



Security Council

## Responding to the Situation in Burundi



by Joshua Hastey

Graduate Program in International Studies, Old Dominion University

### I. Introduction

In April 2015, Burundian President Pierre Nkurunziza announced plans to run for a third term in office, in apparent violation of the 2000 Arusha peace agreement which ended Burundi's civil war. Nkurunziza's announcement was followed in May 2015 by an attempted coup by weeks of widespread protests which left over 100 dead, and a failed coup attempt led by opposition leader Godefroid Niyombare. Since the attempted coup, Nkurunziza's administration has engaged in widespread extrajudicial arrests, torture, and killing of both members of the opposition and suspected supporters of the opposition. This has led to a dramatic increase in Burundian refugees fleeing their homes for shelter in neighboring Democratic Republic of Congo, Rwanda, Uganda, and the United Republic of Tanzania. Apart from the obvious concerns for the deteriorating conditions of human rights and rule of law within Burundi, these developments have serious negative implications for regional stability as well.

Three main areas of concern, for both Burundian citizens and the UNSC, present themselves:

- Domestic human rights abuses
- Humanitarian and economic strain of refugee flows on neighboring countries
- Potential to undermine 1993 Arusha Accords

Each of the above areas holds the potential to destabilize not only Burundi, but also the surrounding area. The next two sections of this briefing review the background of the current conflict and its ongoing developments. Next, it lists the resolutions adopted by the UN in response to the crisis and the positions of various relevant nations and voting blocs within the UN. Finally, it suggests several essential questions and possible avenues for addressing the current crisis.

### II. Background

Burundi has suffered from serious ethnic division between its majority Hutu and minority Tutsi groups since it gained independence from Belgium in 1962. Twice since its independence, these tensions have erupted into full-scale ethnic violence. In 1972, the Tutsi minority-controlled army conducted widespread ethnic cleansing against educated members of the majority Hutu population. In 1993, members of the Hutu majority conducted mass killing of the Tutsi minority. Both of these mass killings were deemed genocide by the International Commission of Inquiry for Burundi, which presented its findings to the UNSC in 2002.

The second Burundian genocide took place in the context of a 13 year civil war, which lasted from 1997-2006 despite the signing of the





Arusha Agreement in 2000. Most observers estimate the death toll of the civil war at around 300,000 fatalities, including 100,000 deaths in the Hutu genocide of Tutsis 1993. While peace talks began in the form of the Arusha Talks in 1998, the country would not see an end to violence for another seven years. In 2005, Burundi held its first national elections since 1994, establishing a new constitutional system and electing Pierre Nkurunziza to the presidency on a platform of reconciliation. In 2006, he began this process by reforming Burundi's army to include members of the Tutsi minority as well as many Hutu rebels.

### III. Current situation

While President Nkurunziza was initially widely viewed as a unifying figure by integrating former rebel figures into his new government and refusing to call for reprisals against defeated militias, his decision to pursue a third term in office—prohibited under Burundi's 2005 constitution, has sparked a constitutional crisis that threatens to undermine much of the country's progress toward reconciliation and stability.

Furthermore, the past two years have seen a dramatic increase in sharp crackdowns on opposition leaders along with citizens believed to support President Nkurunziza's political opponents. In a recent report submitted to the UN Committee Against Torture, the human rights watchdog Human Rights Watch chronicled an alarming catalog of abuses by Nkurunziza's administration. These include the use of torture by intelligence services and police forces, beatings and torture by the Imbonerakure—the informal youth wing of the President's political party, patrols by the Imbonerakure and border forces to interdict refugees seeking safety in neighboring countries, failure of the judicial branch to prosecute abuses committed by police and Imbonerakure forces,

expulsion of human rights observers from Burundi, and the use of rape as an instrument to silence political opponents.

In one case, a 27 year old male refugee who



survived arrest by the Burundian intelligence service—the SNR—gave his account of his torture.

*When we were [at the SNR], they tortured me with a cable, the kind used to connect to a radio or television. There was no rubber on the cable. They wrapped it [high up] around my leg. They made me sit next to a socket where they plugged the cable in. They plugged it in and disconnected it, shocking me, while asking questions. They said: "Show us where the weapons are." After a while, they changed. They wrapped the cord around my genitals and pulled on them while asking*



*questions. They used the cord for longer, for 20 to 25 minutes.<sup>1</sup>*

Though extreme, this man's account is by no means unique. Human Rights Watch, the UNHCR, and other human rights watchdogs have recorded testimonies of similar accounts that point to at least 651 cases of torture between April 2015 and April 2016 alone. These attacks are as macabre as they are brutal. Many refugees report being beaten with lead pipes, having hot liquids poured on their bodies, and being subjected to a variety of forms of genital mutilation. A Human Rights Watch report offers this overview of abuses.

