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REGIONAL DIALOGUE ON BURUNDI: EXPLAINING ITS FAILURE

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Introduction

After a crisis erupted in Burundi in April 2015 following a controversial third bid of President Pierre Nkurunziza, the East African Community (EAC), a regional bloc, decided to set up talks between the different actors in the political crisis. It appointed a mediator, president Museveni of Uganda, and a facilitator, former president Mkapa of Tanzania. Almost four years after the start of the crisis, however, the dialogue appears to have reached a dead end. The government, its ruling party and their allies have at multiple occasions refused to participate, and the talks continued to be marred by disagreement over who should participate, what should be discussed, how it should be organized and where it should take place. The initiative got struck yet another blow in 2018 when the government called for a referendum to change the Constitution.

Without ignoring the importance of other factors, this text proposes to explore the impact of the absence of a ‘mutually hurting stalemate’ to help in explaining in part the failure of the regional-led talks. The authors argue that, whereas the talks preceding the 2000 Arusha agreement benefited from a ‘ripe’ situation following a long civil war and from regional pressure on parties, it is exactly these factors that are absent in the current talks, making it impossible to make progress and allowing the government to initiate its own, alternative dialogue process.

The chapter draws on literature on previous dialogue efforts in Burundi and elsewhere, on the authors’ discussions with participants in the dialogue process, and on semi-structured interviews with 106 Burundian citizens living in and outside Burundi (IRRI 2018). For the latter, non-probability purposive sampling was used to select information-rich cases. Respondents included refugees in Uganda, citizens living in different neighbourhoods of Bujumbura and in the Burundian countryside, as well as internally displaced

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persons in Burundi. Interviews were conducted with men and women of different age groups to capture information on both the pre-2000 and current Arusha dialogue processes as well as the internal dialogue initiatives, and were complemented with researcher observations. While it was not the authors' intention to come up with an academic study, we are confident that this research can complement existing academic work on the matter.

This text will first discuss some of the theoretical concepts of ripeness theory and its limitations. In the second part, two key elements of this theory will be applied to the post-2015 situation in Burundi, and an attempt will be made to prove that, contrary to the past, there is no mutually hurting stalemate in Burundi and that there is little space for a negotiated solution. In the third part, we will discuss the consequences of this situation on the positioning of the Burundian government concerning the regionally mediated dialogue: its empty chair policy, the organization of a national dialogue, and its challenging of inclusive participation of opposition actors.

1. Ripeness theory and mutually hurting stalemate

The fact that the Burundian government has not engaged constructively in a regionally-led dialogue process can be explained in part by the absence of pressure on it to change course. To analyse this absence of pressure, we will use 'ripeness theory' and the widely used concept of a 'mutually hurting stalemate' to analyse the Burundi situation. This conceptual way to look at dialogue and mediation processes focuses on the timing of mediation efforts, rather than the substance of proposals, claiming that it is less productive to formulate proposals when a conflict is not 'ripe' for resolution. It does however recognise that even when conflicts are 'ripe', there is no guarantee of success, and that analysis of the substance of proposals should be included in the equation. (O'Kane 2006). Following from this theory on the 'ripeness' of conflicts, the concept of a 'mutually hurting stalemate' then describes a situation wherein both (or more) parties to the conflict believe they cannot end the conflict through violence, that continued violence will worsen their situation, and that negotiations are a viable option for solving the conflict in accordance with their expectations (Zartman 2000).

A mutually hurting stalemate can be broken down into two elements. The first is that parties find themselves in a conflict situation which they are unable to win. Even though there might still be power imbalances, both parties have a similar *rapport de force* and experience negative consequences of the situation at that time. This might be a combination of both objective and subjective elements, of which especially the latter are necessary: perceiving to be in an impasse is already sufficient to trigger the willingness to find a negotiated solution. The second element is that both parties also are able to see the possibility of a way out of this mutually disadvantageous

situation. This does not mean that they have clear ideas on the substance of talks, but at least that they see a possibility of making a deal with the opposing side (*idem*).

While one might think that a situation of a mutually hurting stalemate only applies when there is a high level of conflict, Zartman also mentions the possibility of occurrence when there is a low level of conflict (as is the case for Burundi) and when it is still easier to work on conflict resolution. Mutually hurting stalemates are however more likely to happen when a conflict has reached a high level of intensity. That does not mean that a catastrophe has to take place, or that parties should have an equal amount of power and pain – a movement towards equality can also indicate a mutually hurting stalemate (Zartman 2008). When a mutually hurting stalemate occurs, it requires skilful mediators to detect it, to make parties understand the 'pain' of the current situation, and to suggest ways out of the deadlock (Zartman 2000).

