, Elections and Governance'.¹

Two dynamics were behind the AU's action towards Burundi in early 2015. The first one is related to internal disagreements inside the AU. The debate was split, with AU commission Chairperson Nkosazana Dlamini-Zuma and Smail Chergui, the Commissioner of Peace and Security, having significant reservations about a third term for Nkurunziza,² while AU member states did not at this stage have a unified view on the matter.

Within the PSC the position of PSC member states eventually evolved to support for the April 2015 decision of the Burundian Constitutional Court which ruled that Nkurunziza could stand for a third term.³ On 28 April, the PSC noted 'that the Burundian Senate has seized the Constitutional Court on the interpretation of the Constitution regarding the eligibility of H.E. President Nkurunziza's candidature for election. The PSC urged all Burundian stakeholders to respect the decision of the Constitutional Court, when delivered'.

5 March 2015

THE AU PSC HELD ITS FIRST
MEETING ON BURUNDI

The second dynamic was that the East African Community (EAC) – and not the AU – was the leading organisation in the Burundian crisis. This was due to the primacy given to regional economic communities by the AU in managing crises because of their proximity.⁴ Therefore, all PSC decisions, starting in May 2015, were dedicated to supporting and cooperating with the EAC's regional efforts in Burundi rather than on initiating distinctive AU action.

Consequently, the AU's engagement in Burundi was a two-tier process: the organisation agreed to play a subsidiary role to the EAC, while its actors were divided on addressing the root causes of the instability in Burundi, notably the third term and the presidential election. At the same time, the AU continued to engage in high-level preventive diplomacy, as demonstrated by the attendance of Chergui and Dlamini-Zuma at the EAC Summit on 12 May.⁵

But these two dynamics were not contradictory. Both the AU high-level delegation, comprised of Edem Kodjo and Ibrahim Fall, dispatched on 9 May and the appointment of Fall as AU Special Envoy for Great Lakes and Head of the AU Liaison Office in Burundi on 3 June⁶ were intended to enhance the AU's support of the regional efforts.⁷ However, the consultations led by the high-level delegations among stakeholders in May did not produce any results because of the intransigence of the Burundian government regarding the timetable of the elections, set to begin in a few weeks.

The strategy of deploying preventive diplomacy also helped to maintain the AU's status as a guarantor of the 2000 Arusha Agreement without eclipsing the EAC, which took the lead in managing the crisis.

On 14 May, the PSC endorsed the decisions adopted at the EAC Summit held in Dar es Salaam on 12 May, calling for 'a postponement of elections; the restoration of peace and stability to ensure the holding of elections in a free, fair, transparent and inclusive manner; and the cessation of violence'.⁸ In addition, the PSC called for the deployment of human rights observers whose mandate would be 'to monitor the human rights situation on the ground, report violations of human rights and international humanitarian law and undertake local conflict prevention and resolution activities'.

The PSC Summit, held in Johannesburg on 13 June as part of the AU summit, reasserted this decision by deciding on the immediate deployment of human rights observers and military experts.⁹ PSC heads of state and government also 'emphasised the relevance of the measures agreed upon by the EAC Summits (...) including the call for the postponement of the elections and the immediate cessation of violence, the disarmament of youth groups affiliated to political parties, and the initiation of a dialogue among the Burundian stakeholders'.

There was growing frustration within the AU regarding the lack of progress on the EAC-mediated political dialogue

The EAC's position on the postponement of the elections also evolved. At its meeting of 13 May, the Heads of State and Government of the region asked for a postponement of the election for a 'period not beyond the mandate of the current government', meaning late August.¹⁰ Then, at the EAC's extraordinary meeting in Dar es Salaam on 31 May, the EAC stated that the elections should be postponed for 'a period not less than one month and half'.¹¹ At the summit held on 6 July, it requested a postponement of the elections, then scheduled for 15 to 31 July to 'allow time for the facilitator – Ugandan President Yoweri Museveni – to lead the negotiations'.¹²

While it publicly continued to support the EAC's effort, there was growing frustration within the AU regarding the lack of progress on the EAC-mediated political dialogue and the rapid deterioration of the security situation in Burundi. The bolder tone of the PSC decisions starting in October 2015 reflected this growing impatience towards the Burundian government.¹³

