

Burundi and its development partners: navigating the turbulent tides of governance setbacks.

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TABLE OF CONTENTS

ABSTRACT	5
1. INTRODUCTION	5
2. BURUNDI: AID PROFILE AND DIALOGUE STRUCTURES	6
3. POLITICAL GOVERNANCE TRENDS AND DONOR REACTIONS	7
3.1. POLITICAL GOVERNANCE	7
3.2. ECONOMIC AND SOCIAL GOVERNANCE	8
3.3. DONOR RESPONSES: SIGNALING SATISFACTION	9
4. FROM WORRYING GOVERNANCE TRENDS TO A MAJOR POLITICAL AND INTERNATIONAL RELATIONS CRISIS	10
4.1. POLITICAL GOVERNANCE	10
4.2. ECONOMIC AND SOCIAL GOVERNANCE	11
4.3. THE 2015 CRISIS: A MULTI-DIMENSIONAL GOVERNANCE CRASH	11
4.4. DONOR RESPONSES: FROM DISAPPOINTMENT TO SANCTIONS	12
5. A CLOSER LOOK AT BURUNDI'S INCREASINGLY TROUBLED RELATIONS WITH THE EUROPEAN UNION	15
6. CONCLUDING THOUGHTS: DRAWING LESSONS FROM THE BURUNDIAN CASE	16
REFERENCES	19

ABSTRACT

Between the first post-conflict elections (2005) and the crisis that was occasioned by the 2015 electoral process, Burundi underwent evolutions of both remarkable progress and substantial setbacks in different dimensions of governance. For international development partners it was challenging to deal with these subsequent – and partly parallel - ups and downs. They used financial and non-financial means to incentivise, signal, constrain and sanction the Burundian government into desirable policies and actions. We discern three patterns in donor behavior. Immediately after the transition, donors heavily inclined towards optimism with a large margin of tolerance for perceived ad hoc setbacks (here referred to as ‘good enough governance’ strategy). When setbacks however became systematic, donors increasingly expressed unease and used various means to voice their concerns: statements, policy and political dialogue, aid as a carrot and stick. Finally, when setbacks evolved into a crisis, donors started sanctioning, albeit in uncoordinated and sometimes contradicting manners.

Keywords: Burundi; aid; governance; political dialogue

1. INTRODUCTION

Funding transactions are only a very limited part of the story of the relationship between donors and recipient countries. Non-financial inputs, such as technical assistance, friendly advice, persuasion, but also signs of discontent, the use of coercion or attempts to constrain the government, are part and parcel of the aid game (Bourguignon and Sundberg 2007). Donor meddling is particularly interesting and visible in fragile states. Since fragile states tend to be unpredictable, risky and prone to many governance crises, aid to these countries may fall victim to significant fiduciary, accountability and political risks (Koeberle 2006). Donors will thus try to continuously assess and influence evolutions so as to minimise the aforementioned risks, and ensure that aid has a positive developmental impact.

This article reconstructs the ways in which donors have acted and reacted when confronted with subsequent governance challenges and dynamics in Burundi. We focus on the period between 2005 - when the first and internationally applauded post-conflict multi-party elections were held - and 2015 - when the third post-conflict elections gave rise to a major political, institutional, security and humanitarian crisis. We will zoom in on how donors reacted to governance evolutions over time, and how donors have used aid as a lever to influence, discourage or encourage recipient policy choices and actions.

For three reasons, Burundi is an important case for the study of the dynamics regarding donor reactions and donor leverage in relation to governance problems. First, with an Official Development Assistance-to-Gross Domestic Product ratio of 38%, Burundi is a heavily aid dependent country (Jones 2013, 3) where donors have a large stake (over 50%) in the budget of the country. This implies that they can have quite some leverage in the policy making arena (Whitfield and Fraser 2010). Second, because however Burundi is a fragile state, this donor leverage is not necessarily exercised to the full because donors fear the destabilizing effects of (certain) conditionalities. The low credibility of conditionalities undermines leverage (Whitfield and Fraser 2010). To make matters even more complex, fragile states like Burundi, also tend to have a jagged development path where advances and setbacks take place - often simultaneously - in both the developmental and the democratic governance sphere. The

political and ideological conditions which may influence donor leverage may thus shift very quickly: the legitimacy of the recipient government, the saliency of setbacks or successes, the shifting aid goals of donors, etc. (Whitfield and Fraser 2010). Such a quickly changing context provides a fertile ground for research because it allows us to study the dynamics of how actors, and in this case donors particularly, position and reposition themselves vis-à-vis developmental and political governance gains and setbacks. It also allows to detect the varied ways in which donors 'read' or 'interpret' events (setbacks particularly) and how they consider the use of aid to sanction or to signal discomfort or discontent. Third, for most development partners, Burundi is not an important geostrategic or trade ally, except insofar as it plays a prominent role in the African Union (AU) peacekeeping mission in Somalia (AMISOM). We can therefore expect that donors in general will be more driven by a genuine concern for Burundi's development and political governance promotion than by other, more selfish, donor interests.

