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Crisis in Burundi: African solutions...?

Summary

Burundi's political crisis is becoming increasing intractable as each day passes. Talks to end the crisis continue to falter, whilst the bloody events of Friday 11 December 2015 through to Saturday 12 December 2015 mark yet another escalation of violence. Nonetheless, interviews conducted in the countryside demonstrate little appetite for a return to war, nor a willingness for a return to ethnic conflict. These interviews do however reveal that repression is taking place outside of the capital; and reports of disappearances, summary executions and torture continue to circulate in and around Bujumbura. An apparent surge in ethnic discourse also raises disturbing parallels with past cycles of violence. On the occasion of the 26th African Union (AU) Summit in Addis Ababa, this Briefing Note draws on research conducted in Burundi and the wider Great Lakes region to put forward three key issues to suggest why member states should invest diplomatic energy into obtaining a peaceful resolution of the Burundi crisis on the short- and longterm.

Context

Since the CNDD-FDD announced on 25 April 2015 that President Nkurunziza would be their candidate for the presidential elections, Burundi plunged into its worst crisis since the end of the decade-long the civil war.¹ Weeks of protests and violent clashes between citizens opposed to a third presidential term and the security forces culminated in a failed *coup d'état*, the aftermath of which has seen the destruction of the independent media, more than 235,000 refugees flooding into neighbouring countries, divisions within the army, defections to the ranks of a nascent rebellion, reported cases of



Burundi's President, Pierre Nkurunziza Source: AMISOM Public Information

disappearances and torture, the re-appearance of sexual-violence being used as a tool for oppression, evidence of mass grave sites, as well as hundreds of deaths – many of which execution-style killings.

Yet the events of 11 and 12 December 2015 marked a new level and escalation of violence. A series of well-coordinated attacks on at least three military bases in and around Bujumbura was followed by large-scale killings of civilians, the scale of which was without precedent in the current crisis. Some reports suggest upwards of 50 deaths in the neighbourhood of Nyakabiga and 150 in Musaga.

As the AU and UN continue to raise alarm at the unfolding events,² experts have suggested that the death toll since April is between 800-900 people.³ A climate of fear is tangible in Bujumbura, especially among young Burundians. And whereas the fear there is more subtle, our research shows that people in the countryside are also subjected to repression.

1. Why the AU should be concerned

Diplomatic efforts & political solutions needed

Partly as a response to the escalating violence – as well as mounting suggestions of an ethnic dimension to the crisis – the AU took the unprecedented decision to authorise the deployment of an African Prevention and Protection Mission in Burundi (MAPROBU) on 17 December 2015.4 Despite AU threats to sanction any Burundian actors who failed to attend, peace talks since the first round of dialogue in Entebbe on 28 December 2015 have faltered. In the meantime, MAPROBU is no closer to being deployed, having been virulently rejected by the government and the President of the Republic.⁵ Talks scheduled for 6 January 2016 in Arusha were indefinitely postponed, with the government of Burundi refusing to sit at the table with CNARED (the opposition alliance-inexile), which it accuses of being behind the 13 May 'putsch'.

Among key regional actors there are nonetheless signs of increasing impatience with the government of Burundi. In a speech at the beginning of November, Rwanda's President stoked tensions between Kigali and Bujumbura by accusing Burundi's government of killing its own people.6 President Kagame later gave implicit support to MAPROBU, indicating that whilst Rwandan troops would not be part of the mission, his government would "contribute in a different form".7 Uganda's foreign minister reacted to Nkurunziza's characterisation of MAPROBU as a potential "invasion force" that Burundians should "stand up to fight", by warning against such rhetoric and reminding the government of its obligations as an AU Member State.8 Finally, in what constitutes a significant foreign policy shift, Tanzania has publicly given its support to the deployment of MAPROBU.9

The UN Security Council (UNSC) has been urged to pass a resolution under Chapter VII of the UN Charter in support of MAPROBU, with the AU Peace and Security Council calling on African Members of the UNSC to support its stance. Yet as the UNSC's visit to Burundi from 21-22 January ended, its members remain divided on whether to support the

deployment of MAPROBU. Thus far the UNSC has delivered only a press release taking note of the 17 December decision and calling on Burundian parties to comply.¹¹ Council members were nevertheless briefed in early January of three possible scenarios for how the crisis may evolve, a leaked memo from the UN's Under-Secretary-General for Peacekeeping Operations informing the Council that the worst-case scenario would be "beyond the UN's capacity".¹²

