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# **CHALLENGES AND PROSPECTS FOR THE EAST AFRICAN COMMUNITY IN MEDIATION: THE CASE OF THE BURUNDI MEDIATION**

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## **Abstract**

The announcement by the Burundian ruling party, the National Council for the Defence of Democracy–Forces for the Defence of Democracy (CNDD-FDD), that President Pierre Nkurunziza would be seeking a third term in office in 2015, sparked unprecedented violence that compelled the East Africa Community (EAC) to intervene. The EAC found itself on unfamiliar ground with limited experience in mediation and in an environment where several factors conspired to undermine the process producing mixed results, the subject matter of this chapter. Through desk research, this chapter uses the EAC mediation in Burundi between 2015 and 2017 to glean crucial lessons about the Community’s role in mediation in the sub-region. It concludes that the EAC approach to mediation in the Burundi crisis was disjointed, lacked an effective strategy and plan and sound political leadership and will. Furthermore, the process suffered from a lack of effective coordination between the African Union (AU), the United Nations (UN) and the EAC. Moving forward, the Community’s leadership should prioritise regional peace and security over historical ties, personal relations and differences and co-ordination.

## **Introduction**

Although the EAC is principally a regional integration organisation, it is increasingly developing and institutionalising structures to promote peace and security. This is in response to the recognition that peace and security are pre-requisites for social, political, and economic development. The organisation whose membership consists of Burundi, Democratic Republic of the Congo (DRC), Kenya, South Sudan, Tanzania, Rwanda, and Uganda engaged in its challenging mediation process in Burundi in 2015.

This followed the violence that ensued after the announcement by the country's ruling party, the National Council for the Defence of Democracy–Forces for the Defence of Democracy (CNDD-FDD), that President Pierre Nkurunziza would be seeking a third term in office.

This announcement was inconsistent with the provisions of the Arusha Peace and Reconciliation Agreement that ended a 10-year civil war that required him to step down at the end of his second term even though Nkurunziza's supporters argued that the constitution allowed the third term. Using secondary data, this chapter uses the EAC-Mediation in Burundi between 2014 through 2017 to glean crucial lessons about the Community's role in peace-making in the sub-region. It examines the overall approach to the mediation, paying particular attention to the strategy, plan, leadership including co-ordination and collaboration with the African Union (AU) and the United Nations (UN). The chapter concludes by pointing out the crucial lessons learnt if the community is to succeed in future mediation efforts.

### **The EAC Peace and Security Mandate**

The engagement of the EAC in matters of peace and security is grounded in several normative and institutional frameworks at three levels namely global, continental, and regional. They lay the basis for the development and institutionalisation of procedures, mechanisms, tools, and methods to predict, forewarn, prevent and manage tensions to forestall violent conflicts. At the global level, Article 52 of the UN Charter explicitly recognises the complementary role of regional arrangements in promoting international peace and security. It states in part,

‘Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations (United Nations 1945:11).

At the continental level, the main documents are the Constitutive Act of the AU (2000) and specifically, the Protocol Relating to the Establishment

of the Peace and Security Council of the AU (2002). In particular, Article 16 states:

The Regional Mechanisms are part of the overall security architecture of the Union, which has the primary responsibility for promoting peace, security, and stability in Africa (African Union 2002).

Furthermore, there is also the Protocol on Relations with Regional Economic Communities (RECs) and AU Commission (2008) and a Memorandum of Understanding (MOU) with other RECs/RMs, including the AU (2008) which provides a coordination mechanism between and among the AU-RECs' programs toward continental economic integration.

At the level of the Community, the main policy documents include the Treaty Establishing the Community in particular, Articles 123 and 124, which note that peace and security are prerequisites to social and economic development within the Community and vital to the achievement of its objectives stated under Article 5. The article states:

The Community shall ensure the promotion of peace, security, and stability within, and good neighbourliness among, the Partner States. Article 123 obligates partner states to ensure that the Community shall ensure the objectives of foreign and security policies by peaceful resolution of disputes and conflicts between and within the Partner States.<sup>1</sup>

In addition, there is the EAC Protocol on Peace and Security (2013) as well as the EAC Conflict Prevention, Management, and Resolution Mechanism (CPMR) of 2012. The Protocol has identified over 20 objectives for fostering regional peace and security, which include, combating terrorism and piracy; peace support operations; prevention of genocide; management of refugees; control of proliferation of small arms and light weapons; and combating transnational and cross-border crimes. To achieve these objectives, the Community normally develops periodic strategic plans to guide the implementation. Finally, the engagement of the EAC in matters of peace and security is driven by the reality that over the years the region

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<sup>1</sup> Article 5, par 3 (f), supra note 5. 46 Article 123, par 4 (d).

has witnessed violent intra-state conflicts among its partner states. These are the genocide in Rwanda, and insurgencies in Uganda, South Sudan, and DRC.