At its 523rd meeting held on 9 July, the PSC endorsed the decisions taken by the EAC three days earlier, notably the appointment of Museveni as facilitator; the request for a postponement of the elections; and the recommendation that whoever wins the presidential elections should form a government of national unity. It also called on the Burundian government to disarm the Imbonerakure, the ruling party's youth militia, and other armed youth groups allied to political parties. The PSC urged the chairperson

of the commission to deploy military observers to oversee the disarmament process.¹⁴

At the same time, the AU encountered successive obstacles in trying to implement these decisions. A key obstacle was the signature of a memorandum of understanding (MoU), the terms of which remain under negotiation to date. The main sticking point remained that the Burundian government consistently demanded that it be allowed to see the observers' reports before they were sent back to the AU's headquarters, a stipulation that the AU refused to accept.¹⁵

The AU's lack of financial resources was another factor in the slow deployment of human rights observers and military experts

As a result, to date only 46 human rights and 24 military observers have been deployed to Burundi. From the start they have been severely constrained by the absence of an established legal framework allowing them to be in the country. In addition, they have lacked even the most basic instruments to implement their mandate, such as cars. This means that for the most part, the AU observers are unable to leave the capital Bujumbura, and so have a limited perspective on the situation in the rest of the country. The AU's lack of financial resources was another factor in the slow deployment of human rights observers and military experts.¹⁶

Neither the EAC nor the AU reacted to the Burundian government's decision to go ahead with the elections after just a short delay of a few weeks. The Burundian government held legislative and local elections on 29 June, and presidential elections on 24 July 2015. On 28 June the AU Commission decided not to send an electoral observation mission as it felt that there was a general lack of free and fair conditions surrounding the organisation of the poll.¹⁷ At its 531st meeting on 6 August, the PSC 'took note of the recent parliamentary and presidential elections' and called for 'an inclusive dialogue without any preconditions, leading to the formation of a government of national unity, as proposed to the EAC and endorsed by the PSC at its 523rd meeting'.¹⁸ The AU's shyness reflects the reluctance of most member states towards sanctions or negative measures.

Aside from the PSC statement, the AU did not comment on the Burundian elections, despite the fact that this contradicted the decision adopted by the PSC on the sidelines of the AU summit in Johannesburg a month earlier. Moreover, since AU action was to a great extent aimed at supporting the regional effort, the lack of any strong reaction by the EAC contributed to the paralysis of the pan-African body.

The search for leverage

The AU PSC's decisions from October 2014 to December 2015 reflected an attempt to positively influence the dynamics of the Burundian crisis and to



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support the EAC. Towards the end of 2015, as the Burundian government's refusal to cooperate became clear, the AU gradually shifted towards a more pro-active approach.

The PSC's decision of 17 October 2015 during its 551st meeting marked a dramatic shift for a body whose member states have historically been reluctant to adopt punitive measures such as sanctions against another member state.

At this meeting, the council decided 'to take measures to ensure that the members of the defence and security forces involved in human rights violations and other actions of violence do not take part in AU-led peace operations'.¹⁹ To this end, the PSC resolved to impose 'targeted sanctions, including a travel ban and asset freeze against all the Burundian stakeholders whose actions and statements contribute to the perpetuation of violence and impede the search for a solution'. At the same time, the PSC decided to increase the number of human rights and military observers to be deployed to Burundi to 100, including a police component, the size of which was never explicitly determined, and which, in any case, was never deployed.

Another decision taken at this meeting was to launch an in-depth investigation by the African Commission on Human and People's Rights (ACHPR) into violations of human rights and other abuses against the civilian population in Burundi. Moreover, the PSC reiterated its call to the EAC and the Eastern African Standby Force (EASF) to finalise plans for a deployment in Burundi of an AU mission to prevent widespread violence in the country.

While the commission may push for bold action, implementation of especially punitive measures will often be restrained by member states

An uneven execution hampered the impact of this decision. Sanctions mooted at the October meeting were never implemented because of the resistance of PSC member states to impose what were seen as primarily western measures against an AU member state. Moreover, sanctions are generally perceived as a tool of last resort, one which has often proven to be ineffective. Finally, the commission was not certain that member states, notably from the EAC, would abide by the sanctions and actually implement them.²⁰

With hindsight, many of the same dynamics and reservations that blocked the imposition of AU sanctions in October 2015 underpinned the PSC's turnaround in January 2016. Burundi has been a key lesson for the AU and the PSC that while the commission may push for bold action, implementation of especially punitive measures will often be restrained by member states.

