



Brief Issue

Great Lakes – weak democracies?

by José Luengo-Cabrera and Luca Nuzzo

Opposition parties and civil society organisations (CSOs) across the Great Lakes region are being silenced at the behest of governments clamping down on political dissent. With a lingering crisis in Burundi, an opposition crackdown and anti-government riots in Uganda and Kenya, as well as heightened pre-electoral tensions in the DRC, questions have arisen over the actions to be taken by international actors in response to simmering political instability.

The African Union (AU) and the EU have demonstrated resolve in activating policy instruments to pressure heads of state into complying with popular demands for democratic consolidation. But in order to level the playing field in favour of ordinary citizens, longer-term responses beyond the use of sanctions and cuts to budget support must be envisaged. A good starting point could be to up the funding of programmes for the strengthening of CSOs. This could help create a more organic, bottom-up concentration of political pressure to tame any undemocratic tendencies of incumbents across the region.

Not just a third-term problem

Beyond the noise generated by the (violent) reactions to (un)constitutional changes across the

region lie fundamental questions about democratic performance and accountability. Lessons can indeed be drawn from the experience in Burkina Faso, where an unpopular president's attempt to extend his mandate eventually led to his forced resignation in late 2014.

While other countries of the continent are facing similar presidential predicaments – from Congo-Brazzaville and Cameroon to Chad, Niger or Sudan – the Great Lakes region sheds light on how democratic consolidation can be hindered (or undone) when presidents and their party machineries are able to use political patronage to keep civil society and opposition groups subdued, principally by co-opting the legislature or security forces. The cases of both Uganda and Kenya are prime examples in this respect.

In Uganda, President Museveni, who pioneered the extension of term limits in the region back in 2005 (amid much controversy and opposition) is well known for his heavy-handed approach when silencing dissent. In the run-up and throughout this February's general elections, security forces (including the controversial *Crime Preventers*) reportedly employed strong-arm tactics to intimidate opposition voices and obstruct the media. Vaguely-worded laws criminalising certain forms



of speech (largely criticism of the government) also restricted freedom of the press and discouraged journalists from accurately reporting on the elections. The eruption of street protests and riots – made worse by harsh police responses – demonstrated the degree of citizen discontent towards allegations of vote-buying and other irregularities. Moreover, since the president's inauguration, security forces have continued to arrest opposition party officials, including presidential contender Kizza Besigye, who was detained in early May on questionable charges of treason and terrorism.

With the military deployed to support the work of the police, questions have been raised over the growing role played by the security sector – much to the detriment of the country's justice system. Under the pretext of combatting terrorism and providing security in the neighbouring Central African Republic (CAR), Somalia and South Sudan, the Museveni government has been able to significantly boost security expenditure, which for the 2015-2016 budget reached \$480 million, up from \$260 million in 2010. This has effectively allowed Museveni to buy the loyalty of the police and army through salary increases.

In Kenya, the government has been accused of inaction over widespread accusations of human rights violations perpetrated by security forces. Amid growing insecurity since the April 2015 al-Shabaab attacks at Garissa University, anti-terrorism legislation has been used to crackdown on political dissidents and journalists, with police forces implicated in unlawful killings, acts of torture and arrests without warrant. With tensions running high, the May 2016 protests led by Raila Odinga's opposition coalition have sparked new concerns over the Kenyatta administration's suspected political meddling in the run-up to the 2017 elections.

Most notably, the recent overhaul of the electoral commission body (amid accusations of fraudulent behaviour) has been marred by popular criticism over its ostensible bias towards the ruling party. This comes at a time when electioneering across the country has started to gain traction. Protests – which broke out principally in the counties of Nairobi, Kisumu, Siaya and Mombasa – were met with an aggressive response by police forces, with documented images of the excessive use of force making international news headlines. To add fuel to the fire, the suspicious death of Jacob Juma – a vocal critic of the government who accused the electoral commission of pandering to the demands of the ruling party – has raised the spectre of the potential of policemen carrying out politically-motivated murders.

Although Tanzania has remained mostly under the radar, concerns were, however, raised after the October 2015 elections when opposition groups made allegations of vote-rigging: even if former president Jakaya Kikwete respected his two-term limit, his party remains powerful. While the semi-autonomous Zanzibar remains a source of political instability – particularly in the wake of tense elections marred by irregularities that led to the annulment of the vote – the relatively peaceful election of President John Pombe Magufuli was a moment of relief in an otherwise turbulent region.

Overstayers (un)welcome

While political stability remains fragile in Uganda and Kenya, Burundi has been stuck in a protracted crisis and has turned into a cautionary tale for the neighbouring DRC. But negative reactions to extensions of presidential term limits have not been ubiquitous, as evidenced by the case of Rwanda.