The following main findings arise from our research. In Burundi, development partners at first were quite tolerant with regard to setbacks, because given the salient importance of the larger conflict-to-peace transition, and the importance of political stability, such setbacks were perceived as inferior to the greater goal and thus considered as less important and/or isolated 'accidents'. There are however limits to such tolerance. Once a certain threshold is reached – and this can vary from one donor to the next – donors start expressing unease and discomfort. Once the accumulation of setbacks can no longer be seen as 'accidents' but as indicative of a more structural trend of regress (be it in terms of corruption, democracy, human rights or other dimensions), donors do not necessarily use their aid levers in similar ways. Diverging donor preferences undermine donor leverage. Dealing with setbacks in a context of fragility, where aid needs are multiple, complex and of a changing nature, also hints at the difficult relation and possible trade-offs between, on the one hand, development needs and goals and, on the other, diplomatic and security concerns and their respective institutional logics (Hayman 2011; Woods 2005). Long term oriented aid relationships (development cooperation bureaucracy) may thus clash with short term responses to governance crises (diplomacy and security). All the above reasserts that donor leverage, as indicated by Whitfield and Fraser (2010) is often simultaneously strengthened (aid dependency) and weakened (shifting donor preferences, credibility, need to showcase successes) by factors on the donor and recipient side.

The paper starts with a brief descriptive background regarding the aid profile of Burundi and the dialogue structures in place. Next, it presents the governance evolutions (both positive and negative) in the period between 2005 and 2015, and how donors responded to them. We pay particular attention to the relation between Burundi and the European Union (EU) because it is its main development partner. We conclude the paper attempting to discern some patterns which may inspire future research.

2. BURUNDI: AID PROFILE AND DIALOGUE STRUCTURES

Burundi's transition from conflict to peace was based on internationally mediated negotiations and an ethnic power-sharing settlement laid down in the Arusha Peace and Reconciliation Agreement of 28 August 2000, which contained the blueprint of the Constitution of 18 March 2005 (Lemarchand 2006; Vandeginste 2015). The 2005 general elections, the first after those of 1993, brought the most powerful armed movement, the National Council for the Defense of Democracy – Forces for the Defense of Democracy (CNDD–FDD) to power after its transformation into a political party (Hirschy and Lafont 2015). In exercising its power, the CNDD–

FDD faced many challenges. Not only did it have little experience in assuming its government role, it also had the daunting task of stabilizing the country (at a time when the Palipehutu-FNL rebel movement had not yet joined the peace process), rebuilding the state and launching a growth and poverty reduction programme in one of the world's poorest countries. These challenges were taken up in the Poverty Reduction Strategy Papers (PRSPs), which required donor assistance for its implementation.

Burundi's development partners include traditional and non-traditional multilateral and bilateral donors, private investors and international partners such as the African Union and regional organisations. The aid allocated by donors represents a crucial source for financing development program needs. For instance, the 2013 official development assistance (ODA) amounted to 556 million US dollars, equivalent to 53 US dollars of aid per capita and representing around 64.7% of the total resources of the national budget. A limited number of private investors target economically profitable sectors. Although the financial contribution of some international partners such as the AU and regional organisations in development programs is negligible, their political and technical assistance or intervention has played an important role particularly to address political crises. The endeavors deployed by the Great Lakes Regional Peace Initiative on Burundi to end the 1993 civil war including the regional sanctions imposed to the Burundian regime following the 1996 coup (Grauvogel 2015) and the Arusha peace talks as well as the military presence of the African Union Mission in Burundi deployed in 2003 (Murithi 2008) are some examples.

Like many countries that produced PRSPs, a dialogue forum for consultation with and coordination among development partners was institutionalised (Grindle 2004). This so-called 'Partners Coordination Group', was a dialogue forum for the Burundian Government and all of its development partners. Three levels could be discerned: the political forum operated at the highest level under the leadership of one of the two Vice-Presidents, depending on whether political or economic/social issues were on the agenda of a given meeting; next was the strategic forum and lastly, at the most operational level, the sectoral groups. Alongside these structures, some development partners also set up specific dialogue frameworks provided by cooperation agreements, like the Cotonou Agreement between the EU and the ACP countries which provides for a political dialogue (under article 8 of the Agreement) and consultations around 'essential elements' which are human rights, democratic principles and the rule of law (articles 9 and 96) (European Union 2014).

3. POLITICAL GOVERNANCE TRENDS AND DONOR REACTIONS

We distinguish political governance evolutions from economic and social governance because the literature has shown that donors may vary in their expectations and display differentiated levels of 'sensitivity' to progress or regress in these governance dimensions (Hayman 2011). Political governance refers mainly to regime issues, human rights, conflict resolution, and peace building. Economic and social governance mainly refers to economic progress, public sector development, corruption, public finance management, gender, vulnerable groups, basic social services, etc.

3.1. Political governance

As soon as the CNDD-FDD came to power in 2005, it successfully initiated a series of reforms, some already provided for in the Constitution, others suggested by development

partners through dialogue and conditions incorporated in funding agreements. The smooth establishment of new defense and security forces resulting from the integration process of former belligerents was completed successfully and in accordance with the Arusha Agreement. This was a cornerstone of Burundi's return to stability. At United Nations (UN) and AU level, Burundi's considerable progress in promoting domestic peace and stability was 'rewarded', with Burundi becoming actively involved in peacekeeping and stabilisation missions especially in Somalia and the Central African Republic (United Nations 2014). The ethnic power-sharing within the armed forces also reinforced the success of ethnic pacification at senior political and administrative levels.

The political landscape was open and diverse with 44 political parties competing at the 2005 elections. The free and fair general elections in 2005 marked an important step in the peace process and the transition towards democracy in Burundi. For the first time in the history of Burundi, multi-party elections were not followed by a political crisis (Palmans 2012). This success was also reflected in an improvement of Burundi's score on political rights (Freedom House 2006). The emergence of a pluralistic and dynamic press and very active civil society organisations marked a significant progress in freedom of expression and of association. As concluded by the EU election observation mission (Union Européenne 2010) and despite worrying observations referred to below, Burundi also managed to successfully organise the second post-conflict general elections in 2010.