The PSC's decision of 16 November illustrated this trend. The PSC reasserted its call for the resumption of a dialogue under the auspices of the EAC,



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and the completion of the list of individuals and entities to be targeted by sanctions. It also set 15 December as a deadline for the deployment of all military experts and human rights observers and called upon the Burundian government to finalise the discussion on the MoU.²¹

The drafting of the list of people to be placed under sanctions never made it onto the agenda of the body. And while the Burundian government continued to drag its feet on the terms of the MoU, a full deployment of the AU observer contingent was impossible.

The Burundian government not only refused the deployment of MAPROBU, but also said it would consider any deployment as an invasion

In December 2015, the deterioration of the security situation caused the AU to take its boldest action to date on the crisis. Two elements influenced the PSC member states. First were the attacks by non-state actors on military barracks in and around Bujumbura and the ensuing heavy crackdown by the Burundian government, in which an estimated 79 rebels were killed and another 47 people were arrested, according to the army's spokesperson.²² Other sources said 300 young men were arrested, of whom 154 were executed.²³

The second element was the briefing from the ACHPR on its preliminary findings from its December visit to Bujumbura.²⁴ The delegation stated its 'preliminary findings indicate that the situation is a great concern (characterised by) ongoing human rights violations and other abuses including arbitrary killings and targeted assassinations, arbitrary arrests and detentions, torture, arbitrary suspension and closure of some civil society organisations and the media, etc'.²⁵ In addition, the ACHPR delegation noted in its report that the violence in Bujumbura was concentrated in districts with a significant concentration of people of Tutsi ethnic origin.²⁶

In this context of heightened alert, the PSC decided on 17 December to deploy a 5 000-strong force of AU peacekeepers to Burundi. PSC ambassadors indicated subsequently that at that point they believed genocide in Burundi was a real possibility and felt only bold action by the AU could stop a further deterioration.²⁷

The main elements of the PSC's decision were:

- The deployment of the African Union Prevention Mission in Burundi (MAPROBU) composed of 5 000 troops. Its mandate would be to prevent any deterioration of the security situation; contribute to the protection of civilians; and create the conditions necessary for the successful holding of an inter-Burundian dialogue.
- The request to the chairperson of the commission within a period of 10 days to communicate to the PSC for consideration and approval a list of Burundian stakeholders who would be subjected to sanctions.

17 December
2015

THE PSC DECIDES TO
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TO BURUNDI

The PSC gave the Burundian government 72 hours to consent to the deployment. If the Burundian government did not give its consent, the PSC would call on the Assembly of Heads of State and Government to authorise the deployment of MAPROBU, according to Article 4h of the Constitutive Act.²⁸

The Burundian government not only refused the deployment of MAPROBU but also said it would consider any deployment as an invasion. Meanwhile, international support for the PSC decision was ambivalent. While it supported the engagement of the AU, the United Nations Security Council was divided particularly among African members. This made a Security Council decision in favour of the deployment without the government's consent unlikely.²⁹

By time of the AU summit in Addis Ababa in late January 2016, the consensus for a deployment against the consent of the Burundian government had been significantly eroded. On 29 January, the PSC summit at the level of Heads of State and Government reversed the decision taken by ambassadors a month earlier, stating that the AU should 'not [to] deploy MAPROBU because it considers it premature...and to dispatch a high level delegation to Burundi to meet with the highest authorities as well as with other stakeholders'.³⁰

Five days after the summit, the AU announced the composition of a high-level delegation to visit Burundi

It is also important to note that the proposed sanctions that had been part of every PSC decision since October 2015 were not even mentioned in the decision taken at the level of Heads of State and Government.

The summit did not completely turn its back on the Burundi crisis, however. AU Chairperson Idriss Deby announced the composition of a panel of five heads of state whose mandate was to visit Bujumbura with the aim of continuing discussions about how an enlarged AU presence might stabilise the situation.

Many factors explain the reversal of the decision taken in December. First of all, some capitals felt they were not properly briefed by their representatives in the

context of the end of the year. Therefore, some capitals backtracked from the December decision adopted by their ambassadors to the PSC, a decision that many felt had been pushed by the commission.³¹ Members of African delegations and the commission also stated later that they felt they had been misled by NGO reports and western media coverage of the Burundi crisis, and that the situation was not as acute as it had been made out to be.³² This feeling was fuelled by a dip in violence in Burundi in late December and early January. This evolution contributed to the view that the PSC and the commission had overstated the gravity of the situation in December.