Several authors have over the years tried to refine the theories of ripeness, for example by including analyses of internal dynamics within the conflicting parties (Stedman 1991), of leadership within each of the parties (Stedman 1997) as a necessary condition for productive negotiations, and of legitimacy of the parties (Druckman & Green 1995). Zartman himself has recognised problems with ripeness theory, of which he was one of the main theorists. One of his realisations is that increased pain might make parties less amenable to negotiation, and rather makes it more difficult to move towards a settlement by creating a 'resistant reaction'. Parties might first test once again if perseverance is an option, might have a worsened image of their opponent (making it harder to negotiate with them), might be more resolved to continue its 'justified struggle', or could be rewarded as 'true warriors'. Zartman also notes the perverse dependence on conflict for this theory: only when a significant level of conflict (and thus, often, human suffering) has been reached is there the possibility of resolution, a sobering observation for proponents of conflict prevention and a criticism that opponents of ripeness theory have also often voiced. (Zartman 2000). A notion that nothing can be done when the situation is not 'ripe' can be seen as a call to refrain from conflict resolution efforts and can even prolong the conflict (O'Kane 2006). The pull factor of an attractive outcome of negotiations, or mutually enticing opportunities, Zartman noted, also does not get much recognition in this theory, while being important to help transform the conflict situation into a sustainable settlement. (Zartman 2000). There have been more fundamental critiques of this theory as well. O'Kane, for example, has criticised the 'predictive capacity' of Zartman's ripeness theory, while recognising its use to explain the initiation of negotiations, and accuses it of 'cherry-picking' evidence to support its claims. Critics also point at the theory's ignorance of previous mediation efforts, and its attempt to predict

certainty and clarity in situations that are inherently messy (O'Kane 2006). It also assumes rational-choice behaviour in situations which are influenced by many historical, personal and cultural factors.

Whereas it is obvious that ripeness theory has its shortcomings, it is the authors' conviction that this theory can be a useful frame to explain the importance of a mutually hurting stalemate for parties to realise the impasse they can find themselves in, and as a push factor for negotiation. In applying the concept, the authors will assume a wide understanding about what can create 'pain' for the conflicting parties. Instead of limiting it to the battlefield situation, we propose to widen the concept to incorporate various forms of 'pressure': political or economic counterweight from within the country; pressure by regional actors, including neighbouring countries, via diplomatic channels, constraining measures or other ways; and a wide number of international forms of coercion. We argue that not only national actors, but also international actors can contribute to moving a situation on the spectrum towards a 'mutually hurting stalemate'. Regional and international actors can thus contribute to the 'ripeness' of a conflict for resolution by inflicting various forms of pain or pressure on its parties, ranging from affecting their international perception to causing economic setback for the (governing) elite and its allies.

2. Applying ripeness theory to the post-2015 crisis in Burundi

In this section, we will attempt to apply the theory outlined above on the period following the contested 2015 elections in Burundi. First, we will describe the EAC-led dialogue process and its mediation. Then, we will analyse the situation, using two elements of the ripeness theory: the (perception of) a mutually hurting stalemate, and a sense that there is a way out, or in other words that a negotiated solution is possible (O'Kane 2006). While doing so, an attempt will be made to provide some comparative analysis with a previously successful mediation process on Burundi, which resulted in the Arusha Peace and Reconciliation Agreement (2000). This agreement, and follow-up agreements with armed groups, were widely credited, including during our interviews with Burundian citizens, for ending the civil war, bringing back stability and reducing ethnic tensions.

2.1. Regional mediation

When the crisis in Burundi erupted in 2015, the EAC appointed president Museveni of Uganda to facilitate a dialogue between the different parties (EAC 2015a). Museveni and his minister of defence, Crispus Kiyonga, met President Nkurunziza and other stakeholders in Bujumbura and presided

over discussions in December 2015 in the Ugandan capital Kampala (EAC 2015b), which continued in January 2016 in Arusha, Tanzania. On 2 March 2016, the EAC appointed former Tanzanian president Benjamin Mkapa to 'facilitate the mediation', while maintaining Museveni as 'mediator' for the inter-Burundi dialogue (EAC 2016). Mkapa has since organised five dialogue sessions in Arusha: in May 2016, in September 2016, in February 2017, in November/December 2017 and in October 2018. He has regularly consulted with stakeholders in and outside Burundi and briefed Museveni and other EAC heads of state on the proceedings. The latter have, however, given little guidance to Mkapa, repeating at every summit the mere need to continue the dialogue (interview with facilitation team, Tanzania, 12 July 2018).

Respondents in our research seriously criticised the regional mediation on Burundi. In particular, many criticised the perceived lack of neutrality of Mkapa and Museveni and pointed to their inability to make progress in the talks, despite recognising their status as former and current president and as guarantors of the Arusha Agreement. Several saw a confirmation of this bias in declarations Mkapa made about the legitimacy of President Nkurunziza when meeting the latter in Bujumbura – declarations which were welcomed by the government (interview with Burundian citizen, Uganda, 14 December 2017; Mkapa 2017b). His perceived lack of impartiality was seen to have negatively impacted his ability to make progress in the talks, although his team contests this reading of events (interviews with Burundian citizens, Uganda & Burundi, 14 December 2017-23 February 2018; interview with facilitation team, Tanzania, 12 July 2018). There was also criticism about the way in which Mkapa conducted the talks. Many had hoped that he would employ similar tactics to former presidents Julius Nyerere of Tanzania and Nelson Mandela of South Africa, the high-profile mediators credited with brokering the 2000 Arusha Agreement. But from the beginning, Mkapa downplayed his role and underlined that his mandate only consisted of 'facilitating' consensus between the different stakeholders, as opposed to 'mediation'³. As a respondent during our research remembered: 'Sometimes, Mandela used force, but unfortunately Mkapa does not have that calibre of making the opposite sides bow and implement what they have agreed' (interview with Burundian citizen, Burundi, 23 February 2018). Museveni, who has the official mandate of 'mediator', appears to have invested little in the dialogue process since his visit to Burundi in late 2015 and the appointment of Mkapa, making Mkapa the '*de facto* mediator' (interview with facilitation team, Tanzania, 12 July 2018).

³ Nyerere's and Mandela's title was also 'facilitator' but they employed much more direct tactics than Mkapa.