In 2009, the death penalty was removed from the revised penal code which also provided, among others, for more severe sanctions of gender-based violence (Segatwa 2011). The establishment of national institutions aiming at the promotion of political governance, in particular the establishment of the Ombudsman in November 2010 and of the Independent National Commission on Human Rights in May 2011, were also welcomed by the development partners.

3.2. Economic and social governance

The promulgation of an anti-corruption law in 2006 and the establishment of specialised institutions in the fight against corruption, in particular the General State Inspectorate, the special anti-corruption brigade and the anti-corruption court, indicated at least in appearance the commitment of the government to genuinely tackle the scourge of corruption. Although generally considered as donors-driven anti-corruption reforms (Specker et al. 2010) and countered by corrupt Burundians (including some senior officials and former FDD Generals), they were supported by a segment within the state institutions and the government. During their first years of functioning, these anti-corruption institutions dealt with hundreds of cases of corruption and recovered some millions of US dollars (International Crisis Group 2012, 15).

Various legal reforms - including the law on civil service of 2006, the customs code of 2007, the law on public finances, the investment code and the public procurement code of 2008, the trade code of 2010 and the law on public and private companies of 2011 - were appreciated as signs of the commitment of Burundi's political leadership to promote equitable treatment and transparent procedures in the financial and public affairs management. In 2009, an important institutional reform allowed for the establishment of the Investment Promotion Authority (API) to improve the business climate and of the Burundian Revenue Authority (OBR) to optimise local revenue mobilisation. The main outcomes of these reforms were the improvement of Burundi's Doing Business ranking (up 29 places between 2011 and 2014), a significant gradual increase of the

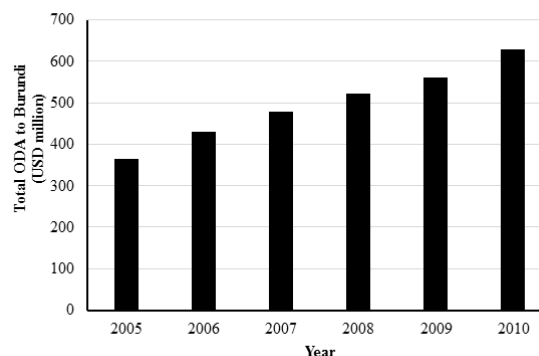
annual revenue collection by OBR (the amount collected in 2014 more than doubled compared to 2009), the traceability of the state revenues and expenditures as well as a reduced proportion of public contracts awarded by negotiated and restricted consultations in favor of open tendering procedures (République du Burundi 2015). Real GDP growth stood at 5.1% in 2006 and, in the following years, fluctuated between 3.5 and 4.7%.

Some important achievements on social inclusion and equity were (i) the political representation of women, in accordance with the constitutional minimum requirements of a 30% guaranteed representation of women in parliament and in government, (ii) primary education free of charge and free health care for children under five years and pregnant women (African Development Bank 2011), and (iii) the increasing pro-poor spending in the framework of highly Indebted Poor Countries expenditure (World Bank 2013).

3.3. Donor responses: signaling satisfaction

Given the successful political governance transition, and the embryonic developmental results, Burundi displayed promising signs of its ability to escape from the vicious cycle of fragility. We also see that in the period 2005 – 2010 official development assistance (ODA) volumes were increasing, which can be interpreted as a sign of donor satisfaction (see Figure 1). For the same period, another strong indicator of donor satisfaction was the significant increase of the provision of budget support from 45 USD million in 2005 to 116 USD million in 2008 (source: Annual reports from National Aid Coordination Committee – CNCA).

Figure 1: Evolution of ODA to Burundi between 2005-2010 (Source: OECD/DAC)



Satisfaction was also explicitly voiced in several international fora where Burundi was presented as a successfully negotiated transition (Curtis 2012). For example, on 17 April 2007, the European Commissioner for Development visited Burundi and congratulated the government because ‘progress in all areas was visible’ (République du Burundi 2007). Special reference was made to the enactment of a new Penal Code in 2009 which abolished the death penalty (Council of European Union 2009). The UN repeatedly welcomed advances in the peace process in Burundi, as indicated for example in the UN Security Council Resolution 1959 of the 16 December 2010 (United Nations 2010).

Some bilateral donors also stepped up their support to the country with explicit reference to its performance. The adoption of a national strategy for good governance and fight against corruption and the start of its implementation motivated the decision by Belgium to grant an incentive tranche of 50 million Euros. All delegations of countries and international

organisations that participated in the Burundi development partners conference held in Geneva on 29-30 October 2012 commended Burundi for the considerable progress achieved in various development sectors. At the conference, development partners pledged 2.6 billion US dollars, an amount exceeding by 11% the external resources requested for the implementation of the second PRSP (République du Burundi 2013, 31).

These reactions and subsequent aid pledges symbolised the commitment of the development partners to support Burundi in facing its many challenges. Overall, and despite occasional hick-ups and warning signals issued by non-governmental watchdogs on human rights issues and on gaps in the successful implementation of the new anti-corruption policy, donors acknowledged progress in Burundi.

All the above aligns with Whitfield and Fraser (2010) assessment in that donor leverage from an economic point of view was rather large. On all other accounts however donor leverage was weakened. The importance of economic and political stability (and the progress made in that area), the showcasing of Burundi as a success story, the legitimacy of the process and subsequent incumbent government... weakened donor leverage.

4. FROM WORRYING GOVERNANCE TRENDS TO A MAJOR POLITICAL AND INTERNATIONAL RELATIONS CRISIS

Despite the progress presented above, some worrying governance failures were manifesting itself during the same period. These governance failures initially were interpreted differently by different donors, but subsequently, given the increase and the scope of governance setbacks, development partners became increasingly worried and less tolerant. The tension culminated in the 2015 electoral crisis, which radically changed the partnership between Burundi and its main donors.

