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AU must re-engage in Burundi to push for inclusivity as a way out of violence

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The constitutional changes, if passed could reset the clock on term limits for President Pierre Nkurunziza — potentially giving him an additional 14 years in power — and paving the way for the dismantling of ethnic balances embedded in the 2000 Arusha Agreement, which brought an end to Burundi's protracted civil war. ILLUSTRATION | JOSEPH NGARI | NMG

In Summary

- As a guarantor of Arusha, the AU should resist the erosion of the agreement's key provisions embodied in the approved constitutional changes. Its half-hearted response to the referendum — January's AU summit simply called for "a broad consensus of all stakeholders" — will not suffice in the face of a concerted effort to dismantle the very political settlement that brought peace to Burundi.

Burundi held a referendum on Thursday amid growing violence, and intimidation as the government tried to silence voices opposed to its plan to alter the constitution.

The changes, if passed could reset the clock on term limits for President Pierre Nkurunziza — potentially giving him an additional 14 years in power — and paving the way for the dismantling of ethnic balances embedded in the 2000 Arusha Agreement, which brought an end to Burundi's protracted

civil war.

According to the new Constitution, clauses guaranteeing the minority Tutsi community a 40 or 50 per cent share of posts in some state institutions will be reviewed over the next five years.

In the context of the ruling CNDD-FDD's increasing authoritarianism, there seems little chance that these assurances would survive such a review.

The African Union (AU), as an Arusha guarantor, has an obligation to uphold the Accord's central principles. It must re-engage to prevent Burundi sliding back into open conflict ahead of the 2020 elections.

Climate of fear

Since the referendum was announced in December, the government's political crackdowns, together with local revenge attacks and racketeering, have led to increasing violations of human rights.

The 430,000 refugees in neighbouring countries — the majority of whom fled in 2015 and 2016 due to intimidation of opponents of President Nkurunziza's third term — show little sign of wanting to come home, despite being pressured by host countries to return.

The security services and the Imbonerakure, the CNDD-FDD's youth wing, have targeted opposition party members and citizens calling for a no-vote, in particular members of the FNL-Rwasa party, which challenges the CNDD-FDD for the Hutu vote in-country.

Police and intelligence agents have carefully monitored campaign meetings and those who call openly for a no-vote face intimidation or worse. Those lucky enough to be arrested, rather than disappearing, join a growing number of civil society activists in prison, most recently human rights defender Germain Rukuki, sentenced to 32 years in prison for supposedly undermining state security.

To anyone familiar with the ethnic violence of Burundi's past, motivated, in the words of the Arusha Agreement, by the desire to seek or retain political power, these arrests and disappearances are worrying.

Worse still, the government is propagating a virulent public discourse inciting violence against all who oppose it. The president himself set the tone on December 12 when, in announcing the referendum, said anyone opposing it would be "crossing a red line." Since then, party militants have attacked those campaigning against the referendum or for voting no.

The government's intention to dismantle the gains of Arusha has long been clear. In March 2014 it tried, but failed, to revise the Constitution through parliament.

Since 2015, the government has advanced its agenda through a carefully constructed doctrine according to which it, and by extension Burundian Hutus, are the victims of an international plot.

While ordinary people have remained resistant to the spectre of ethnic division, the administration has pushed what Crisis Group has previously called "ethnicisation from above," wherein the country's troubles are laid at the door of individuals of Tutsi ethnicity (such as Rwanda's President Paul Kagame or former president Pierre Buyoya) in association with others (the United Nations Commission of Enquiry, the European Union, the International Criminal Court and the AU) who speak out against abuses.

Increasingly the divide is painted in stark religious terms: Between a divinely ordained president and his enemies' evil machinations.

African solutions

Changing the Constitution in order to stay in power has long been a grey area in the AU's governance doctrine. Consequently, the continent's response to Burundi's three-year-old crisis has been uneven.

The AU reacted early and firmly to the initial turmoil. As events unfolded, the Peace and Security Council (PSC) voiced its concern and attempted to deploy mediators, envoys and human rights observers. As violence peaked at the end of 2015, the PSC authorised a stabilisation force, MAPROBU.

Troops were never deployed, following a relative calming of the situation in-country at the start of 2016.

Bruised and shaken by the MAPROBU debacle, the AU ceded responsibility to the East African Community, under the principle of subsidiarity.

Ugandan President Yoweri Museveni became the chief negotiator and former Tanzanian president Benjamin Mkapa was appointed facilitator of talks between the government and the now exiled opposition. But sensing that Mkapa had little political backing from African presidents, Nkurunziza refused to give ground. The mediation, which barely got off the ground, has now comprehensively stalled.

Since 2016, the violence in Burundi has remained at a steady rate without threatening to spill over the country's borders, allowing Nkurunziza to claim a return to normality. While some African leaders and officials are alive to the country's fragility, others buy into the government's view.

As a guarantor of Arusha, the AU should resist the erosion of the agreement's key provisions embodied in the approved constitutional changes. Its half-hearted response to the referendum – January's AU summit simply called for "a broad consensus of all stakeholders" – will not suffice in the face of a concerted effort to dismantle the very political settlement that brought peace to Burundi.

In a country scarred by ethnic violence, the risks posed by the constitutional changes are huge and the case for preventative action (a key tenet of the AU's peace and security mandate) overwhelming.

With elections now just two years away, talks between government and opposition aimed at creating a conducive environment for a vote in 2020 are more vital than ever.

The opposition's mistrust of the ruling CNDD-FDD has deepened to the point where some see violence as the only way of exerting pressure for change. To avoid future escalation, the AU must re-engage now.

The current chairperson, Moussa Faki Mahamat, should use his good offices and the PSC should put Burundi back on its agenda. Greater pressure should be exerted on Bujumbura to open up the political space — including allowing exiled opposition activists to return without fear of harassment or prosecution — and to put an end to its divisive and inflammatory discourse. Without this, the alternative, sooner or later, will be violence.

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