The threat of widespread violence is growing, as is the risk of the crisis becoming increasingly intractable and uncontrollable. UN High Commissioner for Human Rights, Ra'ad Zeid Al Hussein, recently warned that a "complete collapse of public order is imminent", noting the "alarming new patterns of violence".13 The formation of at least two rebel movements, one of which, the 'Forces républicaines Burundi' (Forebu),14 announced General Godefroid Niyombare who led the failed coup in May as their leader, is another significant development.¹⁵ Whereas the AU's "coercive diplomacy"16 can be applauded, it is clear that the deployment of MAPROBU alone will not suffice to end the crisis. A political solution is needed, requiring the AU and international community to redouble their diplomatic efforts to pressure all sides to come to the table and put an end to the violence and reprisal attacks. Coming to an agreement on a strong political strategy should be at the top of the AU's agenda in Addis Ababa.

A political crisis, but with an upsurge in ethnic undertones

The origins of the crisis are political, not ethnic. Interviews by our researchers among Burundian youth from the provinces of Bujumbura, Cibitoke and Bubanza confirmed this in August 2015,¹⁷ as did interviews conducted in November and December 2015 in the provinces of Makamba and Bujumbura Rural.¹⁸ The interviews uncovered a certain underlying ethnic logic that frames how youth interpret and make sense of the crisis, but found that this subtle ethnic dynamic can be understood as a consequence of the failure to address legacies of violence and impunity through processes of transitional justice, rather than as evidence of ethnic

violence. Nevertheless, it is this dormant ethnic view of the world that can be easily manipulated. Indeed, Burundi's history is replete with such examples.

That said, the recent upsurge in ethnic discourse and incendiary language is deeply worrying. According to the UN High Commissioner for Human Rights on 15 January 2016, "all alarm signals, including a growing ethnic dimension to the crisis, are now turning red".

Ethnic undertones began to emerge shortly after the protests commenced in April. Persons close to the government invoked an ethnic lens to explain why the protests had started, specifically referring to neighbourhoods that were historically monoethnic during the civil war. Yet the most worrying developments began in early November, with the first of a series of speeches by high-profile individuals using language that drew comparisons with pre-Genocide Rwanda. Moreover as the facts of 12 December began to emerge, so too did suggestions of the use of anti-Tutsi epithets and discourse by those who had perpetrated the killings. The office of the UN High Commissioner for Human Rights confirmed these reports, suggesting that information provided to them demonstrates that "an ethnic dimension is now starting to emerge", including the targeting of Tutsi.

Once again the fact that Burundi has seen no significant redress for decades of ethnic violence since independence should be reiterated. In its absence ethnicity can become a default explanation used to relativize, rationalise and understand - as well as manipulate - events, especially at times of political upheaval. This may in part explain the resort to an ethnic logic (by all sides) and why invoking the ethnic card as a pretext to achieve other ends can be so salient. Nonetheless, the apparent ease with which this logic can be invoked and used in the commission of violence must grab the AU and the international community's attention. Set against the historical context of ethnic violence in Burundi and the region, Burundians are facing a barrage of pressures in the current climate of fear, polarisation, militarisation and violence.

In the face of such pressures, most Burundians continue to reject the ethnicisation of the crisis and refuse to be once more used as pawns by political actors.¹⁹ After decades of internecine violence that benefited only a minority political elite and not the majority peasantry, such rejection can be well understood. Yet Burundi's delicate social transformation owes much to the elaborate framework of the Arusha Peace and Reconciliation Agreement (2000) that drove the creation of a new social contract based on equality between Hutu and Tutsi. This framework is now at risk of being dismantled. Burundi's fragile social fabric including unresolved historical tensions - and the unwillingness of the majority to once again repeat the mistakes of the past may not be sufficiently resolute to withstand sustained pressure on the long term.

