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# **Presidential term limit compliance**

Policies of the United Nations and  
African Union in Burkina Faso and  
Burundi

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MASTERPROEF  
aangeboden tot het  
verkrijgen van de graad  
van Master of Science  
in de Vergelijkende en  
Internationale Politiek  
door  
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academiejaar 2015-2016

## **Abstract**

This explorative research examines the policies of the United Nations (UN) and African Union (AU) in making African presidents comply with constitutionally guaranteed term limits (PTL). The literature shows that making PTL stick is a major challenge, though intergovernmental organizations (IGOs) are expected to succeed. Yet, little research is conducted to back this claim. In fact, little is known about the UN's and AU's strategies to achieve PTL complying members. Therefore, this study first maps the policy of both IGOs by bundling various documents in two road-maps. Then, it sets out the UN's and AU's implemented policy from January 2013 till March 2016 in two countries: Burkina Faso and Burundi. Finally, it compares each IGO's policy on paper with its implemented policy through a most similar system design.

Burkina Faso and Burundi are selected for two reasons. On the one hand, it are the most recent, and thereby least known, cases of African PTL noncompliance. On the other, the presidents use different strategies to overcome PTL, leading to dissimilar outcomes. This research shows that both the UN and AU follow their policy in Burkina Faso entirely. In Burundi, both IGOs partly implement their policy. Possible causes for this cessation of interference are the UN's rule of law dilemma and the AU's longing to respect Burundian sovereignty.

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## List of abbreviations

A + number	Article (of Burkinabe/Burundian constitution or UN/AU treaty)
AU	African Union
BK	Burkina Faso
BNUB	United Nations Office in Burundi
BUR	Burundi
COMESA	Common Market for Eastern and Southern Africa
D + number	Document (from primary data)
EAC	East African Community
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
GA	General Assembly
GEN	General
GG	Good governance
GISAT-BK	International Follow-Up and Support Group for the Transition in Burkina Faso
ICGLR	International Conference on the Great Lake Region
IGO	Intergovernmental organization
MAPROBU	African Prevention and Protection Mission in Burundi
MDSD	Most different system design
MENUB	United Nations Electoral Observation Mission in Burundi
MSSD	Most similar system design
OAU	Organisation of African Unity
PSC	Peace and Security Council
PTL	Presidential term limits
R	Road-map
R + 4 numbers	Resolution
SC	Security Council
SG	Secretary General
UN	United Nations
UW	Used words
WJP	World Justice Project

## **Preface**

My gratitude goes out to my promoter, Edith Drieskens. Her door has always been open for questions and advice, both regarding academic and personal matters. Next to her kind support, professor Drieskens is a role model for me, as she teaches and researches my favorite topic within international relations at a high-ranked university.

# 1. Introduction

## 1.1 Research problem

*“In many African countries, leaders who refuse to hand down power peacefully have been the rule rather than the exception, making the introduction of term limits a much more urgent question – indeed making it a human security issue”*

(African Human Security Initiative, in Hammerstad, 2004, p.74).

The problem of presidential term limits (PTL), defined by the above quote in terms of a human security issue, becomes clear once again in 2014-15. Deadly riots, coups and state of emergencies take place after the presidents of Burkina Faso (BK) and Burundi (BUR) announce to disobey PTL. Although these are constitutionally guaranteed, African presidents “have not yet been tamed” (Kwasi Prempeh, 2008, p.110). They oppose complying as “out of office means out of power” (Baker, 2002, p.287). While making term limits stick is a major challenge (Maltz, 2007, p.128), international measures are “perhaps the most potent weapon” to succeed (Fombad & Nwauche, 2012, p.109). Yet, this ‘weapon’ remains underexposed. Poser and Young (2007, p.129), for example, examine that between the date of independence of 46 African states and 2005 power of 227 heads of state “changes hands principally in accord with institutional rules”. However, they conclude that complying with these rules could also be “a product of outside forces rather than internal change” (Poser & Young, 2007, p.136). In addition, Vencovsky (2007, p.19-20) claims international pressure plays “a significant role” in increasing PTL compliance. Nevertheless, like Poser and Young, he does not elaborate on this statement.

Despite the haziness in the abovementioned studies, it is known that outside forces are needed to remedy the status quo. Institutional structures of African states are “vulnerable and superficially grounded”, and therefore incapable to act as a PTL check and balance (Kiwuwa, 2013, p.264). Fombad and Nwauche (2012, p.112) argue that these outside forces are also present. Democracy, good governance (GG) and respecting the rule of law, are “no longer



matters that are within the absolute discretion of states”. This is a consequence of “the growing number of regional and international frameworks” intergovernmental organizations (IGOs) design to pressure African leaders to conform to governance standards. Naturally, to exert pressure these frameworks must be actually implemented. This research therefore compares IGO’s GG policy on paper, as this includes PTL, with their implemented strategy. This is done by a hypotheses testing research based on the following research question: *To what extent implement both the United Nations and African Union their good governance policy regarding noncompliance with constitutionally guaranteed presidential term limits in Burkina Faso and Burundi?*

The aim of this study is to extend knowledge regarding PTL compliance by examining the hitherto underexposed – but yet positively reviewed – variable: international measures (Poser & Young, 2007, Vencovsky, 2007). Yet, this research also has societal relevance, as PTL’s are under increasing attack. Solely in the first half of 2015, four African presidents express intentions to evade PTL. Still, a large majority of Africans favors these rules (Dulani, 2015, p.1&3). This study is the first to map all the UN’s and AU’s measures regarding members who violate their GG elements. Actors who favor PTL, for instance non-governmental and civil society organizations, can use these maps to enforce compliance. This is an asset, as civilians regularly find inspiration in violent measures “to bring about change” (Saungweme, 2007, p.1).

## 1.2 Demarcation

This research examines PTL noncompliance in two African states: Burkina Faso and Burundi. It selects these countries because they are the most recent, and thereby least known, cases. Examining these cases therefore suits the aim of this explorative study. Yet, it is also interesting to research these states in comprise. Table 1 shows the presidents use different strategies to overcome PTL, leading to dissimilar outcomes. Examining both Burkina Faso and Burundi thus reveals variety in PTL reality, and thereby provides a more comprehensive picture of PTL noncompliance.

Table 1 – PTL BK and BUR

Country	BK	BUR
President's time in office	Blaise Compaoré (CDP) takes power through a military coup in 1989. In 2014, he flees BK and hence leaves office.	Pierre Nkurunziza ( CNDD-FDD) rises to power in 2005, after a twelve year civil war ends. He is currently in office.
PTL constitutionally guaranteed	Yes, since 1991, though removed in 1997 (Dulani, 2015, p.9). In 2000, Compaoré reintroduces PTL and reduces terms from seven to five years. Rules come into force after next elections, wherefore he can remain president till 2015 (Baker, 2002, p.292).	Yes, since 2005. Thence presidents, elected by universal suffrage, can serve two terms of five years.
Strategy to non-comply	Authoritarian backsliding (Choudhry & Bisarya, 2014, p.184).  December 2013, Compaoré hints on a referendum regarding Article 37, i.e. whether PTL should be adjusted.	Self-coup (Choudhry & Bisarya, 2014, p.184).  Beginning 2014, Nkurunziza announces third term interest. Argument: elections 2005 are without direct universal suffrage. Therefore, first term does not count in reaching PTL. Burundi's Supreme Court agrees (Dulani, 2015, p.10).

Country	BK	BUR
National reactions	<p data-bbox="360 191 979 286">4-01-2014: nearly 70 members of Compaoré’s CDP resign and start a new party. This MPP organizes its first PTL noncompliance protest twelve days later.</p> <p data-bbox="360 325 922 421">Meanwhile, former Burkinabe president acts as mediator, followed by president Ivory Coast in March.</p> <p data-bbox="360 460 979 555">31-03-2014: Opposition launches campaign against constitutional change. Unrest remains (Zounmenou, Assanvo &amp; Maiga, 2014, p4).</p> <p data-bbox="360 594 979 790">October 2014: Before parliament meets to vote on the referendum, protesters “descended on the National Assembly, setting fires and looting several offices” (Dulani, 2015, p.9). Compaoré postpones proposed constitutional change, dissolves the government and declares a state of emergency.</p> <p data-bbox="360 829 979 925">Uprisings continue, civilians demand president’s resignation. Compaoré flees to Ivory Coast, head of the armed services declares himself president,</p>	<p data-bbox="1023 191 1394 286">In 2014, 62 percent of BUR population supports a two term limit (Dulani, 2015, p.4&amp;10).</p> <p data-bbox="1023 325 1394 454">25-04-2015: CNDD-FDD nominates Nkurunziza as its presidential candidate. Protests occur immediately.</p> <p data-bbox="1023 493 1378 555">13-05-2015: Coup committed when Nkurunziza is abroad.</p>

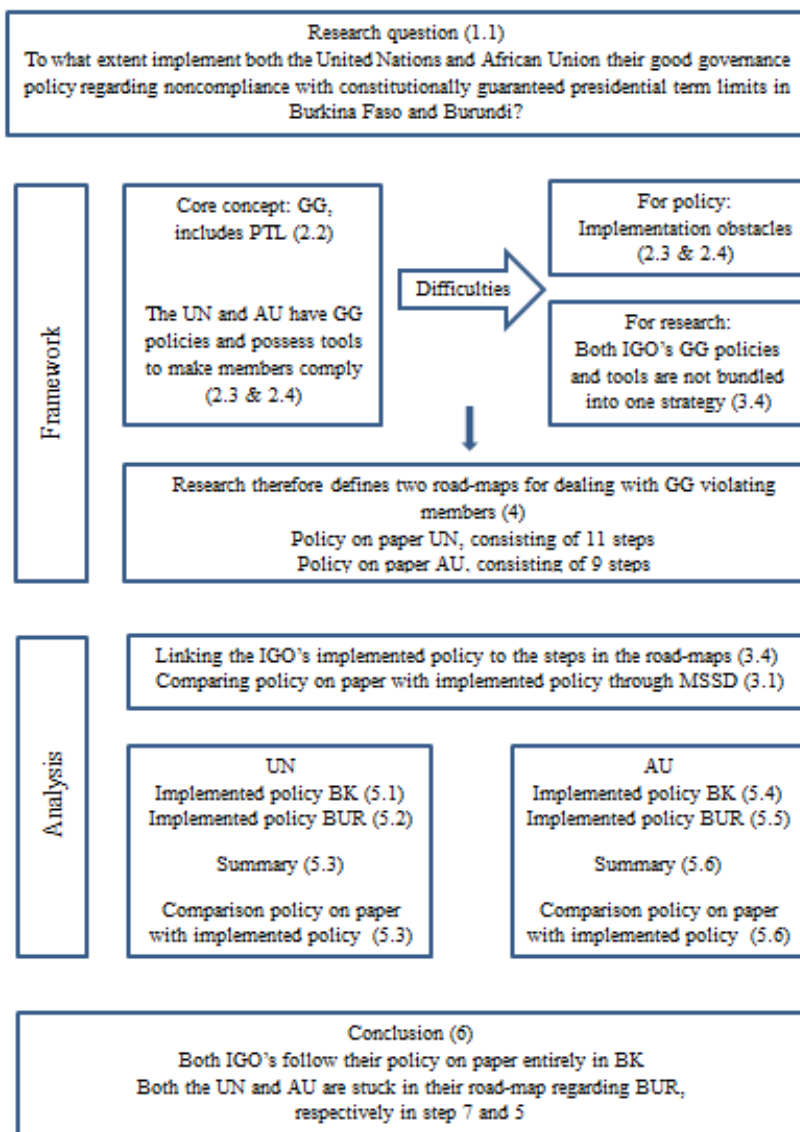
Country	BK	BUR
	<p>followed by another army official.</p> <p>Civilians refuse to let the military usurp their protests.</p>	
Outcome	<p>Civilian leader temporarily in power. He plans elections and forms a government, consisting of members of civil-society organizations and opposition parties (Dulani, 2015, p.9).</p> <p>Elections delayed with a month due to a coup, committed by soldiers supporting Compaoré.</p> <p>01-12-2015: Roch Marc Kabore (Former CDP minister and founding member MPP) is chosen by 53.5 percent of the votes as president.</p> <p>21-12-2015: Arrest warrant against Compaoré for murdering his predecessor.</p> <p>February 2016, Compaoré retrieves citizenship Ivory Coast, making extradition difficult.</p>	<p>Nkurunziza returns after coup, regains power by force.</p> <p>24-07-2015: Elections.</p> <p>Nkurunziza receives 69 percent of the votes and commences third term. Unrest remains.</p>

This study focusses on international measures of IGOs, as they possess frameworks to pressure members to comply with PTL (Fombad & Nwauche , 2012, p.112). It examines GG frameworks, because PTL compliance measures fall completely under the umbrella of GG. Two IGOs are researched: the United Nations (UN) and African Union (AU). Three reasons explain so. Firstly, because both Burkina Faso and Burundi are members and hence agree to comply with both IGO's policies. Secondly, the UN and AU are the only two IGOs that implement measures in both countries during the PTL noncompliance period. Thirdly, researching these IGOs together is relevant, since they acknowledge they cannot "cope with the multitude of peace and security challenges" in Africa alone. Put simply, the AU brings political authority and the UN material and financial goods (Williams & Boutellis, 2014, p.257).

### **1.3 Structure research**

This study starts with a literature review. Part 2 first discusses the relevant literature regarding PTL. Thereafter, it sets out and conceptualizes the umbrella concept GG. Next, it describes the UN's and AU's tools and obstacles regarding making members comply with their GG policy. Part 3 discusses the methodology. It explains why a deductive approach and explorative research are chosen, how a most similar system design (MSSD) of the comparative method is applied, and how GG is operationalized. Thereafter, it clarifies the data selection and analyses methods. Finally, it mentions limitations of the used methods, and how this study tackles these. Part 4 develops two road-maps, consisting of each IGO's policy regarding members who violate GG elements. In addition, it provides three hypotheses. The policies part 4 defines, are verified in part 5. Finally, part 6 concludes the study and suggests further research. Figure 1 provides a visual overview of this research.

Figure 1 – Overview research



## 2. Literature review

Literature regarding the role of the UN and AU in making Burkina Faso and Burundi comply with PTL is limited. Nevertheless, more general literature concerning the abovementioned topic offers guidance to this study. Part 2 therefore merges literature concerning PTL, GG and the UN's and AU's GG tools and obstacles.

### 2.1 Presidential term limits

Thirty-three of the 48 established constitutions of African countries in the 1990s (Kiwuwa, 2013, p.263), add a limit of two presidential terms as an attempt “to prevent dictatorship recurring” (Baker, 2002, p.285). PTL should erase “the big man syndrome of African politics” (Vencovsky, 2007, p.15), which considers personal relations more important than formal rules (Poser & Young, 2007, p.127). Nevertheless, presidents try to stay in office “as long as they can”, since the attraction of power remains strong (Vencovsky, 2007, p.20). Maltz (2007, p.128) observes that African presidents work around PTL, by interpreting the law in a “creative” way, adding amendments to it, or abolish PTL entirely. This is a worrisome trend, as the chance occurs that noncompliance “will remove PTL from the array of institutionalized practices that foster free and accountable governance” (Maltz, 2007, p.128&138).