4.1. Political governance

In the period between 2010 and 2015, Burundi's status changed from 'partly free' to 'not free' (Freedom House 2016). This change in status was due to the occurrence of (among others) arbitrary arrests, restrictions on the freedom of assembly and expression of the political opposition and of civil society organisations (United Nations 2014; Human Rights Watch 2010), and harassment of independent media.

In the run-up to the 2010 elections, instability of Burundi's political party landscape dramatically increased. In addition to an internal split within the CNDD-FDD, this was the result of the orchestrated splitting up of political parties into fragmented fractions (Hirschy and Lafont 2015). The National Intelligence Service, the judiciary and the ministry of internal affairs were most actively involved in this process of so-called 'Nyakurisation', including through bribery and other favors offered to 'government-friendly opposition leaders'. This was a deliberate strategy aimed at weakening the opposition parties (International Crisis Group 2015). As a result, the original idea of a broad coalition government put forward by the Arusha Agreement was undermined. While the CNDD-FDD dominated the political landscape, the party itself became increasingly controlled by the President of the Republic. In February 2007, the party statutes were amended in order to allow him to be the president of the council of elders, an internal party body that decides on the orientations and functioning of the party. This resulted in a regime that displayed quite some authoritarian and big-man-rule characteristics. The 2010 elections were largely boycotted by opposition parties and, rather than being a step towards more democracy

and peace, gave rise to an increasingly tense political climate under de facto close to one party rule (Palmans 2012; Vandeginste 2011).

Political instability went hand in hand with increased insecurity. Small scale attacks by unidentified armed groups were reported from time to time. Sporadic violence occurred between supporters of the ruling party CNDD-FDD and opposition groups. Acts of intimidation and harassment were increasingly frequently committed by members of the Imbonerakure, the CNDD-FDD youth wing. Security forces were accused of serious human rights violations including extrajudicial executions and torture (Human Rights Watch 2006; United Nations 2014). The assassination of at least 31 members of Palipehutu-FNL in Muyinga between June and August 2006 (Human Rights Watch 2008) and of Ernest Manirumva (a human rights defender and anti-corruption activist) in April 2009, the Gatumba massacre in September 2011 with 39 casualties and around twenty wounded, and the assassination in September 2014 of three Italian religious sisters in Kamenge are some examples of serious human rights violations that remain unaccounted for. As a result, there was a growing perception that CNDD-FDD rule did not differ from the previous regimes.

In summary, despite the apparent building of ‘modern’ institutions, some stubborn features of how power is exercised re-emerged at the surface, showing a great deal of continuity between ‘old’ Uprona one party rule (which ruled the country from 1966 until 1993) and ‘new’ CNDD-FDD de facto one party rule.

4.2. Economic and social governance

Notwithstanding the institutional reforms referred to above, a negative trend was already observed early on in the first term of CNDD-FDD rule in the area of transparency, accountability and corruption in the public sector. Many cases involving senior government officials were handled in the strictest secrecy following opaque processes that bypassed the law and which were suspected of being tainted by corruption and financial embezzlement (International Crisis Group 2012; Tate 2013). This was the case of the fraudulent sale of the presidential aircraft in 2006 (République du Burundi 2008) and the split disbursement amounting to around eight million US dollars transferred to an account in the US between March and August 2014 for the purchase of a presidential aircraft. The extent and severity of the corruption cases led Burundi to become one of the most corrupt countries in the world (Dickovick 2014, 155). As reported by the World Bank (2013) the Burundian government was also characterised by its weak economic management capacity especially with regard to the prevalence of current expenditure in government budget, discretionary practices of tax exemptions, increasing expenditure payments without prior authorisation, over-executions of recurrent budget indicating a weak transparency in the management of public finances and the decrease of the domestic revenue-GDP ratio.

Some reforms in the social domain failed as well. For instance, the government rebutted demands from women’s associations who claimed the correction of gender inequalities in acquisition, ownership and control of land. Although a draft law on this matter had been tabled for discussion at the council of ministers in 2006 (Kazoviyo and Gahungu 2011, 11), the President of the Republic publicly withdrew his support for awareness and advocacy initiatives to accelerate the process of the adoption of the bill during a speech in Kayanza in July 2011 (Care Autriche 2012, 4). Another example is the restitution of land and other goods to victims of the various crises. Provided for in the 2000 Arusha Agreement as one of the mechanisms to offer reparations to victims in a logic of national reconciliation, the implementation of this policy was

increasingly perceived as revenge-driven and reviving ethnic resentments (International Crisis Group 2014).

4.3- The 2015 crisis: a multi-dimensional governance crash

Instead of appeasing long expressed concerns about the risks of collapse of multi-party democracy in Burundi (International Crisis Group 2015), the 2015 elections led the country towards political chaos, institutional instability and insecurity. Already in the run-up to the electoral campaign, opposition parties complained about the absence of a level playing field. Civil society organisations and media denounced cases of fraud with voter registration and other irregularities. Political tension reached its peak after the announcement of Nkurunziza's nomination as a candidate for a third presidential term on 25 April 2015, in violation of the Arusha Agreement which imposes an unambiguous two term limit (Reyntjens 2015; Vandeginste 2015). While the crisis was not solely due to the president's third term ambitions, this issue had a strong impact on the political situation both before and after the 2015 elections. It gave rise, first of all, to a split within the CNDD-FDD and, as a result, also destabilised Burundi's state institutions. Furthermore, it led to unprecedented mass demonstrations particularly in the streets of Bujumbura, culminating in a failed coup d'Etat on 13 May 2015. In the violence that followed the coup attempt, independent media were closed down and many civil society activists and journalists were forced into exile. Hundreds of civilians were tortured and/or killed, while more than 200,000 people fled to neighbouring countries by the end of the year. Rebel movements – mainly RED-Tabara and FOREBU – announced an armed struggle to topple the Nkurunziza government. According to the government, the political crisis was primarily instigated by an alliance of international actors (most notably Rwanda and the European Union) seeking to induce regime change in Burundi (République du Burundi 2016; République du Burundi 2017).

