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Burundi's Endangered Transition FAST Country Risk Profile Burundi

René Lemarchand

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Abstract/Zusammenfassung/Résumé

In 2005, after long and difficult negotiations, Burundi went through an exemplary transition to multiparty democracy, resulting in the victory of the former rebel movement, the *Conseil National pour la Défense de la Démocratie-Forces de Défense de la Démocratie* (CNDD-FDD), and the election of its leader, Pierre Nkurunziza) to the presidency. A year later, however, the country is beset by a major institutional and political crisis. Continuing human rights violations lie at the root of the multiple fissures that have emerged in the multiparty coalition as well as in the upper ranks of the ruling party. Evidence of large-scale corruption has cast discredit on the government's promise of ushering an era of good governance and transparency. Rumors of an impending coup, leading to the arrest of key personalities, Hutu and Tutsi, raise further questions about the stability of the Nkurunziza government. Although progress has been made on the security front with the signing of a cease-fire agreement with the last rebel faction, the *Forces Nationales pour la Libération* (FNL), uncertainty persists about the effectiveness of the cease-fire. The challenges ahead cover a broad spectrum of issues. How to deal with the streak of Hutu radicalism embodied in the FNL and effectively meet its demands concerning the restructuring of the army is a key priority. Directly related to the participation of the FNL in the consolidation of peace is the implementation of DDR, the disarmament, demobilization and reinsertion of former combatants. A third issue concerns the problem of refugees and internally displaced persons (IDPs): the latter number some 100,000, living in 182 IDP camps; among the refugees, some 340,000 are still awaiting repatriation. How to accommodate their demands for land, emergency aid and jobs in a context of severe economic scarcity is a crucial challenge facing the government. However pressing, such demands will not be met unless the government has the political will to improve its performance in terms of good governance and transparency. This is where donors can play a positive role. A concerted effort must be made by donors to engage in a constructive dialogue with the new authorities so as to jointly explore the types of development assistance needed to promote economic reconstruction, the consolidation of the peace process, the accommodation of refugees and displaced persons, and the improvement of administrative performance.

Mit der Errichtung einer Mehrparteien-Demokratie kommt es in Burundi, nach langen und schwierigen Verhandlungen, 2005 zum wegweisenden Abschluss eines politischen Transitionsprozesses. Die Wahlen führen zum Sieg der ehemaligen Rebellenbewegung *Conseil National pour la Défense de la Démocratie - Forces de Défense de la Démocratie* (CNDD-FDD) und bringen deren Führer Pierre Nkurunziza als neuen Präsidenten hervor. Ein Jahr später wird das Land jedoch von einer schweren politischen und institutionellen Krise gelähmt. Anhaltende Menschenrechtsverletzungen verschärfen die zahlreichen Antagonismen sowohl innerhalb der Koalition wie auch an der Spitze der Regierungspartei. Fälle von massiver Korruption auf höchster Ebene unterminieren das Vertrauen in den neuen Staat und seine Versprechungen hinsichtlich 'good governance' und Transparenz. Mit den Gerüchten um einen drohenden Staatsstreich und der nachfolgenden Festnahme einer Reihe von Persönlichkeiten, Hutu wie Tutsi, werden zusätzliche Zweifel an der Stabilität von Nkurunziza's Regierung laut. Und obwohl das jüngste Friedensabkommen mit den *Forces Nationales de Libération* (FNL), der letzten aktiven Rebellengruppe im Land, einen wesentlichen Schritt zur Verbesserung der Sicherheit darstellt, bestehen Vorbehalte gegenüber der Wirksamkeit dieses Abkommens. Die anstehenden Herausforderungen sind zahlreich und gross. Eines der Hauptprobleme betrifft die Bedrohung des Friedens durch das Fortbestehen des Hutu Radikalismus in Form der FNL, und die Frage, wie deren Forderungen nach einer Reststrukturierung der Armee befriedigt werden können. Unmittelbar verbunden damit ist die Umsetzung der Entwaffnung, Demobilisierung und Resozialisierung der ehemaligen Kämpfer. Ein weiteres Kernthema bilden die Flüchtlinge und intern Vertriebenen; letztere beziffern sich auf rund 100,000 Personen, verteilt auf 182 Flüchtlingslager, während die Zahl der Flüchtlinge, die auf ihre Rückkehr warten, etwa 340,000 beträgt. Die Befriedigung ihrer Bedürfnisse nach Land, Nothilfe und Arbeit in einem allgemeinen Kontext extremer Armut stellt die Regierung vor eine gewaltige Aufgabe. Wie dringlich diese Forderungen jedoch auch sein mögen, ihre Umsetzung hängt unmittelbar vom politischen Willen der burundischen Regierung ab, ihren Leistungsausweis entsprechend der Prinzipien von 'good governance' und Transparenz zu verbessern. In diesem Bereich bietet sich denn auch den internationalen Geldgebern die Möglichkeit,

eine positive Rolle zu spielen. Es bedarf einer gezielten Anstrengung um die neue Behörden in einen konstruktiven Dialog einzubinden und gemeinsam jene Art von Unterstützung auszuhandeln, deren es bedarf um den wirtschaftlichen Wiederaufbau, die Konsolidierung des Friedensprozesses, die Wiederansiedlung der Flüchtlinge und Vertriebenen sowie die Verbesserung der öffentlichen Leistung voranzutreiben.

En 2005, après de longues et difficiles négociations, le Burundi pouvait revendiquer une transition exemplaire vers la démocratie multipartite. Les suffrages ont confirmé la victoire de l'ex-mouvement rebelle, le Conseil National pour la Défense de la Démocratie-Forces pour la Défense de la Démocratie (CNDD-FDD), et l'élection de son chef de file à la présidence. Depuis lors, cependant, le pays fait face à une grave crise politique et institutionnelle. Les violations des droits de l'homme ont accentué les multiples lézardes qui minent la coalition gouvernementale ainsi que les instances dirigeantes du parti au pouvoir. La corruption à grande échelle au sein du gouvernement a jeté le discrédit sur les promesses de bonne gouvernance et de transparence. Des rumeurs d'un coup d'état imminent ont provoqué l'arrestation d'un certain nombre de personnalités en vue, Hutu et Tutsi, mettant ainsi en question la stabilité du nouveau régime. Certes des progrès notables ont été enregistrés dans le domaine de la sécurité, comme l'atteste l'accord de cessez-le-feu récemment intervenu entre le gouvernement et la dernière des factions rebelles, le Forces Nationales de Libération (FNL). On peut néanmoins s'interroger sur la crédibilité de cet accord. Les défis aux quels le gouvernement doit faire face recouvrent une large gamme. Une question majeure concerne la menace à la paix que constitue la persistance du radicalisme Hutu, incarné par le FNL, et comment satisfaire à son exigence d'une restructuration de l'armée. Intimement liée à la participation du FNL au processus de paix, se pose également la question du désarmement, démobilisation et réinsertion des anciens combattants (DDR). Un autre sujet de préoccupation a trait à l'avenir des réfugiés et des personnes déplacées (IDPs): celles-ci se chiffrent à environ 100,000, réparties dans 182 camps; quant aux réfugiés, encore 340,000 attendent d'être rapatriés. Comment satisfaire à leurs demandes de terres, d'aide d'urgence, d'emplois, et ceci dans un contexte d'extrême pauvreté, est un des défis les plus angoissants aux quels gouvernement se trouve confronté. Si pressantes soient-elles, ces exigences resteront sans lendemain aussi longtemps que le gouvernement se détournera des pratiques de bonne gouvernance et de transparence. C'est à ce niveau que les bailleurs de fonds pourraient jouer un rôle positif. Un effort concerté doit être fait pour engager un dialogue constructif avec les nouvelles autorités, en vue d'explorer conjointement le type d'assistance qui serait le mieux à même de promouvoir la reconstruction de l'économie, la consolidation du processus de paix, l'accueil des réfugiés et des personnes déplacées, et l'amélioration de la fonction publique.

1 Preface

The present report is part of a series of working papers published by FAST International, the Early Warning Program of swisspeace.

FAST's core task consists in the early warning of violent conflicts with the aim of initiating early action or response in order to prevent crisis situations from aggravating. Moreover, FAST also attempts to identify "windows of opportunity" to ensure peacebuilding. Several tools are applied in the combined methodology used by FAST in order to analyze developments in the countries of concern. The core issues that influence the development of the country are analyzed by looking at root and proximate causes as well as intervening factors. This risk profile therefore pursues this task by providing an in-depth study of the situation in Burundi and closely investigating selected core issues that shape the degree of conflict.

The underlying tool for this analysis is the analytical framework¹, which points out the individual factors that cause the outbreak of a conflict and/or influence a conflictive situation. By applying this tool, FAST analysts continuously update the status of developments in the countries monitored. The analytical framework, hence, provides up-to-date information on the key issues that are critical for the further development of the country.

Because FAST International strives to link early warning with early action, this paper shall emphasize the discussion of strategic options. These options are directed particularly at end-users of FAST products and shall hopefully be incorporated into the ongoing decision-making process.

¹ For further information on the analytical framework and the definition of root causes, proximate causes and intervening factors, please refer to <http://www.swisspeace.org/fast/2analytical.htm>. For information on the analytical framework, please refer to the document "FAST Analytical Framework", <http://www.swisspeace.org/uploads/FAST/AF/AnalyticalFramework.pdf>.

2 Introduction

"When Nkurunziza and his men fought in the bush, their fight was legitimate, their promises reassuring. Today we've lost our illusions. We thought they were serious when they attacked corruption, human rights violations, bad governance, ethnicism and tribalism, clientelism and nepotism as a mode of government. We've been duped. We really believed that they wanted to change things and bring order to the exercise of power (*la gestion du pouvoir*). What a disappointment! Since they've come to power they never stopped doing the opposite of what they preached. They are even worse than their predecessors."

A Hutu resident of Bujumbura, personal communication, September 14, 2006.

Few other states in the continent can claim to have emerged from a ten-year civil war under more promising circumstances than Burundi. The transition process, however long and painful, has been exemplary. Beginning with the Arusha agreement of 2000 a constitutional formula was finally worked out whereby the rights of the Tutsi minority could be reconciled with the demands of the Hutu majority.² The 2005 legislative and presidential elections went remarkably smoothly, giving birth to a consociational government³ headed by a Hutu president, Pierre Nkurunziza, where Hutu and Tutsi held respectively 60 and 40 per cent of the ministerial portfolios. A similar proportion obtained in the National Assembly, while in the Senate Hutu and Tutsi held a parity of seats. This is no small feat when one considers the sheer intensity and destructiveness of the Hutu-Tutsi conflict in the years preceding the transition.

The hopes raised by such auspicious beginnings may soon prove illusory, however. A year later the country finds itself in the throes of a major governmental crisis. In late July rumors of a plot aimed at the overthrow of the government led to the arrest of several leading politicians, Hutu and Tutsi. Human rights organizations have accused the government of major abuses, ranging from extra-judicial executions to arbitrary arrest and torture. Adding to an already tense climate, on September 5 came the announcement that Burundi's second vice-president, Alice Nzomukunda, had handed in her resignation in protest against the unwarranted meddling of the ruling party chairman, Hussein Rujaburujaburujabu, in the political life of the country.⁴ The European Union (EU) representative in Burundi, meanwhile, disclosed a major corruption scandal related to the EU-funded Rehabilitation Program, involving an estimated 5 million euros. Whatever the outcome of the crisis, there can be little doubt that it has seriously dented the government's legitimacy.

It is difficult in such circumstances not to recall the widespread optimism that greeted the election of Melchior Ndadaye, the first Hutu candidate to the presidency, in July 1993, only to be followed a few months later by his assassination by elements of the all-Tutsi army – the triggering factor behind the ensuing civil war. To predict such tragic denouement is clearly premature, and today's fault-lines are not nearly as polarized as in 1993. But there is no denying the sense of anxiety and frustration felt by many Burundi who, in voting for Nkurunziza, had pinned their hopes on the banner of a pluralist

² Although reliable census figures are lacking, it is generally assumed that Tutsi represent some 15 per cent of the population, the Hutu 84 per cent, and the Twa one per cent.