Worldwide, PTL concerns rules that “impose limits on the number of terms an individual is allowed to hold elective office” as president (Dulani, 2011, p.122). It provides discussion. Between 1990 and 2010, six out of ten countries worldwide that constitutionally guaranty PTL, discuss removing them (Dulani, 2011, p.122). This paves the way for open tenures, i.e. presidential careerism (Kiwuwa, 2013, p.262). Presidents pursue this career if they “face high stakes and low constraints” (Baturo, 2010, p.636). Incumbents can use hard or soft contravention, by respectively erasing or adjusting PTL (Maltz, 2007, p.128). Within the latter presidents can adapt PTL during their tenure, known as authoritarian backsliding, or thereafter, which is considered a self-coup (Choudhry & Bisarya, 2014, p.184).

Still, the fact that many presidents do not abolish PTL completely, “implicitly acknowledges the value of the institution, or at least the popular support that it enjoys” (Maltz, 2007, p.129). Table 2 summarizes the arguments in favor and against PTL.<sup>1</sup> Although Kiyuwa (2013, p.275) offers arguments against PTL, he still favors these rules, as open tenures are a luxury African countries can only enjoy after periodical power switches become a habit. This could take time, since respect for PTL “has not been ingrained across the continent” yet (Cheeseman, 2010, p.141). Nevertheless, two IGOs that are active on the continent, do acknowledge the advantages of PTL compliance. It suits the UN’s goal of working “towards an international society based on the rule of law” (Corell, 2004, p.391), while the AU publishes a press release (26-11-2015), quoting a professor who states that adjusting PTL is “the most pressing issue that needs to be addressed at the moment”.

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<sup>1</sup> See p.15 & 16.



Table 2 - Arguments in favor and against PTL

PTL argument	In favor	Against
1	PTL noncompliance means a democratic rollback. Regardless of elections, the leader and outcome stay the same (Baker, 2002, p.289).	PTL decreases democratic freedom, because citizens cannot reelected their preferred leader.
2	Corruption of power thrives with centralization and personalization of power (Baker, 2002, p.289).	PTL is “an unwelcome limitation and check” on the power of the presidency.
3	Without PTL risks of favoritism rise, as presidents target citizens who benefit from their policy (Riedl, 2015, p.1).	Long incumbencies could create political stability.
4	The regime might “descent into outright dictatorship” (Maltz, 2007, p.131) without PTL, because presidents have many advantages over opponents, which reduces the possibility they are removed from power (Maltz, 2007, p.138). This chance becomes even smaller over time, as advantages are often cumulative (Geeraert, 2015, p.33).	External – Western – forces that impose PTL, do not have these rules themselves. Therefore, this “neo-colonial hegemonic tendency” of power alternation is “tinged with political irony and hypocrisy” (all arguments: (Kiwuwa, 2013, p.265-266&269)).
5	Complying with PTL contributes enormously to promoting democracy in Africa’s electoral authoritarian regimes	

PTL argument	In favor	Against
	(Maltz, 2007, p.138).	
6	PTL is “a definitional feature of a functioning democracy” (Vencovsky, 2007, p.16).	
7	PTL encourages periodical policy shifts (Kiwuwa, 2013, p.264).	
8	PTL compliance selects persons who can implement GG practices (Teffo, 2014, p.116).	
9	PTL allows fresh ideas on how to govern the country (Geeraert, 2015, p.34).	
10	PTL gives a platform to people who have been underrepresented in the past (Geeraert, 2015, p.34).	
11	PTL helps to establish “a self-reinforcing equilibrium”, by providing incentives for elites of all sides to follow the democratic game rules (Moehler & Lindberg, 2009, p.1463).	
12	PTL noncompliance creates a legitimacy crisis. The presidents’ level of “social recognition that its identity, interests, practices, norms, or procedures are rightful”, decreases (Reus-Smit, 2007, p.158).	

## 2.2 Good governance

PTL falls under the umbrella of GG, as GG tries to establish criteria on how states should be governed (Jørgensen & Sørensen, 2012, p.71). It argues that political, social and economic decisions must be based on broad societal consensus through elected representatives. GG should enhance institutional effectiveness and be “participative, transparent, equitable and accountable” (Mulikita, 2003, p.106). Despite these core values, national ideas on GG vary due to a countries’ political culture and institutional heritage (Jørgensen & Sørensen, 2012, p.2). Ocheni and Nwankwo (2012, p.67), for example, state that promoting GG in Africa could barely be a task for the head of state, because most of these leaders gained and kept power in “not excellent” ways. In addition, they often consider themselves above the law (Fombad & Nwauche, 2012, p.94).

The consequences of PTL noncompliance oppose GG for three reasons. Firstly, because unconstitutional changes in government are one of the main causes of “insecurity, instability and violent conflicts” in Africa (Saungweme, 2007, p.1). Secondly, noncompliance affects legislature negatively. Opalo (2012, p.86) researches that noncomplying African states have lower-quality legislative elections than complying states, and end up with the ruling-party dominating legislature. This makes it easier for presidents to continue cheating (Diamond, 2008, p.42). Lastly, on average 73 percent of the African population of 43 countries, favors compliance with a two term limit (Dulani, 2015, p.3).

The UN and AU consider GG of utmost importance. Stimulating it is “one of the main goals” of the AU (Kingah, 2006, p.318), and former UN Secretary General (SG) Kofi Annan calls GG “the single most important factor” in promoting development (Farrington, 2009, p.249). Yet, GG is “unsettled in its meaning” (Nanda, 2006 p.269), as it is an umbrella concept. This research focuses solely on one GG aspect: the rule of law (Jørgensen & Sørensen, 2012, p.71), since PTL compliance regards abidance by the constitution (Fombad & Nwauche, 2012, p.110). Nonetheless, this aspect has multiple conceptualizations, as Table 3 illustrates. This study uses Kingah’s

(2006, p.319) definition as conceptualization of GG. He emphasizes “entities of government”, which includes presidents. Hence, Kingah’s definition suits the focus of this study best.

Table 3 – Defining the rule of law

Author	Defining the rule of law
Andrews (2008, p.385)	“Legal checks.”
Gisselquist (2012, p.19)	“Modern efficient bureaucracies based on formal and universally-applied rules.”
Kingah (2006, p.319)	<b>“The supremacy of law in a given legal order. It relates to the obligation that every legal and natural person, especially all entities of government, has to submit to the constitution as well as the laws that are derived from it. The percept of adherence to the rule of law is underlain by the presupposition that laws have to be published and applied equally to everyone.”</b>
Grindle (2007, p.567)	“Effective police organizations and practices, codified laws that effectively regulate individual, group and organizational behavior, judges trained to apply the law fairly.”

### 2.3 United Nations and good governance

To make sure states obey PTL, international IGOs must follow three principles (Woods, 1999, p.43-46). First, if members have access to decision making, chances are they view the choices made as their own and therefore comply. Second, accountability forms are necessary to bind members to the organization. Therefore, the latter needs to provide information and transparency, both on the implemented decisions and on who has the power to limit or sanction these verdicts. Third, two types of fairness are needed to increase the participation of members. The IGO should on the one hand provide procedural fairness, to make sure that representation, decision

making and enforcement are “clearly specified, nondiscretionary, and internally consistent”. Substantive fairness on the other hand, concerns the equitability of outcomes, and to what extent influence, power and resources are equally distributed within the IGO. Next to this “member cohesiveness”, the level of institutionalization and organizational mandate are important for the effectiveness of IGOs on influencing conflicts (Boehmer, Gartzke & Nordstrom, 2004, p.29). Said remarks apply to the UN, an international IGO that contributes to maintain international peace and security, develop friendly relations among states, achieve international co-operation and “be a centre for harmonizing the actions of nations in the attainment of these common ends” (Van Genugten, Homan, Schrijver & De Waart, 2006, p.15).

In the 1990s, the focus of UN debates changes from democracy to GG (Weiss, 2000, p.801-805), which includes PTL (Zanotti, 2005, p.467). This “GG doctrine” leads to UN interference in formerly domestic affairs, as the IGO equips “itself with the instruments for knowing, assessing, and steering the behavior of states and become an effective ‘calculation center’ and performance monitoring agency” (Zanotti, 2005, p.472&479). Yet, there are four difficulties in performing this task. First, the UN is “a highly bureaucratic organization”, that “suffers from political paralysis” when its members work in disharmony (Tolbert & Solomon, 2006, p.58). Second, the UN’s sanctions policy is “highly politicized” (Heupel, 2011, p.790). Third, the UN does not have a “clearly defined and comprehensive strategic vision” concerning promoting democracy (Sejdui & Önsoy, 2014, p.55). Fourth, the UN’s rule of law agenda “makes conflictual promises”. On the one hand, African states must obey international norms and standards. On the other, they can develop local ownership, meaning locals are involved in and control national reforms to make these sustainable (Vig, 2009, p.131&150). The UN introduces this option to make sure powerful states cannot “impose their own models of government and society under the veil of the UN” (Vig, 2009, p.138). Due to these four obstacles, UN efforts are often “only partially successful” (Tolbert & Solomon,

2006, p.61), which makes “an optimal partnership” with states and regional IGOs necessary (Thakur & Van Langenhove, 2006, p.234).

## **2.4 African Union and good governance**

Chukwumerije (2006, p.112) argues that members of regional IGOs cannot hide behind arguments that reforms are imposed by “foreign industrial powers”, which makes these IGOs effective. Naturally, this is only true if IGOs practice what they preach. Donno (2010, p.596) however, observes that regional IGOs impose enforcement on their members “selective and relatively rare”. According to her, this is firstly due to member states’ competing geopolitical interests, which could influence their commitment to defending established norms in neighboring countries. Basically, the costs of upsetting relations depends on the importance of a member state. Secondly, the nature, scope and effects of norm violations are uncertain. Due to a lack of information, it is difficult to agree on a suitable response. Therefore, IGOs should reveal more information about norm violations and publicize reports, respectively to ease coordinating a collective response for its members and to pressure reluctant member states (Donno, 2010, p.599&594). This strategy is useful regarding “cheating incumbents” for two reasons. First, it clarifies whether noncompliance is a result of “intentional government choices or weak administrative capacity”. Second, it pressures non-norm violating countries to stay in check too (Donno, 2010, p.601&595). Thus, this strategy decreases the chance that PTL complying African countries disobey these rules in the future.

The AU can implement the abovementioned strategy. This regional IGO is the successor of the Organisation of African Unity (OAU) and established in 2002, to achieve “an integrated, peaceful and democratically governed Africa that is responsive to its citizens” (Wachira, 2014, p.9). Its legal framework rejects and condemns unconstitutional changes in government (Omorogbe, 2011, p.133). The AU successfully opposes many coups (Wachira, 2014, p.22, Wobig, 2015, p.633) by responding strictly, which means coups that could “aid democratic development” are opposed too (Omorogbe, 2011, p.154). The AU could apply the same strategy to self-coups,

since Article 23 of the African Charter for Democracy, Elections and Governance explicitly names “illegal means of accessing or maintaining power” (Choudhry & Bisarya, 2014, p.188). However, besides coups, the AU’s levels of compliance and enforcement concerning unconstitutional changes in general remain “unsatisfactory”, due to four weaknesses (Wachira, 2014, p.10-11). These influence the extent of policy implementation. First, authorities in some member states hide behind a veil of state sovereignty, which leads to impunity. In many states this sovereignty is solely a “legal fiction”, because it does not matches governance and administrative capacity (Cilliers & Sturman, 2002, p.31). Second, elite self-preservation leads to inconsistent policymaking and implementation. Due to this, policymakers do not fully meet the demands and needs of citizens. Third, the AU depends on external actors to finance rule of law, democracy and governance initiatives, which effects ownership and sustainability. Besides, these actors have their own geopolitical and economic interests. Fourth, there is a gap between rhetoric and implementation. In addition, the AU faces technical, financial and human capacity challenges, although these are “not insurmountable” (Wachira, 2014, p.11).

To conclude, according to the literature, both IGOs stress PTL as part of GG, translate this emphasis into policy on paper for its members and possess tools to pressure them to comply with PTL. Still, it remains unclear to what extent these tools are implemented, as various obstacles are present. For these reasons, this research compares both IGO’s policy on paper with their implemented policy. The next part explains how this is done.

### 3. Methodology

This research is explorative in nature, as it conducts a first measurement of a hitherto underexposed variable. This study aims to explore deductively the interplay between GG policies in theory and practice through analyzing IGO documents. The deductive approach is suitable (Babbie, 2010, p.23), since this research moves from IGO’s policy on paper, based on their treaties and GG inspired literature, to observations whether this procedure is followed in practice. Explorative research is conducted for three reasons (Babbie, 2010, p.92): gaining a better understanding of the topic, testing the feasibility of undertaking a more extensive study, and developing methods that can be employed in subsequent research. Part 6 reflects on reaching these aims.

#### 3.1 Comparative method

This research uses the comparative method for analyzing data, as it compares IGO’s policy on paper with their implemented policy. According to Lijphart (1971, in Lijphart 2008, p.245-246), this method is “such a basic, and basically simple, approach that a methodology of comparative political analysis does not really exist.” This study chooses a qualitative comparison, since this consists “of small-N studies concentrating on the intensive comparison of an *aspect of politics* in a few countries” (Hague & Harrop, 2010, p.50). Table 4 demonstrates that N=4, and the *aspect of politics* contains IGO’s GG policy in two countries. The sections that discuss the content are placed in parentheses.

Table 4 – Comparative method used in research

GG policy	UN theory	UN practice	AU theory	AU practice
Country				
BK	N1 (4)	N1 (5.1)	N3 (4)	N3 (5.4)
BUR	N2 (4)	N2 (5.2)	N4 (4)	N4 (5.5)
Both	(4)	(5.3)	(4)	(5.6)



Note that the IGOs are not compared with each other, as this research focusses on the extent of policy implementation within an IGO. The row ‘both’ is added to ease the comparison, since it leads to one policy on paper and one implemented policy figure for each IGO. To complete Table 4, a MSSD is used for two reasons. First, because both IGOs emphasize PTL compliance by translating this into GG policy, though this does not mean the outcome, i.e. their implemented policy in Burkina Faso and Burundi, is similar. Second, differences between the policy on paper and implemented policy of each IGO are easier to isolate with a MSSD than with a most different system design (MDS) (Lipset, 1990 in Hague & Harrop, 2010, p.52). Therefore, MSSD better suits to goal of this study.

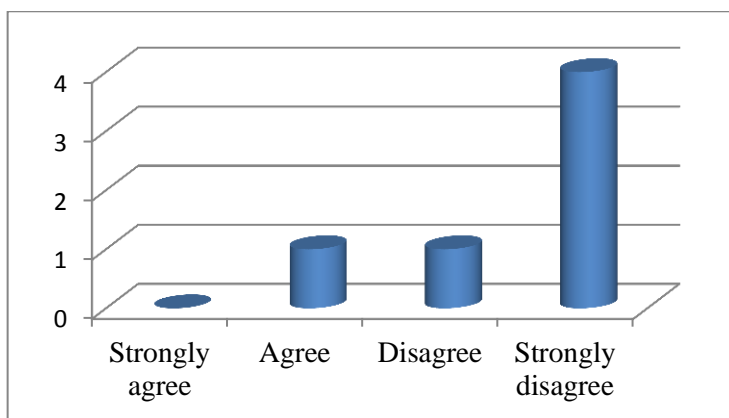
### **3.2 Operationalization good governance**

The UN and AU can solely implement their GG policy in a member state if this state does not comply by itself. This section therefore operationalizes GG, based on the conceptualization in part 2.2, to establish whether Burkina Faso and Burundi comply. However, a caveat is in order. Measuring the GG aspect rule of law has often been criticized. Firstly, because there is no “single ideal” measure formula, as crucial elements of the rule of law can differ between states (Ginsburg, 2011, p.272). This problem is absent in this study, as Burkina Faso and Burundi ratify the same UN and AU rule of law elements. Secondly, measurements “aggregate too many discrete elements into a single overarching concept” (Ginsburg, 2011, p.271). To overcome this problem, constitutionalism is the only selected element. It suits PTL compliance best. As Voigt (2012, p.265) explains, constitutionalism “increases the predictability of state action because the rights of citizens as well as those of the state are written down. Constitutions can constrain the law-making powers of the legislature. They can further specify the criteria that must be met for a law to be valid.”

