

Peace at Stake in Burundi: Could the Crisis Escalate, and Is There a Way Out?

byJohn MwangiGithigaroSeptember 11, 2015

In the wake of events that took place there in the first half of 2015, Burundi is once again on the world's radar, with the focus this time on whether the country is showing signs of sliding into civil war. In late April 2015, incumbent president Pierre Nkurunziza announced he would seek a third term in office, and the opposition went on record as saying they would not stop short of ensuring his exit from the political stage.

The immediate outcome was a rise in street protests that rocked the country, some of them rekindling ethnic tensions that had existed between the Hutu and the Tutsi identities both before and after Burundi's independence from Belgium in 1962. Human rights organizations claim that, in the span of the nearly two months after the violence broke out, at least seventy people were killed in violent clashes with the police, while at least 100,000 people fled Burundi, principally to refugee camps in neighbouring states.[1]

Key to the precipitation of this conflict was the interpretation of Burundi's constitutional requirement regarding term limits for the presidency. The constitution is clear about a two-term limit, and Nkurunziza had served twice. He was appointed as president by parliament in 2005 and then won the popular vote in 2010 for his second term (although the credibility of that election was in doubt). Based on this, the opposition in Burundi and political analysts declared him ineligible to run for a third term. Nkurunziza, however, claimed his first term did not count because of the parliamentary appointment.

In early May 2015, over the strenuous objections of the opposition, a constitutional court cleared Nkurunziza to run for a third term. On May 13, a coup d'état was attempted while the president

was attending an East African Community (EAC) summit in Dar es Salaam, Tanzania, which failed to unseat him and led to an escalation of hostilities. In the resulting crackdown on the opposition, street protestors opposing his third mandate were met with violent reprisals by state machinery. In addition to using excessive force against the street protestors, security forces went on to limit people's freedom of expression and association and to detain opposition figures.

The violence was followed by rhetoric framing the street protests as Tutsi-instigated, which, analysts claimed, could rekindle the old ethnic strife that had been calmed by the Arusha Accords of 2000—accords that had halted a long-running civil war by instituting a power-sharing formula among the Hutu, Tutsi, and the various political outfits within the country. The president also targeted Tutsi military officers for investigation and sacked three cabinet ministers who were perceived as moderates opposed to his third term in office. Despite advice from the EAC and the United Nations to postpone the elections—given a political environment not conducive to the polls[2]—Nkurunziza decreed that municipal and legislative elections, initially scheduled for June 5, and the presidential elections, scheduled for June 25, would go ahead as planned.

Legitimacy and Credibility of the Presidential Poll

The 2015 Burundi presidential election, ultimately held on July 21, produced President Nkurunziza as the winner. However, this outcome put into question the credibility of the electoral process and, by extension, the legitimacy of the leadership—a legitimacy deficit that may have been behind the European Union's decision not to send its electoral observation team to the polls.[3] Worse, it cast doubt on the democratic consolidation process that had been ongoing since the cessation of the civil war in 2005. Rather than adhering to the key tenets of that process, which include the actualization of free and fair elections, the presidential vote was conducted in an environment poisoned by state-sanctioned violence, restrictions on the opposition's campaigning, and a crackdown on the alternative press.[4] It was boycotted by four main opposition candidates, most significantly AgathonRwasa, who was a former rebel commander like Nkurunziza. The absence of a level playing field—which is a marker of the democratic process—in principle denied the Burundian electorate their choice of leadership.

The Challenges Ahead

The immediate challenges in the aftermath of the electoral cycle lie with the acceptability of the leadership, given the National Council for the Defense of Democracy and the Forces for the Defense of Democracy's (CNDD-FDD) lack of broader legitimacy to govern at home and to engage with international players abroad. This has already become clear, with development partners Belgium and the United States announcing cuts in, respectively, security cooperation and the training of peacekeeping forces following the political developments triggered by Nkurunziza's bid for a third term.[5]

A second challenge facing Burundi under the leadership of Nkurunziza is the possibility that the current conflict will escalate into a civil war. The potential is already present. One catalyst could be the intensification by the opposition of its street protests, which could further intensify the rekindling of ethnic divisions that began in late April. The commitment of a section of the

opposition to unseating Nkurunziza's regime, coupled with divisions within the military and the police, could turn the conflict into a civil war, while state responses to repress the opposition could lead to the spreading of violence across the country.

Is There a Future for Peace in Burundi?

Hope remains that peace can be achieved in Burundi, but the window of opportunity is closing fast. Despite the failure of diplomatic efforts at the level of the EAC and the UN to stop Nkurunziza's bid for a third term, the resumption of mediation efforts at the level of regional or even international cooperation would be prudent. This would require the EAC to mount a credible mediation process to meet with the opposition, the ruling party, and other key players, such as civil society actors, to deliberate on the way forward. One option would be to create a transitional government that would genuinely account for a power-sharing agreement among Hutus and Tutsis, as seen in the Arusha Accords. According to population size, the Hutu parties would occupy more than half but less than three-fifths of the ministerial positions and a sixty percent stake in the National Assembly, whereas the Senate would be equally divided between Hutus and Tutsis. Such a strategy would help to minimize the winner-takes-all majoritarian type of election in an ethnically divided society.

Genuine power-sharing at the political level, including through civil service appointments, is a sure route for building peace that has worked before in Burundi.[6] Yet any power-sharing agreement should be seen as a temporary measure to achieve peace and pave the way for opening up democratic processes and institutions. Given the country has been sliding toward authoritarian rule since the 2010 elections—a slide manifested in the increased crackdowns on the opposition and intimidation during political campaigns, including limitations on freedom of expression—any measure toward lasting peace should be seen as ongoing.

In sum, the electoral process in Burundi cannot be considered to have been free and fair. Achieving a peaceful settlement of the current conflict would help pre-empt a humanitarian crisis already underway with the influx of refugees to neighboring states such as Tanzania and Rwanda. The African Union and the EAC should work swiftly to ensure the current conflict does not escalate.

Also needed are accountability mechanisms to address the range of human rights violations that have been committed by various players in the conflict, most principally the security agencies. This would, in the present circumstances, be a subjective process within the country, given the challenges to the credibility of the justice sector. In the meantime, advocacy work by various civil society actors—either local or international—can help push the agenda for justice, while support from international partners—whether technical or financial—must be contingent on meaningful reforms across the governance sector.

1. BBC News, "Burundi Vice-President Gervais Rufyikiri Flees," June 25, 2015, http://www.bbc.com/news/world-africa-33267428, accessed September 9, 2015. ↩
2. International Crisis Group, "Burundi: Peace Sacrificed?" African Briefing No. 111, May 29, 2015, http://www.crisisgroup.org/en/regions/africa/central-africa/burundi/b111-burundi-peace-sacrificed.aspx, accessed September 9, 2015. ↩

3. Ibid. ↩
4. BBC News, “Q&A: Burundi’s Fraught Presidential Poll,’’ July 21, 2015, http://www.bbc.com/news/world-europe-33476228, accessed July 21, 2015. ↩
5. Ibid. ↩
6. Curtis Devon, “The international peacebuilding paradox: Power sharing and post-conflict governance in Burundi,” *African Affairs* 112 (2012): 72–91. ↩