## **The EAC Peace and Security: Tools and Approaches**

The department of peace and security is the main division on this matter within the Community. It derives its existence and mandate from Article 124 of the EAC Treaty, which obligates the partner states to foster and maintain an atmosphere that is conducive to peace and security. It is achieved through cooperation and consultations with a view to prevention, better management and resolution of disputes and conflicts between them. It spells out wide-ranging approaches for implementation aimed at promoting a stable and secure environment within the region that is conducive to development and harmony among the people of East Africa. Supporting the peace agenda at the department are the peace and security council and cooperative arrangements building strategic relationships. The Community has established several programs to pursue its peace and security agenda either singly or in partnership with a number of stakeholder institutions/agencies. This includes programs geared at conflict prevention, management, resolution, and peacebuilding.

## **The EAC Early Warning Mechanism (EACWARN)**

The EACWARN is a conflict prevention initiative where early warning systems are an integral part of the peace and security workings of EAC. The objective of the EACWARN is: 'to facilitate the anticipation, preparedness and early response to prevent, contain and manage situations that are likely to affect peace and security in the region' (East African Community n-d: 1–5).

Institutionally, EACWARN is modelled, adopted, and customised along the lines of the AU'S Continental Early Warning System (CEWS) methodology. It has a Regional Early Warning Centre (REWC) located in the EAC headquarters in Arusha and a National Early Warning Centre (NEWC) in five partner states with South Sudan and DRC yet to establish theirs. The EACWARN monitors, analyses, and develops tailored and timely

responses and options on threats to peace and security in the region. It is driven by data collection from open sources.

The establishment of the EAC Early Warning System must be seen within the broader context of pursuing the AU's Agenda 2063 aspirations of building effective mechanisms to promote and defend the continent's collective peace and security interests. It entails developing structures to nurture and promote home-grown solutions to the multidimensional challenges undermining Africa's stability, security, development, and cooperation agenda. It is also in line with the Memorandum of Understanding on Cooperation in Peace and Security between the AU, RECs, and the Coordinating Mechanisms of the Regional Standby Force in Eastern Africa and Northern Africa (2008). Article VI para 2 of the MOU notes that, "The parties shall work together to make the Continental Early Warning System as provided by Article 12 of the PSC protocol, fully operational, based on the framework of the Operationalisation of the Continental Early Warning System". A regional Early Warning Centre was operationalised in 2013 with the establishment of a Situation Room at the EAC Headquarters. However, staffing limitations as well as a slowdown in the development of various procedural manuals have affected the full operationalisation of the Centre.

### **The EAC Panel of Eminent Persons (PEP)**

To support preventive diplomacy, the Community has established the EAC Panel of Eminent Persons (PEP). This is provided for in the CPMR Mechanism and the Protocol on Good Governance that calls for the building of mediation capacity for deployment when the need arises.

The panel is composed of one eminent individual from each member state who is highly respected, has an astute personality and has made significant contributions to peace and security in the region and beyond. The key duties are to advise the Council and the General Secretary, by conducting preventive diplomacy and constructive conflict resolution on matters associated with fostering and maintaining peace, protection and stability.

The establishment of EACWARN and PEP is in line with the African Peace and Security Architecture (APSA) initiated by the AU and its partners in 2002 ostensibly to address the political, economic, and social consequences of conflicts on the continent which undermine sustainable growth and development. This also enables the AU to have linkages with the sub-regions and vice versa. The concept of PEP has been used in the DRC, Burundi, and in Kenya when Kofi Annan brokered peace after the Post-Election Violence (PEV) in Kenya in 2007/2008. The EAC PEP is positioned to support the Community's internal capacity for preventive diplomacy and promote local solutions to local problems.