The World Justice Project (WJP) designs a Rule of Law Index each year. According to Ginsburg (2011, p.275), it is “the most ambitious project” in tackling rule of law measurement problems, and therefore worthwhile examining. The selected rule of law element,

constitutionalism, falls within the WJP’s ‘constraints on government powers’ factor, because this measures “the extent to which those who govern are bound by law” (WJP, 2016, online p. what is the rule of law?). The factor consists of seven sub-factors, which this study analyzes for Burkina Faso and Burundi. It thereafter provides an overall result for each sub-factor in each country. This result corresponds to the WJP scale and ranges from strongly agree to – disagree.<sup>2</sup> GG occurs if all sub-factors obtain the label agree or higher. Although Burkina Faso and Burundi are researched separately, they obtain the same score for each sub-factor. Figure 2 shows they violate GG policy regarding PTL compliance, which allows the UN and AU to take measures.

Figure 2 – GG scale BK and BUR



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<sup>2</sup> Appendix 1 shows the nine factors of the WJP index and the seven sub-factors of the selected factor. It operationalizes these seven, explains why it examines six, lists their results, and places them on the WJP scale.

### 3.3 Data selection

This study examines secondary and primary data.<sup>3</sup> Firstly, secondary data is used to map the status quo, as part 2 demonstrates. Secondly, based on all IGO's primary data that mention the words "good governance", two policy on paper road-maps for dealing with GG violators are constructed. These range from acknowledging PTL noncompliance to withdrawal after compliance. The UN's map consists of eleven actions, the AU's of nine. Additionally, it shows the actors involved.<sup>4</sup> Table 5 demonstrates that additional criteria for the UN are used, because this IGO does not focus solely on Africa, like the AU. To obtain a similar outcome, only multilateral (1) documents with a global (2) or African (3) focus are selected. Two additional UN documents are examined. First, the UN Charter, because other documents emanate from it and the corresponding text of the AU is selected as well. Second, the Millennium Declaration, since "one of the key objectives" is GG (Reif, 2004, p.68). This means the policy on paper actions and involved actors are based on five (UN) and eight (AU) documents.

Table 5 – Documents policy on paper

IGO	UN	AU
Data selection		
Publication date	1946-2016	1963-2016
GG mentioned	25	8
Selected documents	3	8
Additional documents	2	0
Total used in research	5	8

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<sup>3</sup> Respectively by consulting the library of the Catholic University of Leuven, and by importing IGO data with the tool NCapture into NVivo, a program for analyzing data qualitatively.

<sup>4</sup> This data is obtained online. The UN provides a "Treaty Series" database, and the AU publishes their "Treaties, Conventions, Protocols and Charters" on their main website.

Thirdly, primary data published by the actors involved are researched to establish the IGO's implemented policy. Texts are selected if they refer to Burkina Faso and/or Burundi (1), relate to the presidential elections (2) and fall within the search period (3). This period ranges from the first reaction to a third term announcement minus one year (BK: 04-01-2013, BUR: 25-04-2014) till 01-03-2016. This study chooses the first reaction because it generates attention towards PTL noncompliance, on which IGOs could act. After the announcement, seventy members of the Burkinabe president's party resign, while in Burundi protests rise immediately. Furthermore, it adds a one year margin since it is plausible that IGOs anticipate upcoming elections. The end date is picked in order to respect research deadlines. The involved actors are the UN Security Council (SC), the AU Peace and Security Council (PSC), and both IGO's General Assembly (GA). However, of both GAs, only the African assembly is selected. This latter organ decides autonomously, while the UN GA only gets involved after the SC recommends suspension, which never happens in this study. Nevertheless, the AU GA documents do not meet the criteria, which means only (P)SC documents are examined. Table 6 views the selected documents. Three remarks need mentioning. First, two AU documents obtain passages on both countries and are therefore added twice. Solely the passages concerning each specific state are examined. Second, three general (GEN) AU documents are added, since two concern unconstitutional changes in Africa, and one mentions AU measures regarding African elections in 2015, in which both countries participate. Third, documents created by other departments, in this case the UN SG, but published by the SC, meet the criteria and are therefore selected too.

Table 6 – Documents implemented policy

Actor Country	UN SC	AU PSC
BK	5 press releases	9 press releases 1 meeting conclusion
BUR	6 press releases 1 resolution 4 statements SC president 2 reports SC mission 9 letters SG - SC president 3 reports SG	14 press releases 1 report
GEN	0	3 press releases
Total	30	28
Percentage	16.7% BK 83.3% BUR	35.7% BK 53.6% BUR 10.7% GEN

### 3.4 Data analyses

This study defines two road-maps consisting of the UN's and AU's policy regarding members who violate their GG elements. Developing these scenario's is necessary, since the multitude of GG agreements of both IGOs are not bundled into one strategy prior to this research. This study therefore establishes de facto road-maps, as Figure 4 and 5 show.<sup>5</sup> The maps are based on all passages that contain GG policy, consequences of violation, suggested actions after noncompliance, and the actors in charge.<sup>6</sup> These passages are translated into a policy on paper road-map with numbered policy steps. Next, this study uses these road-maps as a tool to analyze the IGO's implemented policy. All passages of the implemented policy documents that correspond with a step in the road-map are selected. Since the steps are broad, for example national arrangements, both IGO's implemented policy is researched entirely. This study uses NVivo to structure said policy. It creates a NVivo node for each

<sup>5</sup> See p. 34 & 35.

<sup>6</sup> See appendix III and IV.

road-map (R) step and a corresponding ‘used words’ (UW) node, as Figure 3 shows.<sup>7</sup> The latter is added as IGOs introduce policy with different strength. For example, ‘stresses the need’ and ‘stresses the urgent need’ are not the same. Adding these nodes therefore give insight into the IGO’s focus. To increase transparency, table 7 sets out examples of UN BUR coding.

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<sup>7</sup> Each IGO has two node-sets, one for each country. The amount of nodes relate to the policy steps of each IGO (UN: 11, AU: 9) and have a corresponding UW node. In addition, the three general AU articles this study examines, are listed separately in the ‘AU GEN’ node.

Figure 3 – Definition road-map NVivo

Nodes			
	Name	Sources	References
[-]	IGO	0	0
[-]	AU	0	0
[-]	AU BK	9	62
[-]	AU BUR	15	111
[-]	AU GEN	4	19
[-]	UN	0	0
[-]	UN BK	5	60
[-]	UN BUR	24	256

Nodes			
	Name	Sources	References
[-]	IGO	0	0
[-]	AU	0	0
[-]	UN	0	0
[-]	UN BK	5	60
[-]	UN BUR	24	256
[-]	UN BUR R 01	9	21
[-]	UN BUR R 02	14	101
[-]	Used words UN BUR R 02	12	46
[-]	UN BUR R 03	15	56
[-]	Used words UN BUR R 03	8	13
[-]	UN BUR R 04	0	0
[-]	UN BUR R 05	21	44
[-]	Used words UN BUR R 05	6	6
[-]	UN BUR R 06	0	0
[-]	UN BUR R 07	12	34
[-]	Used words UN BUR R 07	3	5
[-]	UN BUR R 08	0	0
[-]	UN BUR R 09	0	0
[-]	UN BUR R 10	0	0
[-]	UN BUR R 11	0	0

Table 7 – Coding example<sup>8</sup>

UN BUR node	Coding example
R01 (acknowledgment)	“The main driver of Burundi’s conflict, namely political exclusion and the struggle for power, still exists” (D11).
R02 (national)	“The SC encourages the Government of Burundi to make further efforts to ensure a space for all political parties” (D12).
UW R02	“The SC <i>strongly condemns</i> all acts of violence” (D19).
R03 (regional)	“The East African Community (EAC) Summit’s call for urgent disarmament of all armed youth groups allied to political parties” (D16).
UW R03	“The SC <i>reiterated their full support</i> to the facilitation team, in particular to the EAC and AU” (D16).
R05 (proposal)	“Consider additional measures against all Burundian actors whose actions and statements contribute to the perpetuation of violence” (D24).
UW R05	“SC <i>recalled the utmost importance</i> of UN contingency planning to develop options for the international community to respond to any further deterioration” (D27).
R07 (implementation)	“UN Electoral Observation Mission in Burundi (MENU) observers were present at 249 polling stations during opening and voting hours” (D26).
UW R07	“SC <i>commends</i> the continued contribution of the UN Office in Burundi (BNUB)” (D12).

<sup>8</sup> Solely the nodes that have one or more reference are listed in Table 7. Each example is followed by a D, which stands for document, and a number between 1 and 58. These numbers correspond to an IGO implemented policy document, as appendix II shows.



After adding implemented policy passages to the NVivo nodes, they are linked to the steps in the policy on paper road-maps.<sup>9</sup> Next, the implemented policy of each IGO in the two countries is summarized, and visualized by means of figures. When discussing the results, this study compares these figures with the IGO's policy on paper road-maps.

### 3.5 Limitations

Part 3 explains why this study conducts a qualitative, explorative research by analyzing IGO documents by means of the comparative method. This section discusses the limitations of these four in the abovementioned order, and anticipates their restrictions. Firstly, Babbie (2010, p.418) argues that qualitative research calls “so directly on subjective judgments”, that researchers face the risk of finding what they intent. Moreover, qualitative research is difficult to replicate, not transparent, and faces generalization problems (Bryman, 2012, p.405-406). This research reduces these four shortcomings by selecting data based on an objective criterion: whether publicly accessible documents mention the word GG. This makes the selection objective, transparent and thence replicable, which increases the reliability of this research. Generalization is not desirable or possible in most parts of this study, respectively because it does not fit explorative research, and a selection bias is present by choosing, rather than randomly selecting, two countries (Landman, 2003, p.81). This lowers external validity (Bryman, 2012, p.47). Nonetheless, the policy on paper road-maps are broadly suitable for examining the UN's and AU's policy concerning African GG violators, as the country selection is absent in these road-maps. Secondly, explorative studies rarely provide satisfactory answers and face representativeness issues (Babbie, 2010, p.93). This study tries to overcome these disadvantages by respectively emphasizing that this research is solely a first measurement of a hitherto underexposed variable, and by analyzing the GG documents population and not a sample. Thirdly, this research uses data from the UN's and AU's websites, which leads to two disadvantages. The texts are a

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<sup>9</sup> See appendix V till VIII.

consensus, as each member must agree. Moreover, a bias could occur because the IGOs themselves provide the data (Babbie, 2010, p.160&356). Nevertheless, this study chooses primary data to conduct a first measurement of the research topic for four reasons. Firstly, examining official documents is simply necessary when researching IGOs (Babbie, 2007, p.356). Secondly, it becomes easier as the transparency of IGOs increases. This refers to the ability of the public to access their information. For example, many IGOs adopted public information policies in the 1990s. Thirdly, the internet allows IGOs to offer information faster, more extensively and to larger audiences (Grigorescu, 2007, p.625). Finally, this study combines primary with secondary data. This triangulation is valuable for cross-checking findings (Bryman, 2012, p.717). Fourth, a common problem of the comparative method is the presence of many variables and few cases. Researchers using this method will therefore “never be able to test all the possible explanations” (Hague & Harrop, 2010, p.49). Selecting the key variables and solely scanning others is one solution (Lijphart 1971, in Lijphart 2008, p.254). This research examines one key variable, namely international measures. This variable is both underexposed and achievable within the applicable timeframe. Nevertheless, other variables influence PTL compliance too, as part 6 stresses again. The next section, however, focuses on the selected variable first. It does so by developing two road-maps consisting of IGO’s policies regarding GG violating members.

## 4. Policy on paper

Both IGOs stress the importance of GG in theory. In 2000, all UN members decide they “will spare no effort to promote democracy and strengthen the rule of law” (Millennium Declaration). This promotion is one of the AU’s main goals too. Moreover, the AU has “the legal and political tools to deal with the issue of unconstitutional regimes” (Kingah, 2006, p.381&323). However, how GG statements translate into policy and tools remains unclear. Therefore, this study develops a road-map for each IGO in dealing with members who violate GG elements.<sup>10</sup> These are summarized in Figure 4 and 5.<sup>11</sup>

Two remarks should be made about Figure 4. First, only one document mentioning GG, is ratified by all UN members: the Millennium Declaration.<sup>12</sup> Still, the GG passages are vague.

Chapter VII for example, focuses on “meeting the special needs of Africa”. It states that “we give full support to the political and institutional structures of emerging democracies”, and “encourage and sustain regional and subregional mechanisms for (...) promoting political stability” ((Article(A) 28)). Yet, concrete measures are absent. Second, the SC takes measures against noncomplying members who are “likely to endanger the maintenance of international peace and security” (Charter, A34), while PTL noncompliance causes national disputes.

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<sup>10</sup> Based on appendix III and IV.

<sup>11</sup> See p. 34 & 35.

<sup>12</sup> See appendix III.

