

## Policy brief Burundi

Regarding the debate on Rwanda and Burundi, May 21<sup>st</sup> 2014

Date: May 16<sup>th</sup> 2014

Contact: Joost van Puijenbroek,  
[vanPuijenbroek@paxforpeace.nl](mailto:vanPuijenbroek@paxforpeace.nl); 06-50210565



### Concerning

On the 21<sup>st</sup> of May, Dutch Parliament will have a debate on the situation in Burundi. We welcome the attention that Members of Parliament and the Minister have for Burundi and are happy to provide our analysis and recommendations. We thank the Minister for her [letter](#) on the situation in Burundi but feel there are a number of oversights in this letter, we will address them in this policy brief.

### Background

The current situation in Burundi is primarily characterised by infighting between the different political elites to assume or to maintain overall power. Tensions have recently escalated, with a rise in the use of extreme methods to maintain power on the part of the ruling power, the CNDD-FDD, which most worryingly include increased violent incidents by its youth wing, the *Imbonerakure*. Despite the country's history and the unaddressed legacies of violence, ethnicity is not the chief driver of tensions or instability in the country at present. Nonetheless, ethnicity could easily be instrumentalised in the future by political actors.

We acknowledge the valuable role that the Netherlands plays in the important sectors of security and rule of law, especially in the reform of the Burundian military and police. Yet it must be recognised that these sectors are part of the political context in which they function. The programme of the Netherlands is as such also situated within the political arena and not simply a technical issue in isolation.

As in the entire region of the Great Lakes, alternation of power is necessary for the country itself in order to create a political environment that is legitimate and that favours inclusive socio-economic development. Alternation is also necessary on the regional level. However since the majority of the incumbent leaders in Central Africa have taken part in the Great Lakes conflicts and have backgrounds as rebel leaders, regional conflict transformation and regional solutions are especially difficult to attain. Moreover, in the entire Great Lakes region every process to address the past has been either absent, incomplete or one-sided and thus not inclusive.

### Policy

The regional dimension of Burundi's past and present political crises should be recognised. Indeed there are recent allegations that the *Imbonerakure* are being armed and trained in the DRC, consistent with previous evidence of rebel movements and political groups finding exile in the DRC. Within Burundi the *Imbonerakure* are deliberately employed to prevent political rallies by opposition parties and to intimidate political opponents of the CNDD-FDD, which should be recognised in the letter. Related to this, the almost daily restrictions on the political space in Burundi should be given more attention. The letter also fails to mention the scheduled withdrawal of BNUB (United Nations Office in Burundi) at the end of the year and the possible consequences of this decision.

No mention is made of Burundi's transitional justice process, particularly the recent passing of a law on the Truth and Reconciliation Commission (TRC) stipulated in the Arusha Peace Agreement. The law on the TRC has been approved by parliament and is now in the hands of the President to be

signed into law. Unfortunately the law does not mention the establishment of a Special Tribunal, the establishment of an inclusive procedure for selection of the TRC commissioners with the involvement of a tripartite committee composed of representatives of the government, United Nations and civil society, and fails to take account of the specific inclusion of a gender dimension. In addition, the present law does not provide any timetable for the appointment of commissioners; nor does it contain a timetable for the commencement of the work of the TRC, aside from a reference to the future adoption of a law for the protection of victims and witnesses, before which the TRC will not be authorised to begin its investigations.

## **Recommendations**

### *Rule of law*

As main donor within the Rule of Law sector, and as the training of the police is one of the Netherlands' often-cited positive contributions in Burundi, the Dutch government should:

1. Further clarify the role of the police during the March violence and other crackdowns, in particular whether the police acted using appropriate force or not.

### *2015 elections*

In the MASP it was written that the return of most of the opposition was due in part to the lobby of the international community. In the MASP it was also written that, "An inclusive political process towards the 2015 elections looks possible, now that the leaders that were in exile have returned, but continuous support from the international community is needed in order to make it successful."

2. Can the Minister be more concrete on this issue other than the commitment to engage in monitoring and gentle diplomacy?
3. The Netherlands should make a systematic effort to support dialogue between the opposition in exile as well as with UPRONA and FRODEBU Nyakuri. This is necessary in order to ensure improved inclusivity of the political space with the 2015 elections on the horizon.

### *Transitional justice*

A key concern for the Netherlands must be the risk of amnesty for serious crimes under international law, for example, but also the shortcomings of the law with respect to gender inclusivity in participation.

4. The Netherlands, championing international law, should make it a prime priority to support the establishment of an effective Truth and Reconciliation Commission (TRC) and:
  - a) pressure the government of Burundi to guarantee the independence and impartiality of any TRC process;
  - b) ensure the inclusive participation of victims and survivors, including the full participation of women;
  - c) underscore the absolute prohibition on amnesty for war crimes, crimes against humanity and genocide in any form;
  - d) ensure a timetable that reflects an open and honest procedure, rather than political grandstanding.
5. The Netherlands should not wait until the TRC is established to give technical and capacity assistance, but should take the lead in ensuring the international community reminds the government of its commitments and in ensuring that any eventual TRC does not simply become a political tool, either now in the run up to the elections, or thereafter following a likely victory of the CNDD-FDD.