Another critical factor in January was the absence of consensus within the PSC. The decision adopted on 17 December was made by consensus as usual in the council, not by an outright vote. Therefore, the reservations expressed in January by several states such as Tanzania and South Africa played a central role in eroding this consensus and undermining implementation of the PSC's December decision.

Five days after the summit, the AU announced the composition of a high-level delegation to visit Burundi: President Mohammed Ould Abdel Aziz of Mauritania, President Jacob Zuma of South Africa, President Macky Sall of Senegal, President Ali Bongo Ondimba of Gabon and Prime Minister Hailemariam Dessalegn of Ethiopia. The mandate of this delegation included consultations on the inclusive dialogue and the deployment of an AU force.

Headed by Zuma, the delegation visited Bujumbura on 25 February and met Nkurunziza as well as members of the political opposition. It recommended the following actions in a communiqué:

- Called upon all stakeholders in the crisis in Burundi to participate in the EAC-led dialogue without pre-conditions,
- Expressed its support to Museveni as the EAC mediator and called on him to set a date for an immediate resumption of the dialogue,
- Agreed to increase the number of AU personnel to 100 human rights observers and 100 military experts,
- Called on the international community to envisage a resumption of international aid if the situation improved in order to encourage the authorities and people of Burundi to remain engaged in dialogue.³³

Confusion arose around a separate statement read by Zuma, who was forced to stay on longer than the rest of the delegation due to technical problems with his plane. Zuma evoked ‘an inclusive dialogue with important stakeholders’. This was interpreted as an apparent nod to the Burundian government’s interpretation of who should be represented at the dialogue. The Burundian government has maintained that it will not sit down with members of the armed opposition, a term it uses loosely to refer to essentially all members of the political opposition, especially the Conseil National pour le Respect de l’Accord d’Arusha pour la Paix et la Réconciliation au Burundi et la Restauration de l’Etat de Droit, (CNARED).

Alain Nyamitwe, Burundi’s Foreign Minister, subsequently said that the Burundian government was only bound by the declaration read by Zuma, not by the AU statement. Meanwhile, the PSC’s communiqué following its 581st meeting on 9 March endorsed ‘the conclusions of the visit of the AU High Level dialogue as contained in the Communiqué issued at the end of mission’.³⁴ The PSC recalls ‘its determination to fully play its role and take all necessary measures for the promotion of peace, security and stability in Burundi, in conformity with its mandate, as stipulated in the Protocol Relating to the Establishment of the Peace and Security Council of the AU’.³⁵ The reference to the protocol can be understood as a reminder to the Burundian government that all options remain on the table – including the deployment of military force.

The Burundian government has maintained that it will not sit down with members of the armed opposition

On 28 April 2016, the PSC met to discuss the ACHPR’s report on its December 2015 fact-finding mission to Burundi. In its subsequent communiqué, the PSC reiterated its past calls for the effective deployment of human rights observers and military experts and the resumption of the Inter-Burundian dialogue. The council also ‘urged the EAC mediation to take the recommendations of this report in account within the dialogue’.³⁶ However, the PSC only ‘noted’ the recommendations of the report instead of ‘adopting’ them. The ACHPR delegation notably recommended: ‘the establishment of a joint international and regional ad hoc mechanism for full investigation/ review into all acts of violence perpetrated since April 2015 including the acts of Burundi security forces (...); the establishment of an independent, internationally supported special tribunal in Burundi whose mandate include holding perpetrators of human rights violations and other abuses criminally accountable during the current crisis; the need for an independent and joint international investigation into the events of 11 December 2015 and various reports of mass graves found to be in Bujumbura’³⁷.

These last decisions reflect the deadlock of the AU about its way forward in Burundi. The organisation has persistently called for actions that have failed to



THE AU SEEMS TO HAVE LOST MOMENTUM IN THE SEARCH FOR LEVERAGE IN BURUNDI

materialise including deployment of human rights observers, the imposition of sanctions, and the deployment of an AU-led force. After the January summit's reversal of the PSC's December decision on MAPROBU, the pan-African organisation seems to have lost its steam in the search for leverage in Burundi.