Figure 4 – Policy on paper UN

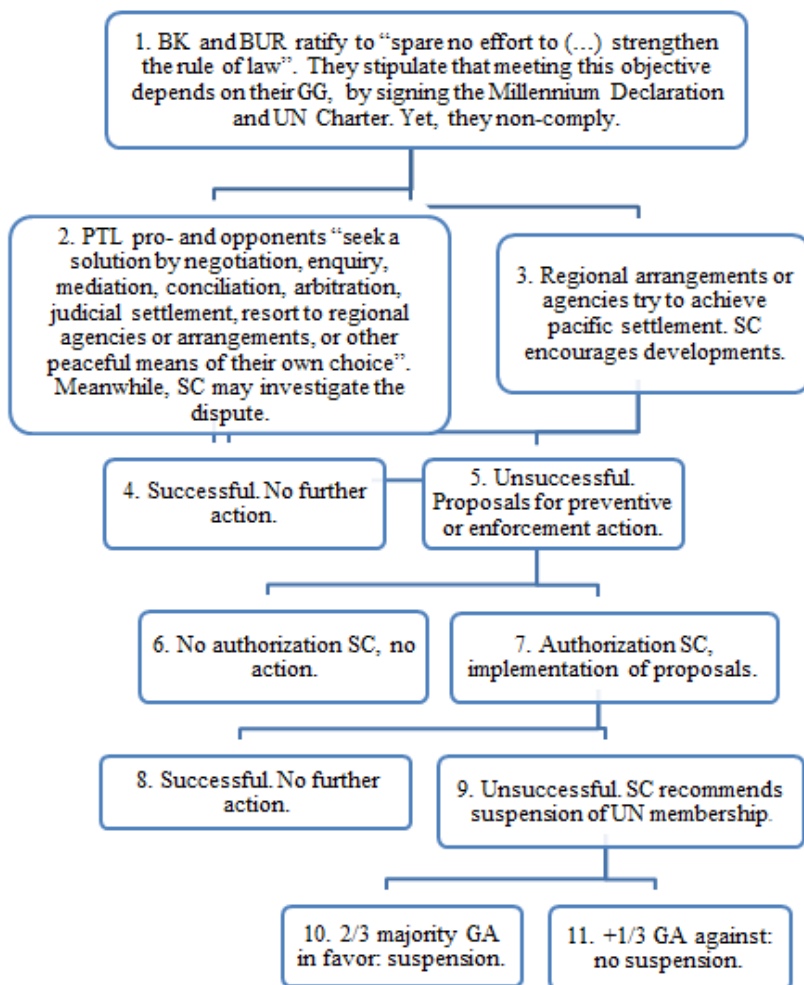
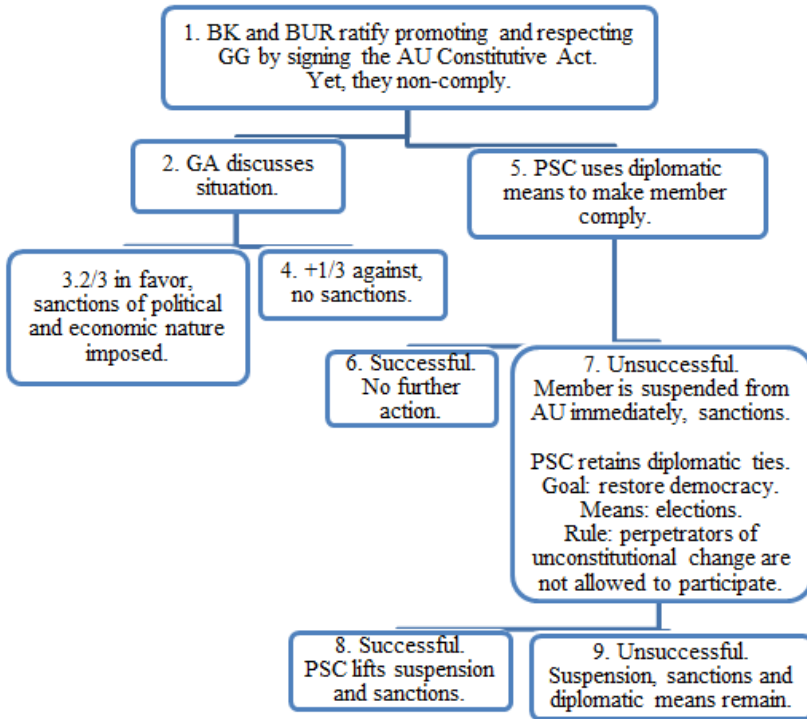


Figure 5 – Policy on paper AU



The two road-maps share similarities. Both IGOs prefer regional interference, on which the (P)SC must approve. If this intervention does not end GG violations, suspension is possible. There are also differences. The SC can only recommend suspension, while the PSC decides themselves. Furthermore, the GA’s role is dissimilar, as part 3.3 explains.

#### 4.1 Hypotheses

Table 8 formulates three hypotheses based on the policy on paper road-maps and literature. For the latter, references are made to increase transparency.

Table 8 – Hypotheses

IGO Hypothesis(H)	UN	AU
<p>[H1] Implementation</p> <p><b>The responses of the UN and AU commence similarly in both cases, as both IGOs start with national and regional arrangements in their road-maps. These plans are not implemented till the last step and the IGO’s outcomes are dissimilar, since the UN and AU face different GG implementation difficulties.</b></p> <p>Based on Williams &amp; Boutellis (2014, p.257).</p>	<p>Lack of political authority.</p>	<p>Insufficient resources.</p>
<p>[H2] Lead/follow</p> <p><b>As regional IGOs are supposedly more effective than international IGOs, the UN follows the AU’s policy lead in both cases, though slowly due to bureaucracy issues.</b></p> <p>Based on Chukwumerije (2006, p.112), Tolbert &amp; Solomon (2006, p.58).</p>	<p>Follows AU.</p>	<p>Takes lead.</p>
<p>[H3] General/specific</p> <p><b>Since the AU possesses explicit self-coup policy while the UN does not, firmer AU action is expected against Burundi compared to Burkina Faso, respectively suspension and diplomatic means.</b></p> <p>Based on Choudhry &amp; Bisarya (2014, p.184&amp;188).</p>	<p>Similar reaction towards both countries.</p>	<p>Two different reactions.</p>

The next part examines the results. Based on this, the three abovementioned hypothesis can be accepted or rejected.

## 5. Results

This part discusses the results and visualizes them by means of Figure 6 till 11.<sup>13</sup> It also conducts multiple comparisons. Most importantly, this part compares each IGO's policy on paper with its implemented policy. Furthermore, it draws comparisons between the implemented policies of each IGO in Burkina Faso and Burundi, and to a lesser extent between UN and AU policies. To present these results clearly, Table 9 depicts the structure of part 5. The analysis comprises of three components: empirical (5.1, 5.2, 5.4, 5.5), comparative (5.3, 5.6), and explanatory (5.3, 5.6). Note that section 5.3 mentions one discussion, while 5.6 sets out two. Figure 8 and 11 illustrate why. The UN's implemented policy for both countries can be captured in one figure (8), while the AU's figure (11) splits after step 5. Hence, part 5.6 first likens the AU's implemented policy, before comparing the IGO's policy on paper with its implemented policy.

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<sup>13</sup> Based on the extensive analyses in appendix V (UN BK), VI (UN BUR), VII (AU BK), and VIII (AU BUR).

Table 9 – Overview part 5

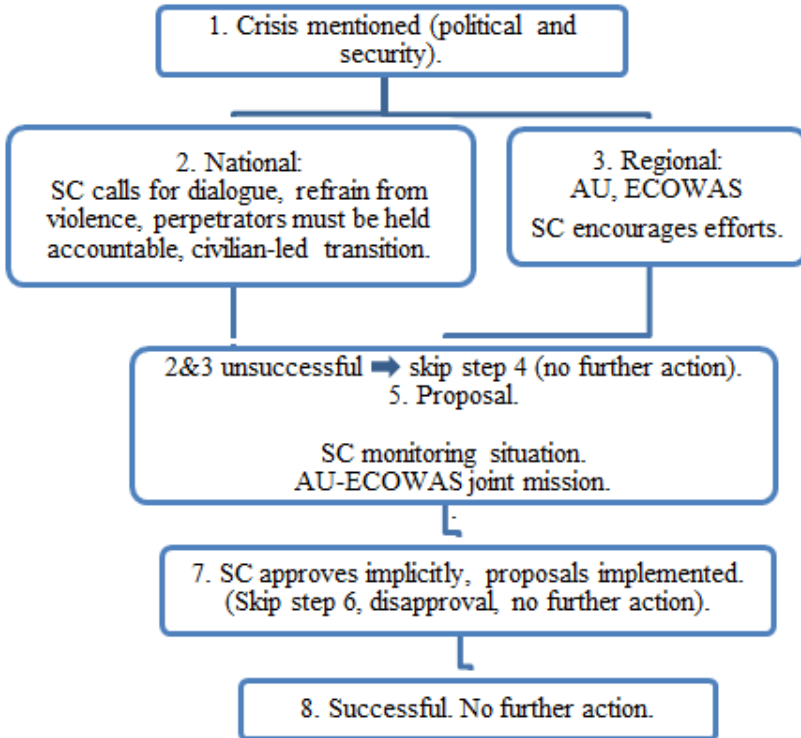
Part	Figure	Type	Focus
5.1	6	Summary	UN implemented policy BK for each step in road-map.
5.2	7	Summary	UN implemented policy BUR for each step in road-map.
5.3	8	Summary	UN implemented policy both countries.
		Discussion	Two similarities UN policy on paper and implemented policy. Four differences UN policy on paper and implemented policy, and four possible explanations (based on literature and primary data).
5.4	9	Summary	AU implemented policy BK for each step in road-map
5.5	10	Summary	AU implemented policy BUR for each step in road-map.
5.6	11	Summary	AU implemented policy both countries.
		Discussion	Two similarities AU policy BK and BUR. Five differences AU policy BK and BUR, and five possible explanations (based on literature and primary data).
		Discussion	Two similarities AU policy on paper and implemented policy. Two differences AU policy on paper and implemented policy, and two possible explanations (based on literature and primary data).



Part 5 can be summarized as follows. Both IGOs *practice what they preach* regarding Burkina Faso by following their policy on paper road-map entirely. The UN encourages national and regional actors and monitors the situation, while the AU takes measures and in addition temporarily suspends the African country. Burundi however, is a different story. The UN encourages national and regional actors to solve the crisis. Moreover, the IGO carries out a resolution on which it approves before the selected search period, and approves and implements a second resolution within this period. Nevertheless, the UN criticizes the first without offering improvements. Furthermore, before the SC decides on authorizing and partly funding the African Prevention and Protection Mission in Burundi (MAPROBU), the AU withdraws the proposal as Burundi refuses to cooperate. In addition, the SC also takes it time to decide on SG intervening proposals, which means no further steps are taken yet. This outcome applies to the AU too. Instead of going from diplomatic means to suspension, as with Burkina Faso, the AU decides to another round of diplomacy. Burundi rejects all measures, which leads to an attenuated decision: proposing a mission to support a (possible) national dialogue. Thereafter, the IGO does not take further steps yet.

## 5.1 United Nations: Burkina Faso

Figure 6 – Implemented policy UN BK

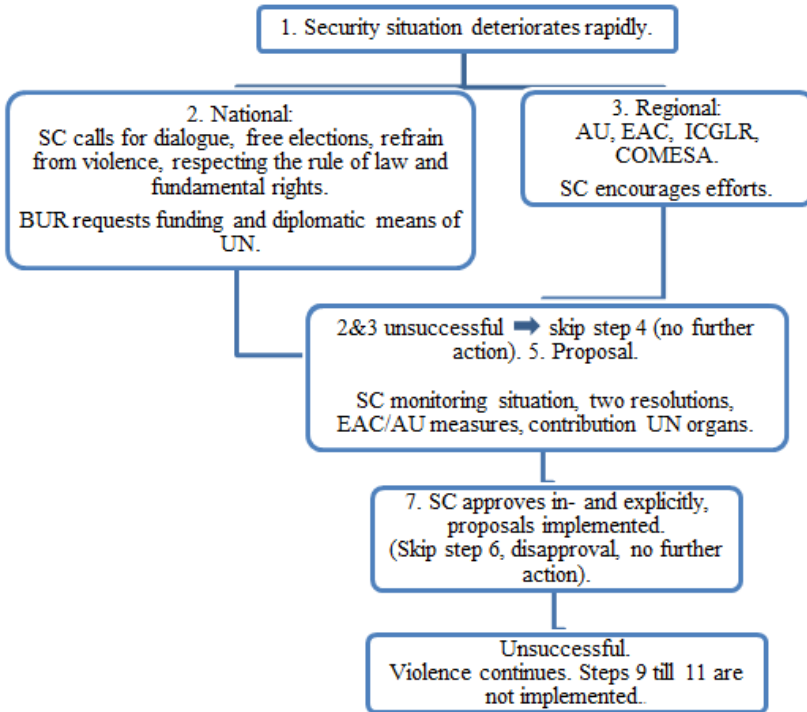


The UN acknowledges the political and security crisis Burkina Faso faces (D1, 2) (step 1) and addresses national actors to solve it. All Burkinabe should cooperate and refrain from violence. Moreover, authorities must respect fundamental rights and their security forces need to hand over power to a civilian-led transition (D1). Thereafter, national parties sign the Charter for Transition and a new president takes office, welcomed by the UN (D2). Next, a power seizure occurs and political actors, including the president, are taken into detention. The UN condemns the actions and highlights that perpetrators must be held accountable (D4). Restoration of

constitutional order is the key (D3), after which the government resumes the transition (D5) (step 2). Meanwhile, regional actors take action too (step 3). The AU and Economic Community of West African States (ECOWAS) underscore the need for Burkina Faso to comply with their charters and plan a joint mission (D1). Due to a power seizure, step 2 and 3 are temporarily unsuccessful, which means a proposal for further actions is needed (step 5). The UN does not authorize but supports the regional mission, which is enough to carry on. In addition, the UN expresses “their readiness to closely monitor the situation and consider further steps as necessary” (D4). Five days later, this monitoring is a fact (step 7), as the UN recognizes “the legitimate aspiration of the people of Burkina Faso for a peaceful transition”. Since the joint mission and monitoring are successful, the UN decides to refrain from further action (step 8).

## 5.2 United Nations: Burundi

Figure 7 – Implemented policy UN BUR



The UN recognizes that the 2015 elections could “spur violence and undermine peace” (D13). After this event, the security situation is “deteriorating rapidly” (D22) (step 1). The UN calls for dialogue (D6) and the need for “free, transparent, credible, inclusive and peaceful elections” (D12). The Burundian government should cooperate with MENU and regional mediation, and take measures to ensure the exercise of fundamental freedoms and security (D12, 24). The goal is to preserve the “fragile peace” (D13) by returning swiftly to the rule of law (D14, 15). Yet, the UN remains concerned about the continuing escalation of violence, increasing human rights

violations, persistence of the political impasse, and humanitarian consequences (D27) (step 2). Meanwhile, Burundian stakeholders call on the UN three times (D20), which leads to interplay in step 2. First, the Minister for Foreign Affairs argues that PTL compliance is not the main problem, since the Constitutional Court handles this. According to him, a deficit in elections funding is worrisome. He therefore requests the UN to provide more funds. Second, opposition parties, civil society and the media see a risk for violence if Nkurunziza runs for a third term, and subsequently ask the UN to dissuade the president. Third, president Nkurunziza is “fully prepared to continue to maintain good relations with the UN”, though he is against “any interference from outside, in particular from the AU” (D30). In the examined data, the UN does not answer these three calls. Besides national actions, the UN encourages interference of four regional actors: the AU, EAC (Ugandan president acts as mediator), International Conference on the Great Lake Region (ICGLR), and Common Market for Eastern and Southern Africa (COMESA). Their goals are to pursue a consultative political dialogue and create an environment for peaceful and inclusive elections (D11, 15) (step 3).

