

## SCENARIOS FOR BURUNDI

**Filip Reyntjens**

Institute of Development Policy and Management (IOB), University of Antwerp

Email: [filip.reyntjens@uantwerp.be](mailto:filip.reyntjens@uantwerp.be)

*The question whether Burundi's President Pierre Nkurunziza can run for a third term at the presidential election scheduled for June has generated a great deal of debate, and it is now creating violent tensions leading to increasing refugee flows to neighbouring countries. It has even split the ruling party CNDD-FDD.*

Before addressing possible scenarios for Burundi's immediate future, this *Brief* needs to summarily address the constitutional issue. Two articles of the 2005 constitution are relevant. Article 96 states that "The President of the Republic is elected by direct universal suffrage for a five year term that can be renewed once". Article 302, which is part of a section titled "Particular provisions for the first post-transition period" reads as follows: "Exceptionally, the first President of the Republic of the post-transition period is elected by the National Assembly and the Senate meeting in Congress by a two thirds majority of its members". The advocates of a third term claim that, as Nkurunziza was not elected by direct universal suffrage in 2005, his 2005-2010 term "doesn't count", and that the 2015-2020 term is therefore the second, not the third one. Though these advocates have the benefit of some constitutional ambiguity, for at least two reasons this is an untenable position, and it is not even needed to invoke the 2000 Arusha Peace Accord –as some do– to demonstrate this. First, article 302 is a temporary provision dealing with the 2005-2010 period only. It is no longer in use, and cannot be invoked today. Second, and more important, while article 96 deals with the number of terms, article 302 is merely about the *modality* of the 2005 election. This has no bearing on other aspects of the presidential function, including the number of terms. An *ex absurdo* example shows this: if the modality of the presidential election were amended, would this mean that Nkurunziza can run for yet another term?

I now address admittedly speculative scenarios, ranging from desirable to disastrous. They are offered as a warning, in order to show that Burundi could become a very dangerous Pandora's Box for the entire Great Lakes Region in the near future.

One. The CNDD-FDD proposes a candidate other than Pierre Nkurunziza. The party has more potential competent contenders that would make decent Presidents (some other possible contenders would however provide less decent candidates; Nkurunziza might be tempted to contemplate a Putin-Medvedev scenario with them). Given the overall popularity of the CNDD-FDD, though dented by poor governance and recent wrangles over the third term issue, this candidate would probably win the poll, even if the elections are free and fair. As provided by the constitution, Nkurunziza becomes senator for life and is respected, at home and abroad, for his wise decision and his consideration for the public good. If the proposed candidate is found through consensus, the CNDD-FDD reunites, and again emerges as the nation's uncontested main political force.

Two. The CNDD-FDD proposes Pierre Nkurunziza. It is up to competent bodies (the National Electoral Commission and possibly the Constitutional Court) to decide whether his candidacy is constitutionally admissible, but one can assume they do –unless they show unexpected independence. The opposition, the media, civil society and the Catholic Church protest. There are demonstrations in Bujumbura and other cities. Many marchers are arrested, and some are killed. The international community issues condemnations and threatens with sanctions. However the elections go ahead in a more or less orderly fashion, and Nkurunziza is elected. The regime quells the protests, becomes more authoritarian, and engages in business as usual. Fatigue and repression overwhelm the internal opposition and the international community which progressively resumes aid after a brief suspension. The CNDD-FDD splits into competing wings.



**IOB**

Institute of Development Policy and Management  
University of Antwerp

Three. Nkurunziza's candidacy is violently contested. Large numbers of demonstrators are killed in cities and those not supporting Nkurunziza are targeted, both in towns and in the countryside, by the CNDD-FDD's youth wing *imbonerakure* and by civil war veterans. Wings of the CNDD-FDD enter into violent confrontation. The police supports Nkurunziza, but the army splits. Pro- and anti-Nkurunziza soldiers within units or between units as a whole start fighting each other. Opposition politicians and members of civil society flee the country or go underground. The state of siege is declared, and the elections are postponed *sine die*.

Four. Leaders of the former CNDD-FDD, such as some of those having opposed Nkurunziza's candidacy and former party chairman Hussein Radjabu, as well as the Rwasia faction of the FNL, engage in new rebellions. They recover the weapons they had kept "in reserve" during the DDR process and start fighting Nkurunziza's CNDD-FDD, the police and pro-Nkurunziza army elements. They seek alliances with anti-Nkurunziza army units. Fighting also soon starts between the different armed opposition groups in attempts to secure as much territorial control as possible. Hundreds of thousands of people flee abroad, while hundreds of thousands more are internally displaced without humanitarian access.

Five. Remnants of rebel groups in the DRC join the fray. They cross the Rusizi plain, attack Cibitoke and Bubanza, and move towards Bujumbura. The Rwandan FDLR rebels seize the opportunity created by the chaos in Burundi to conduct raids in Rwandan territory, using northwest Burundi as an assault and retreat base. Whether true or not, claims are made that increasing numbers of Burundian Tutsi are targeted. Implementing a possibility he publicly announced some months ago, Kagame orders the Rwandan army to counter both these developments, considered unacceptable by the Kigali regime. The Rwanda Defence Force enters Burundi in what it claims is a "humanitarian operation" aimed at "combating genocide". Rwanda says it will restore order after a brief military campaign. Refugees and IDPs are caught between several fighting forces in a very confusing military landscape without clear front lines or fighting sides.

Six. The civil war extends into Congolese territory. Neither the Congolese army nor Monusco are able to control the situation, and several existent but semi-dormant militia organise operations of "popular self-defence" in South Kivu. They establish hubs of autonomous control and create enclaves devoid of central government presence. The unrest soon moves to North Kivu, where the rebel M23 again engages in military action with overt and covert Rwandan support. The Burundian conflict has then become truly regional, affecting three countries and possibly millions of innocent people –again.

Of course, none of the above scenarios need to take place, and this outline may, hopefully, turn out to be political fiction, "what if?" style. The scenarios may actually be very unlikely, except the first and the second, possibly the third. Decisions taken by the players, often in a haphazard way and in response to threats or opportunities, will determine how the situation develops. However, what this *Brief* does is to warn against a grave and possibly immediate danger. As this danger starts with the decision about President Nkurunziza's bid for a third presidential term, this is where the buck should stop. Both the regional and the international community should therefore make very clear that this is unacceptable, and that it would lead to very stern sanctions against Nkurunziza and those engaged with him in this potentially lethal adventure. This should not just apply to the current regime, but also to opposition figures engaging in inadmissible and life-threatening strategies of tension and violent conflict. Mediation efforts should come first, followed by targeted measures, such as the refusal to issue visa and the blocking of bank accounts, as well as the issuance of a preventive statement by the ICC announcing the threat of prosecution addressed to all players, such as the one made some time ago with regard to the Central African Republic.