Regional implications

From the limited available information, it appears too early to speak of a fully-fledged armed rebellion that could pose a genuine threat to Bujumbura and spark imminent Despite civil war. announcements of the formation of armed groups whose stated purpose is to overthrow government, any rebellion would require much greater coordination of numerous disparate armed groupings, as well as significant financial and political backing. Nonetheless, talk of an emerging rebellion can be used to target opposition groups and justify acts of repression. Evidence also points to the CNDD-FDD having managed to reassert its grip on the security apparatus - in particular the army following a series of new appointments within the upper echelons of the military and what some observers have called a "purging" of former military (FAB) officers.²⁰

Nevertheless, allegations that Rwanda is providing support to a nascent rebellion are on the increase, in a context where relations between Bujumbura and Kigali are extremely fraught.²¹ In October 2015, the Burundian Minister of Foreign Affairs accused Rwanda of helping to train persons to carry out attacks in Burundi,²² allegations that were rejected by his Rwandan counterpart.²³ In the same month, Burundi later expelled a senior Rwandan diplomat.

These allegations were followed by claims made in November from a former UN employee working in Mahama refugee camp accusing the Rwandan government of conscripting Burundian refugees into a new rebel movement. In a December 2015 report providing the strongest allegations to date, Refugees International appeared to confirm that conscription was taking place in Mahama camp.²⁴ The report cites evidence of the recruitment of Burundian refugees into armed groups, claiming Rwandan police officers were present during the recruitment, that Rwandan military vehicles were being utilised, and that training of new recruits was being conducted by persons wearing Rwandan military insignia.²⁵

Claims such as these only serve to highlight why the crisis in Burundi cannot be seen in isolation from the wider Great Lakes Region. Reports of Burundian rebels operating on Congolese soil near Uvira, South Kivu,²⁶ even if ultimately proven unfounded, demonstrate the fluidity of regional borders and the volatility of a region whose history is awash with patterns of military interventions and proxy wars by neighbouring states, many of which have been directed from Kigali. Should the violence further escalate, the possibility of yet another military intervention by Rwanda will draw closer, which in turn may spur other regional actors to intervene to curtail Rwanda's influence. Any solutions to the Burundi crisis will therefore necessarily have to consider its regional implications.

2. From the democratic exercise of rights to impossible choices

In a September 2015 Briefing Note, IW warned that the situation in Burundi would rapidly deteriorate. The rise in "clandestine violence" leading to the tortured bodies of young men appearing on the streets of Bujumbura on an almost daily basis was a clear indication of this deterioration.²⁷ Perhaps more significantly, our research in August 2015 among youth from across the political divide forewarned that an escalation of violence was edging closer and closer, which would lead to violent confrontations.²⁸ The research found that 'pro-' and 'anti-third term' youth were mobilising to defend their rights at all

costs, invested with powerful ideological and principled beliefs of the legitimacy of their respective causes. Whereas at the time of writing the research showed that such increased militarisation was still only "marginal and sporadic", the analysis established that the presence of weapons was a key feature of an "explosive cocktail" that, if unchecked, would make the resort to arms all the more likely.²⁹

Fast-forward to January 2016 and the spectre of such violence has become a reality. Tit-for-tat violence is commonplace at night, aided by the widespread availability of small arms and grenades. The unidentified armed assailants of 11 December 2015 were able to achieve in one night what rebel groups were unable to achieve during the civil war – plan and carry out major attacks on strategic military positions within the city limits of Bujumbura. Evidence of massacres having taken place is now undeniable. And the figure that more than 235,000 people have fled Burundi since the crisis began is extraordinary when one considers that the corresponding figure during more than a decade of civil war was approximately 870,000 people.³⁰

Our research demonstrates that many youth in the so-called 'contested' neighbourhoods fear that merely being young, male and resident in one of these neighbourhoods means that they are a potential target. Worryingly, we have noted that youth are now drawing on their ethnic identity to seek explanations for the events around them, with young male Tutsi believed to be at high risk of persecution.³¹

Just months after the surge of democratic energy and hope for change that brought many youth to the streets to protest,³² and already faced few prospects for the future given extreme levels of unemployment and underdevelopment, these same youth are now confronted with impossible choices: flee, hide, or fight. Whatever each individual decides, the risk is that Burundi will once again lose yet another generation to violence and insecurity.