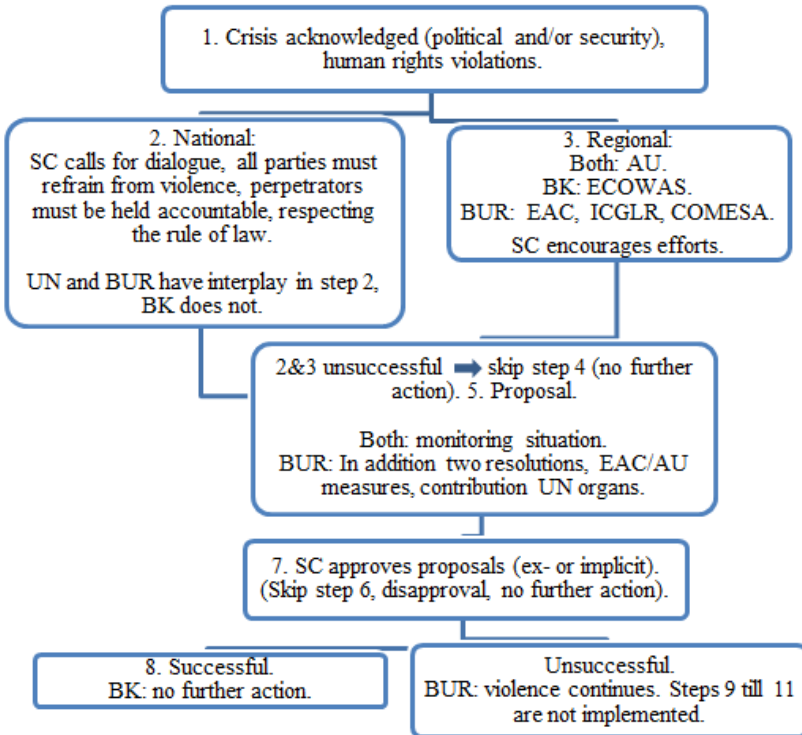
Nevertheless, throughout step 2 and 3 violence continues, which leads to regional and international action proposals (step 5). At the regional level, the EAC calls to postpone elections, on which Burundi temporarily agrees. Moreover, the AU imposes targeted sanctions against Burundian stakeholders who impede the search towards a solution and contribute to violence (D23). In addition, personnel is sent to Burundi for an in-depth investigation: elections (EAC) and human rights (AU) observers, military experts, civilian personnel and a ministerial delegation (AU) (D19, 26). Furthermore, the AU examines deploying MAPROBU. The IGO reasons that effective implementation “depends greatly” on UN support and therefore requests funding (D27, 28). The UN does not respond in the examined data. Nevertheless, the EAC and AU carry out their proposals with encouragement of the UN but without official authorization (step 7). The UN and AU hold an informal dialogue in January 2016. The UN wants to strengthen partnership and enhance

cooperation through “an exchange of views on issues of interest” to both IGOs and “explore ways of reinforcing and supporting AU conflict prevention tools” (D20). Regarding the international level, the UN already decides in 2013 that its presence is needed throughout the 2015 elections (D11). BNUB’s mandate expires at the end of 2014. Resolution (R)2137 (2014) proposes MENUB to take over for one year. Moreover, the SG must brief the SC every six months, till after the elections (D6, 9). In 2015, the SC proposes a second resolution (2248) to cease the violence. Besides the SC, other UN organs execute two plans, which means step 5 and 7 intersect. First, in the spring of 2014, six UN departments visit Burundi “to support the development of an UN rule-of-law strategy” (D6). Second, in 2015, the Peacebuilding Fund approves a third peace priority plan and its Commission meets nine times to discuss the Burundian situation (D20, 26). The UN concludes step 5 by stating to “follow closely and to respond to any actions in Burundi that threaten peace, security or stability” (D13, 23). This leads to the approval of two resolutions (step 7). It means MEBUB is operational in 2014, the SC deploys a mission to Burundi (spring 2015) to carry out R2137, and the SG briefs the SC. With R2248, the UN desires to strengthen their presence, condemns the violence and urges all parties to start a dialogue. If necessary, the IGO will consider additional measures against contributors to violence. Furthermore, the SG is invited to deploy a team and present options for future UN presence within fifteen days (D24). In response to R2248, the Chair of the Peacebuilding Commission visits Burundi in November 2015 (D26), while the SG appoints a Special Advisor on Conflict Prevention (D24), updates the SC regularly, deploys a team, and presents two plans on 01-12-2015: a multidimensional integrated peacekeeping operation and a fully-fledged integrated special political mission (D25). In January 2016, UN personnel meet with Burundian officials to carry out R2248 (D29). Nonetheless, the “circle of violence” continues (D30).

### **5.3 United Nations: Conclusion and discussion**

As expected from the policy on paper road-map, the UN encourages national and regional actors to resolve Burkinabe noncompliance. After this fails, the UN endorses the AU-ECOWAS mission and monitors the situation in Burkina Faso until the problems are solved. This means the UN follows its policy. This cannot be said for Burundi. Nkurunziza remains in office and violence continues after implementing step 7. The UN stays stuck here. It has not yet decided on the AU's funding request, on a clear strategy concerning strengthening UN-AU partnership, and on which SG plan to implement. Step 9 till 11 remain untouched. Furthermore, although MENUB operates for the requested period, it faces difficulties. The SG argues it "urgently needs to increase its operational capacity" (D17) and the SC states it must "play a more prominent, robust and visible role" (D18).

Figure 8 – Implemented policy UN



When comparing the UN’s policy on paper with its implemented policy, i.e. Figure 4 and 8, six things stand out. On the one hand, there are two similarities. First, the UN follows its policy regarding Burkina Faso entirely. Second, both figures emphasize the role of national and regional actors in solving PTL noncompliance (step 2, 3, 5 and 7). On the other hand, four differences are present. First, regional actors carry out their proposals, encouraged by the UN but without its official authorization. This means step 5 and 7 mingle. It therefore seems that either these actors have more autonomy than mentioned in the UN Charter<sup>14</sup> or that supporting statements are

<sup>14</sup> See appendix III.



considered authorization too. Second, not only the SC, national and regional actors (step 2 and 3) propose strategies regarding Burundi, UN departments do so too. The data show that prior to the dispute, the UN possesses an office solely for Burundi (BNUB), while Burkina Faso remains part of the UN Office of West-Africa. This could explain why more UN actors are involved in Burundi. Nevertheless, these actors are absent in Figure 4. Third, in practice step 2 shows interplay regarding Burundi, which means the UN does not solely requests actions from a member, but also the other way around. Nkurunziza and his cabinet have been in power for eleven years, leading to many advantages and few chances of removal (Maltz, 2007, p.138). Therefore, they might feel confident to deviate from step 2. Fourth, the UN stays stuck in step 7 regarding Burundi, even though Figure 8 (step 3 and 5) demonstrates that more actors and measures are involved in this country than in Burkina Faso. This non-movement might be caused by the UN's rule of law dilemma (Vig, 2009, p.139). As the Constitutional Court approves Nkurunziza's PTL interpretation, imposing additional measures implicitly denies the Courts legitimacy (or ownership in Vig 's words), while doing nothing means Nkurunziza remains unconstitutionally in power for an additional five years. This dilemma might also cause the following. In Burundi, the UN emphasizes free and fair elections. However, proponents and opponents of PTL compliance cannot agree on its meaning, which leads to clashes. Still, the UN does not alter its focus from holding elections to addressing the causes of subsequent clashes, as Table 10 illustrates.<sup>15</sup>

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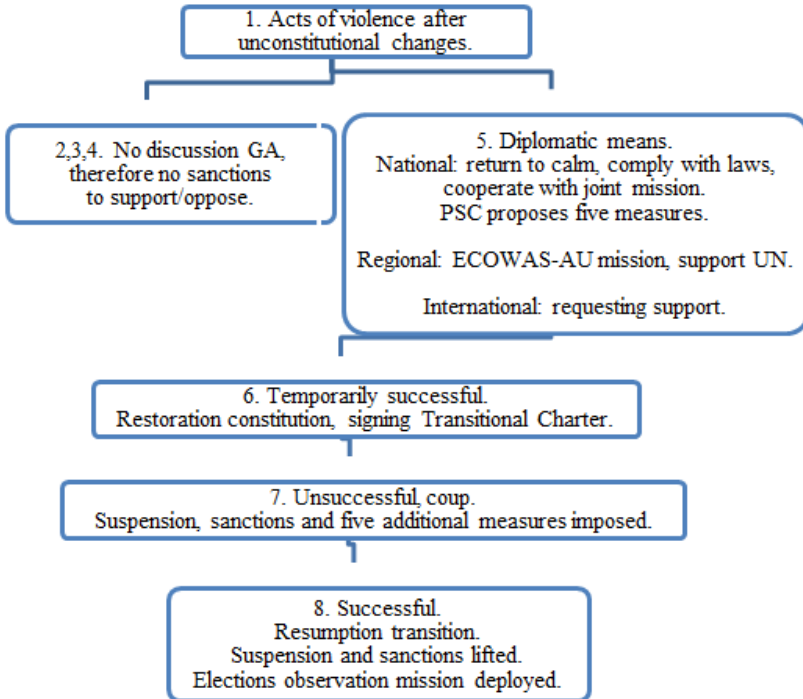
<sup>15</sup> Table 10 is based on a NVivo Word Frequency Query. Words containing more than three letters are selected, to exclude common words as 'the', 'and'. Furthermore, the words United, Nations, Members, Security, Council, Burkina, Faso, Burundi, press, statement, month and year are excluded, since these are respectively the publisher, general topic and common name and date of the documents.

Table 10 - Top ten words focus UN

<b>UN BK</b>	<b>UN BUR</b>
transition	political
African	elections
ECOWAS	electoral
president	national
transitional	government
West	African
called	president
urged	process
actors	rights
support	parties

## 5.4 African Union: Burkina Faso

Figure 9 – Implemented policy AU BK



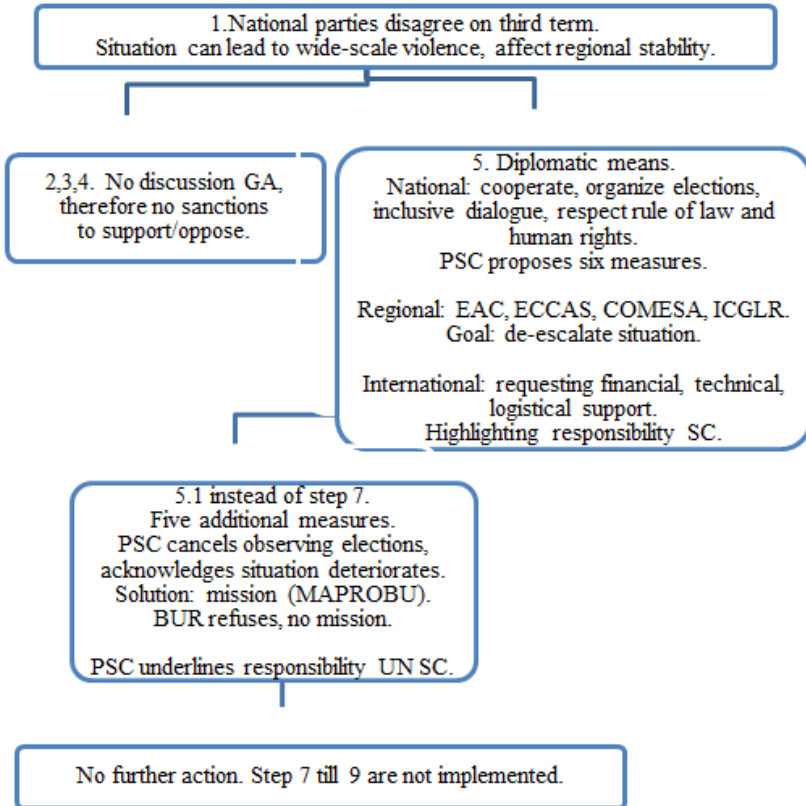
The AU rejects unconstitutional changes in Burkinabe government (D35) (step 1). The GA does not vote on the issue, leaving step 2, 3 and 4 untouched. Nevertheless, the AU takes a three-tiered diplomatic approach to return Burkina Faso “to calm” and make the country comply with its constitution and regional charters (D35 (step 5). Nationally, the AU labels a declaration of the military as a coup and proposes five actions: the constitution remains valid, the transition continues, the military must hand over power to a civil authority within two weeks, who should subsequently consent with all political actors regarding the elections that need to take place “as quickly as possible”, and the security forces should be at their

disposal (D35). Regionally, the AU and ECOWAS start a joint mission with UN support and AU Commission assistance to “facilitate a consensual way out of the crisis”. Internationally, these actors help mobilizing “all the international support” Burkina Faso needs (D35, 36). Moreover, the AU establishes an International Follow-Up and Support Group for the Transition (GISAT-BK) (D37). The AU’s policy is temporarily successful. Burkinabe actors restore the constitution, sign a transitional charter, appoint a civilian president and transfer military power to him in November 2014 (step 6). Nevertheless, after ten months, government officials, including the president, are kidnapped. Meanwhile, the military wants to dissolve the transitional institutions. Because of this coup, the AU switches to step 7. It “neither recognizes nor supports any process conducted outside the Transition” (D38) and suspends Burkina Faso. Since the status quo is not restored within 96 hours, the AU imposes travel bans and asset freezes “on all members of the so-called National Committee for Democracy”. The AU Council circulates and updates a list of these members to international partners. Furthermore, the AU qualifies the kidnappings as terrorist acts, determines to bring perpetrators of the unconstitutional change to justice, consults with the African Monetary Union to deny de facto authorities access to the West African State Central Bank resources, and requests bi- and multilateral partners to suspend all military, security and economic cooperation programmes with Burkina Faso. The PSC requests the Commission to appoint a Panel of Experts to assist with implementing these measures (D38). Meanwhile, ECOWAS organizes an Extraordinary Session on “the political crisis”, and visits Burkina Faso in September 2015 (D39). The abovementioned actions are successful, as the president is reinstated and the transition continues (step 8). Therefore, the AU lifts the suspension and puts sanctions on hold. Yet, these can be reactivated “at any time” at the request of the Burkinabe president, ECOWAS or the AU Commission (D39). Additionally, the AU and ECOWAS respectively send an election observation mission, and military and human rights observers to Burkina Faso. This “will mark the end of the Transition” (D39). The AU continues “to regularly review the situation”, urges all international partners to provide “the necessary

financial support” (D42), and desires to keep cooperating closely with the UN regarding the transition (D40).

## 5.5 African Union: Burundi

Figure 10 – Implemented policy AU BUR



The AU acknowledges that Burundian parties cannot agree on the suspension of demonstrations about the 2015 elections and the withdrawal of Nkurunziza’s candidacy. Meanwhile, 110.000 inhabitants flee Burundi. This situation can lead to wide-scale violence and affect regional stability (D47, 48) (step 1). The GA

does not vote on the issue, leaving step 2, 3 and 4 untouched. Nevertheless, the AU sees itself as the guarantor of the 2000 Arusha Agreement for Peace and Reconciliation in Burundi and is determined to “fully assume its role” (D47). The AU takes measures concerning three levels (step 5). At the national level, all parties must work together with “due respect to legality” (D44), towards organizing elections (D45), holding an inclusive dialogue (D46) under auspices of the EAC, AU and UN (D47), and placing national interest above other considerations (D49). In addition, all militias and illegally armed groups must be disarmed, reject violence and respect human rights (D45, 46). A failed coup takes place on 13-05-2015, which the AU condemns (D47). According to this IGO, “only dialogue and consensus (...) will make it possible to find a lasting political solution” (D47). Yet, the opposition argues that talks neglect PTL compliance topics (D48). The AU subsequently decides that the dialogue between all Burundian parties, initiated by the AU Commission Chair and EAC, should resume and must focus on creating fair elections and setting a date. Furthermore, the AU deploys human rights observers and military experts for disarming groups, and expresses the need for an election observer mission (D55). At the regional level, many actors are involved. The AU Commission visits Burundi in March 2015 to support and observe the electoral process and reach an agreement with the government on “practical measures to de-escalate the situation” (D44, 46). Three months later, this AU organ visits Burundi again with the EAC and a ministerial delegation to assess the situation (D49). In addition, the Commission enhances its AU office to better monitor the situation (D47, 48), keep international partners up to date, and mobilize their support (D55). The AU endorses the following EAC proposals: postponing the elections, forming a Government of National Unity, committing to the Arusha Agreement by not amending PTL in the constitution, disarming groups and deploying AU military and ICGLR observers (D51). Besides the EAC, the Economic Community of Central African States (ECCAS), COMESA, Panel of the Wise and ICGLR (D45, 49) are involved. The latter forms a Joint International Facilitation Team with the EAC, AU and UN. Internationally, the AU calls on the global community to provide

financial and logistical support to facilitate “free, fair and transparent elections” (D44). It appreciates UN efforts, although the Special Envoy of the SG for the Great Lakes Region initiates Burundian dialogue unsuccessfully (D49). Furthermore, the AU “underlines the responsibility of the UN SC in ensuring that the situation does not deteriorate further” (D55).