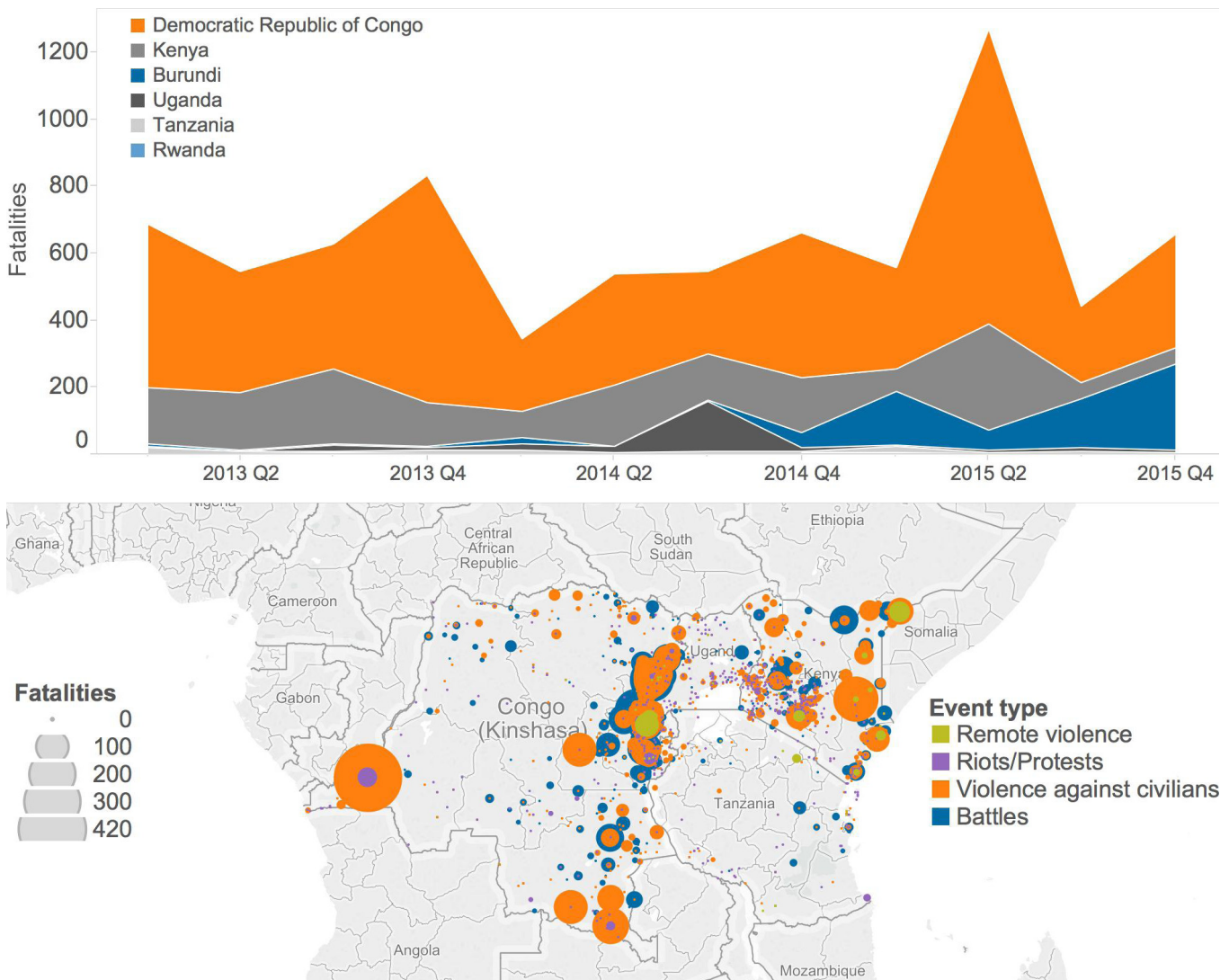
Following a consultation process by President Kagame, a constitutional amendment extending his term limit was swiftly approved by parliament and vetted by the senate in late 2015. Despite reservations over the insufficient time given to citizens and other political parties to review the proposed changes prior to a referendum on the matter, popular mobilisation against the extension of President Kagame's mandate was largely muted. In fact, only one of the ten registered political parties vocally opposed it while 3.7 million people (over one-third of the population) allegedly signed a petition to change Article 101 of the constitution.

Although advocacy groups such as Human Rights Watch have pointed to a tightening of restrictions on opposition parties and freedom of speech (and alluded to the dominance of pro-government views in the media), it is difficult to assess whether there is widespread disapproval of the Kagame administration, particularly as many opposition figures remain imprisoned. The country's strong economic performance, improved infrastructure and public service delivery may well explain the seemingly acquiescent attitude towards Kagame.

In contrast, the DRC government has been engulfed in a political crisis ever since a controversial bill sparked countrywide protests early last year. The bill's attempt to delay the November 2016 elections triggered a nationwide movement seeking to halt what many suspect is the president's unspoken intention to stay in power beyond his second mandate, even if presently prohibited by Article 220 of the constitution. Following reports of unlawful and excessive use of force against



Conflict events and fatalities in the Great Lakes region



Data source: ACLED (2016)

protesters throughout January 2015 in places like Kinshasa, Bukavu, Goma, Lubumbashi and Uvira, the government has been engaged in a campaign to intimidate the opposition, making use of the justice system to arrest dissenters without due process.