*Former detainees, including opposition party members, told Human Rights Watch that intelligence agents beat them with water pipes weighted with steel construction bars, often until they bled or had difficulty standing. One said that a policeman working at the SNR headquarters poured a liquid over his body that burned him so badly he begged to be killed. Another said an SNR agent smashed bones in his legs*

*with a hammer. A former detainee said an SNR agent interrogated him while an Imbonerakure dripped melting plastic on him. They also used pliers to cut his genitals, while an Imbonerakure told him: "You will end up revealing the secrets of [opposition leader Alexis] Sinduhije."<sup>2</sup>*

The ubiquity and severity of these abuses have caused a drastic increase in Burundian refugees seeking the relative safety of Democratic Republic of Congo, Rwanda, Tanzania, and Uganda. The UN Human Rights Council estimates the total number of Burundian refugees to seek shelter in these countries since April 2015 to be over 311,000, with more Burundians streaming across the border each day. [[Figure 1]] These refugees are scattered in camps throughout Rwanda, along Burundi's borders with the DRC and Tanzania, and along Uganda's border with Rwanda. [[Figure 2 below]] However, these camps are so numerous and crowded that they threaten to overwhelm the modest humanitarian resources of Burundi's neighbors.

<sup>1</sup> "Burundi: Intelligence Services Torture Suspected Opponents." Human Rights Watch. Human Rights Watch, 29 July 2016.  
[https://www.hrw.org/news/2016/07/07/burundi-](https://www.hrw.org/news/2016/07/07/burundi-intelligence-services-torture-suspected-opponents)

[intelligence-services-torture-suspected-opponents](https://www.hrw.org/news/2016/07/07/burundi-intelligence-services-torture-suspected-opponents)  
Accessed 16 Sept. 2016.

<sup>2</sup> Ibid.



Security Council

# Responding to the Situation in Burundi



by Joshua Haste

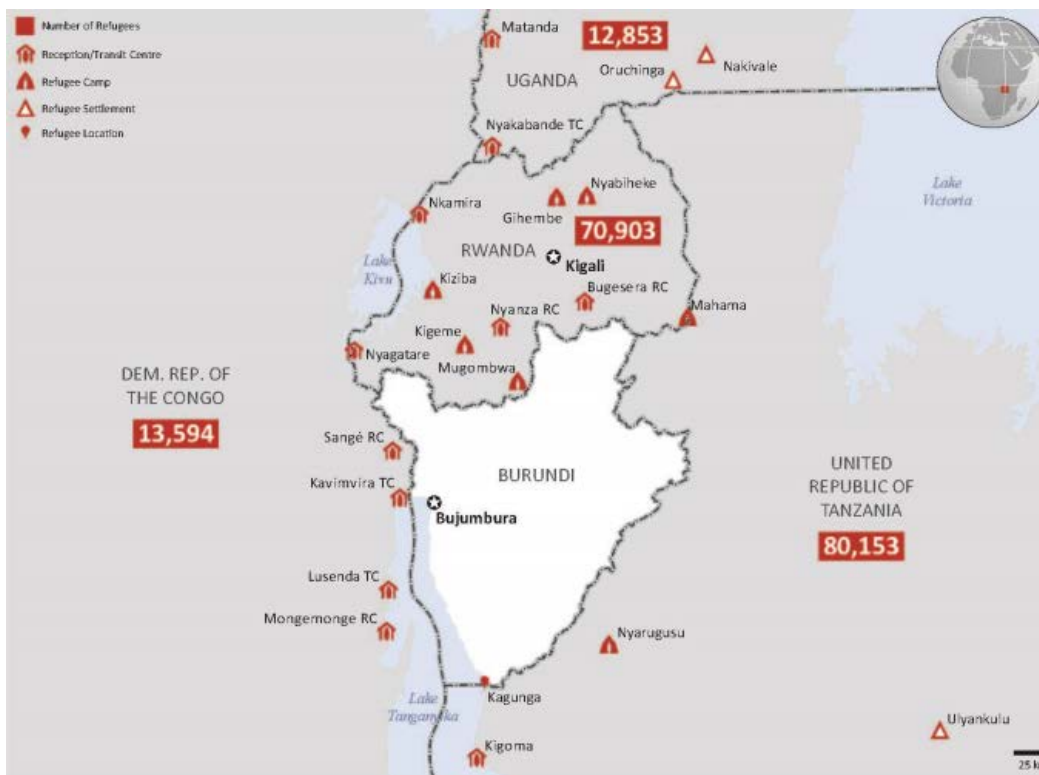
Graduate Program in International Studies, Old Dominion University