³ In the context of this discussion the phrase is taken as synonymous with power-sharing. For a brief summary statement of consociational theory and its critics, by its foremost advocate, see Arend Lijphart 1985: *Power-Sharing in South Africa*. Berkeley: University of California, Institute of International Affairs. 83-117. For a more extensive treatment, see Arend Lijphart 1977: *Democracy in Plural Societies: A Comparative Exploration*. New Haven: Yale University Press.

⁴ IRIN, September 5, 2006. 1.

democracy. What the present crisis portends is the eventual unraveling of the carefully calibrated power-sharing formula inscribed in the 2005 constitution.

If history never repeats itself, in Burundi as elsewhere it provides important clues to an understanding of the present.⁵ Some people suffer from inherited diseases; Burundi suffers from its inherited history. In order to grasp the roots of the current crisis something must be said of the historical legacy bequeathed by previous regimes.

⁵ The danger of approaching contemporary politics while ignoring the country's history is cruelly apparent in Bernard-Henry Levy's opaque account of his visit to Bujumbura, in: Bernard-Henry Levy 2001: *Réflexions sur la Guerre, le Mal et la Fin de l'Histoire*. Paris: Grasset. 77-97.

3 Historical Perspectives

There are many ways to read this troubled situation, and they all point to specific episodes in the country's convoluted history. There is, to begin with, the irreducible fact that in the 45 years since independence at no time has Burundi experienced as much as a glimmer of democratic rule. Though elections were held in 1965 and 1993, they each led to military dictatorships, accompanied by widespread violence. From the coming to power of Michel Micombero (1966-1976) to his overthrow by Jean Baptiste Bagaza (1976-1987) and the latter in turn by Pierre Buyoya (1987-1993) Burundi has been governed by a mixed assemblage of civilians and army men, with the army acting as the ultimate arbiter of conflict within and outside government. Beginning with the drastic purges of the military in 1965 and 1969, the trend has been increasingly in the direction of Tutsi dominance, reaching its most extreme form in the aftermath of the 1972 genocide.

Besides having been subject to decades of military rule, Burundi has the sad distinction of being the first state in the Great Lakes region to have experienced genocidal violence, a fact largely obscured by the far more devastating bloodletting in Rwanda. Unlike what happened in Rwanda in 1994 – a total genocide – the 1972 killings, involving a wholesale massacre of Hutu elites, can best be described as a “selective” genocide, with the victims numbering anywhere from 150,000 to 300,000.⁶ Nonetheless, the points of convergence with Rwanda are unmistakable. In both instances the killings occurred in response to what was perceived by the state as a major threat to its survival. In Rwanda the menace came from the armed invasion of the Tutsi-dominated Rwanda Patriotic Front (RPF) on October 1, 1990; in Burundi it took the form of an externally supported Hutu uprising, in late April 1972, which took the lives of thousands of innocent Tutsi civilians. In both cases the roots of disaster must be found in the policies of exclusion long practiced by the ruling elites, and which made it almost impossible for the Tutsi in Rwanda and the Hutu in Burundi effectively to exercise their political rights. And just as in Rwanda the outcome of genocidal violence has been the rise of a thinly veiled military ethnocracy, so also in Burundi where the state, like the army, became the monopoly of Tutsi elements. From 1973 to 1993 Burundi was in essence a Tutsi state. Furthermore, in each case genocide has generated massive flows of refugees and internally displaced persons (IDPs), many of whom became actively involved in externally-based insurgencies.

Which brings into focus two critical challenges faced by the Nkurunziza government as it tried to make good on its promise to restore security to the country: the persistence of Hutu radicalism as an enduring element of the social landscape, and the refugee problem. To these we shall return in a moment. Suffice it to note that although both are traceable to the 1972 bloodbath, the challenges they posed to the state were made even more daunting by the massive eruption of violence triggered by the 1993 crisis. The long civil war that followed in the wake of Ndadaye's assassination accelerated the flow of refugees to neighboring states, and further intensified ethnic hatreds.

The disastrous consequences of the failed 1993 democratic transition must be seen as a key reference point for an understanding of the current crisis. As will be recalled, the pro-Hutu opposition party *Front pour la démocratie au Burundi* (Frodebu) scored a major victory at the polls against the former ruling pro-Tutsi *Union pour le progrès national* (Uprona) in the presidential and legislative elections in June and July 1993. “One of the most remarkable transitions to democracy yet seen in Africa”, is how one Western embassy described the elections⁷ – a judgment which subsequent events showed to be sadly premature. Hutu elation over the election of the Frodebu leader, Melchior Ndadaye, proved just as short-lived: Ndadaye was last seen on October 21, 1993, when the Tutsi-dominated army moved against the presidential palace, a prelude to the arrest and massacre of key Frodebu personalities. With the news of Ndadaye's death reaching the countryside

⁶ See René Lemarchand 1995: *Burundi: Ethnic Conflict and Genocide*. Cambridge and New York: Woodrow Wilson Center Press and Cambridge University Press. 76-105.

⁷ *Ibid.*, xi.

ethnic violence suddenly rose to a frightening pitch of intensity, with groups of enraged Fodebu militants turning against Tutsi civilians. Perhaps as many as 15,000 to 20,000 Tutsi were massacred. Probably as many Hutu were killed by the army in the course of the ensuing repression.

The coup rapidly collapsed, however, in the face of the international outcry caused by the army's brazen attempt to reverse the verdict of the polls. While a compromise of sorts was reached over an interim government consisting of notoriously undistinguished personalities, Hutu and Tutsi, every effort was made by hard-core Tutsi politicians and army men to recapture power. In Filip Reyntjens' terms, "a creeping coup followed, which aimed at destroying the legitimacy, and indeed the very existence of Fodebu and at imposing a de facto constitutional order that in effect consolidated the achievements of the October 1993 coup. This strategy increasingly radicalized political life and handicapped the search for a peaceful solution".⁸

Ethnic radicalism found expression in the growing strength of hard-core Hutu holdouts, traceable to the creation in 1983 of the *Parti pour la Libération du Peuple Hutu* (Palipehutu) in a refugee camp in Tanzania (Mishamo), and the emergence of a breakaway faction led by Agathon Rwaswa, the *Forces Nationales pour la Libération* (FNL). Though largely confined to Bujumbura rural province, near the capital, the FNL has confronted the new government with major security threats, and forced the army into military engagements that led to countless human rights violations. Whether the cease-fire agreement recently negotiated in Dar-es-Salaam will hold is anybody's guess.

The radical strand in the post-coup dispensation took another and equally ominous form with the split between radicals and moderates within the Fodebu. While the latter opted for collaboration, others chose to enter into armed rebellion. It was in June 1994 that a well-known Hutu politician, Leonard Nyangoma, until then Minister of Interior, decided to launch a new political movement, the *Conseil National pour la Défense de la Démocratie* (CNDD), whose armed wing, the *Forces pour la Défense de la Démocratie* (FDD), in time became hard to distinguish from its parent organization. Although the movement spawned several dissident factions, under Nkurunziza's leadership the CNDD-FDD developed into a powerful politico-military organization. Its carefully calculated decision to join the transitional government headed by Domitien Ndayizeye, in 2003, signaled its mutation from a rebel organization to a legitimate political party.

The process of fragmentation reached its peak during the Arusha negotiations, beginning in July 1998 and ending with the formal signing of the so-called Arusha Peace and Reconciliation Agreement on August 28, 2000. From four main parties in 1996 no fewer than 17 had come into being in 2000, of which ten were pro-Tutsi (G-10) and seven pro-Hutu (G-7). Most of these newcomers had no constituencies to speak of beyond a handful of relatives and friends, their main concern being to position themselves for government jobs.

In the sheer proliferation of parties lies a major difference between the 1993 and 2005 transitions. Whereas in 1993 electoral competition took place in a highly polarized field, in 2005 it unfolded in a far more pluralistic environment, with several Tutsi and Hutu parties vying for the vote of their respective ethnic constituencies, and the predominantly Hutu CNN-FDD claiming the support of not a few Tutsi. As we shall see, the 2004 constitution formalized a power-sharing arrangement that not only legitimized the rights of the Tutsi minority but made possible the representation of smaller parties, Hutu and Tutsi, in the institutions of government.

⁸ Filip Reyntjens 2005: Briefing: Burundi: A Peaceful Transition after a Decade of War? In: African Affairs, Vol. 105, No. 418. 117-135. 117.

What this brief excursus into the country's recent history shows is the persistence of ethnic conflict as an irreducible fact of Burundi politics, combined with a trend in the direction of a more politically fragmented environment, where opportunities for cross-ethnic alliances greatly minimize the risks of a bi-polar confrontation. In this more flexible context lies a major difference between the 2005 transition and that of 1993. The downside of the equation is no less important to bear in mind: if the present government suffers from a conspicuous lack of competent civil servants, this is traceable to the circumstances of a prolonged insurgency which made it impossible for the CNDD-FDD recruits to acquire the kinds of professional skills needed after the guns fell silent. To this must be added the devastating economic costs of a ten-year civil war, which in addition to causing the loss of an estimated 300,000 human lives, has driven the economy into a poverty trap from which it is unlikely to extricate itself in the foreseeable future.

4 The Costs of Civil War

Where the wounds of civil war have yet to heal, and the memory of ethnic domination is still present in many people's mind, institutionalizing multiparty democracy is a very long shot. Even more so where the constraints of unsustainable population growth are added to the burden of extreme poverty. Burundi ranks 162 on the Human Development Indicator list. It claims one of the highest population densities in the continent. In a quarter of a century its population doubled, from 3.5 million in 1972 to 7 million in 1998. The implications require little elaboration: where exploding birthrates outstrip the rate of economic growth, and where land hunger drives an ever larger number of peasant families to the edge of starvation, the prospects for democratic governance are dim, irrespective of the leaders' intentions. This is a large part of the dilemma facing the Nkurunziza government.

Even before the advent of civil war Burundi ranked among the poorest of the poor. GNP dropped from US\$ 223 to an average of US\$ 116 from 1998 to 2001. Already in 1985 it was estimated that 55 per cent of the urban population and 85 per cent of the rural population lived below absolute poverty levels. Since 1993 the economy has been contracting even further. Whereas levels of economic and social development remained fairly constant between 1973 and 1993, the post 1993 period registers a dramatic decline on a number of indicators. Consider the following statistics:⁹

- Malnutrition among children under five increased from six to 20 per cent since 1993; some 24,000 persons are treated monthly for malnutrition; only 55 per cent of the population has access to water sources within less than 15 minutes walking distance.
- Cases of major endemic diseases have increased over 200 per cent since 1993, with HIV cases rising to 20 per cent in urban areas and six per cent in the rural sectors; today less than 20 per cent of the population has access to a health center.
- Primary school enrollment dropped from 70 per cent in 1993 to 44 per cent; at the regional level, four provinces claimed a school enrollment of less than 30 per cent of the school-age population, reaching nine per cent in the most violence-stricken areas.
- Food production per capita index (average 1989-91=100) dropped from 107 in 1980 to 77 and 81, respectively, in 2000 and 2002.

Poverty has been made worse by the collapse of basic public services through much of the country and the shrinkage of government revenue, from 20 per cent to 12 per cent of GDP since 1992. It is estimated that about 30 per cent of the state's revenue went to the military in 2001, representing almost 10 per cent of the GDP, as against 3.3 per cent in 1992. In short, from 1993 onwards social and economic indicators plummeted and rural poverty doubled.

What needs to be underscored is the circular relationship between conflict and poverty. Just as conflict causes poverty, poverty in turn generates conflict. There can be little doubt that the civil war drove many peasant communities to the edge of famine, through the widespread destruction of human, social and economic capital. The result was to ratchet up ethnic hatreds, and by implication hostility to the Tutsi dominated army.