3. Dialogue: Elite bargains or citizens' interests?

Interviews and focus groups conducted by our researchers in the provinces of Bujumbura Rural and Makamba in November and December 2015 reveal a situation of extreme precarity among local communities. The crisis has contributed to food insecurity, uncertainty about the future and has increased people's sense of their exposure to violence. In several locations, interviewees confirmed that targeted repression and intimidation are taking place - especially among members of the political opposition - with the Imbonerakure identified as having gained more power since April, coinciding with an upsurge in harassment. Many people in Bujumbura Rural revealed a desperate situation of shutting themselves away in their homes at night with little hope of waking up the next morning.

In each province, the research demonstrates a keen understanding among the rural population of the incendiary rhetoric being employed by the different sides as a way to divide them. But the research found that people are adamant that the crisis is political and not ethnic and that community relations have not been affected by this rhetoric. The people in these locations have no appetite for a return to war and ethnic violence. Yet civil society actors expressed concern that the longer the crisis continues, the more the rupture of community relations will increase, owing to the delicacy of the social fabric and unresolved tensions from the past that may be brought to the fore. Youth in particular were consistently identified as the group most at risk as rampant unemployment leaves them vulnerable to manipulation by political actors.

A sense of powerlessness among the people was also striking. Many interviewees regret that they have little influence over decisions being taken in Bujumbura and that the future direction of the country, including the resolution of the crisis, will ultimately be up to the whims of the elite. A palpable fracture between the rural population and their urban counterparts is also apparent, suggesting the need for some degree of rapprochement between these two

disparate populations. Almost without exception, interviewees considered that in the absence of dialogue the crisis will not end. They consider that all stakeholders must come to the table, beginning with the President of the Republic, whom they believe must set an example.

This sense of powerlessness reveals two crucial dynamics. First, Burundi's political system and political economy, whereby political power is commensurate to financial gain, have largely bypassed the 80% rural population. The voices of the masses are seldom heard in the capital and have been largely excluded from analyses of the political crisis since April. Second, an implicit belief exists that past peace deals have only advantaged the powerful, leading to bargains among the elite in Bujumbura, most of which have revolved around using impunity as political currency. Disenfranchised, the population expressed that they no longer need to hear the content of agreements between the government and opposition, and that these actors can share power or decide what they see fit – all that they ask for is peace.

Ways forward

The political nature of the current crisis and the unwillingness of the majority peasant population to be hoodwinked by ethnic discourse demonstrate that a window of opportunity still exists for finding a solution to this crisis that will put Burundi on a path towards peace and socio-political transformation. The AU can play an important role in ensuring that political solutions are sought to the crisis, based on a political strategy that privileges the common interest and the views of the people, rather than the interests of a minority elite. Effectively dealing with impunity and addressing legacies of historical grievances should be a key part of any political strategy, since they have proven to be central to the current political crisis.

The year ahead will be a significant year for Burundi and the region. If the AU follows its tough talking with action, then peace is possible; the alternative is that 2016 will be the year that Burundi slid back into civil war, sparking a regional crisis that the region and the AU can ill-afford.

We recommend the following:

- 1. That AU Member States ensure that seeking a solution to the Burundi crisis via AU diplomacy and a coherent and concerted strategy is high on the agenda in Addis Ababa, including during the AU Assembly of Head of States. MAPROBU should be one element of a political strategy that seeks political, not military solutions to the crisis. After a communication from the Chairperson of the AU Commission, the Assembly should consider the possibility of an article 4(h) deployment in accordance with its Constitutive Act.
- 2. The **immediate resumption of dialogue** with the involvement of the AU, EAC, UN and EU, bringing together the government and opposition on neutral territory outside of Burundi. Dialogue should commence with issues of common interest to 'test' the good faith of all parties to genuinely participate in the process. The Arusha Agreement should be used as the framework for a political solution to the current crisis on the understanding that its basic provisions provide the socio-political framework that will be the foundation for peace and stability in Burundi once the current crisis has come to an end.
- 3. Further **sanctions on individual 'spoilers'** from all sides who continue to perpetrate violence and undermine national and international laws.
- 4. **Independent and impartial investigations** into human rights violations since the crisis began to determine whether international crimes may have been committed.
- 5. An independent and impartial investigation to determine whether there is evidence of Rwandan involvement in the recruitment of Burundian refugees into armed movements and/or support to armed groups in violation of regional treaties and international law.
- 6. The disarmament of all youth militia, paramilitary forces and other non-state armed groups.