Figure 1 Burundian Refugees to Neighboring States since April 2015



Source: UNHCR, "Burundi Situation"

Figure 2 Burundian Refugee Camps and Transit Centers



Source: UNHCR, "Revised Burundi Regional Refugee Response Plan"



#### IV. UN Resolutions

To date, the UN has adopted relatively few resolutions in response to Burundi's crisis, but two documents bear mention insofar as they reflect the level of response from the UN thus far.

- **UNSC Resolution 2248**  
Adopted in November, 2015, this resolution recognizes and condemns the increase in human rights abuses in Burundi, including torture, extrajudicial killings, and harassment of independent observers, urges the Burundian

government to end such abuses and prosecute those members of the police and intelligence services responsible for them, and calls for continued dialogue, but makes no move to intervene in the crisis or supplement the humanitarian resources of Burundi's neighbors in response to the growing refugee crisis.

- **UNSC Resolution 2279**  
Adopted in April, 2016, this resolution acknowledges the continued deterioration of the Burundian crisis, thanks Human Rights Watch and other groups for their continued monitoring of the situation, issues the same calls for cessation of human rights abuses, and requests that the UN Secretary General authorize the deployment of a UN police contribution to assist with monitoring the situation on the ground [to date, this contribution has not been deployed].

As the above resolutions indicate, despite the ongoing political violence in Burundi, the UN Security Council and General Assembly have maintained a passive role, confining their resolutions to calling for an end to human rights

abuses and political reconciliation. This has been, in part, due to Chinese and Russian opposition to concrete action or statements that explicitly call for President Nkurunziza to end his pursuit of a third term. In fact, the most concrete efforts to seek a resolution to the conflict have been led by the East African Community which, with the support of the African Union, has initiated a mediation effort led by Ugandan President Yoweri Museveni to attempt to broker a negotiated end to President Nkurunziza's crackdown.



Source: Al Jazeera, 5 October 2015

#### V. Country and Bloc Positions

- *African Union*: Has endorsed efforts by the EAC to negotiate an end to the human rights abuses and constitutional crisis in Burundi. Like the EAC and UN, the AU condemns the use of torture and extrajudicial arrests and killings as means of obtaining political objectives, but is hesitant to intervene in the affairs of sovereign states.
- *East African Community (EAC)*: Wishes to see a peaceful resolution to the current crisis, and has commissioned Ugandan President Yoweri Museveni to convene mediation efforts to reconcile the ongoing conflict between President



Nkurunziza and his opponents. The EAC condemns the human rights abuses by the Nkurunziza administration, but is attempting to remain neutral on the constitutional challenge presented by his attempt to seek a third term in order to better act as an impartial mediating party.

- *China:* While China did not oppose the UNSC resolutions condemning the extrajudicial actions of President Nkurunziza's administration, Beijing is reluctant to be seen as criticizing what it perceives as domestic conflicts within sovereign states. It opposes intervention in domestic political disputes as a matter of principle, and regards international peacekeeping and human rights monitoring with suspicion. For these reasons, it has opposed further UN action and, with Russia, has voted against letters of condemnation drafted by France's delegation to the UNSC.
- *European Union:* As the principle source of funding for stability and economic development in the country, the European Union and its 28 member countries are highly concerned with the situation there. The EU makes its financial support conditional on commitment to the reform process, and stresses targeted action to deal with the most disruptive and dangerous leaders, but it also is limited by its parallel commitment to humanitarian assistance to the people of the country.
- *Russia:* Like China, Russia opposes most instances of UN intervention in matters that it considers to be domestic

political disputes, even in the case of human rights abuses by the sitting administration. When asked why Russia opposed an explicit condemnation of President Nkurunziza's use of force against Burundian civilians, Russia's ambassador to the UN, Vitaly Chukin said, "it's not the business of the Security Council and the U.N. Charter to get involved in constitutional matters of sovereign states."<sup>3</sup>

- *United States:* American responses to the crises have been mixed. It has attempted to take a hard line against the Nkurunziza administration's human rights abuses by threatening to withhold aid to Burundi until the abuses cease and the President abandons his pursuit of a third term, but has also asserted that the President must be a part of any brokered end to violence and has supported the EAC efforts to mediate an end to violence. It supported the French letter of condemnation that Russia and China opposed, but has not sponsored resolutions calling for interventions in the conflict. This may be due to Washington's attentions being focused elsewhere, or out of resignation to continued Russian and Chinese opposition to more intrusive measures by the UN.