### **The APSA Support Program**

The APSA Support programme was initiated by the AU and its partners in 2002 to implement its objectives. It has five pillars that aim to build the competency of the continental body in conflict prevention and, where appropriate, end violent conflicts. These pillars are the Peace and Security Council (PSC), the Continental Early Warning System (CEWS), The African Standby Force (ASF), the Peace Fund, and the Panel of the Wise. It supports the AU, RECs/RMs, and civil society organisations in carrying out joint activities on conflict prevention, management, and peacebuilding. The first phase of this programme commenced in 2008 and ended in April 2011. The second phase which, was funded by the EU through the AU, commenced in May 2011 and ended in December 2015. The final phase commenced in January 2016 and ended in December 2019. The programme supported the EAC Liaison Office to the AU; the development of the Early Warning Mechanism; the establishment of the Mediation Framework; peace and security sector policy development; coordination and institutional support to the peace and security sector. Under the program, the AU maintains a Liaison Officer at the EAC Secretariat and vice versa in line with the MOU between the AU and RECs/RMs.

### **The EAC Mediation in Burundi**

One of the fundamental foreign policy principles of the EAC is the peaceful settlement of disputes and co-existence. Building mediation

capacity, is part of the institutionalisation and operationalisation of CPMR Mechanisms which is preferred by most states because it has no implications of coercion or sanctions for disputants (Webel & Galtung 2007). Compared to ECOWAS or IGAD, the EAC is better known as an economic integration bloc than a conflict resolution organisation. It has a short history and experience in mediation despite the existence of persistent conflicts or political tensions among and between its members.

### **The Break-Up of the Burundi Crisis and the Early Efforts**

The Burundi political dialogue followed a series of crises in the country. The problem started when the CNDD-FDD nominated the late Nkurunziza to be its presidential candidate for a third term in contravention of the constitutionally prescribed two terms. Even the legal opinion from the EAC Attorney General said the bid was unconstitutional (De Carvalho and Singh 2018). Unrest ensued and there was even an attempted military coup in May 2015 that was quickly contained by pro-Nkurunziza forces. About 77 people, who demanded that he step down, lost their lives in sporadic civilian protests in Bujumbura. The UN Commission of Inquiry on Burundi reported atrocities which included extrajudicial executions, torture, sexual and gender-based violence, enforced disappearances, and burial in mass graves (United Nations 2019). The report pointed out that many of the violations were accompanied by ethnic-based hate speech delivered by state and ruling party officials. More than 300 000 Burundians fled to neighbouring countries, and a further 108 000 were internally displaced. An estimated 4.6 million of the eleven million population were in dire need of food aid and other basic supplies (International Crisis Group, 2016).

Although President Nkurunziza's decision to run for a third term triggered unprecedented violence, some of the core causes of popular discontent were division within the ruling party, the government's persistent measures to shrink the political space, failure to consolidate democracy, rampant corruption by government officials, and the slow rate of development (Yolande & Nyabola 2016). The crisis occurred within the context of an existing low-intensity conflict that was characterised by targeted assassinations, disappearances and torture of perceived or actual

government critiques and the government's use of ethnically-charged rhetoric reminiscent of the atrocities of the 1990s. (International Crisis Group 2016). This situation was compounded with a slowing economy following the imposition of an austerity budget (an 18 per cent decrease on 2015). Several stakeholders including religious leaders and civil society organisations in Burundi tried to prevail upon President Nkurunziza to abandon his quest for a third term without success. For example, the Burundi's Conference of Catholic Bishops called for genuine dialogue for all actors, including the *Conseil national pour le respect de l'accord d'Arusha pour la paix et la réconciliation au Burundi et de l'Etat de droit* (CNARED) but was ignored. The US Ambassador to the UN and their Special Envoy to the Great Lakes warned that the country would descend into chaos.

### **Setting the Stage: The EAC Engagement**

Almost a year after Nkurunziza's announcement, interventions were mostly confined to sanctions and the suspension of preferential trade status under various agreements. For example, the US suspended Burundi from the African Growth and Opportunities Act programme (AGOA). The EAC appointed former Tanzanian President, Benjamin Mkapa as the facilitator in July 2015 and was to operate under the overall guidance of President Museveni, who was mandated by the 3<sup>rd</sup> EAC Emergency Summit to lead the process (Kasaija, 2016).