Opposition actors have repeatedly asked Mkapa to play a more active and stronger role, and have criticised his team, composed of representatives from EAC member states, the AU and the UN, for their lack of organisation and guidance (interviews with opposition actors, Burundi and Belgium, January and February 2018). Despite such criticism, Mkapa has regularly suggested dialogue topics and presented summaries of the different positions. During the session in November and December 2017, Mkapa declared that he hoped the session would be concluded with an agreement signed by the different parties, which enraged the government delegation and contributed to its decision to obstruct the proceedings. Pro-government actors initially seemed to have appreciated Mkapa's more passive role and his perceived bias, and pointed at distinctions between mediation and facilitation and between negotiations and dialogue (interview with senior government official, 24 January 2018). The government however changed its tone when the fifth and last session took place in October 2018 despite the fact that the government had refused to participate, prompting Mkapa to write a critical report addressed to the EAC heads of state.

Despite this criticism of the mediation actors, the authors however propose to explore another reason why the process has so far failed to deliver, using the 'ripeness theory' described above.

2.2. *Mutually hurting stalemate*

The first element of this theory is to analyse whether there is a mutually hurting stalemate, which we described above as a situation wherein both (or more) parties to the conflict believe they cannot end the conflict through violence, that continued violence will worsen their situation and that negotiations are a viable option for solving the conflict in accordance with their expectations.

The crisis in Burundi that started in 2015 was sparked by the contested decision by President Nkurunziza to run for a third presidential term, which ran counter to provisions in the Arusha agreement. Nkurunziza and his allies argued that the 2005 constitution allowed another term. Nkurunziza had already been elected president twice, indirectly in 2005 by parliament and directly in 2010 through the ballot box. He was announced winner of the heavily criticised elections of 2015, after the Constitutional Court controversially ruled in favour of his party's reading of the 2005 constitution. The announcement of Nkurunziza's candidacy sparked protests and a political crisis, resulting in the deaths of hundreds of Burundian citizens and the arrival of 430,000 refugees in neighbouring countries.

This political crisis also resulted in armed violence. While opposition protests remained largely peaceful, it was met with heavy repression by the Burundian security services. The situation escalated when several army

officers attempted a coup d'état in May 2015, while President Nkurunziza was outside the country. Loyal forces managed to stop the attempt, which focused primarily on the national radio station, and regained control over the country. The failed putsch was followed by mass arrests, a purge of the security services, and the closing down of media houses and civil society groups supporting the protest against Nkurunziza's candidacy. Violence once more escalated when opposition groups attacked several military camps in the vicinity of Bujumbura and security services hit back severely in opposition neighbourhoods they accused of supporting the attackers. In the aftermath of these events, several armed movements were created, which remain active in the Democratic Republic of the Congo (DRC) and only sporadically attempt incursions on Burundian territory. These include the Forces républicaines du Burundi (FOREBU), which changed its name to Forces populaires du Burundi (FPB) in August 2017, and of RED-Tabara, linked to Alexis Sinduhije, the former leader of opposition party Mouvement pour la solidarité et la démocratie (MSD). The Burundian army, accused of being supported by the notorious Imbonerakure, the youth wing of the ruling party, has continued to conduct operations against these groups, especially in the DRC. The FNL Nzabampema, a breakaway armed faction of the FNL, also remains active in the DRC.

Contrary to the past, however, these armed groups do not form a serious military challenge vis-à-vis the Burundian army on Burundian soil. In the nineties, rebel groups such as the CNDD-FDD (now the ruling party) and FNL-Parmehutu (whose leader is currently one of the main opposition leaders) constituted a real challenge to the government in power, despite lacking the firepower to overthrow the government through military means. As a respondent explained, 'some were more favourable to negotiations to stop the conflict. None of the two parties in the conflict had an advantage over the other, all were holding the population hostage. [...] I think it was at that moment that the international community requested the belligerents to come to the negotiations and thus to stop tearing each other apart' (interview with Burundian citizen, Bujumbura, 31 January 2018).

Now, while government repression, sporadic grenade explosions (which are difficult to link to any political agenda or actor), and isolated attacks have continued in Burundi, there is no stalemate on the battlefield: the Burundian government seems firmly in control of its territory, and the overall security situation is stable, despite the fact that there are ongoing accusations of serious human rights violations (UN Secretary-General 2018b).

To analyse whether a mutually hurting stalemate is occurring in Burundi, it is important, however, to look beyond the military balance of power, and to look at perceptions of other forms of 'pain' which could encourage the different parties to seek a solution through dialogue. In the period between 1998 and 2006 leading to the signing of agreements, regional and

international actors attempted to stimulate the 'ripeness' of the situation through pressure, including through punitive measures. In a recent letter to President Nkurunziza, president Museveni of Uganda claimed that, while recognising the pressure on the battlefield exerted by the CNDD-FDD,⁴ 'it is the EAC, against the obstruction of the western powers in particular, that was part of the decisive pressure that forced the Buyoya government to accept the [Arusha] agreement' (Museveni 2018). Some observers agree that a mix of strong mediation and international pressure indeed created the conditions for the Arusha agreement (Bentley *et al.* 2005), while others also point out the influence such sanctions had in emboldening hardliners on both sides (Nathan 2009). Such pressure has so far been absent for regional actors. Despite its appointment of a facilitator and a mediator and its regular review of the lack of progress, the EAC has not put serious pressure on the Burundian government to meaningfully engage in the talks, despite requests by the facilitator of the talks for the heads of state's personal engagement and for 'decisive measures' (Mkapa 2017b). These heads of state could, however, increase the 'pain' on the Burundian government, which could then contribute to moving the situation towards a mutually hurting stalemate. This could have in turn allowed its '*de facto* mediator', Benjamin Mkapa, to make progress in the talks. As official mediator, Museveni is in theory both principal and agent, but has invested little in the real mediation process.