Regardless of the AU’s and EAC’s postponement demands, Burundi decides to hold elections (D50). Instead of moving to step 7, the AU chooses a second round of step 5. The IGO decides not to observe the elections, as its “non-inclusive and non-consensual” and conditions for fair elections are absent (D55). Instead, the AU adopts five measures: human rights violators of security forces are excluded from AU-led peace support operations, AU personnel stationed in Burundi increases to hundred persons on 15-12-2015, the Commission briefs the PSC monthly, the Commission on Human and Peoples’ Rights conducts an in-depth investigation regarding human rights violations, and if necessary, the AU deploys a mission to prevent widespread violence (D55). Moreover, the AU imposes targeted sanctions, including travel bans and asset freezes, against Burundian stakeholders “whose actions and statements contribute to the perpetuation of violence and impede the search for a solution” (D55). Nonetheless, two obstacles obstruct reaching PTL compliance. First, Burundian political leaders keep making “inflammatory statements” that are conducive to violence (D56). Second, the situation keeps deteriorating, “in spite of all the efforts” (D57). Therefore, the AU decides to MAPROBU: five thousand militaries stationed in Burundi for six months renewable. The AU requests member states and international partners to provide financial, technical and logistical support. It especially turns towards the UN SC to endorse, authorize, and partly fund the mission because this actor is primarily responsible “for the maintenance of international peace and security” (D57). Before the SC answers, the Burundian government rejects MAPROBU, though they argue to be committed to “an inclusive inter-Burundian dialogue, as relaunched on 28-12-2015”. Since the AU respects “independence and territorial

integrity”, it decides to deploy a high level delegation to support this dialogue instead of a mission (D58).

## **5.6 African Union: Conclusion and discussion**

To conclude, the AU follows its road-map regarding Burkina Faso entirely. After failure of diplomatic means, the AU suspends Burkina Faso. In the meantime, actors keep working towards a solution, which leads to the completion of step 8. This cannot be said for Burundi. Instead of suspending the country for failing to comply with the measures taken in step 5, the AU decides to impose additional diplomatic measures, which Burundi also rejects. It thereafter remains stuck in step 5.1.



Figure 11 – Implemented policy AU

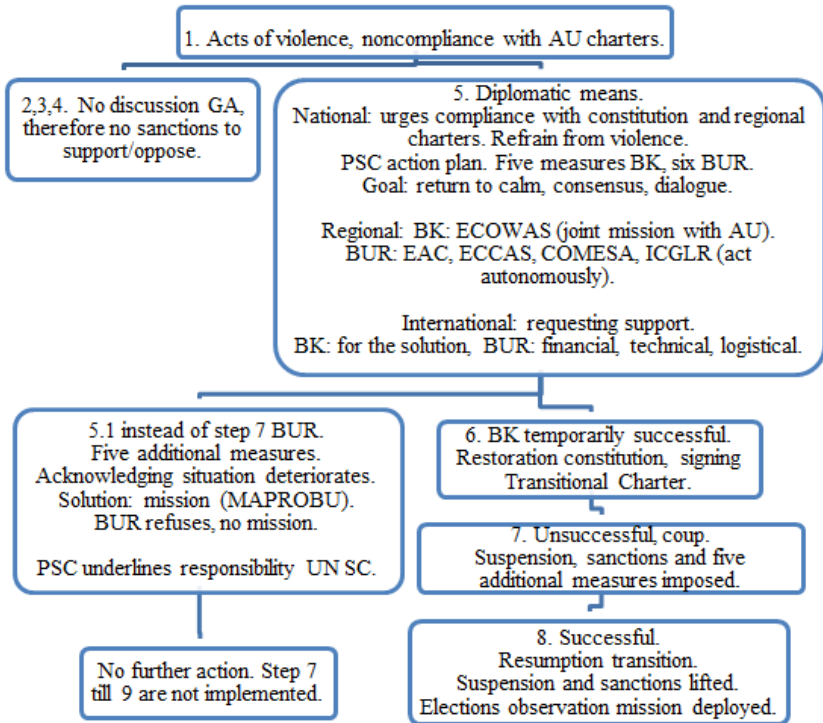


Figure 11 shows the impossibility to integrate the AU’s implemented policy into one model that ranges from step 1 till 9. The IGO uses different strategies in Burkina Faso and Burundi, which causes a split after step 5. Therefore, part 5.6 first sets out two similarities and five differences of the AU’s implemented policy before it turns to a comparison between the AU’s policy on paper and implemented policy. On the one hand, the AU applies two parallel policies in both countries. First, the national level strategies in step 5 match, as the AU insists on complying with national and regional laws and finding a solution through dialogue. Second, in both countries the GA does not impose sanctions. On the other hand, five differences stand out.

First, as Table 11 indicates, the AU's focus.<sup>16</sup> The IGO focuses on a solution (transition) in Burkina Faso, while it divides its attention in Burundi between problems (human rights violations) and solutions (inclusive dialogue) linked to the 2015 elections. This seems logical. The AU solves the Burkinabe problem by successfully opposing a coup, whilst the Burundian problem remains present throughout the data.

Table 11 - Top ten words focus AU

<b>AU BK</b>	<b>AU BUR</b>
transition	situation
support	support
joint	international
elections	political
ECOWAS	including
efforts	dialogue
process	efforts
international	human
political	rights
states	government

Second, the role of regional actors. Organizations implement their own plans regarding Burundi, which the AU endorses. In Burkina Faso, only ECOWAS is present through a joint mission with the AU. This means it does not act autonomously. Throughout the data, the AU stresses that unrest in Burundi could affect stability in the whole region (D46, 47, 49). Therefore, it makes sense that more regional actors get involved than in Burkina Faso, where this statement is absent. Third, after an unsuccessful step 5, the AU imposes five

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<sup>16</sup> Table 11 is gathered in the same way as Table 10. Differences are the removed words concerning the publisher, instead of UN organs the words African, Union, Commission, Peace, Security, Council are removed, and the document type. As most documents start with 'meeting' or 'communiqué', these words are excluded.

(different) additional measures to both countries. Yet, the consequence is dissimilar, since Burkina Faso is suspended (step 7), while Burundi gets a second chance (step 5.1). According to Donno (2010, p.594), this could be caused by different costs for upsetting relations with a particular member. It is likely that the AU considers these costs to be higher regarding Burundi than Burkina Faso, since it emphasizes solving issues by complying with the constitution and regional arrangements in both cases, but solely throughout the Burundian data underlines the utmost importance of the Arusha Agreement. The AU sees itself as guarantor of this accord. The Agreement entered into force after the Burundian civil war (1993-2005) ended, and is “the cornerstone of peace, security and stability in Burundi” (D57). The AU is determined to “take all measures that the situation” requires to secure compliance (D47), which could cause the AU’s dissimilar reaction. Fourth, the AU emphasizes that the UN SC is mainly responsible for solving the Burundian situation (D55, 57), while it only requests a supporting role concerning Burkina Faso. The AU argues that the SC is accountable for maintaining international peace and security. It therefore seems that the AU views the Burundian situation, in contrast to the Burkinabe case, as a threat to this objective. Fifth, the AU follows its road-map regarding Burkina Faso entirely and even sends observers to the elections as a control measure. In contrast, the AU does not make a new effort after Burundi rejects all its proposals. The next page delves into this choice.

When comparing the AU’s policy on paper with its implemented policy, i.e. Figure 5 and 11, two similarities stand out. First, the AU implements its policy on paper in Burkina Faso completely. Second, both figures emphasize diplomatic means. The AU implements these at three levels: national, regional and international. Two differences are also present. First, although the GA supports PSC decisions, it does not impose sanctions on its own. Nevertheless, the GA is granted this power, wherefore it is expected that policy implementations occur in step 2, 3 and 4. In reality, these boxes remain empty. Cheeseman (2010, p.141) argues that respecting PTL “has not been ingrained” yet in Africa. Therefore, it seems logical

that the GA, which comprises of all the heads of state of the AU members, does not touch upon the topic. Second, as discussed earlier, the AU does not follow its road-map regarding Burundi. The IGO chooses an additional diplomatic round instead of suspension. This strategy discrepancy is odd. In 2013, the AU acknowledges “weaknesses and gaps” in existing frameworks regarding unconstitutional change. This leads to flexibility and inconsistency in its interpretation and application, and thereby creates credibility problems for the IGO. The AU therefore appoints a sub-committee to create a strategy for “a zero tolerance to policies and actions” that cause unconstitutional means (D32). Nevertheless, inconsistencies remain present in 2015. On the one hand, the AU urges “all Burundian stakeholders to respect the decision of the Constitutional Court” (D45), which means Nkurunziza’s third term is valid. On the other hand, all stakeholders must first place national interest above anything else (D49). However, as part 2 demonstrates, complying with PTL has more advantages than disadvantages for the public interest. Second, although the AU believes an inclusive dialogue is the solution, it concedes that Burundian political leaders counter that by means of “inflammatory statements” (D56). Third, the AU reiterates its “strong condemnation of any attempt to seize power by force” (D47), while at the same time acknowledging the violence and human rights abuses by Nkurunziza’s security forces to regain power. Fourth, though it is known that AU members hide behind state sovereignty to avoid interference (Wachira, 2014, p.11), the AU nonetheless chooses to respect this sovereignty. As a result, the IGO sends a few employees to Burundi to support a dialogue instead of the proposed five thousand soldiers. With these four arguments in favor and one against additional interference, it is unclear why the AU does not continue implementing its policy. A fortiori because the strategy proves successful in Burkina Faso and the IGO sees itself as the Arusha Agreement guarantor. The next part further develops this topic by suggesting additional research. Moreover, part 6 accepts one hypothesis and rejects others.

## 6. Conclusion and discussion

Table 12 – Accepted and rejected hypotheses

IGO Hypothesis(H)	UN	AU
<p>[H1] Implementation</p> <p><b>The responses of the UN and AU commence similarly in both cases, as both IGOs start with national and regional arrangements in their road-maps. These plans are not implemented till the last step and the IGO's outcomes are dissimilar, since the UN and AU face different GG implementation difficulties.</b></p>	<p>Lack of political authority.</p> <p>–</p>	<p>Insufficient resources.</p> <p>–</p>
<p>[H2] Lead/follow</p> <p><b>As regional IGOs are supposedly more effective than international IGOs, the UN follows the AU's policy lead in both cases, though slowly due to bureaucracy issues.</b></p>	<p>Follows AU.</p> <p>+</p>	<p>Takes lead.</p> <p>+</p>
<p>[H3] General/specific</p> <p><b>Since the AU possesses explicit self-coup policy while the UN does not, firmer AU action is expected against Burundi compared to Burkina Faso, respectively suspension and diplomatic means.</b></p>	<p>Similar reaction towards both countries.</p> <p>–</p>	<p>Two different reactions.</p> <p>–</p>

Table 12 shows (with pluses and minuses) the acceptance and rejection of hypotheses. This study confirms H1's first part. Both IGOs acknowledge GG violation and encourage national and

regional actors to make both countries comply. Still, H1 is rejected due to two reasons. Firstly, the UN and AU follow their policy on paper regarding Burkina Faso entirely. Secondly, implementation difficulties are present, although the expected problems are not confirmed. There is no evidence that the UN lacks political authority. The topic is not discussed in the Burkinabe data and Nkurunziza actually mentions he is willing to cooperate with the UN instead of the AU. The AU's implementation difficulty is not confirmed either. Although the IGO asks financial support, there is no proof that a deficit influences policy outcomes. The AU namely manages successfully in Burkina Faso without additional resources. Moreover, the IGO argues that respecting Burundian sovereignty rather than insufficient resources constitutes the reason to not deploy MAPROBU.

By contrast, H2 is accepted. The UN encourages AU interference and thereafter implements its own measures. This happens indeed slowly. The UN does not decide in due time on MAPROBU and has not chosen whether to authorize SG proposals for interfering in Burundi.

Like H1, H3 is rejected. The AU reacts differently to the two countries, though not in the expected ways. The IGO does not perceive Nkurunziza's act as a self-coup since the Constitutional Court of Burundi approves a third term. Suspension is absent, though the AU intervenes diplomatically. In Burkina Faso the AU acts firmer than hypothesized. In addition to diplomatic means, the IGO suspends the country temporarily.

Based on two observations, the research question can be answered as follows. First, both the UN and AU implement their *road-map* in Burkina Faso. Afterwards, a newly elected government takes office and both IGOs cease their interference. Second, the UN and AU are stuck in their road-map regarding Burundi, respectively in step 7 out of 11 and 5 out of 9. Both IGOs do not implement additional measures and the situation remains unsolved as violence continues. Though part 5 provides possible explanations, like the UN facing a

rule of law dilemma and the AU respecting sovereignty, it remains puzzling why both IGOs cease implementing their GG policy at the beginning of 2016.

Nonetheless, this study meets the three aims of explorative research. First, it provides a better understanding of the topic by examining the hitherto underexposed variable international measures. Second, a more extensive study is feasible and could research the abovementioned puzzle. Third, methods are developed that can be used in future research, as this study designs two road-maps that define the UN's and AU's policy on paper regarding GG violations of African member states. Moreover, the UN's road-map is applicable worldwide, because it is based on the UN Charter and Millennium Declaration. These documents are ratified by all UN members. Consequently, this map can also be used for instance to examine current election problems in Latin-America. Besides researchers, actors who favor change can also use the road-map. This means the societal relevance part 1.1 mentions, is more broadly applicable than expected. All actors who favor PTL compliance of any UN member state can use the developed road-map.

Three venues of future work can be defined. First, this study reformulates the two rejected hypotheses, which further research can test. H1 changes to 'The responses of the UN and AU commence similarly in both cases, as both IGOs start with national and regional arrangements in their road-maps. However, if one of the two IGOs does not move to the next, i.e. more far-reaching, step, the other acts reservedly too', as this might explain why both IGOs cease intervening in Burundi at the beginning of 2016. H3 is reformulated to 'National actors influence the GG measures the AU implements in Burundi.' Examples of these actors, including their actions, are the persuasiveness of Nkurunziza to not deploy MAPROBU and the approval of a third term by the Burundian Constitutional Court. The latter could explain why the AU does not impose its self-coup policy. Second, the data selection can be enhanced. This study selects primary data from the IGOs, as part 3.5 justifies. Further research could conduct a deeper process tracing to gain understanding of the

IGO's internal workings. Researchers can for example attend meetings, interview employees, and analyze texts of other actors involved, like non-governmental organizations. Third, this explorative study focuses solely on one (underexposed) variable. Further research could include additional aspects to gain a more comprehensive understanding of PTL compliance influencers. Examples include national variables like political culture, religion, economic features, civil society, and ethnicity.



## Appendixes

### I. Operationalization good governance

WJP examines nine rule of law factors: constraints on government powers, absence of corruption, open government, fundamental rights, order and security, regulatory enforcement, civil justice, criminal justice and informal justice. The table below sets out the sub-factors of the first factor.

