

Burundi: Between War and Negative Peace

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Abstract Bouka offers a much-needed analysis of Burundi's 2015 crisis as the culmination of the past decade of contentious politics in the country. This chapter examines the post-war governance of the National Council for the Defence of Democracy—Forces for the Defence of Democracy (CNDD-FDD) as it attempted to transition from an armed group to a political party, and how it became an obstacle to democratic consolidation. Bouka also explores the changes and continuity in the use of violence by political actors since the end of the war. This chapter concludes with an assessment of regional and international peace efforts and points to specific missed opportunities that have facilitated Burundi's backsliding into authoritarianism.

Keywords Civil war · Episodes of violence · Arusha peace agreement · Peacebuilding framework · Suppression of dissent · Ethnic power sharing · International monitoring efforts

Until May 2015, Burundi was considered a model of peacebuilding success in the Great Lakes region. Following 12 years of civil war, Burundi's political settlement was designed to ensure power sharing between

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political and security sector actors. In addition to dividing political powers to ensure representation of both Hutus and Tutsis, the Arusha peace agreement also provided that the various armed groups be integrated into the existing predominantly Tutsi army and that the army not be composed of more than 50% of a single ethnic group. Moreover, the agreement and its protocols paved the way for a transition period that fostered the development of a free press and a vibrant civil society. By the time Pierre Nkurunziza took office as the first post-transition president in 2005 there were hopes that Burundi would make the necessary strides toward democratic consolidation.

However, while the civil war officially ended in 2005, Burundi has continued to be confronted with waves of instability and political turmoil. Beyond President Nkurunziza's third term, there remain a number of governance issues that have continued to plague Burundi's political and security landscape over a decade after its post-conflict transition. Despite the hopes of democratic consolidation, the government quickly reverted to the path to authoritarianism. The regime's lack of transparency and accountability has facilitated abuse, corruption, and patronage networks that have eroded the internal and external legitimacy of the ruling elite.¹ Moreover, the routinized use of violence by both the government and the armed opposition has weakened conflict resolution mechanisms.

Nevertheless, while the 2015 crisis has been the worst since the end of the transition, the way violence and political conflicts have manifested themselves still demonstrates the resilience of some of the Arusha gains. In the past decade, contentious politics have shifted slightly away from being predominantly ethno-political toward political competition across ethnic divides, indicating important changes to the political settlement. Hence, this chapter addresses change and continuity of instability in Burundi, the governance issues at the root of the crisis, and the role of regional actors in management of the crisis.

BACKGROUND

On 25 April 2015, the National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) announced that Burundian president Pierre Nkurunziza would be the party's presidential nominee for the third time. Opposition groups and many civil society organizations staged weeks of protest to the move, which they qualified

as a violation of the constitution and the Arusha peace agreement, which limit presidential terms to two. While protest organizers and the youth who joined in the demonstrations argued that President Nkurunziza was ineligible to run for an additional term, the ruling party argued that because Nkurunziza had been elected as the post-transitional president by indirect vote, as instructed by Article 302 of the constitution, he was eligible to seek an additional mandate, since the term limits discussed in Article 96 address presidential election by universal suffrage. On 5 May, amidst the ongoing protests, Burundi's constitutional court sided with the CNDD-FDD in a highly controversial decision.²

Young protestors in various neighborhoods of the capital and other parts of the country such as in Mugongomanga (Bujumbura rural) and in Mugamba (Bururi) were initially peaceful. However, things quickly turned violent when the police forcibly suppressed demonstrations, resulting in confrontations between protestors and security forces. Demonstrations were promptly suppressed in rural areas, but they continued for weeks in Bujumbura. While the police and intelligence services targeted youth in these neighborhoods, young people associated with the ruling party's youth wing, the Imbonerakure, and accused of engaging in violence against civilians and opposition members, were also targeted by some elements of opposition youth, forcing them to flee their homes.³

On 13 May, a failed coup attempt led by former head of intelligence services General Godefroid Niyombare became a major turning point in the crisis. The coup attempt gave an opportunity to the government to close the political space. Loyalists to the regime quickly suppressed the coup attempt, clamped down on the opposition and civil society organizations, and shut down private media outlets that had been critical of the regime.⁴ Government repression also took the form of mass arrests, harassment, and abuses against civilians and detainees. This, in turn, forced many political dissidents, journalists, and members of civil society organizations to flee the country.