Many explain this current lack of regional pressure by pointing at political dynamics between and within EAC member states, in addition to the apparent absence of open warfare. As a teacher put it bluntly: 'The EAC is not able to play a role in restoring peace and order in Burundi, or advise anybody, since those presidents are as corrupt as the Burundian president, hence they have nothing to offer and say' (interview with Burundian citizen, Burundian countryside, 23 February 2018). A refugee added: 'These countries that they call 'mediators', they have themselves a problem with [presidential] terms, so they can't say anything about term limits in Burundi' (interview with Burundian citizen, Nativale refugee settlement, Uganda, 15 December 2017). Rwanda, despite clear frustration with the course of events, has remained largely absent in the regional debate due to its difficult relations with Burundi, its own constitutional changes, and regular accusations of support to Burundian armed opposition groups. Uganda's president is formally in charge of the mediation process, but has been busy managing his own re-election in 2016 and further removing constitutional limits to

⁴ President Museveni wrongly refers in his letter to the CNDI as the party of President Nkurunziza. The CNDI, however, is the acronym of the National Commission for the Inter-Burundian Dialogue. Nkurunziza's political party is the CNDD-FDD.

his longevity in power. Kenya and South Sudan have also been busy with their own political turmoil and seem to be only remotely interested in the Burundian situation. Tanzania, which hosts the largest Burundian refugee population, has been most protective of the Burundian government, arguably because of a combination of sympathy for the CNDD-FDD, economic interests, and regional geopolitics. Since Mkapa's appointment, President Magufuli has not invested much in the dialogue, and has been increasing pressure on refugees to return to Burundi. Because of this, there has been division within the EAC, and a lack of pressure as a consequence, as a Burundian civil society member told us: 'The EAC failed in its mission. There is no pressure for the Burundian government to engage. They pretend to stay engaged for the international community, but nothing is being done. They don't agree amongst themselves' (interview with Burundian civil society member, Bujumbura, 24 January 2018).

The EU and the US have imposed targeted sanctions against individuals accused of involvement in human rights abuses and have suspended development and other support that directly benefits the government, although several channels remain open. So far, however, these actions have not resulted in more willingness by the Burundian government to engage in dialogue. While the Burundian crisis and the withdrawal of funds (including serious cuts in budget support) might had a negative impact on the Burundian economy and the lives of its citizens, the government itself adopted a 'resistant reaction' (Zartman 2000) attempting to limit the pain incurred because of western sanctions by seeking support amongst non-western donors, and by adopting a strong anti-western narrative to change perceptions on the matter. Criticism of these sanctions by regional actors, including from President Museveni, the EAC mediator, seems to have only further contributed to this reaction of the Burundian government and the unlikelihood of any meaningful impact of the sanctions. The UN Security Council remains divided over how to respond to the crisis in Burundi, limiting itself to expressing 'deep concern' about the slow progress in the EAC-led dialogue and calling on parties, especially the government, 'to participate actively and unconditionally' (UNSC 2018). The AU has taken several bold initiatives to intervene in the earlier phases of the Burundian crisis, including the prospect of military intervention, but this did not result into meaningful change because the Burundian government managed to counter the proposed measures and because African leaders refused to support them (Wilén & Williams 2018). In the first dialogue sessions, international envoys were also present during the talks, but this was restricted after the government explained its boycott of one of the sessions due to the presence of UN and AU officials it disavowed (Office of the Facilitator 2016).

In addition to the absence of armed mobilisation and regional pressure, political opposition groups have also not been able to constitute a significant

counterweight to the Burundian government. The fact that the referendum process (see below) continued unabated despite their opposition was illustrative of their impotence. There have been attempts to ensure more collaboration between opposition inside and outside of the country, but this remains weak (RFI 2018). The main coalition of opposition actors in exile, the Conseil national pour le Respect de l'Accord d'Arusha et la Restauration de l'État de Droit (CNARED), has been marred by leadership struggles since its creation and has recently seen several of its key members leave the platform. Opposition actors in exile have been accused of being out of touch with the day-to-day realities of Burundian citizens, of providing no alternative, and of failing to influence the agenda – 'they don't do anything but scream,' according to a civil society member (interview with civil society leader, Burundi, 23 January 2018) and of lacking the leverage to make the government come to the table. As one respondent said: 'You cannot talk when you are outside the country and expect to get something from the government unless you have a coercing force to make the government bow and negotiate' (interview with Burundian citizen, Bujumbura, 30 January 2018). Opposition parties in Burundi are restricted in their movement and speech.

In sum, there is thus a clear absence of a mutually hurting stalemate, both in subjective and objective terms, which can help explain why the government has not felt pressured to take the regionally-led dialogue serious and has managed to circumvent it through the various strategies described below. But another element that has contributed to this is the difficulty of conceiving what a negotiated solution could like.