WJP sub-factor	Used in this research	Results BK	Results BUR	Place on scale
Government powers are defined in the fundamental law (1)	<p>If and how presidential powers are defined in BK&amp;BUR constitution.</p> <p>This study uses the University of Texas' <a href="http://Constituteproject.org">Constituteproject.org</a>, because this website publishes all</p>	<p>Constitution 1991, amendments 2012. Articles 36-60 define presidential powers.</p> <p>He “sees to the respect of the Constitution” (A26).</p>	<p>Constitution 2005. Articles 95-121 define presidential powers.</p> <p>He “sees to the respect of the Constitution” (A95, 106), can be reelected once (A96), if two hundred supports agree (A99).</p>	<p>Disagree. Presidential powers are defined in theory, but expected reactions, as written in the constitution, after noncompliance</p>

WJP sub-factor	Used in this research	Results BK	Results BUR	Place on scale
	constitutions in English.	<p>Is elected “for five years by universal, direct, equal and secret suffrage. He is re-eligible one time” (A37).</p> <p>He swears to “preserve, respect, have respected and defend the Constitutions and the laws” (A44).</p> <p>Compaoré tries to non-comply by issuing a referendum.</p> <p>Referendum must regard “any</p>	<p>Nkurunziza declares state of exception after third term protests.</p> <p>Possible “when the institutions of the Republic, the independence of the nation, the integrity of the territory or the execution of its international engagements are menaced in a grave and immediate manner and the regular functioning of the public powers is interrupted”.</p> <p>With consultation of: Government, Bureaus of National Assembly, Senate, National Council</p>	ce are absent.

WJP sub-factor	Used in this research	Results BK	Results BUR	Place on scale
		<p>question of national interest”. Possible after consulting the Prime Minister and the presidents of the Senate and National Assembly (A49).</p> <p>Not the case.</p>	<p>of Security and Constitutional Court (A115).</p> <p>Not the case.</p> <p>Possibility third term as high treason (Court decides):  “in violation of the Constitution or the law, the President of the Republic deliberately commits an act contrary to the superior interests of the nation which gravely compromises the national unity, social peace (...) gravely infringes the human rights (...)” (A117).</p>	

WJP sub-factor	Used in this research	Results BK	Results BUR	Place on scale
Government powers are effectively limited by the legislature (2), judiciary (3), independent auditing and review (4)	If 2 and 3 oppose a third term.  (4 = UN&AU policies. Examining these is the goal of this research. This study therefore provides an answer to this sub-factor in part 6 instead of Appendix I).	No. Parliament and judiciary do not oppose referendum, though topic is of no national interest.	No. Constitutional Court and majority legislature approve.	Strongly disagree. Powers support president.
Government officials are sanctioned for misconduct (5)	Reaction legislative and judicial power after third term candidature.	No formal sanctions. Compaoré flees BK due to civilian protests.	Sanctions absent.	Strongly disagree. No sanctions.
Government powers are subjects to	Checks of UN&AU.	President “negotiates, signs and ratifies the	President “signs and ratifies the international treaties and agreements”	(In theory) agree.

WJP sub-factor	Used in this research	Results BK	Results BUR	Place on scale
non-governmental checks (6)		<p>international treaties and agreements” (A148), which thereafter take effect (A149).</p> <p>If contradictory: ratification “can only take place after the revision of the Constitution” (A150).</p> <p>Treaties have “an authority superior to that of the laws” (A151).</p>	<p>(A289), which thereafter take effect (A292).</p> <p>If contradictory: “revision of the Constitution” (A296).</p>	This study examines the extent.
Transition of power is	If period between announcement and	No. Compaoré resigns and flees	Between one and two months before term	Strongly disagree.

WJP sub-factor	Used in this research	Results BK	Results BUR	Place on scale
subject to law (7)	inauguration/expel corresponds with constitution.	<p>BK on 01-10-2014. Military takes over instead of:</p> <p>“Definitive incapacity declared by the Constitutional Council”, President Senate exercises the function till elections (A43).</p>	<p>expires, holding elections (A103).</p> <p>If president seeks another term, no “exercise his power of legislating by decree-law”, between official announcement and elections (A104).</p> <p>Both are not the case.</p> <p>Nkurunziza’s second term ends 27-06-2015. Elections planned: 26-06-2015. Eventually take place 21-07-2015. He continues signing laws and decrees between announcement and elections (Présidence de la</p>	No lawful power transition.

WJP sub-factor	Used in this research	Results BK	Results BUR	Place on scale
			République du Burundi, 2016, online p. textes légaux).	

## II. Data references

### UN BK:

- D1 = UN Security Council. (2014, November 4). *Press statement on Burkina Faso* [Press statement SC/11632-AFR/3006].
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- D3 = UN Security Council. (2015, September 16). SC/12048-AFR/3209. *Press statement on Burkina Faso*.
- D4 = UN Security Council. (2015, September 17). SC/12051-AFR/3211. *Press statement on situation in Burkina Faso*.
- D5 = UN Security Council. (2015, September 24). SC/12057-AFR/3215. *Press statement on reinstatement of transitional authorities in Burkina Faso*.

### UN BUR:

- D6 = UN Security Council. (2014, July 31). *Report of the Secretary-General on the United Nations office in Burundi* [Report S/2014/550].
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- D9 = UN Security Council. (2014, November 6). *Letter dated 6 November 2014 from the Secretary-General addressed to the President of the Security Council* [Letter S/2014/799].
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D52 = AU Peace and Security Council. (2015, August 6). *The elections in Burundi* [Press statement 531<sup>th</sup> meeting PSC/BR/COMM.(DXXXI)].

D53 = African Union (2015, October 2). Communiqué. United-Nations-African Union joint task force on peace and security holds eleventh consultative meeting.

D54 = AU Peace and Security Council. (2015, October 16). AU PSC/EU PSC AJCM.8. Joint communiqué. 8<sup>th</sup> annual joint consultative meeting between the African Union Peace and Security Council and the European Union Political and Security Committee.

D55 = AU Peace and Security Council. (2015, October 17). *Communiqué* [Communiqué 551<sup>th</sup> meeting PSC/PR/COMM.(DLI)].

D56 = AU Peace and Security Council. (2015, November 13). *The situation in Burundi* [Communiqué 557<sup>th</sup> meeting PSC/PR/COMM.(DLVII)].

D57 = AU Peace and Security Council. (2015, December 17). *The situation in Burundi* [Communiqué 565<sup>th</sup> meeting PSC/PR/COMM.(DLXV)].

D58 = AU Peace and Security Council. (2016, January 29). *The situation in Burundi* [Communiqué 571<sup>th</sup> meeting PSC/AHG/COMM.3(DLXXI)].

### III. Policy on paper United Nations

Docu- ment	GG policy	Consequences of GG violation mentioned	Suggested action after noncompliance	Actor in charge
Charter	GG not mentioned.	No.	<p>General actions:            “A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council” (A5).</p> <p>“A Member of the United Nations which has persistently violated the Principles contained in the present</p>	SC, GA.

Docu- ment	GG policy	Consequences of GG violation mentioned	Suggested action after noncompliance	Actor in charge
			<p>Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council” (A6). In this scenario a two-third majority is needed in the General Assembly (A18.2).</p> <p>“ The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice” (A33.1).</p>	

Docu- ment	GG policy	Consequences of GG violation mentioned	Suggested action after noncompliance	Actor in charge
			<p>“The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security” (A34).</p> <p>Regional arrangements are also possible. The members “shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the</p>	

Docu- ment	GG policy	Consequences of GG violation mentioned	Suggested action after noncompliance	Actor in charge
			<p>Security Council” (A52.2).</p> <p>“The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council” (A52.3).</p> <p>However, “no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council” (A53.1).</p>	
Millen- nium Decla-	“Success in meeting these objectives depends, <i>inter alia</i> , on good governance	No.	No.	GA.

Docu- ment	GG policy	Consequences of GG violation mentioned	Suggested action after noncompliance	Actor in charge
ration	<p>within each country. It also depends on good governance at the international level (...)" (A13).</p> <p>Chapter V 'Human rights, democracy and good governance' mentions: "We will spare no effort to promote democracy and strengthen the rule of law (...)" (A24).</p> <p>" To strive for the full protection and promotion in all our countries of civil, political, economic, social and cultural rights</p>			

Docu- ment	GG policy	Consequences of GG violation mentioned	Suggested action after noncompliance	Actor in charge
	<p>for all”,</p> <p>“ To strengthen the capacity of all our countries to implement the principles and practices of democracy and respect for human rights”,</p> <p>“To work collectively for more inclusive political processes, allowing genuine participation by all citizens in all our countries” (all A25).</p>			
Treaty Series Volume	“The strict application of the principles of rule of law, good governance and	No.	No.	SG.



Docu- ment	GG policy	Consequences of GG violation mentioned	Suggested action after noncompliance	Actor in charge
2173	effective legal protection” (Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 2000. Declaration made upon ratification: Austria).			
Treaty Series Volume 2312	“The new political dispensation in the DRC, in particular the institutions to be established for good governance purposes in the DRC” (Agreement for a cease-fire in the Democratic Republic of the Congo, 1999, Annex A, 5.5.iii).	No.	No.	UN peace -keeping mandate (in collabora- tion with the OAU).

Docu- ment	GG policy	Consequences of GG violation mentioned	Suggested action after noncompliance	Actor in charge
Treaty Series Volume 2341	“The Chief Executive Officer shall be responsible for the good governance of the Foundation's Activities” (Agreement establishing the ‘Karanta Foundation’ for support of non-formal education policies and including in annex the Statutes of the Foundation, 2000, 4. Ratified by Mali, Burkina Faso, Niger and Senegal).	Vaguely.	<p>“He or she may be held accountable should the Foundation pursue an objective different from the one for which it was created” (A24).</p> <p>“If the offence committed by the Chief Executive Officer constitutes gross negligence the penalty shall be dismissal by the Board of the Foundation” (A25).</p>	Chairman of the Board.

## IV. Policy on paper AU

Document	GG policy	Consequences of GG violation mentioned	Suggested action after noncompliance	Actor in charge
Constitutive act of the African Union	<p>“Determined to (...) ensure good governance and the rule of law” (Preamble).</p> <p>Promote and respect good governance (A3, G&amp;M).</p>	Yes.	<p>“Any Member State that fails to comply with the decisions and policies of the Union may be subjected to other sanctions, such as the denial of transport and communications links with other Member States, and other measures of a political and economic nature to be determined by the Assembly” (A23.2).</p> <p>“Governments which shall come to power through unconstitutional means shall not be allowed to participate in the</p>	GA.

Document	GG policy	Consequences of GG violation mentioned	Suggested action after noncompliance	Actor in charge
			activities of the Union” (A30).	
African charter on democracy, elections and governance	<p>“To strengthen and consolidate institutions for good governance”. To “promote the universal values and principles of (...) good governance” (Preamble).</p> <p>“Determined to promote and strengthen good governance through the institutionalization of transparency, accountability and participatory democracy” (Preamble, A2.6).</p> <p>“Promote best practices in</p>	Yes. Chapter 8 ‘Sanctions in cases of unconstitutional changes of government’.	<p>“Shall draw appropriate sanctions by the Union” (A23).</p> <p>“When the Peace and Security Council observes that there has been an unconstitutional change of government in a State Party, and that diplomatic initiatives have failed, it shall suspend the said State Party from the exercise of its right to participate in the activities of the Union in accordance with the provisions of articles 30 of the Constitutive Act and 7(g) of the Protocol. The suspension shall take effect immediately” (A25.1).</p>	PSC, GA.

Document	GG policy	Consequences of GG violation mentioned	Suggested action after noncompliance	Actor in charge
	<p>the management of elections for purposes of political stability and good governance” (A2.13).</p> <p>State Parties shall “promote good governance by ensuring transparent and accountable Administration” (A12).</p>		<p>“Notwithstanding the suspension of the State Party, the Union shall maintain diplomatic contacts and take any initiatives to restore democracy in that State Party” (A25.3).</p> <p>“The perpetrators of unconstitutional change of government shall not be allowed to participate in elections held to restore the democratic order or hold any position of responsibility in political institutions of their State” (A25.4).</p> <p>“The Assembly may decide to apply other forms of sanctions</p>	

Document	GG policy	Consequences of GG violation mentioned	Suggested action after noncompliance	Actor in charge
			<p>on perpetrators of unconstitutional change of government including punitive economic measures” (A25.7).</p> <p>“The Peace and Security Council shall lift sanctions once the situation that led to the suspension is resolved” (A26).</p>	
African charter on values and principles of public service and administration	<p>“Determined to (...) ensure good governance” (Preamble).</p> <p>“Facilitate the creation of conditions for good governance (...) on the continent through the harmonisation of policies and laws of State Parties”</p>	Vaguely.	<p>“The Assembly shall take appropriate measures aimed at addressing issues raised in the report” (A24.4).</p> <p>This report is submitted every two years by the State Parties, and contains taken measures to comply with the Charter.</p>	GA.

Document	GG policy	Consequences of GG violation mentioned	Suggested action after noncompliance	Actor in charge
	(A2.I.D).			
African Union convention on preventing and combating corruption	<p>“Ensure good governance and the rule of law”.  “Bearing in mind” many declarations, “underlined the need to observe principles of good governance” (all Preamble).</p> <p>“Respect for (...) the rule of law and good governance” (A3.1).</p> <p>“Work closely with international, regional and sub regional financial organizations to eradicate corruption in development aid and cooperation</p>	No.	No.	Heads of State and Government of the Member States.

Document	GG policy	Consequences of GG violation mentioned	Suggested action after noncompliance	Actor in charge
	programmes by defining strict regulations for eligibility and good governance of candidates” (A19.4).			
African Union non-aggression and common defence pact	GG as part of human security, which “means the security of the individual in terms of satisfaction of his/her basic needs” (A1K).	No.	No.	PSC (under GA authority).
Charter for African cultural renaissance	“To strengthen the role of culture in promoting peace and good governance” (A3J).	No.	No.	Heads of State and Government of the Member States.
Protocol relating to	“Promote and encourage democratic practices, good	No.	No.	Heads of State and



Document	GG policy	Consequences of GG violation mentioned	Suggested action after noncompliance	Actor in charge
the establishment of the peace and security council of the African Union	governance and the rule of law” (A3F).  “Follow-up” on made progress (A7.1M).			Government of the Member States.
Protocol to the treaty establishing the African Economic Community relating to the pan-African parliament	“Determined to (...) ensure good governance” (Preamble).  “Encourage good governance, transparency and accountability in Member States” (A3.3).  “The promotion of good governance and the rule of law” (A11.1).	No.	No.	Pan-African Parliament.

## V. Implemented policy United Nations: Burkina Faso

### Step 1 Noncompliance

Mentioned crisis (political and/or security).

### Step 2 National

SC calls parties to refrain from violence, authorities to respect the right of peaceful assembly and right to life, security forces to hand over power to a civilian-led transition, all stakeholders to collaborate together (D1).

SC welcomes Charter for the Transition and new president (D2), which everyone must respect.

Detention president and prime minister. All actors must refrain from violence and restore constitutional order. SC supports transitional authorities (D3), condemns power seizure, perpetrators must be held accountable (D4).

SC welcomes reinstatement president, calls for resumption of the transition (D5).

