



Commentary

15 May 2018

By International Crisis Group

Burundi's Dangerous Referendum

On 17 May 2018, Burundians vote on constitutional amendments that would prolong the rule of President Pierre Nkurunziza, dismantle a carefully negotiated Hutu-Tutsi ethnic balance, and ultimately could lead to instability. In this excerpt from our Watch List 2018 – First Update early warning report, Crisis Group urges European policy makers to explore channels for pressuring the government, and African leaders to renew mediation attempts between the regime and opposition.

On 17 May, Burundians will vote on constitutional amendments that would allow President Pierre Nkurunziza to prolong his stay in power. Those new provisions also could start to dismantle the carefully negotiated Hutu-Tutsi ethnic balance, defined in the 2000 Arusha agreement that helped end Burundi's civil war. A major outbreak of violence in the country does not appear likely around the vote, despite a deadly attack on a village on 12 May; the status quo could even drag on for years. But the regime's repression, the potential demise of power sharing in Burundian institutions and the crumbling economy are harbingers of instability.

Although the European Union (EU) has lost leverage over Nkurunziza's government in recent years, it retains a strong interest in preventing such instability. The EU and its member states should closely watch developments before, during and after the referendum, and continue to explore channels for pressuring the government while supporting the population. These include encouraging African leaders and the African Union (AU) to renew mediation attempts between the regime and the opposition, while keeping Burundi in the international spotlight. As the Burundian economy collapses, the EU, which suspended direct budgetary

support to the Burundian government in 2016, should also take steps to ensure that the aid it now channels through the implementing agencies of the UN, EU member states and international non-governmental organisations helps Burundians as best possible.

Increasing Repression as the Referendum Approaches

The government's main intention with the forthcoming referendum is to lengthen presidential mandates from five to seven years. This change would restart the clock on the two-term limit – rather than annulling it – potentially giving President Nkurunziza a further fourteen years in power. The new draft constitution also stipulates that ethnic quotas in parliament, government and public bodies be reviewed over the next five years. These quotas, intended to protect the Tutsi minority by guaranteeing the Tutsi 40-50 per cent representation in different state institutions, including the army, were a key part of the Arusha agreement.

The regime has designed the constitutional changes primarily to remove any obstacle to its control of the state apparatus. But in the process it may also be laying the groundwork for reversing ethnic checks and balances. The same is true of the draft constitution's *provisions* to

reduce the number of vice presidents (currently there are two, one Tutsi and one Hutu) to one and to replace the two-thirds majority requirement for parliament to pass particularly significant legislation with a simple majority.

The regime, including the ruling party's youth wing, the Imbonerakure, has carried out a campaign of intimidation against anyone who opposes the referendum or calls for a No vote. It is using threats of violence to push Burundians to register for the vote in hopes of minimising abstention, and identifying people in campaign meetings. The government has banned Western media outlets – the BBC and Voice of America – from radio broadcasting for the duration of the campaign, while its own propaganda machine is in full swing. It has forced citizens to make financial contributions that it claims will support forthcoming elections.

The forced march to the referendum has further accentuated divisions among President Nkurunziza's opponents, despite opposition factions making a renewed attempt to align

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their positions at the start of 2018. The Amizero y'Abarundi coalition and the Sahwanya-Frodebu party, which remain in Burundi, have both declared they intend to campaign for a No vote. The exiled opposition, under the umbrella of the Conseil national pour le respect de l'accord d'Arusha (CNARED), is calling for a boycott. The divide over the referendum exacerbates the historical divisions over strategy and personal rivalries within the opposition.