2.3. *Is there a way out?*

The second element of ripeness theory to consider is whether there is a way out of a possible mutually hurting stalemate in the form of a negotiated outcome of the crisis in Burundi. This also allows a discussion on the content of the talks, despite the fact that ripeness theory focuses mainly on the process. When asked about what would be on the agenda of any mediated dialogue, one commentator, however, responded: 'What are we going to speak about? What's the added value? Nothing' (interview with Burundian expert, Burundi, 23 January 2018). He was not alone in this response. Government-critical actors during the third EAC dialogue, for example, rejected talks because they felt that 'all the issues they discussed were already covered in the Arusha agreement' and that 'reaching an agreement is tantamount to the revision of the Arusha Agreement,' suggesting that the stalled implementation of the Arusha agreement should be put back on track instead, monitored by a committee composed of regional and international experts (Mkapa 2017b). Some suggested that the ongoing talks could help revitalize the implementation of the Arusha agreements. Other government critics

saw no added value in talks because they did not believe it would lead to any change, while government supporters believed the government gained sufficient legitimacy through the ballot box in 2015, the internal dialogue in 2016 and the referendum in 2018, and by largely securing the country (interview with Burundian citizen, Burundi, 21 February 2018; interview with civil society leaders and politicians, Belgium & Burundi, 18 December 2017-24 January 2018).

A continuation of the dialogue remains, at least officially, the position of all actors at the table and after its summit in February 2018, the EAC heads of states called upon the parties 'to expeditiously conclude the dialogue' (EAC 2018). In their reaction to the constitutional amendments, many international actors renewed their support for an 'inclusive inter-Burundian dialogue under the auspices of the region' (EEAS 2018). But it remains difficult to see what sort of settlement could be reached as a result of any dialogue. Many of the citizens we interviewed rejected any form of power-sharing as part of the outcome of dialogue. As a respondent told us: 'Those who live outside the country want what we call sharing meat, and this brings chaos in the country. We do not want a government that is sharing and dividing meat' (interview with Burundian citizen, Burundi, 23 February 2018). Others saw the sharing of power as an inevitable but difficult part of the discussions. The facilitation has suggested discussing the implementation of an EAC recommendation 'to form a government of national unity involving those who participated in the [2015] elections and those who did not and [...] provide seats for special interest groups' (EAC 2015a). Power-sharing has been central in many previous dialogue efforts and agreements.

The opposition has been blowing hot and cold on the issue of power-sharing: in early 2017, some of its members told Mkapa that a government of national unity is 'immaterial', but during a later 2017 dialogue session, they suggested the establishment of 'consensual institutions', which, they specified, 'should not be confounded with the formula of government of national unity and should concern the whole state corpus' (Opposition parties 2017). Understandably, given the previously described lack of pressure, the government has rejected the idea of a transitional government or any power-sharing, pointing at their previous electoral wins and the preparation of the 2020 elections. If power-sharing would be part of a future deal, although this remains very unlikely given the current power balances, it seems to be intended mainly to accommodate opposition politicians in exile. This varies again from previous power-sharing objectives that were intended to initiate political liberalisation, preserve institutional stability, address grievances of underrepresented groups, or negotiate with armed groups (Vandeginste 2009). While power-sharing could be motivated to reinforce public freedoms, political space or institutional stability, this time no specific groups

are in need of more representation, and armed groups are insufficiently strong to demand a share of government resources and positions.

The issue of the third presidential mandate of Nkurunziza, while sparking the 2015 crisis, seems to also have gradually disappeared from the table, especially after the president announced in June 2018 that he would not stand for a fourth term, although some observers continue to doubt the credibility of these declarations. The government side obviously never promoted a discussion about this topic; opposition actors also gradually lowered their demands on the third term, for example telling Mkapa in 2017 that the third term is 'no longer a topical issue' (Mkapa 2017).

While some of those interviewed in Burundi during our research also advocated for the return of politicians in exile and their participation in the 2020 elections, others demanded the execution of arrest warrants or the revocation of the dual nationality held by some of them. The issue of arrest warrants, and amnesty for those (accused of being) involved in the coup has been a main issue of disagreement between government and opposition actors. Nkurunziza, in a letter to Museveni on Mkapa's 2018 report, again restated that the government would never agree to rescind the arrest warrants or grant amnesty, and accused those concerned to try to convince Mkapa to advocate on their behalf (Nkurunziza 2018). Most actors seem to agree that the preparation of the 2020 elections is a key topic, but disagree on its modalities. The government and its allies adopted its own roadmap during a workshop in Kayanza, while opposition and civil society drafted another one during the last session of the regionally-led dialogue, in October 2018, which was boycotted by the government (see below, UN Secretary-General 2018b). Mkapa also emphasised the importance of the preparation of this electoral process and said he would present both roadmaps together to the EAC summit (East African Community Secretariat 2018). The electoral code is already on the parliamentary agenda where the outside opposition will have no input, and opposition actors present in Burundi do not dispose of sufficient leverage to change its course. All signs point to the likelihood of a repeat of the previous electoral processes, where the government was left to run alone while the opposition did not participate.

It is thus hard to see what the outcome of a negotiated solution could be for the current stalemate. While power sharing has been the key element of previous agreements in Burundi, as explained before, the current situation in the country is fundamentally different, and it would be difficult to see which particular group would be in need of a guaranteed representation in such a deal. The issue of arrest warrants remains blocked, and while there is consensus on the need to discuss the 2020 elections, the modalities of its preparations and supervision are subject to serious disagreement between the parties.