How economic scarcity connects with conflict is perhaps best illustrated by the disastrous "regroupment" policy implemented by the Buyoya government shortly after coming to power in 1996. In order to "protect" peasant communities from rebel exactions, hundreds of thousands were

⁹ Data drawn from the World Bank Development Indicators for Burundi and from K. Bentley and R. Southall 2004: *An African Peace Process: Mandela, South Africa and Burundi*. Cape Town: Nelson Mandela Foundation. 23.

forced into a dozen or so regroupment camps, most of them located in Bujumbura rural province. Prevented from tilling their land, and largely dependent on international assistance for their sustenance, some 300,000 peasants were forcefully removed from their traditional homelands. The conditions in the camps were described by journalists as thoroughly inhumane. Many did not survive the ordeal. "The camps are an unquestionable human disaster", one journalist reported in 1999. "Crowded in huts made of mud, metal sheeting and palm leaves, several dozen people have died of cholera and dysentery. There are reports of a fire in one camp that spread to 50 huts. A drunken soldier reportedly opened fire on a crowd last month killing five civilians... People complain about shortages of food, water, medicine, and said both the rebels and the army are stealing their crops and pieces of the homes they left behind...It would be hard to name any other place where forced relocation of a third of a million people would not touch off major international protest".¹⁰ Though officially described as a highly successful counter-insurgency strategy, a more realistic assessment would point to the enormous resentment generated by this initiative.¹¹ The dismantling of the camps under pressure from local and international NGOs, in 2000, ultimately played into rebel hands. For those Hutu peasants who experienced first-hand the indignities of regroupment, joining the rebellion was the only sensible choice.

While persistent violence between rebel groups and the army sharply increased levels of poverty, the net result of increasing rural poverty has been to greatly intensify the potential for continued conflict. Despite the absence of reliable statistical data to substantiate the correlation between rising levels of poverty and the growing receptivity of the rural masses to the appeals of the FNL, this is a point on which many observers would agree. Many would suggest that since much of the FNL-controlled areas were off-limits to NGOs, the result has been to magnify the sense of despair and economic precariousness of the peasant population. Turning to the FNL for succor made sense in view of its proclaimed ideology, in part grounded in the promise of divine salvation for those willing to sacrifice themselves for the cause.

How to bring rebel groups into the fold of the Arusha process turned out to be a major impediment to the transition process, and for the relative success met in bringing them on board much of the credit goes to the South African facilitator, Jacob Zuma. While most of them, including the CNDD-FDD and its splinter organizations, eventually agreed to join the transitional government, the obstinately uncooperative attitude of the FNL is among the many obstacles faced by the Nkurunziza government.¹²

¹⁰ Ian Fisher 1999: Citing fear of attacks, Burundi herds 350,000 Hutu into camps. In: *The New York Times* (December 27).1-6.

¹¹ There is a striking parallel between Buyoya's regroupment policies and those of the French during the Algerian war, when, in the late fifties, nearly a million civilians were forcefully displaced and "parked" in internment camps. For further details, see Michel Rocard 2003: *Rapport sur les camps de regroupement et autres textes sur la guerre d'Algérie*. Paris: Mille et une nuit.

¹² Despite the signature of a "Comprehensive cease-fire agreement" in Dar-es-Salaam, on September 7, 2006, there are reasons to wonder whether it will hold. See *infra*, p. 22.

5 Institutionalizing the Transition

The 2005 elections are best seen as the culmination of long and difficult negotiations that began in Arusha (Tanzania) in 1998 under the auspices of ex-Tanzanian president Julius Nyerere, who, with the strong support of the Carter Center, assumed the thankless task of facilitator. The end result was the Arusha Peace and Reconciliation Agreement signed on August 28, 2000, in the presence of Bill Clinton and Nelson Mandela – the pivotal reform package designed to chart a new course towards national reconciliation and democracy. A three-year interim period followed during which a transitional government came into being. In accordance with the interim constitution, during the first 18 months the transition government would be headed by a Tutsi (Pierre Buyoya), with a Hutu serving as vice-president; during the next phase it would be the turn of a Hutu to serve as president (Domitien Ndayizeye) with a Tutsi as vice-president. At the end of the transition period a new constitution would be adopted by referendum, and elections held leading to the investiture of a new government.

It is to the credit of the participants to the negotiations that they were able to lay the foundation for a remarkably smooth transition, based on a constitutional dispensation that came to reflect the power-sharing formula agreed upon in Pretoria on October 20, 1994. Nonetheless, there are several features of the Arusha process that need to be underscored if we are to comprehend some of the difficulties faced by Nkurunziza in the wake of his landslide victory at the polls.

To begin with, the Arusha accord, as Reyntjens correctly notes, “was in effect a non-accord... (since) some Tutsi parties among the 19 signatories agreed reluctantly and expressed reservations on essential provisions. They signed the accord but did not subscribe to it”.¹³ Such being the case, there is reason to question the extent to which the Tutsi participants were really committed to the transition process. Their recalcitrance was made clear when, after the death of Nyerere in 1999, Nelson Mandela took over as facilitator, and immediately came under fire from certain Upronsite quarters for what some described as a pro-Hutu bias. Again to quote from Reyntjens, “Nelson Mandela needed all his charisma and skills, as well as the support of the region, to avoid total breakdown”.¹⁴

The core provisions of the accord are found in five protocols drafted by the five committees appointed to deal with specific sets of issues: the nature of the conflict, democracy and good governance, peace and security, reconstruction and development, guarantees for the implementation of the agreement. Much of the agenda inscribed in the protocols did not go beyond the stage of pious intentions. Except for the protocol dealing with democracy and good governance, which deals with the transitional institutions, and the protocol on peace and security, setting forth the principle ethnic parity in a restructuring of the security forces, the others have remained a dead letter, or were only partially implemented. Thus the commission in charge of rewriting the country’s history (in accordance with the wishes of the committee on the nature of the conflict) has yet to give birth to anything more substantial than a “work in progress”; the long awaited Truth and Reconciliation Commission has yet to materialize, and that applies as well to the International Judicial Commission supposed to investigate “acts of genocide, war crimes and crimes against humanity”. In line with the recommendations of the committee on guarantees for the implementation of the agreement, a UN-chaired International Monitoring Commission (IMC) did come into being, responsible for “following, controlling, supervising and coordinating the implementation of all the stipulations of the accord”. Its track record, however, has been less than scintillating. It is widely recognized in Bujumbura that its first chairman, Berhanu Dinka, an Ethiopian and close friend of Kofi Annan, turned out to be a total disaster. Great hopes were raised by the appointment of a National Commission for Refugee Rehabilitation, as recommended by the

¹³ Reyntjens 2005: Briefing: Burundi. 118.

¹⁴ Ibid.

committee on reconstruction and development, only to be quickly dashed by bitter internal political wrangling and accusations of corrupt practices.¹⁵ In short, many of the auxiliary institutions expected to assist the transition either remained in limbo or proved too weak to properly discharge the functions thrust upon them.

Many of the important decisions reached in Arusha were made under considerable external prodding. It is no exaggeration to say that there would have been no accord signed, or else a very different one, without the combined pressures of Tanzania, South Africa, and the US. Much credit goes to the members of the regional initiative on Burundi, notably Uganda, Tanzania, and South Africa for persuading the Tutsi parties to accept the presence of a South African military contingent – which in the past had been strenuously resisted by President Buyoya and the Tutsi hard-liners – along with a reform of the Burundi armed forces aimed at widening its bases of recruitment. Again, Nyerere played a crucial role in facilitating the admission of representatives of rebel factions to the transitional government. Even so, bringing on board the full range of rebel forces proved extremely arduous and time consuming.

Their official label notwithstanding, it is sadly ironic that at the time of the Arusha accords neither peace nor reconciliation was yet in sight. More than three years would elapse before a cease-fire was reached with the principal rebel movement, Nkurunziza's CNDD-FDD, in November 2003, and two years before the minority wing of the same rebel movement, led by Jean-Bosco Ndayikengurukiye, agreed to lay down their arms. Thus many of the key members of the new government never had the opportunity to take part in the negotiations that went on between 1998 and 2000. Nor did they participate in the first phase of the transition. As Minister of State in the Ndayizeye government Nkurunziza exercised the responsibilities of his office for barely a year. For much of the period following Ndadaye's assassination he fought alongside rebel troops against a Tutsi army while jockeying for power among insurgent leaders. The same is true of Hussein Radjabu, the all-powerful president of the CNDD-FDD. However impressive their track record as rebel leaders, their peace-time performance bears traces of their very limited experience in the art of governance.

5.1 The Politics of Power Sharing

No other constitution in the continent enshrines the complexities of power-sharing with greater attention to minority and women's rights than the Burundi constitution of 2004. Drafted with the assistance of South African advisers, it comes closer than any other African constitution, past or present, to putting into practice Lijphart's model of consociationalism.

The logic of the model is predicated on the assumption that majority rule is a recipe for failure where society is deeply divided by religious, racial or ethnic cleaves. In such an environment the existence of group identities needs to be recognized and accommodated through inclusion rather than exclusion. The challenge, therefore, is to work out a formula whereby minority rights can be reconciled with the claims of the majority. The best way to achieve this, according to Lijphart, is to encourage elite cooperation through a grand coalition cabinet. At least three other conditions are required: (a) *group autonomy*, meaning that while on issues of common interest decisions should be made by all members of the grand coalition, on all other issues autonomy is the rule; (b) *proportionality*, here seen as "the basic standard of political representation, public service appointments and allocation of public funds"; as such it serves "as a guarantee for the fair representation of ethnic minorities"; (c) the *minority veto*, described as "the ultimate weapon that

¹⁵ See Julien Nimubona 2004: Mémoires de réfugiés et de déplacés du Burundi: lecture critique de la politique publique de réhabilitation. In: André Guichaoua (ed.): Exilés, réfugiés, déplacés en Afrique centrale et orientale. Paris: Karthala. 235.

minorities need to protect their vital interests”, and which “works best when it is not used too often and only with regard to issues of fundamental importance”.¹⁶

Not all plural societies are equally well prepared to handle the complexities of the model. As Lijphart has argued, power-sharing works best where ethnic segments are of roughly comparable size and where more than two protagonists face each other across the ethnic fault line. This is where the Burundi case appears to be a distinctly poor candidate for a successful implementation of consociational rule. Furthermore, the requirement of group autonomy is particularly difficult to implement where ethnic communities intermingle at the grassroots, as is clearly the case in Burundi.

Previous experiments in power-sharing would seem to confirm this assessment. The 1994 *Convention de gouvernement* (CG), aimed at creating the basis of a compromise between the pro-Hutu Frodebu, winner of the 1993 elections, and its long-time rival, the Uprona, never came anywhere near its stated objectives. Engineered by the UN Special Envoy to Burundi, Ahmedou Ould-Abdallah, the CG carried the principle of parity to an extreme (where even the embassies’ personnel was evenly divided between Frodebistes and Upronistes). The singular flaw in the CG is that it blissfully ignored the fundamental fact that the Frodebu had won the elections. Rather than creating cohesion, the result was to foster paralysis at every level of government.

The Arusha process, likewise, tried to give equal recognition to the claims of Hutu and Tutsi in the appointment of a transitional government. But this did little to promote harmony. As noted earlier, sharp disagreements arose between the G-10 and the G-7 on certain fundamental issues. Furthermore, while the sheer proliferation of Hutu and Tutsi parties was instrumental in injecting a measure of flexibility in the negotiating process, incorporating so many claimants into the government seriously complicated consensus-building. In the words of one well informed observer, “the Arusha negotiations were characterized by constant strategic repositioning, fragmentation of political parties and back-tracking”.¹⁷ Many of the parties represented in the transitional government were denounced by their opponents as self-serving opportunists (*ventriotes*). Their presence did not go unnoticed by those rebel organizations that claimed a substantial following but were consistently denied recognition (at least until 2003). The *ventriotes*, one might add, did not fare well in the elections; only a very small percentage of the G-10 and G-7 parties ended up with seats in the government after the 2005 elections. Their exclusion remains a source of lingering tensions, which could eventually find an outlet in the emergence of new opposition movements.