The engagement of the EAC was also driven by a number of factors among them i) Presidents Museveni and Mkapa were instrumental in the Arusha peace process that ended Burundi's first civil war that raged between 1996 and 2005; ii) the personal concerns of President Museveni, to safeguard the national security interest of Uganda, in particular, preventing the possibility of spill-over effects of the crisis into Uganda.

### **The Mediation and the Context**

The Museveni-Mkapa-led process encountered five problems. Firstly, the AU and the UN changed the role of Museveni from a facilitator to a mediator without informing him officially (Kasaija, 2016). This undermined the process in the sense that as a facilitator, Museveni knew his mandate



had a limited role, whereas mediation would entail actively taking the lead and suggesting solutions to end the crisis. The parties to the conflict crisis did not clearly understand his role and this also affected the process (Kasaija, 2016). Secondly, even with the appointment of Mkapa as a facilitator, it is observed that the overall performance of Museveni as a mediator remained lacklustre due to, among other factors, the perception that he was not an honest broker, lacked political leverage on the parties and was being distracted by domestic politics in Uganda. The consultative meeting that Mkapa organised in Tanzania with stakeholders at the end of May 2016 collapsed due to boycotts and objections to the presence of some groups (Kasaija, 2016, Rift Valley Institute, 2017). Thirdly, there was insufficient consensus and initiative from EAC member states to effectively implement some of its key decisions. In addition, there was division within the Community on how to deal with Nkurunziza indicated by the absence of Rwanda, Kenya, and Uganda at the 2015 Summit when a coup attempt occurred. Lastly, there was delayed intervention and even though the organisation recognised a looming crisis, the Summit did not take immediate action to intervene (Institute for Security Studies, 2016).

The EAC's mediation in Burundi was conditioned by both contextual and strategic factors that had significant influence on both its conduct, and its outcome. The history and evolution of relations among the EAC member states illustrate that frosty relations among some members of the Community had an impact on the process and outcome in Burundi. For instance, it prevented the articulation of a coherent and common position on Nkurunziza's bid for a third term. Relations between Rwanda and Burundi and also between Rwanda and DRC over the presence of the Democratic Forces for the Liberation of Rwanda/*Forces démocratiques de libération du Rwanda* (FDLR) in eastern DRC is a major issue. Tensions between Burundi and Rwanda have centred on mutual accusations of destabilisation, with Burundi accusing Kigali of supporting the coup makers in a bid to install a government that is allied to Kagame's interests. Tanzania's former president Jakaya Kikwete maintained that the EAC has to abide by a previous ruling by the Burundian constitutional court regarding the third term issue. This was in direct opposition to Rwanda's

stance on the matter. The stance backtracked slightly, before the change in government in late 2015, whereby the new administration adopted a wait-and-see posture. Overall, such regional tensions and rivalries among leaders undermined the development of a coherent and well-planned common mediation strategy, with sufficient regional and international backing. As a result, the Burundian government took advantage of the cracks and incoherence within the EAC mediation team to play regional and international stakeholders against each other. It was able to hold off international pressures to come to a compromise while advancing its own interests on the ground.

When looking at the internal political landscape, it is important to note that for some time, focus on the Burundian conflict has been viewed through ethnicity which has blinded attention to the politically transformative impact of the intra-ethnic power struggles between Hutu actors during the early years of the post-transitional period. For instance, 22 CNDD-FDD deputies were dismissed following the arrest of once-party chairman and strongman Hussein Radjabu, the political base of Agathon Rwasa's National Liberation Front/*Front de libération nationale* (FROLINA) was weakened, and there existed fierce intra-ethnic political competition among the Hutu political elite within the ruling party. This was exacerbated by a lack of democracy within the ruling party and created new divisions. These tensions led to protests by some branches of the CNDD-FDD opposed to Nkurunziza's third bid (Madirisha 2016). Although this is not to underestimate the centrality of ethicised conflict in the country.

In terms of the influence of developments in Burundi's neighbouring states at the time, a combination of factors including domestic considerations relating to elections, power politics and historical ties, as well as antagonisms, explained the lukewarm response by Burundi's neighbours. President Museveni had amended presidential term limits in 2005 and was seeking a fifth term. He was therefore fully preoccupied with his re-election and survival. But more fundamentally, his appointment as a mediator was met with some scepticism as he himself was looking to extend his term of office to 30 years, and therefore lacked moral authority to resolve the issue. Presidents Museveni and Kagame were interested

in avoiding criticisms for third term runs and were therefore forced to adopt a low profile to avoid a backlash. Rwanda in particular had shied after a confidential UN report on accusations of arming rebels against Nkurunziza. (Michelle and Charbonneau 2016). In the DRC, Joseph Kabila was also preparing to extend his stay in office.