SC investigating the situation: expressed deep concern/strong support, called on authorities/all stakeholders, urged security forces/all actors, welcomed an agreement/appointment, commenced stakeholders, condemned in the strongest term, demanded, stressed, underlined.

### Step 3 Regional

Protocol on Democracy and Good Governance, African Charter on Democracy Elections and Governance, joint mission AU and ECOWAS.

Special Representative for West Africa, Mohamed Ibn Chambas (D1-5).

SC encouragement:

Calls on actors to respect, expressed their full/strong support/appreciation, commenced the efforts, encouraged all partners, reiterated full support.

Step 2 and 3 are temporarily unsuccessful, wherefore step 4 (no action), is not an option.

Step 5&7\* Proposals and implementation

From SC\*(Since it is highly unlikely that SC will not authorize its own proposal, 7 is also added).

Favors AU and ECOWAS mission.

“Expressed their readiness to monitor closely the situation and to consider further steps as necessary” (D4).

Five days later: “intention to continue” the monitoring, because SC recognizes “the legitimate aspiration of the people of Burkina Faso for a peaceful transition” (D5).

Implemented policies are successful, hence:

Step 8 No further action.

## VI. Implemented policy United Nations: Burundi

### Step 1 Noncompliance

GG implementation remains slow, not all laws are in line with international standards, human rights violations (D6). Elections 2015 could “spur violence and undermine peace” (D13), security situation is “deteriorating rapidly” (D22).

### Step 2 National

SC calls for dialogue, to address impunity (D6), need for free, transparent, credible, inclusive and peaceful elections, space for all political parties (D12).

SC welcomes efforts (reaching out to electoral stakeholders) of Independent National Electoral Commission (CENI), they must continue taking measures to strengthen the public’s electoral confidence. Opposition must remain (peacefully) engaged (D12).

SC calls on these actors plus the government, to ensure close cooperation with MENEUB (D12), and to refrain from violence (D13). Government must take measures to ensure the exercise of fundamental freedoms. SC commends growing role played by National Human Rights Commission (D12) and Burundian Peacebuilding Commission (D24). Primary responsibility of government: ensuring security in its territory and protecting its population (D24).

All parties must preserve Burundi’s fragile peace (D13), through dialogue and reconciliation (D14). Rule of law must return swiftly (D14, 15), perpetrators must be held accountable (D19). Authorities must take concrete steps to prevent further violence (D15).

Constitution and Arusha Agreement must be followed (D23).

Government must cooperate with regional mediation (D24).

SC concerned about: continuing escalation of violence, increased human rights violations, persisting political impasse, humanitarian consequences (D27).

SC investigating the situation: expressed (serious/deep) concerns, stressed the urgent need/utmost importance, welcomes, encourages,

calls on, commends, condemned (in the strongest terms/strongly), urged, appealed, underscoring, reaffirming.

Three times interplay step 2

Burundian Minister for Foreign Affairs: Constitutional Courts can resolve PTL issues, main problem Burundi: funding elections.

Request to SC: more financing (D20).

Opposition parties, civil society and the media see a risk for violence if Nkurunziza runs for a third term, they call on SC to dissuade the president (D20). SC must “do everything in its power to preserve peace and stability in Burundi” (D20).

Nkurunziza is “fully prepared to continue to maintain good relations with the UN”, but is against “any interference from outside, in particular from the AU” (D30).

### Step 3 Regional

AU, EAC (president Uganda acts as mediator), ICGLR (D11), COMESA (D15). Goals: pursue consultative political dialogue, create an environment to peaceful and inclusive elections (D15).

SC encouragement: welcomes engagement, reiterated/expressed full support, encouraged, looking forward to full implementation, vital importance

Step 2 and 3 are unsuccessful, wherefore step 4 (no action), is not an option.

### Step 5 Proposals

#### Regional

EAC calls for election postponement, sets conditions (Burundi agrees temporarily), and for disarmament (D16), sends observers to the elections (D26).

AU deploys human rights observers, civilian personnel, military experts. AU PSC sends ministerial delegation (D19), launches in-depth investigation, increases amount of abovementioned AU personnel (D23).

AU imposes targeted sanctions (including travel ban and asset freeze) against stakeholders who impede the search for a solution and contribute to violence (D23).

AU PSC wants to deploy MAPROBU (D27). Effective

implementation of their decisions “depend greatly” on SC support. Therefore, request for funding (D28).

#### International (UN)

2013 strategic assessment. Conclusion: UN political presence is needed throughout the 2015 election (D6).

BNUB. Does not have enough resources, therefore UNDP takes rule of law tasks partially over. After mandate ends, UN Joint Transition Plan (D6).

27-04-2014 till 6-05-2014 six UN organs visit Burundi “to support the development of an UN rule-of-law strategy” (D6).

Peacebuilding Fund approves a third peace priority plan (D20).

#### International (SC)

Resolution 2137 (2014). SC decides to implement MNUB. Must be fully operational for one year, starting on 01-01-2015 (D6). At that date BNUB mandates expires.

Furthermore, SG must report every six months to the SC, until after the 2015 elections (D9).

SC wants to “follow closely and to respond to any actions in Burundi that threaten peace, security or stability” (D13,23). SC “expressed their intent to respond to violent acts” and wants “to remain seized of the matter as long as needed” (D14, 15, 16).

SC “remained committed to supporting long-term peace and stability” (D22) and determined “to seek accountability for perpetrators” (D23).

Resolution 2248 (2015). SC condemns the violence, urging all parties to open a dialogue and wants to strengthen UN presence (D30). SC “expresses its intention to consider additional measures”, against actors who contribute to violence. SG is invited “to deploy a team”, to update the SC, and to present options for future UN presence within 15 days (D24).

The SC approves (ex- or implicit) the abovementioned measures, which leads to step 7.

#### Step 7 Implementation Regional

AU and EAC implement actions on their own. SC uses encouraging words (see step 3), but no official authorization. Answer to funding request PSC is unclear.

23-01-2016: SC holds informal dialogue with AU PSC.

SC wants to strengthen partnership and enhance cooperation with PSC through “an exchange of views on issues of interest” to both IGO’s. Also “explore ways of reinforcing and supporting AU conflict prevention tools” (D20).

#### International

R2137: MENUB is operational for the requested period. SC sends a mission to Burundi (9 till 13-03-2015) to implement R2137 (D20). SG keeps SC updated.

R2248: Chair Peacebuilding Commission visits Burundi 9 till 14-11-2015, “to discuss opportunities for the Commission to support the resolution” (D26).

SG appoints Special Advisor on Conflict Prevention (D24), updates the SC regularly, deploys a team, and presents two plans on 01-12-2015: multidimensional integrated peacekeeping operation and fully-fledged integrated special political mission (D25).

SC sends missions to Burundi (21 till 23-01-2016) to meet with Burundian officials to implement R2248 (D29).

After implementing step 7, the protests and violence continue as Nkurunziza remains in office. Yet, the UN does not move to step 8 till 11.

## VII. Implemented policy African Union: Burkina Faso

### Step 1 Noncompliance

Acts of violence, coup.

### Step 2,3&4 GA

As the GA does not discuss the Burkinabe situation, voting is absent.

### Step 5 Diplomatic means PSC

#### National

BK needs to “return to calm”. The country must comply with their constitution, AU Constitutive Act and Charter on Democracy, Elections and Governance. People that use violence must be brought to justice, all parties must fully cooperate with Joint Mission (D35). PSC expresses its solidarity with BK’s population, acknowledges their “profound aspiration to uphold their constitution” (D35).

PSC labels declaration of military as a coup (D35). Five measures PSC: BK constitution remains valid (1), reaffirms the imperative of the consensual transition (2), demands that the military hands over power to a civil authority within two weeks (otherwise sanctions) (3), interim civil authority must find consensus with all political actors on the elections, that need to take place “as quickly as possible” (4), defense and security forces must be at the disposal of the civilian authorities (5) (D35).

#### Regional

Joint Mission AU, ECOWAS, UN to “facilitate a consensual way out of the crisis” and to help mobilize “all the international support” BK needs (D35). To achieve this goal, these three actors should establish an International Forum (D36).

Chair AU Commission helps with early settlement of the crisis and the establishment of “a civilian-led and consensual transition” (D35). AU commission must update PSC (D35).

#### International

PSC appeals “to all the AU international partners”, to fully support



the search of a solution (D35), and mobilize the necessary support (D36).

Establishment International Follow-Up and Support Group for the Transition in BK (GISAT-BK) (D37).

Expressions PSC: (re)calls on stakeholders, stresses the duty, urges leaders, strongly condemns, takes note, underlines, deploras, endorses, commends, welcomes, demands, reaffirms, emphasizes, reiterates, urgently appeals, requests.

Step 5 is temporarily successful, wherefore the AU moves to step 6. Restoration constitution, signing Transitional Charter by all stakeholders, appointment of civilian transitional president, transfer of power by military (between 15 and 21-11-2014) (D36).

However, a power seizure takes place, which leads to step 7 Implementation.

President and other government officials are kidnapped, military wants to dissolve transitional institutions (16 and 17-09-2015).

PSC: “all measures taken by those who seized power by force” are null and void. We will “neither recognize nor support any process conducted outside the Transition”. Perpetrators “shall be held accountable” (D38).

PSC suspends BK.

Since status quo is not restored within 96 hours, PSC:

Imposes travel bans and asset freezes “on all members of the so-called ‘National Committee for Democracy’” (AU Council circulates the list to all international partners and updates it regularly ) (1); qualifies the kidnappings as terrorist acts (2); will bring perpetrators of the unconstitutional change to justice (3); consults with the African Monetary Union to deny de facto authorities access to the West African State Central Bank resources (4); requests all bi- and multilateral partners to suspend all military, security and economic cooperation programmes with BK (5) (D38).

PSC requests Commission to 1) establish a Panel of Experts to assist with the monitoring and implementation of the abovementioned measures, 2) work on the modalities of an AU contribution (D38).

ECOWAS organizes an Extraordinary Session on “the political

crisis” in BK and visits the capital (22 and 23-09-2015) (D39). Expressions PSC: deep concerned, (strongly) condemns, endorses, strongly/totally rejects, underlines, stresses, calling, demands, requests, reaffirms.

The AU’s policy is successfully implemented, hence:

Step 8 No further action.

Transitional president reinstated, resumption “normal course of the Transition”.

PSC lifts suspension and puts sanctions on hold, but “can be reactivated at any time” at the request of: BK president, ECOWAS, recommendation AU Commission (D39).

PSC requests Commission “to deploy as quickly as possible an election observation mission” and encourages all Member States to send observers. ECOWAS sends military and human rights observers to the elections. These measures “will mark the end of the Transition” (D39). PSC urges all members of the international community to provide “the necessary financial support” (D42). AU and UN keep cooperating closely to support BK transition (D40). PSC continues “to regularly review the situation” (D42).

## VIII. Implemented policy African Union: Burundi

### Step 1 Noncompliance

Burundian parties cannot agree on suspension of demonstrations and withdrawal of Nkurunziza's candidacy. 110.000 inhabitants flee Burundi (D48). Situation can lead to wide-scale violence, affect regional stability (D47).

### Step 2,3&4 GA

As the GA does not discuss the Burundian situation, voting is absent.

### Step 5 Diplomatic means PSC

#### National

All parties must work together, with "due respect to legality" (D44), towards organization of elections (D45). They must hold an inclusive dialogue (D46) under auspices of EAC, AU, UN (D47) and place national interest above other considerations (D49).

In addition, disarming all militias and illegal armed groups, reject violence (D45), respect human rights (D46).

AU is responsible as Guarantor of the 2000 Arusha Agreement for Peace and Reconciliation in Burundi. PSC is determined to "fully assume its role" (D47).

Solution: "only dialogue and consensus (...) will make it possible to find a lasting political solution" (D47).

Opposition disappointed that EAC summits neglect third term issue (D48).

PSC condemns (failed) coup 13-05-2015 (D47).

Six measures PSC for reaching its proposed solution: resumption of dialogue between all Burundian parties on initiation of Commission Chair and under EAC auspices (1), talks should focus on measures that create fair elections (2), setting a date (3), AU human rights observers (4), military experts (for disarming groups) (5), election observer mission (6) will be deployed immediately and report to the PSC (D49). 4 and 5 are implemented (D55).

#### Regional

AU Commission visits Burundi to support and observe electoral process (26 and 27-03-2015) (D44). Goal: agree with government on “practical measures to de-escalate the situation” (D46).

Commission must enhance AU Office Burundi (D47, D48:done) to better monitor the situation and support dialogue.

First week July 2015, PSC sends ministerial delegation including Commission and EAC representatives (D49). Goal: asses implementation of abovementioned six measures (D49).

Commission should keep international partners up to date and mobilize support (D55).

Involved actors: EAC (wants elections postponed), ECCAS, COMESA (D45), ICGLR (D49) (forms Joint International Facilitation Team with EAC, AU, UN).

PSC asks Panel of the Wise to engage all stakeholders, in order to resolve “the on-going political impasse” (D45).

PSC endorses EAC decisions: postponement of elections, forming a Government of National Unity, commitment to the Arusha Agreements and not amend PTL in the constitution, disarming groups, deploying AU military and ICGLR observers (D51).

### International

PSC calls on international community to provide necessary financial and logistic support, to facilitate “free, fair and transparent elections” (D44). Appreciates UN efforts (D47).

Special Envoy of UN SG for the Great Lakes Region initiates dialogue unsuccessfully (D49).

PSC “underlines the responsibility of the UN SC in ensuring that the situation does not deteriorate further” (D55).

Expressions PSC: welcomes, calls, requests, grave/deep concern, stresses the urgency, expresses, notes with concern/satisfaction, urges, encourages, reiterates, strongly condemns, reaffirms, commends, total rejection.

Regardless of the postponement demand of AU and EAC, Burundi decides to hold elections (D50). Instead of moving to step 7, PSC decides to a second round of step 5.

### Step 5.1 Diplomatic means PSC

AU does not observe 2015 elections, as it is “non-inclusive and non-consensual” and conditions for free, fair, transparent, credible elections are absent (D55).

PSC decides:

Human rights violators of security forces are excluded from AU-led peace support operations (1);

Increase number of human rights observers and military experts in Burundi to 100 on 15-12-2015 (2);

Commission must submit monthly reports (3);

In-depth investigation of human rights violations by Commission on Human and Peoples’ Rights (4);

if necessary, African-led Mission to prevent widespread violence (5) (D55).

PSC imposes targeted sanctions, including travel ban and asset freeze, against Burundian stakeholders “whose actions and statements contribute to the perpetuation of violence and impede the search for a solution”. Commissions makes and updates list, Nkurunziza is not on it (D55).

Burundian political leaders keep making “inflammatory statements” that are conducive to violence. EAC mediation must continue (D56), meeting on 06-01-2016 with ICGLR, AU (D58). Violence and killings continue (D57).

PSC argues:

“In spite of all the efforts”, situation keeps deteriorating.

Solution: MAPROBU of 5000 persons for six months renewable.

PSC asks Member States and international partners to provide financial, technical, logistical support.

Special request to UN SC, since “its primary responsibility for the maintenance of international peace and security”, to support, authorize and partly fund the mission (D57).

Burundi rejects deployment, but is committed to “an inclusive inter-Burundian dialogue, as relaunched on 28-12-2015” (D58).

AU respects “independence and territorial integrity”.

PSC decides to deploy high level delegation instead of mission and support the dialogue (D58).

Hereafter the AU remains stuck in step 5.1.