The new dispensation is in many ways a major improvement over previous arrangements. To remedy the disparity of size between Hutu and Tutsi the framers of the 2004 constitution have made allowance for a system of representation which more than doubles the demographic weight of the Tutsi minority. With 40 per cent of the seats in the government and the National Assembly – as against 60 per cent for the Hutu majority – the Tutsi are thus entitled to a significant share of power in the institutions of government. Even more generous is their representation in the Senate, with 50 per cent of the seats. Again, while the presidency is in Hutu hands, the two vice-presidencies are occupied by a Hutu and a Tutsi. At least 30 per cent of the seats in parliament and government must be occupied by women, and three Twa elements will be co-opted to serve as parliamentarians. As for the local institutions of government, not more than 67 per cent of the mayorships are to be held by any ethnic group. While the mayors are elected by the municipal councilors, they in turn form the provincial electoral colleges in charge of electing two senators each. Their political reach, therefore, goes beyond the local level.

¹⁶ See Lijphart 1977: *Democracy in Plural Societies*.

¹⁷ Devon Curtis 2005: *Interim Governments: Institutional Bridges to Peace and Democracy? Burundi and the Democratic Republic of the Congo*. Unpublished manuscript. 7.

Although the principle of minority overrepresentation met with broad agreement among Hutu and Tutsi, the critical issue during the constitutional debates hinged around the political affiliation of Tutsi representatives. Could any Tutsi candidate qualify, irrespective of party affiliations, or only those Tutsi who belonged to all-Tutsi parties, that is the G-10 parties? After much wrangling it was agreed that Tutsi members of predominantly Hutu parties (such as the Frodebu or the CNDD-FDD) could indeed qualify as representatives of the Tutsi community, contrary to what Tutsi hard-liners advocated. This is in ironic contrast with the standard position of most Tutsi politicians in the wake of the 1993 elections, when the Frodebu scored a landslide victory: "true democracy", they argued, involves "political" rather than "demographic" majorities", thus calling into question the validity of an electoral victory delivered by an overwhelmingly ethnic vote. By 2004, however, the shoe was on the other foot, with ethnic and political loyalties expected to coalesce, a strategy designed to discourage Tutsi candidates from switching to the "enemy".¹⁸

Institutionalizing ethnic parity within the army is perhaps the most remarkable achievement of the Arusha conference. The result has been to bring about a sea change in the composition of what used to be an all-Tutsi military. The central question is whether the key provisions of the Pretoria protocol on power sharing – 60 per cent of the officer corps consisting of holdovers from the former Forces Armées du Burundi (FAB) and 40 per cent of CNDD-FDD recruits – will be implemented. We touch here upon a highly sensitive issue, which became a major bone of contention in the recent peace talks between the FNL and the government (of which more later). The question it raises, from a broader perspective, is whether a restructuring of the officer corps would not be seen by hard-core Tutsi elements as a threat to their minority veto, and thus pave the way for yet another army takeover. In a brilliant piece of analysis Daniel Sullivan suggests that a key factor behind the 1993 assassination of Ndadaye was the widely shared assumption among Tutsi officers that he had every intention of breaking the Tutsi monopoly on the armed forces. Thus the army seized power to neutralize the threat to its minority veto.¹⁹ If so it goes far in explaining why today many high-ranking officers are resisting attempts to apply ethnic parity to the higher ranks: what is at stake here is their minority veto. Whether such a move would automatically lead to an army coup is doubtful, however, given the enormous human costs such a move would entail, not to mention the presence on the ground of a 5,650 strong multi-national force, the United Nations Operation in Burundi (ONUB).

5.2 The 2005 Elections

No fewer than four rounds of elections were held in 2005 – actually five if one takes into account the constitutional referendum of February 28, 2005: municipal elections on June 3, elections to the National Assembly on July 4, indirect elections for the Senate on July 29, and, finally, on August 19, the indirect election of the president in a joint session of the National Assembly and the Senate.

Nkurunziza's CNDD-FDD emerged from all four races as the clear winner. In the communal elections it received 62.6 per cent of the vote, as against 20.9 per cent to its nearest competitor, the Frodebu. The CNDD-FDD kept its lead in the legislative elections, with 58.23 per cent of the votes against 22.33 per cent for the Frodebu, thus winning 59 seats in the National Assembly against 41 for its rival. The Tutsi parties, represented by the Uprona and the *Mouvement de réhabilitation du citoyen* (MRC), ended up with, respectively, 15 and 2 seats in the National Assembly. As Reyntjens observes, "the CNDD-FDD, generally presented as a Hutu party, came out as the most inter-ethnic party, as 30

¹⁸ For a fuller treatment of the Tutsi position in 1993, see Lemarchand 1995: *Burundi: Ethnic Conflict and Genocide*. 162.

¹⁹ See Daniel Sullivan 2005: *The Missing Pillars: A Look at the Failure of Peace in Burundi through the Lens of Arendt Lijphart's Consociational Theory*. In: *The Journal of Modern African Studies*, Vol. 43, No. 1. 75-95. 87.

per cent of its elected MPs were Tutsi.²⁰ By contrast neither the Uprona nor the MRC were able to send a single Hutu to the National Assembly. Let us note, finally, that since fewer of the constitutionally prescribed number of Tutsi deputies won seats in the National Assembly (35 Tutsi and 65 Hutu), article 164 of the constitution immediately kicked in, in effect authorizing the Electoral commission to co-opt 18 deputies (four Hutu, 11 Tutsi and three Twa).²¹

As the Table below shows, out of a total of 118 deputies, 69 are Hutu and 46 Tutsi; of these, however, more than half are affiliated to the CNDD-FDD (21) or the Frodebu (7).

National Assembly: Party Strengths and Ethnic Profile (2005)

Party	Seats	Hutu	Tutsi	Twa
CNDD-FDD	64	43	21	
Frodebu	30	23	7	
Uprona	15		15	
CNDD	4	3	1	
MRC	2		2	
Twa	3			3

Source: Filip Reyntjens 2005: Briefing: Burundi. 128.

Although the electoral process was by no means free of violence, the consensus of international observers is that it was generally "free and fair". The CNDD-FDD's triumphant march to victory came as no surprise given the solid support it received from the Hutu electorate, and the fact that it was able to attract the candidacies of not a few Tutsi who, on the eve of the elections, thought it wise to jump on the most promising bandwagon.

What did strike many observers as an unexpected turn of events was Nkurunziza's swift loss of popular legitimacy in the months immediately following his meteoric rise to the presidency.

²⁰ Reyntjens 2005: Briefing: Burundi. 125. His is the best analysis of the 2005 elections yet available. This discussion is heavily indebted to his data and insights. See also International Crisis Group 2005: Elections au Burundi: Reconfiguration radicale du paysage politique. Nairobi and Brussels.

²¹ Ibid.

6 Consociationalism Unhinged

Few African heads of state have come to power with a more impressive fund of good will and popular sympathy than Pierre Nkurunziza. In the eyes of many of his followers he stood as the man to spoke truth to power, who fought tooth and nail to wrest power from the Tutsi oligarchs, and who did not shy from wrestling his internal enemies to the ground. A self-proclaimed born-again Christian who sees himself as God's messenger, and former physical education instructor at the University of Bujumbura, he seemed well equipped for the job. His motives for joining the CNDD-FDD were both political and personal: of his six brothers two lost their lives in killings that followed Ndadaye's assassination, and three subsequently died as rebels fighting the Burundi army.

His early public policy pronouncements augured well. His key priority, he said, was to make it possible for all children to attend primary school free of charge, along with free health care for children under five. Especially well received was his insistence on transcending ethnic and regional divisions. No sooner was he installed in the president chair than he declared: "With our new political orientation, everything is possible." Including reconciliation with Rwanda, despite Kigali's radically different approach to building a new society. In a recent visit to Rwanda he threw his arms around Kagame, in traditional fashion, and said: "Our problem is not ethnicity; it was a scapegoat our predecessors used to cover up for their leadership failures and greed".²² Many would have agreed with Paul Kaiser's optimistic assessment of Nkurunziza's rising political fortunes, penned in January 2006: "He has successfully reinvented himself as a novice statesman willing to admit his mistakes of the past, and symbolically lead the way in challenging the Burundian people to support his 'genuine cause' of ethnic reconciliation, political stability, and improving the quality of life for the Burundian people".²³

Less than a year later, however, much of the early popular enthusiasm for Burundi's new leader has all but vanished. The government is facing a major crisis of confidence within and outside his own party, in parliament, and in the society at large. Not all of the underlying factors are as yet clearly identifiable, though many are. What seems reasonably clear is that the crisis is not reducible to one single event or set of motives. It has come about as a result of the accumulation of interrelated challenges to the government. First came the flurry of criticisms of the government's human rights record from various domestic and international NGOs; then, like a bolt out of the blue, came the decision of the Frodebu to withdraw its support from the government, resulting a major internal crisis within the party; the seemingly endless and (until recently) inconclusive cease-fire negotiations with the FLN was yet another source of disillusion about Nkurunziza's performance; a fourth stemmed from the accusations of corruption directed at the government, corroborated by disclosures by the media of large-scale misappropriations of EU financial assistance. On top of all this, as if he had not already suffered enough discredit, Nkurunziza invoked the convenient pretext of a plot against the security of the state to arrest scores of prominent personalities, all of whom, until proven innocent, are presumed guilty.

6.1 Human Rights Violations

Though most of the provinces remained at peace in the months following the elections, FNL attacks never stopped in Bujumbura rural, Cibitoke and Bubanza. Nor did the army desist from its brutal retaliatory actions. The vast majority of human rights violations registered in late 2005 and early 2006 involved the deliberate killing of civilians by both the FNL and the armed forces, the latter now

²² Quoted in Paul J. Kaiser 2006: *Lessons Learned and Strategies Employed by Enlightened Leadership: Reflections on the Case of Burundi*. Typescript (January 27). 2.

²³ *Ibid.*, 4.

known as the *Forces de Défense Nationale* (FDN). The most extensive reporting of such abuses is found in a February 2006 Human Rights Watch (HRW) report: much of it reads like a catalog of atrocities, ranging from revenge killings against “uncooperative” civilians to summary executions, abductions, mutilations and torture. While the abuses committed by the FNL are richly documented, so are the war crimes, arbitrary arrests and collective punishment attributed to government security forces. “In December 2005 and January and February 2006, agents of the *Documentation Nationale* (DN) and army soldiers resorted to large-scale arbitrary arrests and detention of persons denounced as FNL collaborators by former FNL combatants... Some of the victims told HRW that they were tortured in a small windowless room called ‘the morgue’ located in a small building run by the DN near the offices of the general prosecutor and the courts.... On January 25 government forces awakened residents of Muyira zone in Kanyosha commune (Bujumbura rural) just before dawn and ordered them to assemble at a nearby field. There, twelve captured FNL combatants picked out 52 persons as FNL collaborators and they were detained. The next day authorities detained others, including women and children”.²⁴ This is only a small sample of the “incidents” recorded by HRW. Such abuses are of course part of a long established pattern of violence, but the fact that they occurred so soon after the elections, under Nkurunziza’s watch, meant in effect that very little had changed since the advent of the new government. This is where popular disillusion began to set in. Especially revealing of the brutal incompetence of the government is that many of the atrocities denounced by NGOs were not isolated incidents but were for the most part orchestrated at the top, by the state intelligence agency, the DN, and the Interior Security Police (PSI). In these conditions it is easy to see why the human rights issues were soon at the forefront of the attacks directed at the government by opposition parties.

6.2 Cracks in the Grand Coalition

In March Frodebu Chairman Léonce Ngendakumana announced that his party was pulling out of the government. In addition to citing the failure of the ruling CNDD-FDD to consult with other parties in the government on certain key policy decisions, he also accused Nkurunziza of showing little regard for human rights. What could have led to a major crisis was quickly defused when the three Frodebu cabinet ministers – Barnabe Mbonimpa (health), Elie Buzoya (agriculture) and Odette Kayitesi (environment) – refused to comply. Although the outcome seemed to strengthen the government’s position, this did little to solve the bitter internal quarrels within the ruling coalition.