In Kenya, president Kenyatta was still trying to manage the fallout from the International Criminal Court (ICC) case related to 2007–2008 electoral violence, which was not dropped until December 2014. In addition there was an election in 2017 to prepare for and the country was also occupied with counter-terrorism activities against Al-Shabaab. Furthermore, Kenya was also actively involved in South Sudan, the Central African Republic (CAR) and Somalia. Tanzania's new president John Magufuli was busy consolidating power and showed little interest in regional or continental affairs. This situation meant that the region lacked genuine leadership and strategies for the process including consensus on President Nkurunziza's third mandate. Furthermore, for regional leaders, whose countries fought or supported liberation struggles, incumbency is paramount. For instance, during the Burundian civil war, Tanzania sheltered and supported the ruling CNDD-FDD which had strong links with the country's security agencies. In addition, Presidents Zuma and Museveni were instrumental in the resolution that ended the war and brought Nkurunziza to power. This factor bonded Nkurunziza and his party with many of them and their parties, which largely explains why they did not exert too much pressure on him. The umbilical cord that solidifies the South African-Tanzania-Burundi relations has its roots in the role that Presidents Julius Nyerere and Nelson Mandela played in ending the previous conflict in the country.

Another important contextual factor occurred at the EAC level itself. This was the appointment of Libérat Mfumukeko, as the Community's Secretary General in March 2016. Mfumukeko is a Burundian who was regarded as a Nkurunziza sympathiser and his appointment cast doubt over the mediation's impartiality. The characteristics and behaviours of the Burundian government came to bear. While the opposition parties had, on several occasions, showed their willingness to compromise on some of their demands and red lines, CNDD-FDD remained intransigent

and uncooperative in response to mediation efforts. The government was defiant and quick in making concessions but then reneged on implementation. For instance, the AU was unable to conclude a MoU with the government for the deployment of 200 human rights and military observers. Even the 42 observers who were deployed were restricted in their operations. Furthermore, it either set unrealistic conditions or refused to deal with the opposition CNARED coalition (Yolande & Nyabola 2016).

Finally, a history of absenteeism, failure and inexperience in peace-making was also a contextual factor. Until 2015, the EAC had never managed or been actively involved in an internal crisis in any of its member states. For instance, it remained absent during the management and resolution process of the post electoral crisis in Kenya in 2007/2008, just as it was in the post-electoral crisis in Burundi in 2010/2011. In addition, before President Mkapa's appointment, past mediation initiatives were unsuccessful. For instance, the EAC Heads of State and Governments had held six summits which had failed to break the impasse (*Nantulya 2015*). In 2014, the EAC and COMESA jointly deployed a Panel of the Wise mission, headed by Joseph Sinde Warioba, a former prime minister of Tanzania. It consulted with various stakeholders in Burundi over a period of three months and came up with a 10-point plan (*Nantulya 2015*). One of the issues raised by the mission was the third-term challenge and the varying perceptions depending on the political sensitivities at play. In particular, Warioba observed how opinions on the matter coalesced, with some threatening to take to the streets to contest the president's wish to run for a third term and the government threat to use violence against any demonstrations.

Nkurunziza rejected the plan, which led to the withdrawal of President Museveni from the process and delegated future responsibilities to Mkapa (*Nantulya, 2015*). While Mkapa's progress report on negotiations, was adopted by the Summit, the regional leaders failed to impose themselves and prevail upon Burundi to lift arrest warrants against its opponents and create conditions for the return of political exiles and refugees, release political prisoners, and include the armed groups in the peace process (*Nantulya, 2015*). By the time the EAC was taking on the mantle to lead the Burundi mediation, it had no significant experience as an organisation, a

fact that explains why there was never a clear mechanism to facilitate the implementation of the summit decisions, let alone creating any binding measures during the mediation.