While the international community initially responded tentatively to Nkurunziza's third-term bid and the ensuing protests, it quickly condemned the coup attempt. This lent some legitimacy to the government's response and also led key partners to first focus on re-establishing "legitimate" order before moving forward with attempts at dialogue, thereby buttressing the regime's position of strength. As such, despite the continued insecurity characterized by targeted assassinations, mass arrests,

alleged torture and disappearances, and the rise of armed groups, the CNDD-FDD forged ahead with the elections and President Nkurunziza secured his third term. Observers qualified the elections as falling short of “the principles and standards for holding free, fair, peaceful, transparent, and credible elections.”⁵

Following the elections, the security and political situation continued to deteriorate in Burundi, despite pressures by the international community and the African Union (AU). The government continued to refuse to engage in dialogue with the opposition-in-exile, whom it argued were complicit in the failed coup and the rise of armed groups. Meanwhile, important political and military figures became targets of assassination,⁶ and security forces and parallel structures in the security sectors composed of the Imbonerakure were accused of engaging in a wide range of human rights abuses.⁷ Moreover, reported divisions in the army raised concerns about the possibility of intensification of violence. In brief, President Nkurunziza’s nomination triggered the most serious political and security crisis since the end of the country’s civil war, resulting in over 260,000 Burundian refugees across the region and hundreds of deaths.

POLITICS AND GOVERNANCE

Since its arrival in power, the CNDD-FDD ruling elite has consistently used coercive measures for political gains. While the party signed a cease-fire agreement, the CNDD-FDD has never fully embraced the Arusha peace agreement. As such, since taking over the government, the regime has taken advantage of loopholes and the nature of Burundian politics to divide and conquer, as opposed to fostering an inclusive political environment. Over time, the ruling elite centralized power in the hands of a few individuals. This created tensions within the party as it used expulsions, demotions, and reassignments of dissenting members to maintain discipline.⁸ For example, in 2007, powerful high-ranking members of the party removed charismatic CNDD-FDD secretary-general Hussein Radjabu because of the increased and unbridled power he had accumulated since 2005. Fearing that Radjabu’s allies would frustrate their power grab, these party members also dismissed the president of the national assembly, Immaculée Nahayo. The move caused the revolt of 22 CNDD-FDD parliamentary deputies, who were eventually dismissed from the party and excluded from parliament.

This episode became emblematic of how the CNDD-FDD's ruling elite dealt with dissent. As power continued to become increasingly concentrated in the hands of very few members of Nkurunziza's military inner circle, it became apparent they saw no interest in democratizing the party. Indeed, for the CNDD-FDD, like many other non-state armed groups turned political party or ruling party, the lack of internal democratic development fostered discontent. A growing number of CNDD-FDD members started to look beyond Nkurunziza for leadership for the 2015 elections. It is therefore not surprising that former allies of the president have helped sustain both the political and the armed opposition in this recent crisis.

Suppression of dissent outside the party has been as pervasive but more visible, particularly in recent years. As the 2010 elections approached, the government used harassment, intimidation, and arrests of the opposition members to weaken its political rivals, the press, and civil society organizations.⁹ These methods left little room for political parties to campaign, leaving the opposition so frustrated that it boycotted the electoral process. The boycott allowed Nkurunziza to run unopposed and capture the presidency for the second time. It also enabled the ruling party to completely dominate the national assembly. The international community, while taking note of the pre-election repression, declared the elections free and fair, thereby legitimizing the regime's aggressive consolidation of power, which it would do again prior to and during the 2015 elections.¹⁰

Following the controversial 2010 elections, Burundi experienced a surge in violence. The National Forces of Liberation (FNL) and a new group, the National Front for the Revolution in Burundi (FRONABU)–Tabara, briefly attempted to mount an armed rebellion against the government. However, these efforts proved futile. In retaliation, between 2010 and 2011, the government engaged in a violent dismantling of FNL networks, with international organizations reporting acts of torture, disappearances, extrajudicial killings, and other massacres at the hands of government security forces.

Apart from the violence that ensued, the post-2010 election period was an opportunity for the state to further close the political space. In addition to the continuing interference of the state in the internal affairs of opposition parties through the ministry of interior, the ruling party took advantage of its control of the legislature to pass repressive laws targeting political parties, civil society, and the press.

Political participation became further restricted by a 2011 law governing political parties and added more obstacles for opposition parties to operate.¹¹ A 2012 law governing the opposition also included provisions that could be easily manipulated to arrest and punish political leaders.¹² A 2013 law on public demonstration imposed a complex system of authorization that gave a great deal of discretion to local authorities to prohibit political meetings and rallies or cancel them at the last minute with little to no justification.¹³ Similar restrictions were imposed on the press and civil society organizations, effectively paving the way for the complete closure of political space ahead of the 2015 elections.