Lessons learnt

Did the AU fail in Burundi? The AU's early engagement in this crisis certainly helped to put Burundi at the top of the international agenda. Most of the international response was steered by the action of the AU PSC. However, a chronological assessment shows that the organisation ineffectively searched for leverage in order to weigh the dynamics of the crisis. It never succeeded because of a lack of resources, the divide between various actors in the AU, and its institutional limitations, but also from an inability to adapt its course of action when faced with a firm Burundian government stance.

By June 2016, the AU had been somewhat side-lined in the management of the crisis in Burundi

By June 2016, the AU had been somewhat side-lined in the management of the crisis in Burundi. The AU does have human rights observers and military experts on the ground despite challenges to the implementation of their mandate. But the crisis in Burundi has demonstrated some of the key obstacles the AU faces, ranging from struggling to implement its existing legal and political provisions to the challenge of ensuring coherence and consensus across member states on the key challenges to peace and security that face the continent today.

ICGLR and Burundi: a case study of inaction

The ICGLR's presence in Burundi

The creation of the International Conference on the Great Lakes Region (ICGLR) goes back to the year 2000 when the United Nations Security Council (UNSC) passed resolutions 1291 and 1304, calling for an international conference on peace, security, democracy and development in the Great Lakes region.³⁸ This call was followed later that year with the establishment of the Secretariat of the ICGLR in Nairobi, under the umbrella of the United Nations and the African Union.

In December 2006, the heads of state of the 11 member states of the ICGLR³⁹ convened in Nairobi to sign the Pact on Security, Stability and Development in the Great Lakes Region. The pact included the Dar es Salaam Declaration, programmes of action and protocols, and the signing ushered in the implementation of the pact, with the headquarters set up in Bujumbura. South Sudan joined as the 12th member in October 2013.⁴⁰



THE AU'S EARLY
ENGAGEMENT IN THE CRISIS
HELPED TO PUT BURUNDI
AT THE TOP OF THE
INTERNATIONAL AGENDA

An organisation well-placed to intervene

The ICGLR was founded on strong principles of conflict prevention and management, and by some of the leading African statesmen at the time. One may therefore have expected the conference to curtail conflicts in the region and to be a strong tool, not only in detecting and deterring conflicts in their early stages, but most importantly in its ability to intervene, both regionally and at state level, in a timely manner. In the case of the conflict in Burundi, the situation was – and still is – even more compelling for the ICGLR to intervene for a number of reasons.

First is that the headquarters of the ICGLR is in Bujumbura. This gives rise to the question of why an institution located in the very capital of Bujumbura could not discern on time and effectively intervene in the early stages of the political conflict. Although others may argue that proximity to the conflict has no bearing on intervention, which is a policy matter, there is every reason to believe that the stability of Bujumbura is and should be of immediate concern to the operations of the ICGLR, not least because Bujumbura was supposed to represent the image of what the ICGLR stands for – stability.⁴¹ The mere fact that the conflict escalated to a near civil war, forcing the ICGLR to relocate ‘temporarily’ out of Burundi, is a symbolic failure by the ICGLR in the face of a low-intensity conflict.⁴²

A review of the ICGLR’s intervention in the Burundi conflict reveals a pattern of isolated attempts to address the crisis

A review of the ICGLR’s intervention in the Burundi conflict reveals a pattern of isolated attempts to address the crisis, alongside those of the AU and the East African Community (EAC). The role of the ICGLR in the conflict and the opportunities that it missed can be best understood in the context of other competing mediation and intervention efforts, particularly by the AU and the EAC. The three organisations have been largely uncoordinated in their attempts to resolve the conflict. It is also worth noting upfront that none of the organisations has, until today, managed to put forward a clear roadmap that could salvage the situation.