Strategic factors are those that influence the choice of a mediator, the mediation strategy and the degree of coordination among various stakeholders involved in the mediation process. The choice of mediator is linked to various elements including experience, expertise and rank. Museveni was initially chosen given his earlier role as chair of the Great Lakes Regional Peace Initiative on Burundi which birthed the 2000 Arusha Agreement. However, in the 2015 crisis, the choice of Museveni was a controversial one given his lack of moral authority and the removal of term limits under his own long-standing regime in Uganda. His historical ties to Burundi's previous regime also raised questions about his impartiality. On the part of Mkapa, his role as facilitator was clouded with lack of a clear mandate from the EAC. As such, he viewed his role more as a facilitator than as a mediator, a fact that further constrained his control and influence over the process. Regarding mediation strategy, it seemed that the EAC adopted a more communicative-facilitation mediation strategy, rather than that of 'power mediator' which would have been more suitable given the specificities of the crisis and the disposition of the conflict parties. The mediation strategy also has to take into consideration previous preventive diplomacy attempts and how these can be factored into the dialogue process, for example the Panel of the Wise mission in 2014 which drew up a ten-point action plan that was rejected by Burundi.

Organisational rivalries and competition coupled with the absence of shared analysis, undermined a regional coordinated approach to the crisis. Initial efforts aimed at collective action and synergy such as the early cooperation between the AU and EAC and formation of the Joint International Facilitation Team (representing COMESA, the International Conference on the Great Lakes Region (ICGLR) and the AU and UN), were short lived, leaving each appearing to defend its own role or trying to carve out a space at the expense of a competitor. In the early stages of the conflict, the principle of subsidiarity that normally defines the cooperation between

the AU and RECs, worked as the former ceded primary responsibility for the crisis to the EAC.

It worked closely with the then AUC Chairperson, Nkosazana Dlamini-Zuma, who attended EAC summits, and the PSC endorsed its decisions, including the appointment of President Museveni as chief negotiator in July 2016. However, engaged in his own contentious election, President Museveni delegated responsibility to Defence Minister Crispus Kiyonga. As the crisis dragged on, it became clear that the EAC-led dialogue was making no headway and without the consent and active participation of Museveni and other regional leaders, the AU was unable to impose itself on the process and expressed concern about the slow pace of the process and endorsing of the EAC's efforts (ICG 2016). The initial strong and proactive response of the AU waned due to the backlash that visited the AUPSC decision to deploy a 5,000 strong African Prevention and Protection Mission in Burundi (MAPROBU). The military mission, which was developed to prevent the deterioration of security, protect civilians and help create conducive conditions for inter-Burundian dialogue ended up strengthening Bujumbura's position while weakening the collective regional and international response. President Nkurunziza exploited divisions within and between the AU, the UN and the Community and dismissed MAPROBU as an "invasion and occupation force" while the 17 December communiqué was seen as "unrealistic" and "un-strategic" (ICG 2016). Burundi rejected the Community's attempts to bring the parties to the negotiation table, it stalled the deployment of AUC-authorized human rights and military observers, as well as UN Security Council (UNSC)-sanctioned police (ICG, 2016).

The failure to endorse the MAPROBU tainted the credibility of the AU and showed that its desire to prevent and resolve conflict falls far short of its capabilities, partly due to the ambiguity relating to division of roles between the AU, regional organisations and the UN. On the other hand, the UN's role was constrained by divisions in the UNSC, particularly China and Russia's moves to keep Burundi off the UNSC agenda. The closure of the UN Human Rights office in Bujumbura in 2019 reduced its presence in the

country and weakened its position because it was not able to monitor the human rights situation during this critical period.

## Challenges and Prospects

From the engagement of the EAC in Burundi, several challenges and lessons emerged. Apart from the perennial problems afflicting African regional organisations in peace-making such as insufficient resources, limited political will, and problems of overlapping mandates, four major problems affected the performance of the EAC in its first endeavour at mediation. These include:

*Historical ties and differences among partner states:* Significant tensions between and among the EAC partners is largely informed by the history, personalities and national interest issues. Rwanda and Burundi relations can become tense, particularly when there is violence in the latter and the leadership in Kigali becomes concerned about the possible spill-over given Rwanda's similar ethnic makeup and history of genocide. Relations with Burundi is sometimes viewed within the context of historical ties between the two countries. In 2013, when the then Tanzanian President Jakaya Kikwete proposed that Rwanda enter into a dialogue with FDLR, the remnants of the forces accused of committing genocide in 1994, hostility between the two countries escalated to threats of military action. (The East African 2013). Although Tanzania has tried to reduce tensions, suspicions remain due in part to Tanzania's perceived closeness to CNDD-FDD. Rwanda and DRC are involved in their own post-genocide blame games while Uganda's military is involved in DRC due to security reasons. This complex and intricate relationship makes it difficult to have a neutral mediator and marshal regional consensus for successful mediation. On the other hand, despite its influence, Kenya is always cautious when it comes to intervening in regional conflicts and prefers a more peaceful approach. Lack of consensus undermines the implementation of key decisions that could move the mediation process forward. For instance, during the Burundi mediation process, the majority of key decisions taken at the EAC Summit were neither implemented nor enforced.