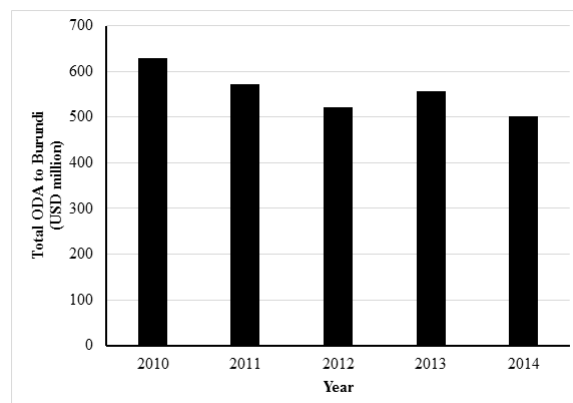
The economy too suffered under the political instability. After years of positive reviews received by the IMF, the country was officially declared off track in December 2015. According to the IMF, the political climate and the adverse security developments have led to a decline in confidence in the economy. Real GDP growth, which stood at 4.7% in 2014, dropped to a negative minus 4% rate in 2015 and a negative minus 1% rate in 2016 (International Monetary Fund 2017, 204).

4.4- Donor responses: from disappointment to sanctions

Faced with repeated allegations of systemic corruption and reports of human rights violations, Burundi's development partners increasingly expressed concern by having their local representatives (Union Européenne 2015), special envoys and high-level delegations delivering messages to government officials. Initially, this did not lead to a major reorientation of aid flows or policies. Instead, development cooperation policy dialogues continued, hand in hand with politico-diplomatic flag-raising at the higher levels of political dialogue. However, in reaction to the scandal relating to the fraudulent sale of the presidential aircraft in 2006, the World Bank requested an audit (Décision/partners Analysis 2007) which led development partners to slightly reduce the pace of aid disbursements for 2007 (République du Burundi 2009). The provision of budget support gradually decreased since 2010 (for instance from 107 USD million in 2010 to 60 USD million in 2013) indicating the growing donor dissatisfaction (République du Burundi 2014). More generally, corruption cases and other governance concerns led the EU to request the application of article 8 of the Cotonou Agreement and a first meeting between the government and EU ambassadors was organised in May 2011.

ODA volumes started going down after 2010. After a small increase in 2013, aid dropped again (see Figure 2). A closer look reveals that development partners displayed somewhat different reactions to the events and trends mentioned above. The UK ended its bilateral aid program in 2012 (though maintaining its aid through a regional program TradeMark East Africa), leading also Sweden to phase out its development cooperation with Burundi as its program was implemented in a delegated partnership with DFID (Ministry of Foreign Affairs of Sweden 2009; SIDA 2014). They thereby joined Canada and Luxemburg that would not revive direct cooperation they had earlier already suspended in 1993 and closed in 1999, respectively, due to the political situation. Though domestic donor dynamics may also have driven this ‘pulling of the plug’ (e.g. a policy of concentrating development aid to fewer countries), it was most probably also motivated by the Burundian situation, and the increased risk of being perceived as ‘supporting the regime’. The IMF, mainly looking at more technical financial and economic elements, favorably concluded reviews every six months of the three-year arrangement (2012-2015) under the Extended Credit Facility, which allowed donors to continue the provision of budget support. The main bilateral and multilateral donors even decided to substantially increase aid to Burundi. Belgium increased by 2.5 times its financial aid with the Indicative Cooperation Program (ICP) for 2010-2013 compared to the ICP for 2007-2010. The EU doubled the financial envelope with the National Indicative Program for 2014-2020 under the 11th EDF compared to the 10th EDF. For the World bank, the Burundi Country Assistance Program (CAS) for FY 2013-2016 increased by 33% compared to the CAS for FY 2009-2012. Increases in budget support in particular were subject to conditionalities which strongly referred to good governance reforms. Budget support was thus used as a lever for reforms in the governance realm. At the same time however, budget support donors did not completely align with government management systems since Burundian institutions did not enjoy their full confidence. Instead, most donors preferred ‘bypass’ strategies, such as setting up parallel implementation units that circumvent existing domestic structures (OCDE 2011).

Figure 2: Evolution of ODA to Burundi between 2010-2014 (Source: OECD/DAC)



Overall, in the period preceding the 2015 electoral crisis, donors were not using their full leverage power toward the government. More than anything, donors wanted to signal concerns, but remained largely supportive and constructive, despite the governance shortcomings. In a way, donors largely considered the Burundian situation as ‘good enough’ to proceed with the partnership. Again, most probably the concern with stability as an overarching

goal, led to an acceptance of the jagged development path in which imperfect but ‘good enough governance’ led donors to lower their expectations in terms of performance, realizing that the numerous reforms in the PRSP were complex to handle for a government that was weak in financial, institutional, and capacity dimensions. This reasserts Whitfield and Fraser (2010) in that weak bureaucracies can be an important institutional element which refrains donors from using their full negotiating capital or leverage.