In April 2015, President Nkurunziza announced that he was going to stand for a third term in office in presidential elections scheduled for June 26. This raised tensions in the country, setting off a series of public demonstrations. Both the European Union (EU) and the United States (US) immediately urged Burundi to postpone the elections in view of rising tensions in the country.⁴³ The US further urged regional leaders to weigh upon Nkurunziza not to stand, while the EU donors halted aid for the polls.⁴⁴

The conflict in Burundi escalated when, in the course of the Extraordinary Summit of the East African Community, held in Dar es Salaam on 13 May 2015

April 2015

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and attended by Nkurunziza, a coup attempt took place in Bujumbura. The EAC summit condemned the attempted coup d'état and called for the postponement of the elections for a period not exceeding the constitutional mandate of the authorities (26 August for the presidential poll, 9 August for parliamentary and 8 July 2015 for municipal elections). The summit also called for the cessation of violence, in order to create conditions conducive to the running of free, fair and credible elections.⁴⁵ South Africa's Deputy President Cyril Ramaphosa, the South African representative at the meeting, called upon Nkurunziza to drop his quest for the third term.⁴⁶ The summit stressed that the region would not stand by if violence were to continue in Burundi.⁴⁷ At the AU level, the chairperson reiterated the EAC message a day after the coup attempt in her statement on the situation in Burundi.⁴⁸

In yet another setting following closely on the heels of the EAC Extraordinary Summit, the ICGLR Heads of State and Government held their Extraordinary Summit in Luanda on the theme, 'Accelerating the effective implementation of the Pact and its Protocols for a more democratic and stable Great Lakes Region'.⁴⁹ On 18 May 2015, the ICGLR Summit issued a statement that pointed out that its objective was:

'...to discuss the Security and Humanitarian situation in the Great Lakes Region with special focus on the Republic of Burundi, the Central African Republic, the Democratic Republic of Congo, the Republic of South Sudan and on the growing threat of terrorism in the region'.⁵⁰

As the summit was underway, the situation in Burundi escalated to a volatile scale that would justify a decision by the ICGLR if it were to take a strong and affirmative decision to intervene immediately in any form, including issuing a strong statement on the third term mandate of Nkurunziza. However, only a small number of delegates at the meeting caucused under the label of 'voice of reason' and attempted to push for a common position calling on Nkurunziza to drop his bid for a third term. This group was overwhelmed by the majority who chose a 'less confrontational' approach, and so Burundi's case was dealt with by using the same generality that other cases were dealt with.⁵¹

From the final statement of the summit, it appears that the deteriorating security situation in Burundi was not of immediate priority to the summit, but simply part of the wider issues in the region. On Burundi, it outlined eight points, in which it simply condemned the attempted coup d'état as a grave violation of the ICGLR Pact on Security, Stability and Development in the Great Lakes Region, the Constitutive Act of the African Union and the UN; and further strongly urged the government of Burundi to work expeditiously towards the restoration of a peaceful and secure environment that would encourage a speedy return of refugees.

The summit stressed that the region would not stand by if violence were to continue in Burundi

The summit designated an ICGLR delegation of Heads of State from South Africa,⁵² Kenya, Uganda and Tanzania to evaluate the situation and contribute to the peaceful resolution of the crisis. It also took the decision to temporarily relocate the Conference Secretariat from Burundi to ensure the safety and security of the staff and the continued effective functioning of the organisation until such time as the situation stabilised.⁵³ This decision was very poorly received by the Burundian government, which ultimately declared the ICGLR's Secretary General Ntumba Luaba persona non grata.

This could be viewed as having been one of the most opportune moments for the ICGLR to take the lead in the Burundi conflict by spelling out strong measures. The opportunity passed and the AU seemed to step in in a more robust manner.⁵⁴

On 17 December, the AU PSC adopted a position on coercive diplomacy when it authorised the deployment of a 5 000-strong force, known as the African Prevention and Protection Mission in Burundi (MAPROBU), for an initial period of six months renewable. The main mandate of the force was to protect civilians in Burundi.⁵⁵ The communiqué gave the Burundian government 96 hours to consent to the operation or face coercive deployment of the force. Burundi reacted swiftly to the AU's decision, and threatened to attack MAPROBU, if deployed. This decision was made regardless of the role that the ICGLR,

as the immediate sub-regional organisation, could have played in setting up such a force. The AU had in a way usurped the role of the ICGLR.⁵⁶

Why the ICGLR has been ineffective

Several issues can be identified from the foregoing discussion of selected processes in the mediation efforts on Burundi to provide some of the reasons why ICGLR efforts to intervene in the conflict evolved the way they did. From these reasons, a number of lessons can be extracted with a view to informing future endeavours of this nature.

