

# **Ending Ethnic Conflict: Can Power Sharing Contribute to Sustained Peace in Burundi?**

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New York, 29 April 2007 *Elisabeth Lothe*





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## List of Acronyms

<b>ATF</b>	Accord Technique des Forces—Military Technical Agreement: a text defining the future Burundian army
<b>BINUB</b>	United Nations Integrated Office in Burundi
<b>CMC</b>	Commission Mixte de Cesses-le-feu—Joint Ceasefire Commission
<b>CNDD-FDD</b>	Conseil National pour la Défense de la Démocratie-Forces pour la Défense de la Démocratie—National Council for the Defence of Democracy-Forces for the Defence of Democracy
<b>DDR</b>	Disarmament, Demobilisation and Reintegration
<b>FAB</b>	Forces Armées Burundaises - Burundian Armed Forces
<b>FDN</b>	Forces de Défense Nationale - National Defence Force
<b>FNL</b>	Forces Nationales de Libération - National Liberation Forces
<b>FRODEBU</b>	Front pour la Démocratie au Burundi - Front for Democracy in Burundi
<b>G7</b>	Hutu Group of political parties that signed the Arusha Agreement
<b>G10</b>	Tutsi Group of political parties that signed the Arusha Agreement
<b>MIAB</b>	Mission Africaine au Burundi—African Mission in Burundi
<b>ONUB</b>	Opération des Nations Unies au Burundi—United Nations Operation in Burundi
<b>UPRONA</b>	Union Nationale pour le Progrès—National Union for Progress

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## Chapter 1: Introduction

Power sharing institutions are currently being established to end war and lay the foundations for peace and democracy in a number of states emerging from civil war, including Burundi, Sudan and Côte d'Ivoire. An examination of negotiated peace agreements since 1945 reveals that 97% of these have incorporated a form of power sharing (Hartzell and Hoddie, 2003).<sup>1</sup> The reason why such agreements are popular is obvious: Power sharing is a system of governance that guarantees representation for various groups within a state, based on ethnic, linguistic or religious affiliation, and brings main actors together to create the rules of the game for the state. Power sharing agreements ensure what many civil wars are fought over, namely a piece of the pie, i.e. a share of power, and a guarantee that a group's collective interest will be taken into account. Guaranteed representation and a voice in decision-making processes is supposed to provide collective security and ensure that no group alone will hijack the institutions of the state (Sisk, 2001; Hartzell and Hoddie, 2003; Paris, 2004; Roeder and Rotchild, 2005; Wallensteen, 2002). While this seems enchanting, in particular to minority groups, power sharing entails significant trade offs: While compromising full-fledged democracy in the long run, power sharing potentially puts means and incentives to derail the democratic process in the hands of spoilers, according to Roeder and Rotchild (2005).

While a number of authors have contributed to develop theory on power sharing and have drawn attention to the strengths and weaknesses of such systems of governance (Lijphart, 1990; Lake and Rotchild, 1996; Snyder and Jervis, 1999; Paris, 2004 etc.), little empirical evidence has been gathered on how power sharing works on the ground. This thesis therefore sets out to assess power sharing as a strategy to manage conflict, and will assess whether power sharing institutions succeed in what they are set up to do: to create and sustain peaceful relations between groups that have been in intense conflict or war.

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<sup>1</sup> In their study of power sharing, Hoddie and Hartzell (2003) apply a broad definition of power sharing, which encompasses political power sharing, military power sharing, territorial power sharing and power sharing institutions. This is problematic as it lumps a range of different states and power sharing agreements that have been very different in nature into one category. Not differentiating between various forms of power sharing makes it impossible to specify in which context certain forms of power sharing is more or less useful. The finding that 'a higher number of power sharing provisions as part of the settlement decreases the likelihood of a return to civil war following the signing of a peace agreement' is as such not very helpful in understanding the correlation between power sharing and peacebuilding.