In a way, such relative donor leniency corresponds to what scholars have hinted at as needed in a fragile state. On the one hand, fragile states are confronted with many needs, which calls for flexible aid. Yet on the other, such aid entails many risks, which calls for the use of conditionalities. Severe conditionalities however may limit the likelihood of effectiveness, or worse even, roll the country back into instability. Hence donors are expected to strike a balance, setting some performance standards without being overambitious or over demanding because this might overload governments (Grindle 2004), and tolerating somewhat ‘less value for money’. Some margin of tolerance is thus needed (Jelovac and Vandeninden 2008). But how much tolerance? When should donors react strongly and mobilise their leverage? And at what level (diplomats or rather aid technocrats?) should donors lever for change? The needs and risks of being involved in fragile states require donor efforts on developmental, diplomatic and security dimensions. This multidimensional approach however is not without problems, particularly when moments of political crisis in a fragile state occur, as illustrated by the Belgian Governance Incentive Tranche. In 2009, Belgium negotiated with the Burundian government a number of conditions which, upon realisation, would allow for the disbursement of an additional 50 million Euro on top of the aid envelope of 150 million Euro. These conditions were: (1) successful general elections in 2010, (2) the start of the implementation of the national strategy for good governance and the fight against corruption, (3) a Country Performance and Institutional Assessment (CPIA) indicator equal to or above 2.5, and (4) a successive positive review of the Poverty Reduction and Growth Facility (PRGF) by IMF (Kingdom of Belgium 2009). Three years later, Burundi had fulfilled these conditions, but at the same time more and more reports of police brutality were published in the (Belgian) media. From a technical, aid effectiveness and aid bureaucracy perspective, the recipient should be rewarded for its compliance with the conditionalities. From a political and diplomatic perspective, however, such disbursement would be interpreted as supporting (or at least not condemning) the human rights violations that were taking place in Burundi. Clashes between long term negotiated aid deals and short term diplomatic response imperatives in the case of political governance setbacks or crisis are part and parcel of dealing with fragile states.

The Burundian government did not passively ‘undergo’ allegations and reactions of its development partners. Quite to the contrary, the government has, from the very start, used all possible levers (particularly diplomatic levers) to ‘sanction’ some of its key partners. For instance, special representatives of the UN Secretary General and other UN officials in Burundi were declared *persona non grata* or their term was not extended as a result of government pressure (in March 2006 for Carolyn McAskie, in December 2006 for Nureldin Satti, in December 2009 for Youssef Mahmoud and in December 2014 for Parfait Onanga-Anyanga), all of them accused of being close to the opposition and of interfering with Burundi’s internal affairs. The government was particularly irritated by their critical reports to UN headquarters concerning the security situation in general, and more particularly, violations of human rights and the rule of law. The government suspected the contribution of the opposition in the drafting of those reports. On similar grounds, German Ambassador Joseph Weiss was declared *non grata* in July 2011 and the AU Special Representative Boubacar Diarra was no longer welcome (April 2015)

because of his strong anti-3rd term position. Sovereignty arguments were often put forward by the CNDD-FDD dominated government, even to justify some of its own abuses. For instance, concerning the illegal sale of the presidential aircraft in 2006, referred to above, the minister of communication stated that ‘the government could even give it for free because it was a legitimate government’. This also led the government to – successfully - insist on a gradual scaling down of the mandate of the UN office and of the UN’s political footprint in Burundi. The references to legitimacy and sovereignty are considered ideological resources to increase the governments’ negotiation capital and leverage over donors (Whitfield and Fraser 2010).

As soon as the severity of the 2015 political and security crisis became clear, this strongly affected the response by Burundi’s development partners. Burundi became the center of diplomatic attention and donors increasingly struggled with the question of how to use aid as part of their crisis response mechanism. Faced with increasing instability and tensions in the run-up to the 2015 elections, the international community expressed major concern through diplomatic channels, even if reactions varied from one partner to another. US ambassador to the UN Samantha Power criticised the rhetoric of government officials for using ‘the language of horrors the region hasn’t witnessed in 20 year’(Power 2015) while the UN High Commissioner of Human Rights warned that Burundi was ‘at bursting point, on the very cusp of a civil war’ with ethnic undertones (United Nations 2015).

In light of the mounting pre-electoral political tension that crystallised around the likely presidential third term bid, ‘*much hesitation [from donors] to fund the activities of the Independent National Electoral Commission (CENI) were observed and conditionalities were required for the disbursement of funds. Right in the electoral process, some donors unfortunately suspended the announced financing*’, as reported by the CENI (République du Burundi 2015). For instance, Belgium and Switzerland have not paid the second tranche of their pledges. Instead of US \$39.3 million (the initially expected donor support to the elections), donors paid only US \$15.7 million. Bilateral and multilateral diplomatic missions to Burundi multiplied in the first months of 2015. The UN Security Council visited Bujumbura twice in less than a year. The EU intensified its political dialogue under article 8 of the Cotonou Agreement. A gradual breakdown of trust between Burundi and Belgium, its former tutelage authority, culminated in the ‘withdrawal of the accreditation’ of the Belgian ambassador in early October 2015, followed by an anti-Belgian demonstration organised in front of the Belgian embassy and several CNDD-FDD statements openly attacking Belgium (CNDD-FDD 2015a, b, c). Protests voiced by those more ‘traditional’ development partners sharply contrasted with the reaction by non-traditional partners. On the contrary, China and Russia rather tended to support the government, despite clear indications of increased authoritarianism and insecurity. As confirmed through informal conversations with diplomats and in diplomatic cables, this had a major impact on the resolutions adopted by the UN Security Council on the crisis in Burundi. The divergence among international responses inspired the government to step up its efforts in trying to diversify its diplomatic support and aid partnerships. This became all the more urgent because of the next step adopted in the ‘traditional’ partners’ response: to add to the pressure of their diplomatic activity – most clearly symbolised by the sanctions (travel ban and assets freeze) imposed by the E.U., the U.S. and Switzerland on a number of government officials and opponents (European Union 2015; US White House 2015a; Confédération Suisse 2015) – donors also turned to aid as a stick, announcing and in the end also implementing aid suspensions and withdrawal as a sanctioning mechanism. Belgium and the Netherlands ended their cooperation with the Burundian police and also suspended all ‘regime reinforcing’ aid (Kingdom of the Netherlands 2015; Kingdom of Belgium 2015). Aid sanctions