3. Government strategies as a consequence of the absence of pressure

The absence of a mutually hurting stalemate and the subsequent lack of pressure on the Burundian government to have a meaningful discussion with its opponents, coupled with confusion about the EAC dialogue's possible outcome, has resulted in various ways in which the Burundian government has attempted to, and succeeded in, throwing spanners in its works. While the authors do not claim that the absence of a mutually hurting stalemate was the only reason the EAC dialogue has so far failed, the different strategies employed by the Burundian government to counter it were only possible because of the lack of pressure on it by elements of a mutually hurting stalemate. While some interlocutors in our research blamed the lack of results on the behaviour and irreconcilable position of all parties or on the mediation, most however clearly put the blame on the government. Even the facilitator of the dialogue has stated that 'there is an impasse because the Government of Burundi is reluctant to talk to its opponents' (Mkapa 2017). In this section we will identify some of the strategies employed by the government, together with the ruling party, the CNDD-FDD, and some of its satellite parties and like-minded NGOs, to obstruct progress in the talks: its refusal to engage in the talks, the organisation of a government-controlled national dialogue, and its challenging of the invitation list for the regional process.

3.1. Government obstruction

The government has employed different strategies to stall the dialogue. Most importantly, it boycotted the third session in early February 2017, the proposed session in April 2018 and the last session in October 2018. When failing to attend, several reasons were given: in February 2017 there was the need to wait until the constitutional referendum had taken place, and in October 2018, the official reason was that it coincided with the mourning of national heroes (Nkurunziza 2018). But government officials have regularly voiced their rejection of the talks in public, and have also objected to the fact that certain conditions, including on participation and on the content, had not been met. In October 2018, the government requested a postponement, but did not attend when the facilitator did give them an extra day to respond (UN Secretary-General 2018b).

In addition to its empty chair politics, the government has also used international declarations on the improved security situation and the return of several politicians to press for a repatriation of the dialogue to Burundi. This latter proposal was deemed unacceptable for opposition and civil society leaders outside of the country, who fear for their security, and was described by Mkapa as a '*volte-face*' in the thinking of the ruling party [which]

surprised everybody and was viewed as a set back to the on-going peace process' (Mkapa 2017b). When the government did participate in the session of November/December 2017, it attempted – together with its allies – to obstruct the reaching of an agreement, by refusing to engage directly with its political opponents. They also hindered the presentation of a summary of different positions, which the facilitator had asked the different groups to prepare as an alternative for the failure to hold direct talks (*idem*).

In late 2018, the Burundian government also extended its strategy of non-participation to the level of the EAC summit, the principals of the mediation team. The government has repeatedly refused to send a mandated delegate to the summit, has requested its postponement, and requested an extraordinary summit to address the tension with Rwanda. Both countries have been accused of supporting each other's armed opposition groups. As a consequence, EAC summits were delayed from November 2018 to February 2019 (at the time of writing). This could be seen as an attempt to delay or obstruct the presentation of a progress report by Mkapa, which was to be considered during the summit and was the main object of Nkurunziza's letter to Museveni in December 2018 (Nkurunziza 2018).

3.2. National dialogue and constitutional amendments

The second strategy by the Burundian government to counter the mediation efforts consisted of organising a national dialogue, which ran parallel to the regional initiative and resulted in constitutional changes. This national dialogue was a deliberate attempt to prove the redundancy of the EAC process, while at the same time controlling the outcome to legitimise constitutional amendments. To do so, a National Commission for the Inter-Burundian Dialogue (CNDI) was sworn in October 2015, with the official objective to debate 'social and political questions, questions related to peace consolidation, security, and economic development and to evaluate the Arusha Agreement, the Constitution, the Global Ceasefire agreement, the Charter of National Unity, etcetera' (Décret no. 100/34, own translation). According to the CNDI, more than 20,000 people participated and discussed social, political and cultural issues during a series of meetings and workshops between October 2015 and May 2017 (CNDI). Its work was boycotted from the outset by opposition parties (Reuters 2015).

While some, especially those close to the ruling party, were positive about this process, most interviewed during our research – including some who had participated – described a number of fundamental flaws. They said only government supporters had been invited, that it was steered in favour of a predetermined outcome i.e. the constitutional changes, and that participants were afraid to speak their minds, given the serious restrictions on public freedoms. The CNDI's head, Bishop Justin Nzoyisaba, who previously led

the Methodist church in Burundi, was also criticised for his bias in favour of the CNDD-FDD (interviews with Burundian citizens, Burundi, 30 January to 23 February 2018).

Many of our interlocutors described the national dialogue as smoke-screen to distract international actors and bypass the regionally-led dialogue process. One of them said: 'The national dialogue was aimed at distracting the international community. The government wanted to coerce Burundians into singing from the government's hymn sheet and to control what was happening. The government feared holding an external negotiation because it cannot control it. To me, the national dialogue which took place in Burundi was a joke, a play, since none of the actors invited had any conflict between them' (interview with Burundian citizen, Bujumbura, 30 January 2018). The relation between the national and the regional dialogue initiatives in Burundi have been described as a form of 'frictional encounter', in which regional interveners collide with domestic elites, with various sides trying to resist the process favoured by the other. In the past and during the current crisis, elites inside Burundi have put up various forms of resistance against attempts at regional peacebuilding (Wodrig & Grauvogel 2016).