Particularly embarrassing for Nkurunziza was the public display of mutual recriminations and accusations between his campaign manager and CNDD-FDD deputy, Mathias Basabose, a Tutsi, and the party chairman, Hussein Radjabu. In a press conference on April 11 Radjabu unleashed a violent attack against his former friend and companion in arms, accusing him, among other misdeeds, of having pocketed large sums of money in connection with a procurement contract concerning the rehabilitation of the road link Rumonge-Bujumbura. Basabose’s response came in the form of a public statement claiming his innocence, and in turn lambasting Radjabu for his own corrupt behavior, reminding him of the huge kickbacks he allegedly received in connection with the sale of the Falcon presidential plane. The Basabose-Radjabu quarrel was given wide coverage in the local media before it was seized upon by opposition parties. The Frodebu, in particular, had a field day denouncing the “corrupt practices, kickbacks and influence peddling institutionalized by the party in power”, and admitted its “sense of consternation in the face of the grave disclosures made by the party chairman El Hajj Hussein Radjabu and his right arm man, deputy Mathias Basabose”.²⁵

²⁴ Human Rights Watch 2006: Warning Signs: Continuing Abuses in Burundi. New York, Washington, London and Brussels (February 27).

²⁵ See www.arib.info/#Avril 06.

Adding to the fragility of the coalition, on September 5 came the announcement that Alice Nzomukunda, the country's second vice-president, and highest ranking official in the CNDD-FDD, had resigned in protest at the interference of the party chairman. "The reason for my decision", she said, "are the countless political difficulties we are facing, having to do with issues of security, contempt for the law, the justice system, and the management of the finances of the state", all of which, she added, are traceable to "the total incompetence of the CNDD-FDD president, Hussein Radjabu".²⁶ She was later quoted as saying that "Radjabu was not respecting the country's institutions and was obstructing efforts to create a functional peace-time government" – to which the spokesman for the CNDD-FDD, Evariste Nsabayumva, flatly replied "what Nzomukunda says about the party chairman are big lies".²⁷ Although the vacancy was promptly filled by Marine Barampama, ex-secretary general of the Women's League of the ruling party, the procedure adopted by the government immediately came under fire from opposition deputies. Not only was the quorum of two thirds of the membership of the National Assembly not met; the formalities of a secret ballot were deemed superfluous. It was by acclamation that the new vice-president was formally installed in replacement of her predecessor. Adding to the confusion, a private radio station, *Radio publique africaine*, informed its listeners that the newly appointed candidate was of foreign origins, the offspring of a Congolese mother (Kitenge Makangila) and a Tanzanian father (Shabani Meri), and that she changed her name from Mwamini Shabani to Marina Barampama.

Between the Basabose-Radjabu confrontation and the brouhaha over Nzomukunda's resignation and replacement five months later, the credibility of the government came in for further questioning, this time from the EU.

6.3 Government Corruption

Compounding the discredit arising from allegations of financial wrongdoing by the two CNDD-FDD heavyweights, the scandal surrounding the European-funded Burundi Rehabilitation Program (BRP) caused further embarrassment to the government. Set up in 2001 for the specific purpose of rehabilitating the country's infrastructures, the BRP has become synonymous with claims of corruption and forgery involving millions of euros. On the basis of the investigation by the EU's *Office de lutte anti-fraude* (OLAF), the EU representative in Burundi, Georges Marc André disclosed in June that widespread irregularities had occurred in the disbursement of funds. Some of the entrepreneurs working for the BRP, he said, were "forced to give bribes to get tenders". European funds, he added, "were allocated to Burundians to improve their living conditions, but instead of serving the interests of the Burundian community it has been used to enrich some individuals. That is unacceptable".²⁸ Although he declined to give names, it is widely believed that the top ranking officials in the BRP were on the receiving end of the line. Again, although André declined to say how much was involved, the total amount is estimated at 5 million euros (6.3 million dollars). In response the prosecutor-general, Jean-Bosco Ndikumana, announced that legal proceedings would soon get under way, but added that such cases of embezzlement would normally fall under the jurisdiction of the anti-corruption court, which is "not yet operational". If so, the same obstacle would presumably stand in the way of an investigation of the Radjabu and Basabose cases in the near future.

Among other shady deals, Radjabu is reported to have misappropriated a considerable sum over the sale of the presidential plane, a Falcon 50, soon to be replaced by a later model. He is said to have turned down an offer of \$ 5 million and settled instead for a \$ 3 million sale to another bidder, thus raising questions about who pocketed the difference. Some critics of the government claim that he

²⁶ ARIB news, September 5, 2006.

²⁷ IRIN, September 5, 2006.

²⁸ Ibid., June 23, 2006.

has a major stake in the purchase of vehicles for parliamentarians, and has the last word in selecting companies putting out tenders for the marketing of sugar. In lieu of the previous competitive procedure, the government, notably the Minister of Commerce, engaged in what one observer described to the author as an "opaque bidding procedure" giving control of the sugar market to seven traders, of whom four are MPs affiliated to the CNDD-FDD. As for Basabose, the least that can be said is that his probity is very much in doubt. Despite his vehement denial that he benefited from under-the-table payments from a Rwandan contractor in connection with the rehabilitation of the Bujumbura-Rumonge road link, it is an open secret in Bujumbura that some BF 120 million were paid by the same bidder to the CNDD-FDD treasury. Exactly who raked off the largest amount from the deal, Basabose, Radjabu or other party hacks, is impossible to say.

While many questions are yet to be answered, there is little doubt about the sense of disillusion shared by many Burundi in the face of mounting evidence of government corruption. Such a display of dishonesty by politicians and civil servants would be objectionable under any circumstances; in a country as poor as Burundi, where two-thirds of the population lives below poverty levels, such practices are unlikely to go unnoticed by the opposition, least of all by those poverty-stricken rural voters who placed their faith in the new leaders.

6.4 The Crackdown on Alleged Plotters

As if to cut short the litany of criticisms directed at his government, in late July Nkurunziza used the pretext of a plot against the security of the state to arrest a number of leading personalities suspected of involvement in this criminal conspiracy. The list of the persons rounded up reads like a who's who of the previous transitional government: among others Domitien Ndayizeye, a key Frodebu personality and former transitional president;²⁹ Alphonse-Marie Kadege, ex-vice president under Ndayizeye and member of the Uprona; Deo Niyonzima, secretary general of the *Parti pour la réconciliation des peuples* (PRP); Alain Mugabarabona, head of the FNL-Icanzo, a dissident wing of the FNL. With the arrest of Colonel Damien Ndarisigaranye, on August 2, the list of those arrested rose to nine, but government spokesman Ramadan Karenga said all those under arrest were on a list of fifteen "wanted for preparing the overthrow of elected institutions".³⁰

Whether the crackdown came about in response to a genuine plot or is better seen as a machination orchestrated by the government to neutralize its opponents remains unclear. Until the government makes public the evidence at its disposal, the latter seems the more plausible interpretation, a view shared by the two major opposition parties, the Uprona and the Frodebu. The Uprona chairman, Aloys Rubuka, made clear the party position on the real significance of the arrests, which he described as a calculated cover-up: "The government wants to cover up the economic and political crisis whereby some senior country officials are involved in offences notably including the theft of sugar (from a state run firm), the illegal sale of an aircraft of President Pierre Nkurunziza, fraudulent tendering for government contracts, in addition to a crisis in the National Assembly on its internal regulations".³¹ The Frodebu, for its part, "called on the international community, particularly the UN, the AU, the EU and members of the Great Lakes initiative on Burundi to closely follow the situation in Burundi in order to prevent any social and political havoc".³² A more subdued message came from

²⁹ The arrest of Ndayizeye is all the more surprising when one recalls that he played a major role in 2003 in meeting Nkurunziza's demands for a greater share of government positions, namely four ministerial posts, fifteen seats in the National Assembly, six ambassadorships and a 20 per cent representation of the CNDD-FDD personnel in public enterprises.

³⁰ IRIN, August 2, 2006.

³¹ Ibid.

³² Ibid.

the chairman of the *Centre national d'alerte et de prévention des conflits*, Charles Ndayiziga: in addition to complicating the ongoing negotiations with the FNL, "the scant information on the arrests is also worrying. We do not know much on that issue", adding that "we need to know the identity of the 'hidden forces' that may be working with the arrested people".³³ Their identity has yet to be revealed.

There is no indication of an ethnic motive behind the arrest of suspected plotters, and the fact that both Kadege, a leading Tutsi figure, and Ndayizeye, the Hutu ex-president of the transitional government – known for their radically divergent political sensibilities – should be inculpated in the same conspiracy, makes the accusations against them all the more implausible. Despite the mystery surrounding the crackdown, what seems beyond doubt is that the person directly responsible for the arrests is none other than the CNDD-FDD chairman, Hussein Radjabu.

6.5 The Radjabu Enigma

Relatively little is known of the man who is increasingly seen as the real power behind the scenes. Lionized by some³⁴, excoriated by others, he remains something of an enigma. A Hutu from Muyinga in the north, Hussein Radjabu belongs to the Muslim minority. His early career path as an agricultural assistant (*vulgarisateur agricole*) enabled him to develop close ties with the rural communities he came in contact with. Like many who lost relatives at the hands of Tutsi extremists – his father was killed in 1972, and in 1995 his wife was mortally wounded in Bujumbura by Tutsi militias, the infamous *Sans défaite et sans échec* – he first joined the Palipehutu, which he helped organize in the provinces of Bubanza and Cibitoke. He then switched to the Frodebu when Ndadaye emerged as the most credible candidate to the presidency in 1992. They became close friends and together were instrumental in converting local Palipehutu branches to the cause of the Frodebu. He was among the first to join the CNDD after Ndadaye's assassination. His talent as a grass-roots organizer quickly caught the attention of Leonard Nyagoma, who appointed him as commissioner in charge of mobilization and propaganda. By all accounts he played an important role in facilitating the rise of Nkurunziza to the leadership of the party, and consistently sided with him when challenged by his rivals on matters of tactics and strategy. He would soon make excellent use of the manipulative skills he so successfully displayed in the course of the early intra-party struggles.

After Nkurunziza's victory at the polls he shrewdly took advantage of his wartime experience and contacts to solidify his grip on the party, to the point where he now wields more influence than any other CNDD-FDD official within or outside the government. There are no holds barred in the methods he uses to rid himself of his potential enemies. Nor does he entertain any scruples in taking his cut on procurement contracts or the sale of public property. Or in riding roughshod on the constitution.

His use of symbolic gestures, one might add, are sometimes confounding.³⁵ All of which has created a powerful backlash against the government.

Illustrative of this growing disenchantment are these comments from a well-informed Hutu observer: "It is he (Radjabu) who is responsible for the large-scale corruption going on in the government, for

³³ Ibid.

³⁴ See Herménégilde Niyonzima 2004: *Burundi: terre des héros non-chantés, du crime et de l'impunité*. Vernier: Editions Remesha. 369 ff.

³⁵ In its issue of August 27, 2005, on p. 40, *The Economist* reported the following scene: "At a recent FDD (sic) victory rally, Mr. Radjabu slit a cockerel's throat and let an eagle feed on its entrails. This would be a harmless spectacle but not for the fact that the eagle and the cock are also the respective mascots of the FDD and its main competitor, Frodebu. These are risky gestures for a country just emerging from civil war."

it is he who is in charge of giving procurement contracts... What the Tutsi raked off in years, Radjabu and his cronies want to do in a few months time... It is he who is responsible for human rights violations. He deeply distrusts the press, the civil society, and anything that smacks of an opposition. And who do you think is behind the manufacturing of imaginary coups and the arrest of alleged plotters against state institutions, and many other dirty tricks? Hussein Radjabu of course!"³⁶

While many would agree with such strictures, nagging questions remain about the scope of his influence. One concerns the extent to which something resembling a Muslim network has been put in place. Although there are reasons to doubt the existence of such ties, just how significant is the weight of Islam in shaping the government's foreign policy is hard to tell. What is beyond dispute is that he is a devoted Muslim, having recently gone to Mecca on pilgrimage, and there is strong evidence that he is casting about for stronger diplomatic and commercial ties with the Sudan and Libya. Although rumor has it that he has sent a number of young men to Khartoum for military training,³⁷ the principal motive for this diplomatic overture lies in the prospects of economic and financial assistance from his newly found allies, should the EU fail to deliver.