were imposed by Germany (Embassy of the Federal Republic of Germany in Bujumbura 2015) and France as well. The US removed Burundi as a beneficiary under African Growth and Opportunity Act (AGOA) trade pact (US White House 2015b). TradeMark East Africa (TMEA) – an East African not-for profit agency funded by a range of development agencies – also suspended its activities ‘until the crisis is fully resolved and peace and security re-established’ (TradeMark East Africa 2015). The combination of the use of diplomatic pressure and the use of aid as a sanctioning mechanism is illustrated in some more detail below through a case-study of the EU policy.

In general, donor crisis response suggests that not the third presidential term issue – nor the associated value of constitutionalism – determined donor behaviour. Rather, the instability and insecurity induced by the third term crisis, how this divided society and the risk of spill-over to neighboring countries were the main concerns for the development partners. What donors feared most was not necessarily ‘Nkurunziza III’ in itself but a continued worsening of Burundi’s scores on the governance indicators as a result of an acceleration of the negative trend in terms of authoritarianism, governance failures, corruption, human rights violations, etc. during his third term. This touches upon the heart of the ‘black box’ of political dialogue (Molenaers et al. 2015) between the Burundian government and development partners, which, confronted with the continued crisis in the post-election stage, requested the Burundian government to present an acceptable program to remedy and reverse the trend. An illustration is the consultation between the EU – Burundi’s largest donor – and the government provided for under article 96 of the Cotonou Agreement.

5. A CLOSER LOOK AT BURUNDI’S INCREASINGLY TROUBLED RELATIONS WITH THE EUROPEAN UNION

Political dialogue mechanisms are part of the structured development cooperation frameworks with all multilateral development partners. Examples are meetings under the Burundi Configuration of the UN Peacebuilding Commission and the Annual and Spring meetings of the IMF and World Bank. Of particular interest here is the political dialogue and consultations on ‘essential elements’ provided for respectively in articles 8 and 96 of the Cotonou Agreement between the EU and ACP countries. During the period 2005-2010, no formal meetings under article 8 were requested by the EU. In response to the political tensions, violence and human rights violations that followed the 2010 elections, the EU (insistently) requested political dialogue meetings under article 8 which were held several times since 2011, at a variable frequency depending on the urgency of topics and always at the request of the EU. Six intensified political dialogue sessions were organised between October 2014 and May 2015 in response to the (pre-)electoral crisis and its fall-out.

After the political dialogue meeting of 11 May 2015, the EU Senior Coordinator for the Great Lakes Region announced that this was the last political dialogue meeting with the government. The announcement was intended as a warning message showing the EU’s disappointment over the government’s refusal to seriously address the EU concerns. As a next step, the EU High Representative for Foreign Affairs and Security Policy Mogherini on 23 July 2015 announced that it would ‘*therefore launch the preparatory works for specific consultations as provided for in Article 96 of the Cotonou Agreement*’ (European Council 2015a). Consultations were held on December 8, 2015 in Brussels but they did not lead to a breakthrough. Consequently the EU announced that ‘appropriate measures will be proposed to the EU’s decision-making bodies’ (European Council 2015b). On 14 March 2016, the EU suspended ‘*direct financial support to the*

Burundian administration, including budget support for a total of EUR 322 million (on a total of EUR 432 million for the 11th European Development Fund 2014-2020 National Indicative Programme) (European Council 2016). The EU Council requested that the government adopt certain measures in four key areas in order to enable a resumption of its cooperation. These were (1) a political agreement on a crisis resolution plan, (2) measures to de-escalate political tensions, (3) measures related to judicial cases involving opposition members and civil society, and (4) implementation of the crisis resolution plan. Although the Burundian Minister of Foreign Affairs reacted by minimizing the scope of this decision, the consequences of the suspension of EU aid should be assessed in the context of an increased scarcity of foreign currency, the government's inability to finance economic and social development activities, and the degradation of the living standard of Burundian citizens. In January 2017, the European Parliament expressed its support for the decision by the Council, after the failure of the dialogue under article 96, to suspend direct financial support to the Burundian administration, while maintaining support for the population and humanitarian aid (European Parliament 2017, 5).

The EU policy as defined by the Cotonou Agreement has the advantage of being proactive, transparent and embedded in a wider political dialogue. Its greatest disadvantage is that it is very slow for a political crisis response which, ideally, requires a more rapid response in order to limit the damage.

6. CONCLUDING THOUGHTS: DRAWING LESSONS FROM THE BURUNDIAN CASE

The Burundian case brings to mind some conclusions, hypotheses and questions for future research.

First, in fragile post-conflict settings, at a time of relative political stability with signs of (slow but gradual) socio-economic progress, development partners tend to have a rather large margin of tolerance for governance setbacks, in spite of their huge leverage in terms of bargaining power and conditionalities. In this phase, donor reactions are mellow, soft and tend to give the recipient government the benefit of the doubt. When troubling events, however, become more systematic, donor margins of tolerance start to run out. At this point, donors start voicing concerns and start using the various levers at their disposal to push through changes, particularly when setbacks are no longer considered the exception, but rather become the rule, indicating a serious risk of more longer-lasting regress. At this stage, aid officials and diplomats venture into each other's mandates and work fields, with sometimes clashing views and interests.