Between 2005 and 2015, the regime systematically undermined democratic processes in Burundi, all the while maintaining ethnic quotas mandated by the Arusha peace agreement and the constitution. The CNDD-FDD ruling elite circumvented rules of good governance but progressively closed the space within and outside the party. While the ethnic-based power sharing was meant to protect the Tutsi minority while empowering the Hutu minority, and to force consultation across ethnic cleavages, over the years the post-transition government has been able to use different forms of patronage to consolidate its power. This in turn increased and accelerated resistance and formed the basis for political discontent in 2015.

DYNAMICS OF VIOLENCE IN BURUNDI

When the FNL signed the ceasefire agreement and joined the political fold in 2009, this effectively silenced the guns of the last major armed group in Burundi. Moreover, the FNL, dropping “Palipehutu” from its political name, which represented Hutu extremism, consolidated the move away from the predominantly ethnic nature of political competition, in line with the spirit of the Arusha agreement. With the Tutsi minority mostly tied to the Union for National Progress (UPRONA) political party, UPRONA had a guaranteed place in government due to the power-sharing agreement. As such, many Tutsis accepted the order of the new political settlement as long as the Arusha agreement’s security and political guarantees were respected. What changed, however, was the increase in political competition within the Hutu ethnic group. During the 2005 elections, the CNDD-FDD dethroned the Front for Democracy in Burundi (FRODEBU) as the leading predominantly

Hutu party, while the FNL and its leader, Agathon Rwasa, vied to push Nkurunziza and the CNDD-FDD out of power.

Competition between the FNL and CNDD-FDD is nothing new.¹⁴ They both engaged in separate armed struggles against Tutsi elite domination during the civil war. However, their origins differed and so did their bases of support. Moreover, during Burundi's civil war both groups fought alongside the Joseph Kabila government during the larger Congolese civil war, with the CNDD-FDD emerging as the most popular and powerful group.¹⁵ Hence, once the CNDD-FDD gained power in Burundi, the FNL refused to accept its legitimacy. As such, the bulk of the violence that took place between 2005 and 2006 was between the CNDD-FDD-led government and the FNL. Similarly, the post-election violence of 2010–2011 was also mostly intra-ethnic violence. Following the boycott and rebellion attempt, the government crushed the FNL in Bujumbura rural by engaging in violence against members of the group and their supporters.

The Movement for Solidarity and Democracy (MSD), an ethnically mixed party popular among Tutsi youth, also emerged as target of government security agents and some elements of the Imbonerakure following the 2010 elections, thereby opening a front against some Tutsi youth given their predominance in the party. However, it was not until their involvement in the 2015 crisis that large numbers of Tutsi fell victim to state-sponsored political violence. As they joined demonstrations in various neighborhoods, they were arrested, tortured, and at times executed by government forces along with other youth from other political parties, thereby increasing the Tutsi victim ratio.¹⁶ But Tutsis are by no means the only victims of violence at the hands of the state; protestors, people who support them, members of armed groups, civil society leaders, and opposition politicians from both ethnic groups have been victimized by state security forces.

While the ethnic dynamics of violence have evolved as a result of the power-sharing agreement and external interventions, what has not changed is the fact that since the end of the transition, Burundi has persistently experienced some sort of low-level violence. In each episode, state security forces have perpetrated abuses against the population and armed opponents, with the government continuing to use a combination of state security personnel and youth militias. At the same time, there remain some political actors who continue to use violence to challenge the state and its power holders.

Previous episodes of violence in Burundi often saw state security agents engaging in the bulk of it, assisted by youth militias, such as in 1972 and 1993. Similarly, the post-transition government has also relied on specific branches of the security sector and youth as instruments of repression. After the civil war, all branches of the security forces should have been properly vetted, but the new police force and many violent elements of former armed groups and the old gendarmerie were integrated into the new force instead. The state has long resisted proper vetting and professionalization of the police, which has enabled the regime to instrumentalize the force for political purposes.

During the 2010–2011 violence, the state used the police, intelligence services, and the Imbonerakure to suppress the opposition. During this crisis, the state used the same institutions in addition to the branch of the security force in charge of protecting government institutions, such as the president, the vice presidents, the national assembly, and the senate. It has engaged in tracking, arresting, and abusing alleged protestors and insurgents. Moreover, the newly created anti-riot brigade was tasked to repress the protests in Bujumbura.