At the domestic level, many wonder to whether his distrust of the media – recently shown by his personal attacks on Emmanuel Nsabimana, a journalist working for Radio ONUB, a station operated by the local UN Mission – may not eventually lead to a more systematic repression of press freedom. The international ONG Reporters Without Borders recently admitted being "appalled by ruling party chief Hussein Radjabu's threatening comments towards the press on September 3", and urged Nkurunziza "to re-establish a relationship of trust with the independent media, which have had a rough ride in recent weeks".³⁸ So far there is little indication that any such relationship is about to materialize.

Finally, there is the question of his relationship with the security forces. On one important fact most observers would agree: he and the head of the National Intelligence Agency, the notorious Adolphe Nshimirimana, are the best of friends. The integration of former CNDD-FDD rebels into the police, the FDN, and the security apparatus, has produced a symbiosis of sorts between the party and the instruments of force. But the process has yet to be completed. Tutsi elements are still dominant in the upper ranks of the army. As we shall see this has been a major stumbling block in the negotiations with the FNL. The problem has yet to be resolved. The key question is whether the incorporation of former CNDD-FDD troops into the army can be carried to the point where parity is achieved without provoking resistance from the Tutsi-dominated officer corps. Although Radjabu has proved himself adept at pushing his pawns on the political chessboard, whether he can press for further drastic changes in the structure of the armed forces and still rely on their continued loyalty is moot.

³⁶ Private communication, September 14, 2006.

³⁷ Burundi Réalités, September 19, 2006.

³⁸ Ibid., September 6, 2006.

7 The Challenges Ahead

The biggest challenge is the institutionalization of a functioning democratic state, but to meet this challenge other issues need to be resolved, ranging from the residual threats posed by the FNL and the future of the DDR program to refugee problems and governance.

7.1 The Persistence of Hutu Radicalism

Hutu radicalism has deep roots in the history of Burundi. In its most recent incarnation – Agathon Rwasa's FNL – it embodies a legacy of accumulated sufferings, anger and frustration traceable to the 1972 bloodbath. The mass killings of Hutu by the Tutsi-dominated army created the context and motivation for the creation of the *Parti pour la libération du peuple Hutu*, in short Palipehutu, born in 1980 in a refugee camp in Tanzania (Mishamo) at the initiative of the late Rémy Gahutu.³⁹ It is not for nothing that the formal designation of the FNL is Palipehutu-FNL: its stridently anti-Tutsi ideology, its mystical overtones and stern commitment to the cause of the "Hutu people" (in opposition to the Hutu "collaborators") bear the stamp of its early parent organization. Today the FNL makes no bones of the fact that "both the CNDD-FDD and the Frodebu have betrayed Burundi's mostly Hutu population by seeking political posts instead of improving living conditions for the majority".⁴⁰

The inherited radical streak in the FNL ideology is graphically conveyed by the words of Pasteur Habimana, the FNL spokesman, to this writer in 2003: "I have been holed up in the forest since 1973. I am 50 years old. The truth must be told about the many Hutu killed by Tutsi. We need to tell the truth. Burundi's problem is that we are told lies! (*Le problème du Burundi c'est le mensonge!*). The members of parliament represent no one... How can one agree on a 50/50 sharing of power with the Tutsi when they represent 15 per cent of the population? In 1972 I saw my brothers being killed. I was 20 years old. I remember everything!"⁴¹ There is indeed an irreducible core of fanaticism in the FNL's ideology, which finds expression in a blind recourse to violence, often perpetrated by teen-age boys, going into battle chanting religious hymns. Such was the case during the devastating assault on Bujumbura, which lasted five days in July 2003, and caused scores of civilian casualties as well as the death of 310 rebels, mostly children, at the hand of the Burundi army.⁴² That the FNL strongholds should be located in Bujumbura rural, and therefore within striking distance of the capital, is not surprising when one recalls that the province claimed the largest concentration of regroupment camps. Nor is it a matter of coincidence, therefore, if the bulk of its combatants were child soldiers: as recent research convincingly shows, access to IDP and refugee camps correlates strongly with the recruitment of children as insurgents.⁴³

Given the nature of its ideological appeal, its long history of resistance to Tutsi hegemony, and its capacity to mobilize popular support, it is not surprising that the signing in Dar-es-Salaam, on September 7, of a "comprehensive cease-fire agreement" between the FNL and the government

³⁹ For a fascinating exploration of how the trauma of the 1972 genocide has shaped the outlook and ideology of the Palipehutu, see Liisa H. Malkki 1995: *Purity and Exile: Violence, Memory and National Cosmology among Hutu Refugees in Tanzania*. Chicago and London: University of Chicago Press.

⁴⁰ Burundi Réalités, January 17, 2006.

⁴¹ Interview with the author, November 2003.

⁴² For further details, see Iteka 2003: Bulletin d'information, No. 51 (July). 1-6.

⁴³ Vera Achvarina and Simon F. Reich (2006): No Place to Hide: Refugees, Displaced Persons and the Recruitment of Child Soldiers. In: *International Security*, Vol. 31, No. 1. 127-164.

should have been received with cautious optimism by the international community.⁴⁴ Adding to such doubts is that the cease-fire was finally signed after considerable pressure from members of the Regional Initiative for Peace in Burundi (RIPB), notably from presidents Yoweri Museveni of Uganda, and Thabo Mbeki of South Africa. Furthermore, the crucial issue of the restructuring the FDN high command appears to have been shoved under rug. Nowhere in the text of the agreement is there as much as a passing reference to this long-standing demand of the FNL. Further complicating the situation is the apparent unwillingness of a small FNL breakaway faction, led by Jean-Bosco Sindyigaya, to abide by the terms of the agreement.

Whether the cease-fire will hold long enough to allow the demobilization of FNL combatants, and ultimately pave the way for the restoration of peace in Bujumbura rural, is anybody's guess. How to follow through the stipulations of the accords concerning the work of the Joint Verification and Monitoring Mechanism (JVMM), the movement of combatants to assembly areas, and their reinsertion into civilian life, is a key problem facing the new government.

7.2 The Demobilization and Reinsertion of Ex-Combatants

The demobilization of former CNDD-FDD fighters as well as elements of the FDN has made notable progress under the supervision of the National commission on Demobilization, Reinsertion and Reintegration. Over the last year, according to figures released by the ONUB, 16,724 adult combatants and 3,015 child soldiers were demobilized, to which must be added 7,332 FDN troops. According to the most recent figures available (June 2006) a total of 20,294 ex-combatants have been demobilized. This brings within reach the target of a down-sized FDN of 30,000.

To this must be added the dismantling of militias, consisting essentially of the Tutsi-dominated *Gardiens de la paix*. By June of 2006 it was estimated that a total of 28,125 militia members had been demobilized, including 18,616 *Gardiens de la paix*.

However impressive its short-term achievements, the reinsertion program has yet to meet the long-term needs of the majority of demobilized combatants. Many are still waiting for their demobilization stipends or Transitional Subsistence Allowance (TSA), the latter amounting to \$ 515.00 per head for private soldiers. By March 2006 an estimated 16, 681 ex-combatants had received demobilization assistance. While long-term reintegration programs are under way (involving 2,677 ex-combatants) whether sufficient external resources can be mobilized to sustain such programs over the long run is highly problematic.

Much the same problem is facing those FNL combatants currently being assembled for demobilization. How to accommodate their demands for reinsertion is only one aspect of the problem. Another is that some local FNL leaders "are recruiting civilians into its ranks as potential beneficiaries of demobilization fees", while others "have been collecting taxes, ranging from \$ 0.50 to \$ 1.50 per cow".⁴⁵ It is with no little apprehension that civilians watch the ex-rebels emerge from their rural hideouts in military fatigues, in search of food. Recently the governor of Bubanza province urged the government "to provide food for the combatants to prevent them from stealing from civilians", adding that "a team was needed to monitor the enforcement of the cease-fire accord

⁴⁴ See Comprehensive ceasefire agreement between the government of the Republic of Burundi and the Palipehutu-FNL, Dar-es-Salaam, 7 September 2006. The agreement was signed in the presence of three "guarantors", i.e. Yoweri Museveni, chairperson of the Regional Initiative for Peace in Burundi (RIPB), J.M. Kikwete, vice-chairperson of the RIPB, T. Mbeki, representative of the facilitating country (South Africa), and two witnesses, P. Mazimhaka, representative of the African Union and Ambassador N. Satti, UN Special Envoy to the Great Lakes Region.

⁴⁵ IRIN, September 20, 2006.

between Rwasas's FNL and the government".⁴⁶ In these conditions it is doubtful that the timetable set for the disarmament, demobilization and reintegration (DDR) process – 30 days after the signing of the accord – will be met.

Seen from a broader perspective, the security sector reform undertaken by the government raises problems of *political* integration. As noted earlier, implementing a 60/40 ethnic ratio within the army high command remains a highly sensitive issue. Of the fifteen ex-FAB generals still in active duty, fourteen are Tutsi, and 5 are from Bururi. The chief of staff, along with high-ranking officers and camp commanders are, likewise, hold-overs from the former FAB, and are generally Tutsi elements from Bururi province. Forcing them into early retirement is not an option. The new Burundi national police (BNP), on the other hand, has emerged as a notably heterogeneous force, consisting of elements recruited from different sectors, i.e. from the previously Tutsi-dominated *Police de Sécurité Publique* (PSP), the *Police Judiciaire* (PJ), the *Police Pénitentiaire* (PP), the ex-FAB (about 10,600), as well as half a dozen former Hutu-dominated rebel movements. A total of 16,000 ex-combatants have been integrated into the BNP. Given such an extraordinary mix of ethnic and regional origins, professional backgrounds and political horizons, doubts are bound to arise about the stability and reliability of the BNP as a constabulary force.

Overall it is difficult to disagree with the assessment offered by two well-informed observers: "One of the biggest challenges for the future will be the reintegration of the ex-combatants into civilian life. This process is only just beginning. Demobilized ex-combatants were given payments to support them for 18 months, calculated on salary scales in the armed forces, which allowed the former fighters some time for socio-economic integration. *The long-term goal, however, is for them to acquire a sustainable social and economic role in a peaceful society*".⁴⁷ The issue is rendered all the more problematic by conditions of extreme economic scarcity, in part a reflection of a severe land hunger. Access to land ties in directly with another burning issue: how to reintegrate hundreds of thousands of refugees and internally displaced persons (IDP).

7.3 The Problem of Refugees and IDP's

It is estimated that during 2004 and 2005 approximately 170,000 refugees returned from Tanzania, and 1,500 in the first months of 2006. Out of a total of 411,000 refugees registered in Tanzania in early 2004 (a conservative estimate), some 342,000 remain outside the country, awaiting repatriation. These figures are based on the 1993 case-load; they do not include the refugees who fled the 1972 carnage. More than a million people were forced out of their homes during the killings, of whom as many as 300,000 sought refuge in Tanzania and other neighboring states, notably Rwanda. Referred to as "long-term refugees", 68,000 are said to have returned home since 2000. Furthermore, omitted from these statistics are tens of thousands who either did not register, moved to Dar-es-Salaam, or are currently living in Tanzanian village communities outside the camps.