7. The creation of the conditions that will allow for the independent media to re-open, including guarantees of the personal and professional safety of all journalists. This includes the immediate release of all arrested journalists.

Notes

¹ For an overview of the context that led to the protests and the situation that followed, see: Impunity Watch, *Crisis in Burundi: How to address impunity and prevent future violations?*, Great Lakes Dispatches, Issue 2, September 2015. Available at:

<u>http://www.impunitywatch.org/docs/IW Great Lakes Dispatches (I ssue 2 - September 2011.pdf.</u>

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http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16953&LangID=E#sthash.YMb80j0m.dpuf.

- ³ International Business Times, *Burundi: 900 deaths estimated as conflict between Nkurunziza and opposition rages on,* 14 January 2016. Available at: http://www.ibtimes.co.uk/burundi-900-deaths-estimated-nkurunziza-opposition-rages-1538014.
- ⁴ AU Peace and Security Council, Communiqué of the 565th meeting of the PSC on the situation in Burundi, 17 December 2015.
- ⁵ Deutsche Welle, *Burundi: President Vows to Fight African Union Peacekeepers*, 30 December 2015. Available at:

 $\underline{\text{http://www.dw.com/en/burundi-president-vows-to-fight-africanunion-peacekeepers/a-}18951777.}$

⁶ Al Jazeera, Rwanda says Burundi leaders 'killing own people', 9 November 2015. Available at:

 $\underline{\text{http://www.aljazeera.com/news/2015/11/rwanda-burundi-leaders-killing-people-151109081516758.html}.$

- ⁷ AFP, Rwanda says won't join African Union force for Burundi, 23 December 2015. Available at: http://news.yahoo.com/rwanda-says-wont-join-african-union-force-burundi-084751992.html.
- ⁸ AFP, *Uganda warns Burundi threat to African Union force a 'mistake'*, 8 January 2016. Available at: http://news.yahoo.com/uganda-warns-burundi-threat-african-union-force-mistake-203604337.html.
- ⁹ International Business Times, *Tanzania Backs African Union Deployment To Burundi, Urges Cooperation As Violence Intensifies*, 10 January 2016. Available at: http://www.ibtimes.com/tanzania-backs-african-union-deployment-burundi-urges-cooperation-violence-2258510.
- ¹⁰ AU Peace and Security Council, *Communiqué of the 565th meeting of the PSC on the situation in Burundi*, 17 December 2015.
- ¹¹ UN Security Council, *Press Statement on Situation in Burundi*, UN Doc. SC/12174. Available at:

http://www.un.org/press/en/2015/sc12174.doc.htm

¹² The Telegraph, *UN says it is ill-prepared for genocide in Burundi,* 13 January 2016. Available at:

http://www.telegraph.co.uk/news/worldnews/africaandindianocean/burundi/12096506/UN-says-it-is-ill-prepared-for-genocide-in-Burundi.html.

¹³ UN OHCHR, *Alarming new patterns of violations emerging in Burundi* – *Zeid*, 15 January 2016. Available at:

http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16953&LangID=E#sthash.YMb80j0m.dpuf.

¹⁴ Republican Forces of Burundi.

¹⁵VOA, Le général Niyombare à la tête de la nouvelle rébellion au Burundi, 21 January 2016. Available at: http://m.voaafrique.com/a/le-general-niyombare--a-la-tete-de-la-nouvelle-rebellion-au-burundi-3156081 html ¹⁶ IPI Global Observatory, *Special Report: The African Union's Coercive Diplomacy in Burundi*, 18 December 2015. Available at: http://theglobalobservatory.org/2015/12/burundi-african-union-maprobu-arusha-accords/.

¹⁷ Impunity Watch, *Burundi: La citoyenneté en crise*, Great Lakes Dispatches, Numéro 1, Aout 2015. Available at:

http://www.impunitywatch.org/docs/IW Great Lakes Dispatches %28Numero 1 - Aout 2015%29.pdf.