President Nkurunziza addressed the frictional relationship between the national dialogue and the regional process in a letter to his Ugandan counterpart, President Museveni, who at that time also acted as EAC chair and mediator. In reaction to a report drawn up by Mkapa (but never published), Nkurunziza states that 'in contrast to what the report says [...] [i]t has never been a question of conducting a parallel process because the two processes (internal and external) are complementary.' He adds, however, that 'no one has the right to question the establishment of [the] CNDI' and praises it for being more inclusive and less expensive than the regional dialogue. Interestingly, in his letter, Nkurunziza also mentions points of contact (or friction) between the two processes, via participation of the facilitation teams of both processes in each other's meetings (Nkurunziza 2018). Museveni, in his response, defended the right of the region to be involved on Burundi, given its role as a guarantor in the Arusha agreement (Museveni 2018).

The CNDI presented its results in May 2017 to President Nkurunziza, and concluded that 'the main proposal that results from the consultations is the necessity to amend the Constitution.' (Burundi Presidency 2017, own translation) As a consequence, constitutional amendments were drafted and subject to a referendum on 17 May 2018, in which a reported 73.24 % of voters approved the constitutional amendments. President Nkurunziza promulgated the new Constitution on 7 June 2018, but to the surprise of many announced in a speech that he would support a new president and that his mandate would end in 2020. The constitutional amendments had been criticised as a move to extend President Nkurunziza's stay in power, as it could be interpreted as resetting the counter on the number of mandates, through

extending the presidential mandate from five to seven years. They also created the position of prime minister, eliminated one of the two vice-presidents, reduced voting majorities in parliament and foresaw an evaluation of the ethnic quotas in the Arusha agreement. While keeping them, the other amendments have reduced the impact of ethnic quotas on Burundi's institutions (Vandeginste 2018).

The internal dialogue, the constitutional amendments and the referendum were from the outset contested by opposition groups and civil society. The opposition-in-exile platform CNARED called for a boycott, as did some opposition groups inside the country, and they rejected the results due to allegations of intimidation and other abuses. International actors also criticised the referendum: the UN Secretary-General warned it could result in 'exacerbating tensions with the opposition' (UN Secretary-General 2018a) and Mkapa mentioned 'a general consensus among the regional and international community that fundamental constitutional amendments should not be advanced until the situation has stabilized' (Mkapa 2017a). That a new Constitution was adopted after a contested referendum further illustrated the lack of leverage by the opposition and international actors in the Burundian context, and it further complicated the regionally-led dialogue.

In addition to the national dialogue, the government has also organised a workshop on the 2020 elections for political parties in Kayanza. The workshop resulted in a roadmap of the government and the ruling CNDD-FDD party towards the 2020 election (East African Community Secretariat 2018). Opposition actors in exile were unable to participate, and several political actors inside the country either boycotted the meeting, or refused to sign its outcome, citing a lack of inclusivity. As was the case for the internal dialogue, this process was used by the government to declare that 'the inter-Burundian dialogue was obsolete and that any further dialogue should be held in Bujumbura' (UN Secretary-General 2018b).

3.3. Challenging 'Inclusivity'

A third way in which the government has managed to render the regional dialogue unworkable is by opposing the participation of some key opposition groups and individuals. This has been a serious challenge for Mkapa and his team since the beginning of the dialogue process. International actors have consistently demanded 'inclusive' talks, without defining what that would mean, government critics have blamed the facilitator for failing to include all necessary actors, and the government has actively promoted the exclusion of some of its opponents. While at the start, Mkapa still managed to ensure a representative and high-level participation of all sides, the February 2017 session was boycotted by the government, officially because of the attendance of individuals wanted by the Burundian justice system.

The government has refused to sit at the same table as people they accuse of being involved in the failed coup attempt of May 2015, and against whom it has issued arrest warrants (Office of the Facilitator 2016). It has used this as another strategy to block substantial discussions. The government has maintained its position during the last sessions. After the facilitator presented a summary document during the December 2017 session with points of convergence and disagreement, it agreed on all but two (procedural) issues: on dialogue with armed groups and on the lifting of the arrest warrants (Mkapa 2017c). Mkapa has regularly pleaded for the lifting of those arrest warrants, stating the importance of including these individuals and downplaying the accusations against them (Mkapa 2017b). At the same time, he has also taken the arrest warrants into account when extending invitations to opposition actors, armed groups and civil society. In his response to Nkurunziza's letter, which reacted against a recommendation in Mkapa's report to lift the arrest warrants, Museveni defended the need to sit down with the opposition, referring to his own experiences in Uganda and distinguishing, in reference to Rwanda, between coup-makers and *génocidaires* (Museveni 2018).

During the round of talks in December 2017, the government sent a delegation, but the opposition in exile was not present due to the absence of an invitation for their platform CNARED and for several individuals under arrest warrants (Mkapa 2017c). Only opposition groups still present in Burundi, consisting essentially of the FNL (the successor of FNL-Parmehutu), the non-recognised wing of *Union pour le progrès national* (UPRONA, the former *parti unique*, now in coalition with FNL) and members of opposition party *Front pour la démocratie au Burundi* (FRODEBU, the party of murdered President Ndadaye) attended this session. Another difficulty has been the inclusion of armed groups which the government delegation has vehemently rejected. Mkapa has consulted the EAC heads of state on their participation, after 'receiving informal messages from various armed groups indicating that they are ready to pursue a peaceful settlement of the crisis' and warning about the threat which would follow from their exclusion (Mkapa 2017a) but has received no clear guidance from them.

