

GIVEN AN ALL CLEAR

EAC presidents in tacit approval of Pierre Nkurunziza's bid for third term

It is believed the president would not be violating the constitution if he ran again

By FRED OLUOCH
Special Correspondent

Presidents of the East African Community member countries have given tacit approval for Burundi President Pierre Nkurunziza to run for a controversial third term in office next year riding on a precedent set in Kenya.

NDD-FDD ruling party supporters and EAC diplomats said President Nkurunziza was eligible to run for what would be his second term because he had been elected in 2005 by the National Assembly but not directly by the people.

"If President Nkurunziza is running for a third mandate he is not violating the letter of the Constitution, as per the Arusha Peace Agreement of 2000, which was and is the main source on which the Constitution was based," said Kenyan ambassador to Burundi Ken Vitisia in an interview.

The sentiments were also echoed by the Ugandan and Tanzanian ambassadors to Burundi, Matayo Kyaligonza and James Nzagi respectively, who said there was no crisis in Burundi ahead of the elections, as portrayed by the media.

According to Constitution

"If there was a political crisis ahead of the elections, then the EAC presidents could have stepped in but they know very well that President Nkurunziza is acting under the country's Constitution," noted Mr Vitisia.

Prosper Bazombanza, Burundi's first vice president, this week called on the EAC Secretariat to send in election observers before, during and after the 2015 presidential elections, because "Burundi is already in electioneering mode."

Former Kenya President Daniel arap Moi was allowed to run for two more terms after the constitution was amended in 1991 because the term limit could not be applied retroactively.

Despite eyebrows being raised in the political arena, the courts ruled that Mr Moi was eligible as per the



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President Pierre Nkurunziza was in Uganda recently for the signing of the Monetary Union Protocol. He is said to be running for president again. Picture: File

means jacket-wearing toughs, have been attacking residential areas in raids that have claimed a couple of lives.

Continued division and internal conflicts point to a weakened opposition ahead of the 2015 poll.

The ruling National Council for Defence of Democracy—Forces for Defence of Democracy (CNDD-FDD) will in January hold a congress that is expected to decide whether Nkurunziza will run for a third term in the office.

The CNDD-FDD top brass are aware that they stand a better chance of winning with Nkurunziza as the candidate because he is popular among the rural populace.

The party is composed of the former radical wing of the original CNDD, which had boycotted the Arusha talks and were the last rebel group to lay down their arms before the 2005 elections. The Arusha talks were initially mediated by Julius Nyerere and later by Nelson Mandela.

In April, the United Nations issued a report alleging that the Burundian government that armed its youth wing "Imbonerakure" which resulted in the deportation of Paul Dobbie UN envoy to Burundi.

The five-tier elections are scheduled to begin in May next year, but the opposition maintains that attempts to have President Nkurunziza run for a third term could

spark a civil war.

Some elements in the opposition we spoke to intimated that they have been emboldened by the recent events in Burkina Faso, where the former president Blaise Compaore was forced into exile despite his 27-year rule.

Dr Yolande Bouka, a researcher with the South African Institute for Security Studies in charge of Great Lakes Region and Central Africa, noted that while the Arusha Accord is clear that

the president should not go for a third term, his lawyers can easily take advantage of a loophole in the Constitution.

"Given the current uncertainty, constitutional lawyers can easily argue that he has only had one term under the Burundi Constitution and is therefore entitled to another term. The mood in the government is that the president must run no matter the circumstances," she said.

In March, the ruling party failed to gain the required

two thirds majority to change the constitution by only two votes, in a session that was largely boycotted by the opposition.

The CNDD-FDD, which holds 81 out of 106 seats in parliament, fell one vote short of the 85 required to pass the amendments.

As a result, parliament decided to give the issue a one-year period in which they will revisit the disputed Article 302 that provides for a two term limit. The government side argues that the article should be clear about the number of authorised presidential terms and the circumstances.

The Burkina Faso effect

Local observers told *The EastAfrican* that the opposition are aware that even if they oppose the third term in court, the government influence on the judiciary is overwhelming.

Dr Bouka noted that much will depend on how ordinary Burundians have internalised the Burkina Faso events and those in the neighbouring DRC and Rwanda, where there is already talk that President Joseph Kabila and President Paul Kagame want to change their respective constitutions to go for another term.

Even though the president has not officially declared that he wants to run for a third term, his close associates such as Interior Minister Edouard Nduwimana have indicated to the opposition that the president will run.

Dr Bouka observes that the uncertainty is also emerging from the fact that President Nkurunziza's CNDD-FDD is not a signatory to the Arusha Accord.

Currently, Agathon Rwaswa of the the National Liberation Forces (FNL) has been trying to mobilise the opposition parties to support him so that they can present a strong front against President Nkurunziza.

But Mr Nduwimana, has been busy fomenting splits within the opposition and Mr Rwaswa is not officially recognised as the leader of FNL wing he is leading.

Instead, Jacques Bigirimana is the leader of the FNL wing recognised by the government.

Also not recognised is Charles Nditije, who leads the unrecognised wing of The Union for National Progress (Uprona). According to the Constitution, parties that are not officially recognised are not allowed to hold political rallies nor can they campaign either in urban or rural areas.

Additional reporting by Christabel Ligami and Moses Havyarimana

THE ARUSHA ACCORD

The Arusha Accord was negotiated by the then Burundi government led by Major Pierre Buyoya and opposition groups led by Frodebu (The Front for Democracy in Burundi) party. But Burundian Hutu rebels with their bases DRC and Tanzania were either excluded or boycotted the talks.

Pierre Buyoya—a Tutsi—had in 1996 overthrown then Hutu ruler Sylvestre Ntibantunganya for failing to end ethnic violence. After the Accord, the conditions forced him to appoint Domitien Ndayizeye, a Hutu as his vice-president. The agreement required Buyoya to hand over power after two and a half years, thus Ndayizeye became the president of Burundi



Pierre Buyoya during a recent visit to Burkina Faso. Picture: File

on April 2003, and ruled until the first election after 13 years of civil war in 2005. The current leader, Pierre Nkurunziza, won the presidential elections, which were held in parliament.