Significant violence around the referendum appears unlikely, despite a 12 May attack on a village near the Democratic Republic of Congo border in which 26 people were reported killed by unidentified assailants. This attack comes after a relative absence of major security

incidents since 2016, as armed opposition groups have suffered several setbacks. Some of their members were arrested by the Tanzanian government in 2017, sent back to Burundi, and have since disappeared. Those attacks that have taken place, which were launched from South Kivu in the neighbouring Democratic Republic of Congo, have failed to inflict significant losses on Burundian security forces or generate local support. But if the frequency of armed clashes between the army and insurgents has declined since 2016, human rights abuses continue. According to the human rights organisation la Ligue Iteka, 456 people were assassinated, 283 tortured and 2,338 arbitrarily arrested in 2017, the vast majority by the government.

President Nkurunziza and his party are developing a doctrine that mixes personality cult, religion and historical mythology to justify his prolonged stay in power. The president is now referred to as “supreme traditional leader”. The president and his wife, both active in new Pentecostal churches and prayer crusades, adhere to a theocratic vision that blends traditional Burundian signs of power with divine attribution; tellingly, the government is planning to build a large prayer centre in Gitega where ruling party members will be required to attend lengthy retreats. More broadly, this emerging doctrine presents a Manichean view of history wherein a harmonious pre-colonial Burundi was later spoiled by the machinations of external powers, in particular Belgium, though language pointing the finger at foreigners also tends to contain veiled references to the role played by their supposed Tutsi allies.

Economy and Development in the Doldrums

The Burundian economy has been severely hit by the loss of overseas aid since 2015, and by the flight of human and financial capital. Gains made in health and education since the early 2000s – notably drops in infant mortality and increasing numbers of Burundian children in school – have stalled. Shortages of currency and

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fuel have afflicted all sectors. Some 430,000 Burundians have fled to neighbouring countries, principally Tanzania.

Though many Burundians already struggle to make ends meet, the government is introducing new taxes and ad hoc levies. As its relations with Western governments have worsened, it has turned to Turkey, China and Russia for aid. But while these countries might afford the government political support and some financial respite, they are unlikely to offer the sort of budgetary or technical help that Western donors provided. Meanwhile, the impact of private investment in the mineral sector on the wider economy is unlikely to be significant, at least in the short term.

After negotiations with the government under Article 96 of the Cotonou Agreement, the EU and its member states decided in March 2016 to suspend cooperation due to Burundi’s rights abuses. Instead, it now channels development aid through international NGOs, the implementing agencies of EU member states and UN agencies. The president and his top officials paint European aid policy and sanctions (which target a handful of those officials) as deliberately aimed at hurting the Burundian people. In some cases, the regime has cracked down on civil society groups that have worked with international donors, including by imprisoning NGO members on spurious charges.

Mitigating Conflict Risk through Continued Support to the Population

The EU and its member states should take steps to help check Burundi’s repressive authoritarianism and alleviate deteriorating living conditions for its people.

On the former, Nkurunziza’s government has brushed off sporadic pressure from Western

donors and actors such as the UN Office of the High Commissioner for Human Rights to open space for its opponents. Nor have mediation efforts of the sub-regional body, the East African Community (EAC), made progress. Indeed, some African leaders appear inclined to believe the government’s argument that there is no crisis to mediate.

That argument is flawed. The regime probably can keep dissent under wraps for some time. But the consolidation of its rule and dismantling of the Arusha power-sharing provisions augur ill for the country’s stability over time. The EU and its member states should press African powers and the AU to renew mediation attempts between the regime and the exiled opposition, with the aim of ensuring a credible election in 2020. They should strive to maintain international attention on Burundi, with EU member states on the UN Security Council pressing to keep Burundi on the council’s agenda. The EU also should uphold its position that conditions in the country do not allow for a free and fair referendum.

In light of its 2016 suspension of direct support to the government, the EU needs to redouble efforts to find ways to ensure its aid supports the population. In addition to the support it channels through international NGOs, it should continue pursuing its plan to directly support local NGOs, but with particular caution not to expose them to risk. This could mean providing them with adequate funding to reinforce their own management and legal capacity in case the government continues to harass them through the courts. The EU should also reinforce its delegation in Bujumbura and strengthen the tracking mechanisms with its implementing partners to prevent any misuse of its funds.