¹⁸ For example, interviewees invoked different examples from the preceding months to explain why such a reading of the situation is unfounded. One clear example cited by several interviewees was the fact that youth from the historically Hutu-dominated area of Kanyosha had descended on the historically Tutsi-dominated area of Musaga in May to protest alongside youth from this neighbourhood. These same youth later stood side-by-side to defend themselves against attacks by members of the security forces.

¹⁹ The research by Impunity Watch in November and December 2015 supports this conclusion, as does the analysis of Roland Rugero from Burundi. For the latter, *see*: World Policy Blog, *Civil War: Unlikely in Burundi*, 9 December 2015. Available at:

 $\underline{\text{http://www.worldpolicy.org/blog/2015/12/09/civil-war-unlikely-burundi.}}$

²⁰ World Policy Blog, *Civil War: Unlikely in Burundi*, 9 December 2015. Available at: http://www.worldpolicy.org/blog/2015/12/09/civil-war-unlikely-burundi.

 21 For example, in November President Kagame accused the Burundian government of "killing their own people". See supra, note $6\,$

²² BBC News, *Burundi's Nyamitwe accuses Rwanda of training rebels*, 1 October 2015. Available at: http://www.bbc.com/news/world-africa-34413855.

 $^{\rm 23}$ News of Rwanda, Burundi: Mushikiwabo Clarifies On Burundi Relations, 22 October 2015. Available at:

http://allafrica.com/stories/201510230439.html.

Refugees International, Asylum Betrayed: Recruitment of Burundian Refugees in Rwanda, Field Report, 14 December 2015. Available at: http://static1.squarespace.com/static/506c8ea1e4b01d9450dd53f5/t/566b3f97c647adfeee2374e5/1449869207555/20151214+Rwanda.pdf.
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²⁶ RFI, *Infiltrations de rebelles burundais en RDC: quels sont les groupes?*, 5 January 2016. Available at: http://www.rfi.fr/afrique/20160105-infiltrations-rebelles-burundais-rdc-sont-

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 27 Impunity Watch, *Crisis in Burundi: How to address impunity and prevent future violations?*, Great Lakes Dispatches, Issue 2, September 2015. Available at:

²⁸ Impunity Watch, *Burundi: La citoyenneté en crise*, Great Lakes Dispatches, Numéro 1, Aout 2015. Available at:

http://www.impunitywatch.org/docs/IW Great Lakes Dispatches

<u>%28Numero 1 - Aout 2015%29.pdf.</u>

³⁰ As of 25 January 2016, the total number of refugees according to the UNHCR was 235,207 and increasing

(http://data.unhcr.org/burundi/regional.php).

³¹ The research did *not* find that the same youth are grouping together as a form of protection amongst ethnic peers. However, the longer the violence continues, the more likely this will become.

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IMPUNITY WATCH

Impunity Watch is a Netherlands-based, international non-profit organisation seeking to promote accountability for atrocities in countries emerging from a violent past. IW conducts research into the root causes of impunity and obstacles to its reduction that includes the voices of affected communities to produce research-based policy advice on processes intended to encourage truth, justice, reparations and the non-recurrence of violence. We work closely with civil society organisations to increase their influence on the creation and implementation of related policies.

PEACE BEYOND BORDERS PROGRAMME

The 'Peace Beyond Borders' Programme is being implemented by a consortium of ten national and international organisations in the Great Lakes Region of Africa with multi-annual funding from the Netherlands Ministry of Foreign Affairs. The Programme aims to promote the transformation of conflicts in Burundi, the DRC and Rwanda through the adoption of a 'Roadmap to Peace' by a 'Virtual Regional Parliament' composed of 'Peace Brokers' elected to represent their communities. With the aim of incorporating the specific needs and priorities of women and young people, a 'Women's Agenda for Peace' and a 'Youth Agenda for Peace' have been developed based on a participatory action research approach. Within the Programme, Impunity Watch is responsible for coordinating the research activities and takes a leading role in the advocacy efforts of the Programme.

** The views expressed in this report do not necessarily reflect those of the other consortium partners to the Peace Beyond Borders Programme.