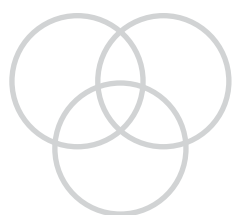
Some of the reasons that may have incapacitated the ICGLR include, first, the multiplicity of interventions. There was practically no clear pattern of interaction among the three leading regional organisations (AU, EAC, ICGLR).⁵⁷

There was practically no clear pattern of interaction among the three leading regional organisations

From the foregoing review, it appears that the three institutions were competing in their endeavour to mediate in Burundi. The end result was an emboldened Nkurunziza regime that has yet to take heed of any of these regional organisations' recommendations.

Second, the overlapping membership between the EAC and the ICGLR, coupled with an apparent lack of a common objective for the Burundi conflict, may have sent conflicting signals to other stakeholders, not least to the ICGLR Secretariat. For instance by aligning Ugandan President Yoweri Museveni's mediation with the EAC and not the ICGLR while Uganda is a member of both organisations, in a way diminished the importance of the ICGLR. Discussions with policy officers within the ICGLR and the EAC point to the fact that the two organisations (ICGLR and EAC) did not have an agreed-upon framework on how they would engage in Burundi.⁵⁸ Although their involvement was ad hoc, the EAC was, by virtue of its closeness to the conflict (seen as a conflict in one of the EAC member states), better placed to lead the mediation process. The ICGLR raised no objection to this.⁵⁹ Proper coordination between the secretariats of the two organisations could have cleared up any apparent confusion in the mediation process.

Third, there is a perception by some analysts that continental efforts (by the AU, EAC and ICGLR) seem to have received limited support from international partners. While the EU and the US were quick to call on Nkurunziza to desist from a third term, they appear to have been somewhat reticent to support regional mediation efforts.⁶⁰ Similarly, the partners of the ICGLR, including its Group of Friends and Special Envoys (27 states and the EU), seem not to have provided the ICGLR with the requisite support at the moment of need.⁶¹ Perhaps this was so because of the disjuncture in the regional efforts themselves, depicted by conflicting approaches by the AU, the EAC and the ICGLR.



IT APPEARS THE AU, EAC AND ICGLR WERE COMPETING TO MEDIATE IN BURUNDI

Fourth, a general observation is that member states of the three organisations seem to find safety in numbers rather than confronting the reality before them. All except South Africa refrained from taking individual positions about Nkurunziza's third term. Sources within the ICGLR Secretariat indicated that there was a general consensus that Nkurunziza should be curtailed (if possible, by all means) from seeking a third term in violation of Burundi's constitution and the will of the citizens.⁶² However, none of the countries voiced this position openly, other than South Africa, which later became significantly less vocal about its stance.

Lessons learnt

The inability of the ICGLR to effectively tackle the Burundi conflict at its nascent stage reflects a number of dynamics.

First, it is a club of like-minded heads of state and government reluctant to reprimand one another for fear of retribution in case they, too, face similar situations. Second, lack of clear coordination among the top three regional organisations (AU, ICGLR and EAC) led to mixed signals on the message that Burundi was supposed to receive. One organisation should have been appointed to be the channel through which the mediation was to take place.

It is unfortunate that South Africa subsequently fell silent on the subject

Third, the position taken by South Africa in June 2015 to denounce outright Nkurunziza's quest for a third term is commendable. It is unfortunate that South Africa subsequently fell silent on the subject and ultimately rejected strong action against Burundi. If more countries took strong positions on issues of this nature, the practice would strengthen regional organisations' ability to speak in one voice. A similar bold step taken by the AU PSC to adopt a resolution setting up MAPROBU, despite the fact that the mission was never deployed, is commendable, although much needs to be done on implementation.

Recommendations

- The AU and relevant regional economic communities must coordinate and cooperate more effectively when

it comes to addressing instability and insecurity in member states.

- Key African countries with a history in conflict mediation on the continent should take the lead on setting standards and norms when it comes to instability in African states.
- The AU must make an effort to operationalise adherence to the African Charter on Democracy, Governance and Human Rights which covers issue of term limits and the manipulation of domestic institutions and legal instruments to extend stays in power. Regional economic communities must intensify their efforts to adopt and effectively implement protocols on term limit changes in their own constitutions, and must get the buy-in from their member states. In the long-term, this is a key element in preventing extended stays in power and the instability that it causes in African states.