There are, in addition, some 100,000 IDPs distributed among 160 camps in Burundi, down from 140,000 living in 182 camps in April 2004. Both the IDPs and the returnees live in the direst of circumstances. The worst off are those returning on their own, the so called *rapatriés spontanés*, as they are faced with frequent exactions from bandits (*wajambaz*), militias (*banamugambo*) and camp custodians (*basungusungu*). More importantly, they do not qualify for food aid from the UNHCR and other humanitarian agencies. As one of them lamented, "when food is distributed we never know

⁴⁶ Ibid.

⁴⁷ Waldemar Frey and Henri Boshoff 2005: Burundi's DDR and the Consolidation of Peace. In: African Security Review, Vol. 14, No. 4. Pretoria: Institute for Security Studies. 42.

who gets it. Since I came back I have never received one single soya bean".⁴⁸ Unlike the *rapatriés spontanés* those who return under UNHCR auspices can expect a three-month aid package consisting of food rations, household goods, tents and other implements. While the aid package will help them keep their heads above water for a few months, what happens to them in the longer term is highly uncertain.

The crux of the problem is the extreme scarcity of land. A survey conducted in 1999 indicated that 28.6 per cent of the refugee respondents identified the land problem as "crucial" obstacle to their return.⁴⁹ Today this percentage is likely to be much higher. The salience of the land issue is due in part to the enormous population pressure on the land, leading to an endless fragmentation of landholdings.⁵⁰ Another reason is that the land that once belonged to the refugees has in the meantime become somebody else's property. Germain Ntibarufata's story is not untypical: currently awaiting resettlement in a camp located in Rukaramu, along with 89 other families, the land he once owned at Kajaga, in Mutimbuzi commune, has been seized by the government and allocated to private developers while he and his family were in exile. "Nice homes and hotels have been built on our land", he said; "they told us we would get other land, but we have been waiting for four years now".⁵¹ Summing up the dilemma faced by humanitarian agencies, one UNHCR official candidly admitted that "as long as the land issue is not settled, the UNHCR will only bring them emergency aid".⁵²

One of the few bright spots on the horizon is the decision of the government to set up a commission on land and other properties, within the Ministry of national solidarity, human rights and gender, a move intended "to ease resettlements and solve disputes arising from the repatriation of long-term refugees". According to the commission's chairman, Abbot Aster Kana, "the team would neither operate as a conciliation body nor as a court: the commission would review complaints and help restore property to their owners"⁵³ It is worth noting, however, that the mandate of the commission extends far beyond the refugee's plight. In Kana's words, "it would work for all landless people such as the Batwa, the indigenous hunter-gatherer, forest-dwelling communities who are often neglected in society".⁵⁴ Providing land for the returnees is already an enormously complicated and politically sensitive issue; extending the commission's mandate to "all landless people" may not be the best way to attend to the urgency of the refugee demands.⁵⁵

If the past record of administrative efficiency in meeting the demands of refugees is any index there are reasons to doubt the capacity of the present government to live up to their expectations. In conformity with the Arusha accords a *Commission nationale de rehabilitation des sinistrés* (CNRS) was created to handle the refugee problem. Its work, however, was immediately stymied by a conflict of jurisdiction, with strong political overtones. While the CNRS was under the control of the Frodebu, it was financially and administratively accountable to the Ministry of Resettlement and Reinsertion (MRRDR) of IDPs and Repatriates (MRRDR), headed by one of the G-10 (Tutsi) parties. The result was administrative paralysis. The five-stage action plan elaborated by the CNRS remained a

⁴⁸ IRIN, August 16, 2006.

⁴⁹ P.M. Kamungi, J.S. Oketch and C. Huggins 2004: Land Access and Refugee Repatriation. In: Eco-Conflicts, Vol. 3, No. 2. Nairobi: African Centre for Technology Studies (September). 1.

⁵⁰ Concretely, this means that over 80 per cent of the rural households have less than 1.5 hectares of land. Ibid.

⁵¹ IRIN, August 16, 2006.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ It is a commentary on the potentially explosive nature of refugee issues that a key factor behind Ndayaye's assassination in 1993 had to do with conflicts over land, following the return of Hutu refugees.

dead letter. So also the provisions of the Arusha accords concerning the restitution of their landed property to the refugees. Although this sort of political infighting is unlikely under the present dispensation, there is no denying the magnitude of the administrative challenge involved in the resettlement of hundred of thousands of refugees eager to recover their lost property.

What makes the refugee problem so politically sensitive is that the occupants of refugee lands are unlikely to let go of their property for the benefit of the previous owners. It is common knowledge among refugees that "expropriated land (has been) allocated to influential political and military figures without adequate compensation to those from whom it has been taken".⁵⁶ Again, "commissions appointed to look into the land availability for the resettlement of refugees have at times appropriated the land for themselves or their wives".⁵⁷ Many recipients of these ill-gotten gains are either Tutsi, or Hutu to whom the land has been sold by previous Tutsi occupants. Coming to grips with illegal seizures of property going back to 1972, 1988 and 1993 is a daunting task. It is easy to see, in such circumstances, why so little has been done to meet the claims of the returnees.

Compounding these difficulties is the rampant corruption surrounding the allocation of humanitarian aid for refugee resettlement. A well informed analyst detects a "predatory logic" – "des logiques prédatrices et de captation des fonds humanitaires" – in the dysfunctions that once crippled the MRRDR⁵⁸, eventually resulting in the arrest of the minister and his cronies. Similar malpractices have been reported at the local and provincial levels. "The land reserve", some observers noted in 2004, "intended for allocation to the landless is manipulated, resulting in some people waiting for years, while others, who are not actually landless, receive plots rapidly due to favoritism and bribery".⁵⁹ In view of the recent scandal over the misappropriation of EU funds earmarked for the Burundi rehabilitation program, it would be surprising if such practices were to come to an end in the foreseeable future.

7.4 A Governance Deficit

There is no little irony in the fact that while Nkurunziza served for nearly two years as Minister of Governance in the transitional government, under president Ndayizeye, today the lack of transparency, administrative efficiency and respect for constitutional norms are among the most damning criticisms addressed to the government. In a report to the Netherlands Institute of International Relations, Willy Nindorera makes a strong case for "reinforcing the democratic culture of the CNDD-FDD", noting that the government is "in large part the product of an old rebellion which has not totally achieved its metamorphosis". There is, he adds, a carry-over of the *pratiques du maquis* into the context of the newly emergent state institutions. Among such practices he mentions clientelism, obsession with secrecy, a highly personalized line of command, with the party "intervening in the affairs of the state to the point where it substitutes itself for the ministers and

⁵⁶ Kamungi et al 2004: Land Access and Refugee Repatriation. 2.

⁵⁷ Ibid.

⁵⁸ See the outstanding contribution of Nimubona 2004: Mémoires de réfugiés et de déplacés du Burundi. 213-245. To quote: "Des logiques prédatrices et de captation des fonds humanitaires gangrènent le ministère ainsi que ses relais administratifs et territoriaux. Au lieu de les destiner au très exigeant service public d'assistance, les personnels ont vu dans les stock humanitaires la source d'une accumulation facile. L'inculpation suivie d'un emprisonnement du tout premier ministre de ce ministère avec presque tout son état-major en est une première illustration". Ibid., 235.

⁵⁹ Kamungi et al 2004: Land Access and Refugee Repatriation. 2.

civil servants”⁶⁰ He might have added the tendency to revisit the past to settle scores with former rivals.

Such strictures are of course anathema to most CNDD-FDD incumbents. They point to the presence in the government of highly competent ministers and civil servants and do not hesitate to dismiss such accusations as unfounded. That some office-holders are indeed well qualified is undeniable. A case in point is the Minister of Foreign Affairs, Antoinette Batumubwira, whose track record cannot be faulted.⁶¹ Others could be mentioned. The fact remains, however, that there is considerable room for improvement in the realm of governance.

While there may be exceptions to the rule, by and large the *pratiques du maquis* observed by Nindorera translate into a highly dysfunctional state, where the ruling party – not to mention key personalities within the party – seeks to assert itself as the only legitimate decision-maker. There is no evidence that the process of consultation and cooperation so crucial to the successful implementation of consociational rule is being heeded. Laws are rammed through parliament without any real debate. The state and the party are two faces of the same coin. The grand coalition principle – identified by Lijphart as the key to effective power-sharing – has morphed into a wobbly coalition of party blowhards, threatened to dissolve at any moment into internecine struggles and settling of accounts.

Hovering over these tiffs and intra-mural enmities is a strong whiff of machine politics. The spoils of office are distributed to the faithful, irrespective of their qualifications. Contracts and favors (access to free housing, vehicles, award of export-import licences, appointments to parastatal institutions, and so forth) are awarded on the basis of loyalty to the party bosses at the central or regional levels, who are then in a position to build their own clientele. Little wonder if the provincial governors, all of them nominated by the party, have emerged as powerful chiefs, strangely reminiscent of their pre-colonial counterparts. The most artful manipulator of resources is of course Radjabu, who has powerful allies in the government (notably the Ministers of Communication and Justice) as well as in the provinces, and probably in the police and armed forces. His most faithful crony is none other than the all-powerful Adolphe Nshimirimana, the head of the National Intelligence Agency, the much feared *Service National de Renseignement* (SNR), the former *Documentation Nationale*. Structurally, it seems that little has changed since the days of Tutsi hegemony in the 1970’s and 1980’s, except that ethnic and regional identities as a criterion for power and privilege are not nearly as significant as they used to be. At least for the time being.

Compounding the handicaps of a *maquis*-inspired approach to day-to-day administrative problems is the dearth of qualified civil servants, especially among Hutu. A confidential source states that as a result of the war many civil servants were either killed or forced to flee to other countries. Burundi’s civil service is now made up of underpaid and elderly staff who do not meet the needs of a functioning bureaucracy. Sometimes administrative records are disposed of in the most erratic and arbitrary fashion, for example in Gitega, as the same source reports, where all files on deaths and births as well as land titles were simply burned by administrators who did not know how to process them. Although a *Statut de la fonction publique* has recently been elaborated, one wonders how long it will take before the new rules and code of conduct are internalized and acted upon by the new generation of civil servants.

⁶⁰ Willy Nindorera 2006: D’un Mouvement Rebelle à un Parti Politique au Burundi: Le Cas du CNDD-FDD. Paper prepared for the project From Rebel Movements to Political Parties: Reviewing the Role of International Actors. Amsterdam: Netherlands Institute of International Relations Clingendael (July). 23.

⁶¹ See the interview with Minister Batumubwira in *Jeune Afrique L’Intelligent*, February 12-18, 2006. 39.

One of the most worrisome aspects of this rising CNDD-FDD hegemony has been the increasingly tense climate between the ruling party and the civil society. The convening of the party congress in Bururi, in June, was the occasion for the organizers to make clear their distaste for whatever criticisms might come from civil society organizations. Of these the media are seen as the most nefarious, and have consequently paid the heaviest price. Not only are they perceived as a threat to the government, but the fact that, for historical reasons, most are headed by Tutsi elements makes this menace particularly ominous. One observer volunteered the opinion that "the hostility of certain figures or groups in civil society and the CNDD-FDD reaction to them could potentially stoke the embers of a greater clash"⁶². Further complicating the situation, he adds, is "the tendency of opposition parties and civil society to act as if the system of governance was much better and cleaner before and was not previously riven by corruption, impunity, lack of accountability and clientelism"⁶³. At stake here is not only the capacity of the civil society to fulfill its role as a potential source of opposition and a vitally important channel of communication between the populations at large and the decision-makers, but also, and more significantly, the future of Hutu-Tutsi relations.

Governance issues, then, arise at several levels and in different contexts, but they all come into focus through the prism of state legitimacy. Electoral legitimacy is one thing; trust in the government is something else. It stems from the capacity of the state to meet the moral and political expectations of the electorate, or, in Lockean terms, from the trust of the people in their rulers. That good governance fosters trust and legitimacy is an axiom that has yet to be fully realized by Burundi's new rulers.

⁶² Anonymous 2006: Informal Trip Report (September 20).

⁶³ Ibid.

8 Conclusions

The foregoing is not meant as a call for disengagement by donors, but rather the opposite.