*Domestic issues:* A combination of factors including domestic considerations relating to election and power politics and deep historical ties, as well as antagonisms, among the EAC partner states conspired to undermine Burundi's political dialogue. Issues of re-election, change of the constitution to allow for the third term, personal relations and survival among the leaders including national security were some of the issues that distracted the regional leaders from focussing on the question of Burundi.

*AU decisions and relations with its member states:* The decision and the failure of the AU member states to approve the deployment of MAPROBU exposed the rift between them and the AUC on how to address the crisis. The AU, UN and some Western officials termed the PSC's ultimatum a mistake and an insult (International Crisis Group 2016). The failure to endorse the MAPROBU implied that majority of member states favoured a less confrontational approach than the interventionist-inclined approach that the AUC was pushing. The inability to marshal sufficient political will and support among its member states exposed the weaknesses of the supreme continental body on matters of peace and security (International Crisis Group 2016).

*Lack of co-ordination and collaboration between AU, UN and EAC:* The EAC's mediation initiative was undermined by the lack of effective co-ordination and collaboration between the EAC, AU and UN. The failure of the AU member states to endorse the deployment of MAPROBU was a huge blow to the AUC's resolve to end the crisis. In addition, the position of Russia and China on the crisis disabled the UN's active involvement in the matter, therefore enabling President Nkurunziza to exploit the divisions among the three organisations to his advantage.

## Conclusion

While the EAC is increasingly developing structures and mechanisms for peace-building and peace-making, they were unfortunately missing when they were needed most. The EAC mediation in Burundi reveals a disconnect between these structures and the mediation process. The role of the Secretariat and the peace and security department remained largely



to service the busy heads of state and governments to run the process. While the Burundi problem required engagement at the highest policy making organ, it failed to benefit from the technical aspects that normally accompany effective mediation. Overall, there was a huge disconnect between the process of institutionalisation of preventive diplomacy and mediation at the secretariat.

Despite the context and strategic issues that undermined the EAC-mediation in Burundi, the initiative was ill-suited from the onset in terms of strategy, coordination and mobilising and leveraging sufficient pressure in order to incentivise the conflict parties towards dialogue. The overall approach to the process was disjointed, lacked an effective mediation strategy and plan including leadership and political will. The commitment of the leadership to the process was questionable and did not find it prudent to appoint a mediator with full powers to manage the process. Instead, over-reliance on president Museveni (who was more preoccupied with domestic politics) to steer the process, left a huge gap in the consistency and follow-up of the implementation of the key decisions. Furthermore, the confusion between the roles of a mediator and a facilitator seems to have affected the way in which the process was conducted and ultimately, the mediation outcome. In addition, the AU, the UN and influential actors such as the US and EU, lacked a coherent approach to the issue and failed to exert sufficient pressure on the Community to move the process forward and the parties in Burundi to respect negotiation.

Moving forward, it is important for the Community to prioritise peace and security over historical ties and personal relations and differences among its leadership. This is important if the Community has to effectively mediate the incessant conflicts in the sub region. To-date, five EAC partner states (DRC, Kenya, Rwanda, Burundi, and Uganda) are embroiled in a complex relationship in eastern DRC, the epicentre of the present conflict in the sub-region. This is because their security is greatly affected by instability in the eastern DRC which hosts several armed groups that are opposed to the leadership in Kigali and Kampala. Stability in the EAC is largely dependent on the situation in Eastern DRC and therefore the Community should invest heavily in addressing the conflict in this region.

Despite the challenges, including the fact that the original mandate was largely regional integration, the EAC has the potential to play an important role in mediating, resolving, and managing conflicts in the region. But to do this, it will have to take a critical reflection on the effectiveness of how its own structures, approaches, and internal mechanisms reach consensus.

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