From last year's arrest of opposition leaders Ernest Kyaviro and Cyrille Dow to the detention in early May 2016 of associates of presidential contender Moise Katumbi (as well as the launch of an investigation against him for supposedly recruiting of 'US mercenaries') the actions of the DRC government appear to be increasingly politically motivated. Moreover, further nationwide protests flared up following a constitutional court ruling on 11 May 2016 which stipulated that President Kabila could remain in power in the event that elections do not take place.

Meanwhile, armed groups in the eastern Kivus region remain operational despite international military efforts to curb their activities. Over the past

three months, there has been heavy fighting between the Gumino group and the Congolese armed forces (FARDC) in the high plateau of Itombwe as well as around the Rusizi river bordering Burundi. Looting and acts of aggression against cattle-herding communities (particularly the Banyamulenge) have also been reported, while armed groups such as the Allied Democratic Forces (ADF) continue to carry out attacks against civilians in the Beni territory of North Kivu. With uncertainty still looming over the timing of the general elections, the DRC may have to brace itself for further political instability should Kabila push ahead with his suspected plan – as the example of Burundi shows.

Indeed, Kabila may well follow President Nkurunziza's footsteps as an unpopular president who extended his mandate via a constitutional loophole. Contrary to what was agreed in the 2000 Arusha Accords, he received the (allegedly forced) blessing of the constitutional court to run for re-election, and eventually

won amid much controversy. Preceded by months of protests led by opposition groups and party defectors, the July 2015 vote (marred by voter intimidation and boycotted by the opposition) sparked violent street protests which, in turn, were met with brutality meted out by security forces.

Since then, perceived opponents have been subject to abduction, arbitrary arrest or torture, and a climate of fear and suspicion continues to affect peace talks being held in Tanzania. Much of the Burundian media and many human rights advocates have been forced into exile as a result of mounting persecution, abuse and death threats. Concerns have also been raised over the security spillovers of the Burundian crisis, as over 400 people have been killed while 230,000 refugees have fled into neighbouring countries, principally Rwanda and Tanzania. Meanwhile, diplomatic relations between Rwanda and Burundi have soured amid bickering between Nkurunziza and Kagame over the latter's alleged support for Burundian rebels.

International responses

In a region that has been plagued by conflict and intercommunal animosities, heightened political tensions during a busy period of elections have been eroding the democratic progress made over the past decade. Pre-crisis Burundi, for example, was largely heralded as a beacon of post-conflict transformation. But the crisis has shed light on the damage which can be caused by incumbents adamant to stay in power despite widespread public disapproval.

International responses to address mounting political instability in the region have been mixed. Although the AU and EU have been vocal in condemning human rights violations and lack of electoral transparency in Uganda, Kenya and the DRC, few actionable policies have been implemented to discourage further abuses. This is in part due to the gravity of the situation in Burundi, but also because Uganda and Kenya are crucial partners in counter-terrorism efforts in the Horn of Africa (thereby making international partners more reticent to condemn Nairobi and Kampala for undemocratic practices), while a more consolidated response to the DRC is on hold until the Kabila administration takes a decision over the electoral calendar.

Even if targeted sanctions against government officials in the DRC is being considered by the EU and the US, most of the policy interventions have been focused on Burundi, with the AU taking the lead. But Bujumbura's refusal in December 2015 to allow the deployment of 5,000 troops under the auspices of the African Prevention and Protection Mission in

Burundi (MAPROBU), has left the AU with few alternative instruments other than targeted sanctions and a high-level delegation of African heads of state to try to convince the Burundian president to participate in negotiations with the opposition.

For its part, the EU has adopted a rather proactive approach. Its first action was taken in October 2015 via the imposition of travel restrictions and asset freezes on military commanders close to the president. In March 2016, the EU ended consultations with the Burundian leadership under Article 96 of the Cotonou Agreement, suspending direct financial support to the government. It is also planning to either reduce or suspend funding Burundian peacekeeping forces deployed as part of the AMISOM mission in Somalia. With some 40% of the Burundian government's revenues dependent on EU aid, the suspension of the Union's €432m budget support package is crippling, and the diversion of the €13m commission that it receives directly for its involvement in AMISOM could be an additional blow. On the other hand, the European Commission's announcement on 13 May 2016 of a health and rural development aid package totalling €55m, as well as an additional €10 million (to the €12m already mobilised since the start of the year) has reiterated the EU's continued commitment to meeting the humanitarian needs of the Burundian population.

Given that international action has been most visible with respect to the Burundian crisis, much of the other work done in support of CSOs across the Great Lakes has been overlooked. Although not comparable to the fast-tracked mobilisation of funds for Burundi, EU civil society support programmes across the region – principally funded by the 2014-2020 European Development Fund under the framework of the Cotonou Agreement but also by the European Instrument for Democracy and Human Rights – have been striving to strengthen the capacity of CSOs in order to reinforce their democratic accountability functions. With allocations varying from €25m in Uganda to €7m in Burundi or €12m in the DRC, CSOs could no doubt benefit from additional resources at a time when their leaders are attempting to reduce the political space.

Most importantly, greater public visibility of the progress being made in empowering CSOs would be useful in order streamline funding allocations towards those with the greatest capacity for democratic oversight across all levels of government.

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