While many of the problems faced by the new authorities will not be resolved by more foreign aid (pace Jeffrey Sachs) – indeed the result may be precisely the opposite – development assistance may indeed make a significant difference if it is properly targeted and prioritized.⁶⁴

If the aid package is to be made more effective, a serious attempt must be made to engage the Burundi authorities in a more constructive dialogue. A close observer recently emphasized “the difficulties in the interface between the top of government and donors”. After lamenting the fact that “very few donors have contact with Rujabur”, he goes on to explain that their success in “engaging with sectoral planning (e.g. education and possibly health)” has had little impact on the political climate, “even if aid is a huge percentage of the country’s GDP”.⁶⁵ If so, a convincing case can be made for a more concerted approach in dealing with the principal decision-makers, including Rujabur. A key objective of such a dialogue should be to define the terms on which conditionality could be applied, including the withholding of further assistance to specific sectors (e.g. rehabilitation, health, education) unless the present conditions of transparency and accountability are significantly improved. For the sake of giving greater resonance to their views, donors should reach out to the members of the Burundi Regional Initiative (BRI) and in concert with them explore the ways in which the present climate can be improved. International pressure, in short, should not be limited to European donors alone.

Restoring the economy is of course one of the most urgent tasks facing the international community, but this can only be accomplished if the country enjoys sustained peace and stability. Peace has been re-established through much of the country; consolidating the peace is where the challenge lies. Security Sector Reform (SSR) should be a key priority, especially with regard to the DDR and police training. In view of the size of the BNP (20,000), and its lack of internal cohesion and training, immediate attention should be given to a comprehensive police training program. This involves a broad range of interventions, from skills (crowd control) to technical competence and operational capacities. How this form of assistance could be combined with the current ongoing DDR program is one of the many issues donors should concern themselves with. Given that a very substantial number of BNP recruits are former rebels, their integration into a reconstituted police force comprising a fair number of Tutsi elements from the former police and gendarmerie corps raises obvious questions. How to facilitate the integration of such disparate elements should figure prominently on the DDR agenda.

With regard to economic recovery, the World Bank deserves much credit for coming to grips with the macro-economic dimensions of poverty. Its poverty reduction strategy program bears testimony to a sustained effort in the direction of pulling the country out of the poverty trap. Nonetheless, the micro-economic, grassroots dimensions of rural poverty, especially in provinces most directly affected by civil conflict, are generally neglected. This is where a major effort is required from donors.

Consider the following description of the conditions prevailing in the rural sectors: “The majority of the people have only tiny amounts of cash moving through their hands each year. Coffee payments have dropped significantly and, while there is an improved security situation, market access is still a problem. Transport is almost non-existent on the roads (except for beer and Coke trucks) and most people do not even have access to a basket or barrow which people can use to carry produce as they

⁶⁴ For an excellent example of how to rethink development assistance in a conflict-oriented optic, see Juana Brachet and Howard Wolpe 2005: *Conflict-Sensitive Development Assistance: The Case of Burundi*. Washington DC: The World Bank, Social Development Papers No. 27 (June).

⁶⁵ Anonymous 2006: *Informal Trip Report*. 3.

walk to the market. Activities that could possibly change this are ones which are unappealingly time-consuming and labor-intensive for donors... As for bigger businesses, these are more likely to benefit from donors' preferences to support economies of scale and export revenue-generation... As an economic development strategy, it reinforces the divide between 'haves' and 'haves not'".⁶⁶ How to meet the needs of the rural poor in a country devastated by civil war – not to mention the recent torrential rains that have destroyed homes and crops, and the spread of bacterial diseases attacking banana and cassava, Burundi' main staple – and where infrastructures are thorough inadequate, is indeed a daunting challenge.

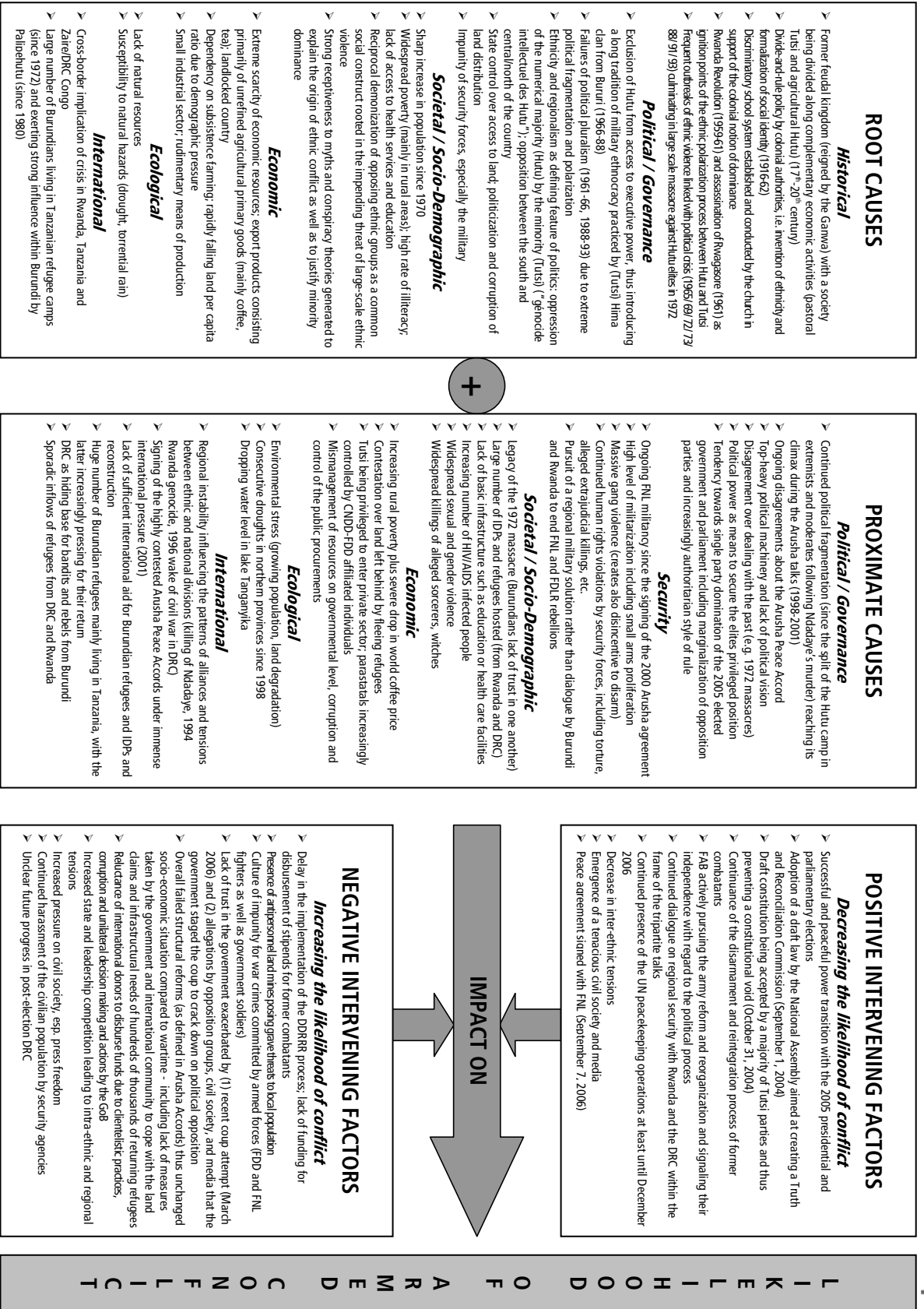
Civil society organizations (CSO) should figure prominently on the donors' agenda. As Western analysts never tire of reminding us, a healthy and "vibrant" civil society is an essential ingredient of democracy. Not all such organizations, however, are equally in sync with the ethos of democracy. Burundi is no exception. Furthermore, there is always the risk that by strengthening CSOs donors unwittingly end up creating the conditions of a backlash against the recipients. This seems to be particularly relevant in the case of Burundi, where criticisms of government policies by the media are often seen as evidence of disloyalty to the state. Thus if donors should make every effort to strengthen the civil society, they should exercise caution in their choice of partners, and remain fully aware of the possible costs.

In the context of present-day Burundi, where state institutions are fragile, where the newly elected leaders are desperately trying to adjust to a civilian form of government, and are confronted almost daily with new and formidable challenges, it is the responsibility of donors to take the full measure of the obstacles ahead. Such, in a nutshell, is the aim of this report.

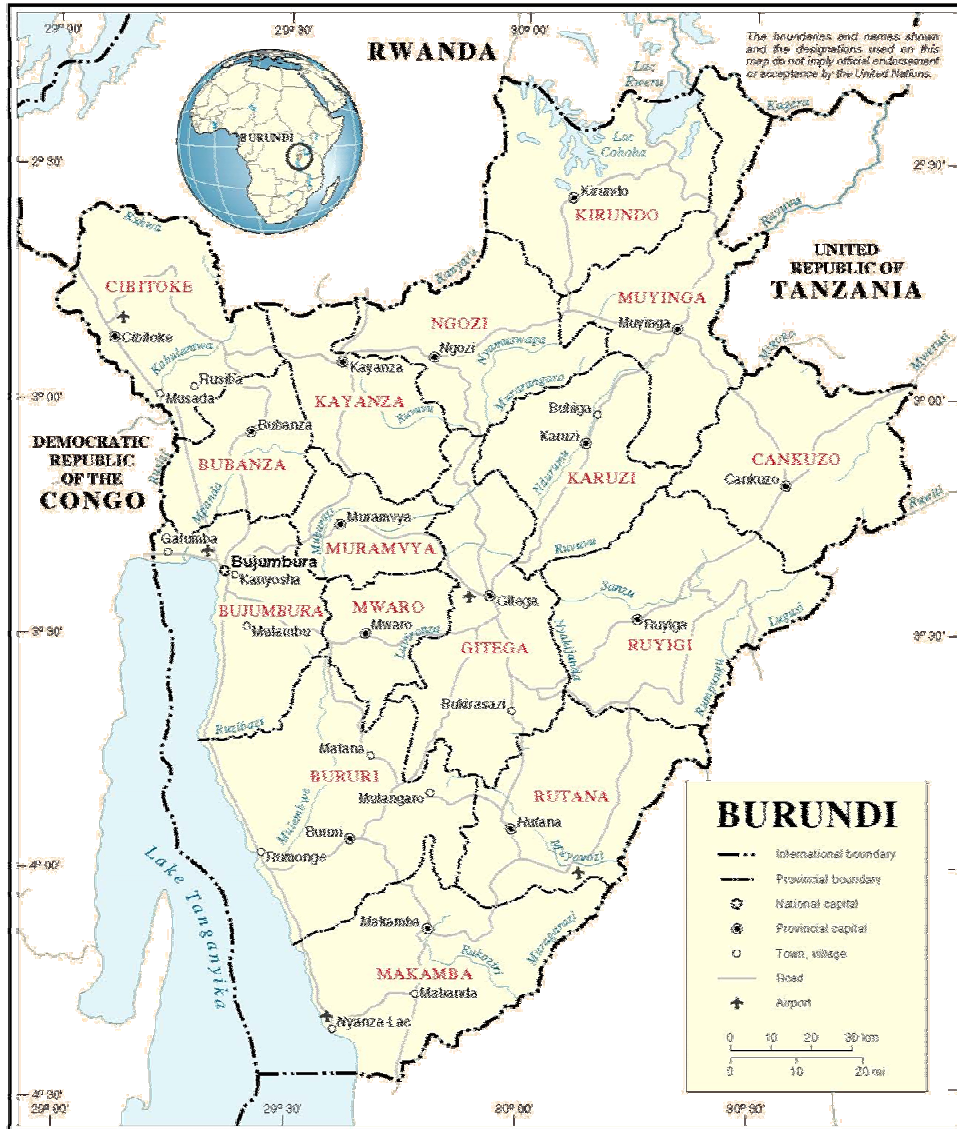
⁶⁶ Ibid., 4-5.

Appendix

FAST Analytical Framework Burundi



Map of Burundi



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