Second, dealing with fragile states – inevitably – leads to some level of turmoil within and between donors. Given the multiple and pressing needs of fragile states, both within and beyond the 'technocratic' development arena, donors try to cover a wide array of challenges in the economic, political and social sphere. In addition to a need to boost growth, reduce poverty and promote human development, there is also the continuous concern for political stability, national and regional security and democratic progress which are addressed through efforts geared towards conflict resolution, peace building and state building. These big goals however carry big risks. Fragile states are characterised by volatility in the economic, political and social spheres, and there is an increased likelihood for donors to be exposed to fiduciary, accountability and political risks (Koeberlee 2005). Aid to fragile states is less effective because there is a lower – or, at least, uncertain – return upon investment, hence value for money is lower than in more stable environments. In other words, donors assisting fragile states would

be facing challenges related, on the one hand, to aid selectivity, prioritisation, sequencing and timing, and on the other, to aid coordination within and among donors (World Bank 2006).

Third, donors use different strategies to mitigate the above mentioned risks, but not all of these strategies are formally or transparently spelled out. Furthermore, they change depending on the context and the events at hand. First of all, donors negotiate with the recipient government what can reasonably be expected in terms of results, so as to condition future aid disbursements. The development and monitoring of these negotiated targets are the responsibility of the development cooperation agency and seem to fit a longer term (more formalised) aid strategy. Second, beyond the agreed upon targets, donors are on a day to day basis alert in observing, monitoring and interpreting daily evolutions and events in the country. They do so with particular attention for events that may undermine the essential principles upon which the aid partnership is based, or undermine the achievement of the agreed upon results, and/or may provoke the country sliding back into a (more) fragile situation. In these cases, donors use all available means to signal, constrain and coerce the government into certain actions and decisions. This can be done on a bilateral or multilateral (coordinated) basis, through formal or informal political and policy dialogues, and the strategy can be soft or hard, discrete (behind closed doors) or open (through public statements), depending on the context, the relation, and the severity of the event. At this stage, re-negotiated or donor-driven conditionalities are used to influence the recipient government. Important here is that responding to political crises often goes beyond the mandate of development cooperation staff as it mostly involves diplomatic actors (i.e. the ambassador) and sometimes even defense actors (donor's state security). It is also at this stage that other interests enter into the bargaining arena and that the discretionary power of the donor's diplomatic representatives and/or development cooperation agency can become very manifest (Lancaster 2006). Earlier aid agreements, negotiated conditionalities, aid allocation criteria can be overruled, ignored and/or terminated. Given, however, that donors may hold different tolerance thresholds for varying patterns of success and failure, it is most likely that donors react differently to different events. It has been argued before that both the World Bank and the IMF tend to be less sensitive to regress in the political governance dimensions than bilateral donors. Bilateral donors on the other hand have a larger margin of tolerance for economic or developmental setbacks, while corruption seems to be a problem to which all donors react somewhat sensitive. In addition, the appearance of 'new' development partners with little or no governance concerns may increase such risks. Further research is needed to analyze the geopolitical and strategic interests of Russia and China in the Burundi crisis: is this part of a wider pattern of autocracy promotion also documented elsewhere (Vanderhill 2013; Von Soest 2015)?

In the high risk environment of fragile states, relative progress is of crucial importance for donors to be able to continue with the aid partnership. As shown by the Burundi case, donors can be quite forthcoming, lenient, forgiving and constructive as long as some progress is made and setbacks do not exceed a certain – vaguely defined – threshold. Indeed, and much in line with Withfield (2010) these thresholds or goals are not fixed, often not absolute, and may vary from one donor to the next, and from one period to the next, making it almost impossible to predict when the threshold is reached. A relatively successful political transition may buy quite some tolerance for more developmental setbacks, and vice versa, developmental success may buy tolerance for some moments of political crises, but this 'good enough governance situation' may evaporate once donors cannot afford to turn a blind eye anymore. Context and dynamics matter in this sense, not only in the recipient country, but also in the donor country. Public opinion

may force aid agencies to reconsider their actions and positions, and may force diplomacy to undertake certain steps (Lancaster 2006; Whitfield and Fraser 2010).

The complex nature of economic and political dynamics in fragile states also puts donors in sometimes impossible positions. Ideally, aid should be focused and targeted for maximum impact. But, given the interlinkages between dimensions, isolating assessments to narrow targets may imply aid becoming detached from a more holistic approach to the inherently interrelated needs of fragile states. The Belgian incentive tranche is a case in point in that it was divided into seven sectors, i.e. health, education, agriculture, police, justice, infrastructure, governance and capacity improvement of local partners (Kingdom of Belgium). Added to this, assessing day to day events on their longer term importance or systemic influence remain a huge challenge for donors: is a corruption scandal a sign of weak oversight institutions, or actually the opposite? In hindsight, events are more easily assessed than in foresight, but donors do not have the luxury of time as they need to react on a day to day basis, taking into account multiple pressures and concerns (Molenaers et al 2015).

Finally, the Burundian case shows that donors have a lot more strategies at their availability than just 'pulling the plug'. The toolbox for influencing recipient governments has become larger, because donors have become more strategic in using aid as both a carrot and a stick, to incentivise ex-ante or to reward ex-post or to sanction as well. They use aid to gain access to policy dialogues and express concerns. The non-financial inputs have thus taken a firm root in the aid relations, although it remains unclear to what extent these influences are real inputs into the decision making process. Getting a grip on this requires more research on the donor-recipient interactions.

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