While the bulk of the violence and responsibility lie at the feet of the government, other actors have used violence to achieve their political objectives. Although the FNL officially ended hostilities in 2009, it tried to return to the bush following the controversial elections of 2010 and was joined by another armed group, FRONABU-Tabara.¹⁷ In 2015, the failed coup and the repression that ensued saw the emergence of armed groups composed of defectors from the security forces as well as youth and former combatants. While armed groups may feel like violence is the only language the state speaks, they have engaged in serious violations and have contributed to the increased instability in Burundi.

The level of violence today is significantly lower than during the pre-war episodes and during the civil war, a change that could be attributed to international monitoring efforts. War fatigue is also felt across the country. The resilience of this post-conflict gain, despite continued instability in Burundi, remains one positive aspect of previous peace-building efforts. Nevertheless, the fact that the state, even if represented by new actors, continues to consistently use the same tools of repression, despite an integrated army and police force, and power-sharing agreement, may indicate that while power is shared, it is not sufficiently checked.

REGIONAL AND INTERNATIONAL INITIATIVES

After the civil war, regional and international actors, many of whom had an active role in the negotiation and implementation of the Arusha peace agreement and its protocols, remained involved in state building efforts and maintained a presence in Burundi. While the United Nations (UN) mission shrank in accordance with its reduced mandate, it continued to assist the Burundian government. The AU and the International Conference on the Great Lakes Region (ICGLR) maintained their respective headquarters in Bujumbura, and foreign donors maintained embassies and engaged in various development programs. It is therefore not surprising that throughout the ups and downs of the post-transition period, some of these partners have intervened to de-escalate political and security tensions when they have occurred. However, as the Burundian government has consistently moved away from democratic and good governance principles, regional and international partners have failed to respond to warning signs, and the authoritarian tendencies of the state have been continuously tolerated by key donor and partner countries involved in reforms in Burundi.

For example, the 2010 elections were marred by irregularities and closing of the political space. They were then followed by violence. The failure to hold the regime accountable in such a nascent post-conflict setting set the stage for the 2015 crisis. Apart from the undemocratic conditions in which the elections took place, the UN documented 365 politically motivated arrests between May and November 2010 and an increase in extrajudicial killings and politically motivated killings, from 27 cases in 2009 to approximately 30 in 2010 to 61 in 2011.¹⁸ Instead of serious repercussions, in 2012 the international community drastically increased its donor assistance to Burundi,¹⁹ and “in return the Burundian government promised to respect democracy, human rights and the rule of law.”²⁰ Unsurprisingly, the government failed to live up to its promises and continued to engage in repressive restriction of the political space ahead of the 2015 elections.

As the crisis unfolded in 2015, the African Union called on the East African Community (EAC) to mediate between the government and the opposition. However, the regional body was fraught with internal divisions about how to approach the situation. The Rwandan government publicly criticized President Nkurunziza’s management of Burundi,

while Uganda and Tanzania seemed more favorable to maintaining the status quo. The EAC nominated Ugandan president Yoweri Museveni to lead the talks. Museveni's selection as a mediator was met with some skepticism, since he was preparing to extend his presidency after 30 years in office, and therefore seemingly had no moral basis on which to criticize Nkurunziza. Furthermore, Museveni was promptly distracted by a hotly contested election at home and delegated mediation efforts to his defense minister, who never had the gravitas to bring the government to the negotiation table. Even months after Museveni was replaced by former Tanzanian president Benjamin Mkapa, who was part of the team that oversaw the signing of the Arusha peace agreement, little progress was made to mediate the conflict.²¹

The African Union's over-reliance on the EAC has challenged its ability to influence the dynamics of the Burundi crisis. The AU seems caught between responsibility to protect civilians and its old practice of non-interference, with the opposition of the government to the AU's intervention and mediation, coupled with lack of support and leadership from the EAC, undercutting the AU's efforts. Efforts to deploy monitors to assess the situation on the ground have been frustrated by the inability of the AU to secure a memorandum of understanding from the government, which insisted on participating in monitoring activities and in drafting monitoring reports, frustrating the autonomy of the monitors. As such, monitoring has been constrained by the deployment of only a fraction of the number of monitors requested by the AU's Peace and Security Council (PSC). Similarly, efforts to deploy a peacekeeping force were thwarted when Burundi refused the deployment, and the PSC's recommendation did not find support with key members of the EAC, notably Tanzania, and AU heads of state.