In addition to the need for political inclusivity, several of our interlocutors favoured the inclusion of civil society members, women and youth representatives and representatives from religious groups in the talks (interviews with Burundian citizens, Uganda & Burundi, 17 December 2017-23 February 2018). While such representatives have been part of the talks, this has been accompanied by controversy as well. Several civil society groups have been very vocal in their opposition to Nkurunziza's third mandate and the ensuing repression, and some briefly joined an opposition coalition. The government has used a wide array of means to attack civil society groups, ranging from arrests of its members, regulatory restrictions on civil society space as well

as vitriolic attacks against its leaders. It has been accused of creating its own 'civil society organisations', whose leaders have, on several occasions, also attended the talks and have tried to block critical civil society representatives from participating in talks. This government positioning has influenced the invitation policy of the facilitator. In February 2017, for example, the facilitator requested civil society organisations to only send delegates not under an arrest warrant to Uganda for a briefing event, which civil society leaders contested in their reply (Office of the Facilitator 2017a). During the dialogue session in November/December 2017, most civil society members in exile were either not invited or boycotted the session, citing the absence of prior consultations, clear parameters, inclusivity, and security as their reason. (Mkapa 2017b; interview with Burundian civil society leader, Belgium, 19 December 2017). Only three leading civil society figures attended the talks. They were included at the same level as political actors, in contrast with an emerging best practice in international mediation to include civil society in a separate 'track' or at specific occasions, such as the opening or concluding of talks (Wallenstein *et al.* 2009).

Conclusion

The lack of results of the inter-Burundian dialogue facilitated by the EAC so far can be interpreted – though not exclusively – by pointing at the absence of a 'mutually hurting stalemate', which would exert pressure on the Burundian government to seek dialogue with its opponents. Because of the current absence of any serious armed opposition (its presence could result in more atrocities) but also of an organised opposition and regional pressure, the Burundi government has felt no need to constructively engage in the regional dialogue. Its ability to get away with each form of obstruction strengthened the Burundian government's resolve to continue doing so. It has obstructed the dialogue by refusing to attend or speak to its opponents, has set up a one-sided national dialogue process which ran parallel to the regional talks, and has opposed the participation by some of its key opponents. These three ways of obstruction were interconnected: both the national dialogue and the participation of key opponents were used as a motivation to stay away from the regional talks.

Most parties to the EAC-facilitated dialogue, including the government, continue to pay lip service to a continuation of the talks. But it is very hard to see how they will be able to continue in its current form, and what any outcome could look like. That does not necessarily mean that the process should be put to a halt until an escalation of the crisis could take place, as hardliner supporters of the theory of ripeness would suggest. The authors join criticism of such a radical reading of 'ripeness theory' which would seem to advocate for an escalation of violence, and warn against the severe

consequences such escalation could have on civilians, in a country which is already scarred by a history of atrocities by the different conflict parties. Furthermore, we would also like to stress the possibility of a well-organised regional dialogue process with a mutually accepted facilitator to bring antagonists closer together. The sole condition for this to happen is pressure by regional actors to contribute to increasing the cost for parties to continue the status quo. This is the only way to move on the continuum towards a mutually hurting stalemate, which could in turn incite a constructive position of the Burundian government to participate in meaningful talk. But, despite appointing the facilitator of the dialogue, the EAC heads of state have failed to respond to his repeated calls for their increased involvement. The EAC facilitation team has been criticised in our research for not being able to organise an effective dialogue, but it is especially their principals who have failed to support them in providing the necessary conditions for the facilitation team to succeed. Previous mediators in Burundian conflicts, such as the former presidents of South Africa and Tanzania, were also not always perceived as neutral, but at least managed to make progress, as they could count on regional pressure on the parties at the table. Maybe it is time for those regional actors to increase their involvement again in the Burundian crisis, as waiting for a continued deterioration of the economic and political situation is not an option for Burundian citizens.

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ETHNIC MEMORY AND INTERACTIONS IN PERIODS OF CRISIS: AN ANALYSIS OF BURUNDI'S TWITTERSPHERE

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Introduction

Social media played an increasingly important role after the outbreak of the 2015 crisis in Burundi and especially after the shutdown of the main independent radios in Bujumbura. For the thousands of people who left the country, Twitter, Facebook, and WhatsApp represented fundamental tools to receive information and to stay in touch with the country of origin (Vircoulon 2016). Journalists in exile also used social media to produce alternative information to that proposed by state media. In a context where they were not physically persecuted, exiles expressed themselves much more freely, sending aggressive attacks to those responsible for their disgrace. The latter also used the same verbal violence. As a result, harsh confrontations took place online that transformed social platforms into highly competitive political arenas. The Burundi crisis went to a large extent online, becoming chiefly a communication war (Vircoulon 2018: 6).

During the crisis, ethnic references reappeared into political debate, including on social media. In a previous study (Paviotti 2018: 109), I showed that this also affected symbols of national unity such as the figure of Ntaryamira, one of the three personalities for whom a day of commemoration is observed in Burundi. President Ntaryamira did not represent a strong symbol of political or ethnic identification before 2015. Thanks to different communication strategies,² distinct communities emerged around him, with ethnic and political connotations. As a result of such a process of ethnicization, Ntaryamira was associated with a Hutu community close to Burundi's ruling party.

This chapter aims at exploring interactions within and between the communities that emerged around Ntaryamira.³ To have a better understanding of

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² The expression of accusations, the use of specific appellatives, the expression of praise, and a particular use of ethnic references (Paviotti 2018: 97).

³ A definition of online community is adopted in this paper that considers communities as 'a group of people who share social interaction, social ties, and a common interactional format,