Notes

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- 2 Meeting at the African Union Commission, Addis-Ababa, 3 June 2016.
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- 4 Meeting at the Permanent Representation of an EAC Member State to the African Union, Addis-Ababa, 3 May 2016.
- 5 African Union, Press release: *The African Union to attend the East African Community Meetings on the situation Burundi*, 13 May 2016.
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- 7 African Union, Press release: *The African Union dispatches a High Level Delegation to Burundi*, 9 May 2016.
- 8 Peace and Security Council, *Communiqué*, 507th meeting, 14 May 2016.
- 9 Peace and Security Council, *Communiqué*, 515th meeting at the level of Heads of State and Government, 13 June 2015.
- 10 East African Community, *Communiqué*, 13th Extraordinary Summit of the EAC Heads of State, 13 May 2015.
- 11 East African Community, *Communiqué*: Emergency Summit of the Heads of State of the East African Community on the situation in Burundi, 31 May 2015.
- 12 East African Community, *Communiqué*: 3rd Emergency Summit of the Heads of State of the East African Community on the situation in Burundi, 6 July 2015.
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- 16 Meeting at the AU Commission, 25 November 2016.
- 17 African Union, *Communiqué*: *The African Union reiterates the imperative need for dialogue and consensus for a lasting solution to the crisis in Burundi and announces that it will not observe the elections scheduled for 29 juin 2015*, 28 June 2015.
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- 25 Press Release: *Fact-Finding Mission of the African Commission on Human and Peoples' Rights to Burundi (7–13 December 2015)*.
- 26 *Report of the delegation of the African Commission on Human and Peoples' Rights on its fact-finding mission to Burundi (7–13 December 2015)*, p.40.
- 27 Interviews with PSC Ambassadors in Addis Ababa, January 2016.
- 28 Peace and Security Council, 565th meeting, *Communiqué*, 17 December 2015.
- 29 Meeting with a member of a permanent representation to the UN currently in Security Council, New York, 26 May 2016.
- 30 Peace and Security Council, *Communiqué*, 571st meeting at the level of Heads of State and Government, 29 January 2016.
- 31 Meeting at the AU Commission, Addis Ababa, 8 August 2016.
- 32 Interviews with PSC Ambassadors, January 2016 AU Summit, and Meeting at the AU Commission, Addis Ababa, 9 February 2016.
- 33 African Union, *Communiqué of the visit of the African Union High Level Delegation to Burundi*, 28 February 2016.
- 34 Peace and Security Council, 581st meeting, *Communiqué*, 9 March 2016.
- 35 Ibid.
- 36 Peace and Security Council, 595th meeting, *Communiqué*, 28 April 2015.
- 37 *Report of the delegation of the African Commission on Human and Peoples' Rights on its fact-finding mission to Burundi (7–13 December 2015)*, p.57.
- 38 ICGLR Background, www.icglr.org/index.php/en/background.
- 39 The 11 are Rwanda, Burundi, Tanzania, Kenya, Uganda, Angola, Central African Republic, Democratic Republic of Congo, Congo, Sudan and Zambia.
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- 46 SA offers asylum to Burundi president, <http://city-press.news24.com/News/SA-offers-asylum-to-Burundi-president-20150517>.
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- 51 Author interview with a senior ICGLR official who attended the summit, August 2016.
- 52 South Africa is not a member of the ICGLR. However, under Angola's presidency of the ICGLR, South Africa has frequently been invited to attend its summits in its capacity as a country that is involved in the Great Lakes, notably through the deployment of the Force Intervention Brigade in the Democratic Republic of Congo.

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- 54 Author interview with an official at the ICGLR Secretariat, June, 2016.
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- 56 Author interview with a senior military advisor at ICGLR Secretariat, June 2016.
- 57 Author interviews with senior policy staff members at the ICGLR, AU and EAC secretariats confirmed the lack of coordination amongst these organisations, in respect of the Burundi conflict. June 2016.
- 58 Author interview with a policy officer at ICGLR, August 2016.
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- 60 Author interview with a regional analyst on Burundi conflict, July 2016.
- 61 Partners, www.icglr.org/index.php/en/partners.
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The Institute for Security Studies is an African organisation that aims to enhance human security on the continent. It does independent and authoritative research, provides expert policy analysis and advice, and delivers practical training and technical assistance.

Acknowledgements

This report has been made possible with funding from Humanity United. The ISS is also grateful for support from the ISS Partnership forum: the Hanns Seidel Foundation and the governments of Australia, Canada, Denmark, Finland, Japan, Norway, Sweden and the USA.

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