One key element that allowed the AU to bypass the Burundian government's obstructionism was the deployment of an African Commission on Human and Peoples' Rights (ACHPR) fact-finding mission from 7 to 13 December 2015. The mission—the African Prevention and Protection Mission in Burundi (MAPROBU)—was mandated to investigate human rights violations and other abuses. Coincidentally, the group was in Bujumbura the weekend armed groups attacked four military camps around Bujumbura and witnessed the disproportionate response of the government, which claimed the lives of nearly a hundred people. While analysts and advocacy groups hoped the mission report would be ready by the January 2016 AU summit, to inform AU actors weighing in on

MAPROBU and the situation on the ground, it was not published until months later. The scathing report confirmed the findings of many other human rights and policy groups on the systematic and disproportionate use of violence by the state. Unfortunately, even with such evidence, the AU had great difficulties mobilizing the necessary political capital to bring the government to genuine and inclusive dialogue with the opposition. The AU's inability to exert more timely influence on a crisis such as that in Burundi suggests important weaknesses in the organization regarding its conflict prevention capacity.

Other international actors have attempted to pressure the Burundian government to the negotiation table, but also with limited success. The UN was involved in mediating tensions between the government and the opposition well before the crisis erupted in 2015. In 2013, the UN brokered a tentative rapprochement between the opposition and the ruling party by organizing a workshop between the two sides where all participants agreed to prepare for peaceful elections in 2015. The result of this workshop was an electoral roadmap that the government never implemented. After the eruption of the crisis, the UN Security Council held a number of meetings and issued resolutions condemning the violence and human rights violations. However, opposing views among the permanent members of the Council limited the reach of the organization, with China and Russia defending the regime's interests, which resulted in the dilution of recommendations in many resolutions. The Council, through Burundi's allies, has found itself at the mercy of the will of the government, which even failed to heed recommendations to deploy a UN police force to Burundi.²²

Other international partners have enacted punitive measures to pressure the Burundian government to refrain from engaging in violence and to accept negotiations with the opposition-in-exile. Various countries have suspended bilateral assistance or preferential trade agreements with Burundi since early in the crisis, mostly on an ad hoc basis. The most significant of these measures has been that of the European Union (EU) suspending its bilateral assistance to Burundi following consultations based on Article 96 of the Cotonou agreement. Article 96 calls for a re-evaluation of assistance for EU member states if a partner state fails to respect essential elements of human rights, democratic principles, and the rule of law. The loss of financial support from the EU and its member states was a devastating blow to Burundi's deteriorating economy.²³ Nevertheless, aside from a few symbolic steps from the EU, these

measures have had limited impact on the mediation process and have instead pushed the Burundian government to court other countries for support, though with limited success.

Compared to the level of violence observed in South Sudan or the Central African Republic in recent years, the Burundi crisis could be qualified as low-level conflict. Yet it has occupied a great deal of space on regional and international agendas. A number of instruments have been deployed to compel stakeholders to the negotiation table, to no avail. While the Burundi case has not lacked high-level attention, it has lacked the coordination mechanisms necessary to ensure maximum impact of each intervention. In the end, these efforts have failed to produce the desired outcome of getting the parties to the current crisis to engage in prompt, inclusive, and genuine dialogue. That being said, it would be unfair to suggest that regional and international interventions have had no impact at all. The attention that the crisis has garnered has contributed greatly to limiting the level of violence in Burundi. Despite the apparent disregard of the regime for international opinions, observers have noted reprieves in the cycle of violence at critical times following regional or international threats or actions.

CONCLUSION

Burundi is a better and a safer place than it was a decade ago. By the end of the civil war, 300,000 Burundian had died and many more had been displaced, contributing to cycles of instability in the Great Lakes region. In fact, it can be argued that despite the crisis, the Burundi peacebuilding framework is one of the reasons why after months of high-intensity crisis, the country has not yet returned to full-blown war. The gains of the Arusha peace agreement have demonstrated their resilience. Nevertheless, despite the relative stability of the past decade, there is little doubt that as Burundi's political landscape evolves, positive peace and democratic consolidation have yet to take root. As such, when President Nkurunziza's second mandate ended, the country failed its democratic litmus.

Over recent years, there are a few missed opportunities that could have mitigated some of the factors that have contributed to the crisis, though it remains uncertain whether it would have been possible to prevent it at all. From the closing of the political space during the 2010 elections to the rise of the Imbonerakure as peace and security

threats, a number of red flags should have been identified in Burundi. International and regional focus on stability over democratic consolidation may have been a pragmatic decision at the time. However, as the Burundi crisis is now demonstrating, in some cases, even with a transformative peace agreement, it is the very lack of democratic consolidation that facilitates authoritarian backsliding and the resurgence of political grievances that lead to violent confrontations between actors.

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