## VI. Essential Issues and Recommendations

Given the continued stalemate in the UNSC, there seems to be little hope of the Security Council itself taking concrete steps to help bring an end to the human rights abuses in Burundi.

<sup>3</sup> "Russia: U.N. Security Council Should Stay out of Burundi Dispute." Reuters. May 01, 2015. Accessed September 18, 2016.

<http://www.reuters.com/article/us-burundi-politics-un-idUSKBN0NM49120150501>.



This does not leave the UN completely hamstrung however. Several possible avenues for action by the UNGA and UNSC present themselves.

1. Provide increased resources to the UNHCR to provide humanitarian aid to those refugees displaced by political violence in Burundi. While this does not address the root cause of the refugees' suffering, it will enable refugee camps and relocation centers to better address the developing humanitarian crisis along Burundi's borders.
2. Continue collecting data and documenting the abuses conducted by the Nkurunziza administration. As the evidence of abuses continues to grow and remains publically available, pressure may mount on Russia and China to soften their opposition to a more active UN response to President Nkurunziza's abuses.
3. Provide statements of support and offer diplomatic assistance to the EAC's ongoing mediation efforts. By publically supporting the EAC's effort, the UNGA or UNSC can lend additional legitimacy to the EAC's role as a peace broker and raise its chances of success. By offering diplomatic support, they can provide the technical expertise and negotiating experience of a larger pool of diplomats who may be able to assist President Museveni's mediation team.
4. The UNSC should move immediately to support French and American moves to impose sanctions on President Nkurunziza's administration until the UNHCR can confirm that it has ended its use of human rights abuses. While such a policy certainly falls within the UNSC's mandate, it is more likely to

face stiff opposition from the Chinese and Russian delegations and may not gain UNSC approval.

5. The UNSC should consider sending a UN Peacekeeping force to establish refugee safe zones within Burundi. This will provide Burundian citizens with an opportunity to seek shelter while remaining in their country, where they are more likely to remain part of the political process within Burundi. Beyond securing vulnerable portions of the population, such peacekeeping force could also provide a space for international monitors to observe and document the ongoing political developments, including President Nkurunziza's continued challenges to the Burundian constitution. As with the previous recommendation, this policy would be contentious within the UNSC. Both China and Russia are likely to oppose it on the grounds that it violates national sovereignty beyond the scope of the UNSC's jurisdiction. However, there is precedent for UN intervention in domestic conflicts when those conflicts have escalated—or threatened to escalate—into civil war or widespread human rights abuses (e.g. the crises in Bosnia and Somalia to name just two examples).



Security Council

## Responding to the Situation in Burundi



### VII. Bibliography

["Burundi: Intelligence Services Torture Suspected Opponents." Human Rights Watch. Human Rights Watch, 29 July 2016.](#)

[Jones, Cara, and Orion Donovan-Smith. "How the West Lost Burundi." \*Foreign Policy\*, August 28, 2015.](#)

[Graham-Harrison, Emma. "The World Looks Away as Blood Flows in Burundi." \*The Guardian\* April 10, 2016.](#)

["Russia: U.N. Security Council Should Stay out of Burundi Dispute." Reuters. May 01, 2015.](#)

[United Nations. "International Commission of Inquiry for Burundi: Final Report," United Nations Security Council, S/1996/682](#)

[United Nations. "United Nations Security Council Resolution 2248", UNSC S/RES/2248 \(New York: United Nations, 12 November, 2015\)](#)

[United Nations. "United Nations Security Council Resolution 2279", UNSC S/RES/2279 \(New York: United Nations, 1 April, 2016\)](#)

[United Nations. "Burundi Situation." High Commissioner for Refugees \(UNHCR\). September 15, 2016.](#)

[United Nations. "Revised Burundi Regional Refugee Response Plan: April-December 2015." UNHCR. July 2016.](#)