As a contribution to bridging the empirical gap identified in the literature on power sharing, the thesis will take a closer look at a state that is currently implementing a recent power sharing agreement, namely Burundi. Burundi has been chosen as a case study because it provides new insights on several levels, both theoretical and empirical.

The next section will provide an introduction to the case of Burundi and elaborate on the contributions a case study of Burundi offers. The Chapter then goes on to outline the research question that guides the thesis, discuss the methodology that will be used to address the research question, and outline the structure of the thesis. In the final section, key terms are defined.

## **1.1. Burundi**

Burundi is a small country of 6 million people. Located in the heart of the Great Lakes region, clustered between DR Congo, Rwanda and Tanzania, the country is known as “Africa’s Switzerland” because of its beautiful mountains and hills. It is the second most densely populated country on mainland Africa (Sullivan, 2005; Reyntjens, 2000), and the ninth poorest in the world.<sup>2</sup> The country’s population is composed of three ethnic groups, the Hutu, which makes up roughly 85% of the population, the Tutsi, which makes up around 15% of the population, and the Twa, which constitutes 1%.<sup>3</sup>

Although news from Burundi rarely hit international front pages, the country’s post-colonial history has been extraordinarily turbulent: political and civilian assassinations, mass fleeing and instability have characterised the lives of Burundians. One ethnic group, the Tutsi, has monopolised political power since the early 1960s, whereas the other two ethnic groups, the Hutu and the Twa, have been marginalised in all spheres of society. Whereas political power and control over state resources are at the core of the struggle, reoccurring famine, failed agricultural industrialisation, citizenship issues for a large

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<sup>2</sup> Human Development Index 2005, available at [http://hdr.undp.org/reports/global/2005/pdf/presskit/HDR05\\_PKE\\_HDI.pdf](http://hdr.undp.org/reports/global/2005/pdf/presskit/HDR05_PKE_HDI.pdf), accessed 10 December 2006.

<sup>3</sup> No official collection of data on ethnic affiliation has been undertaken since independence. Figures collected by the Belgian colonial powers in 1956 listed 86.48% Hutu, 12.39% Tutsi and 1.13% Twa (Sullivan, footnote 1, and Reyntjens, 1993: 563). The 85 – 15 division is normally used, first and foremost as an indicator of the relative weight between groups.

number of refugees living outside the country's borders, and regional conflict have constantly exacerbated problems in Burundi.

In efforts to end intense communal violence and civil war, the first steps towards reconciliation between the Tutsi government and the Hutu population were taken in the late 1980s. Tutsi President Buyoya enacted reforms that sought to address the 'ethnic question'. Parity between Hutu and Tutsi was created in the national government, and a new Constitution that stipulated power sharing between ethnic groups was adopted in 1992 (Reyntjens, 1993; Lothe, 2005; Sullivan, 2005). Reforms and power sharing provisions however, were not sufficient to ensure lasting peace. Burundi was soon thrown back into civil war. The civil war lasted until peace talks started in 1999. A transitional government took office in 2001. The interim period culminated in a draft constitution, which outlined a new formula for power sharing between the country's ethnic groups (Reyntjens, 2005).

Currently in the process of implementing a second power sharing agreement, Burundi is well suited as a case study of power sharing.<sup>4</sup> The two separate power sharing agreements in 1993 and 2005 allow for a comparative case study within a single context, wherein it is possible to trace the processes by which the respective power sharing agreements were shaped and examine how each affected ethnic group relations. By comparing the design and outcome of the two respective power sharing agreements, theory on power sharing will be informed on the implications of particular institutional provisions.<sup>5</sup>

As a case study of power sharing, the case of Burundi is furthermore particular because it seeks to combine two models of power sharing, whereas the literature so far has depicted the choice as one between two rivalling models - the integrative and the consociational models. The integrative model refers to political systems that are designed to force candidates and parties to appeal across ethnic cleavages to gain access to the political

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<sup>4</sup> This is the second effort if one discards a brief and unsuccessful effort in the period 1993-1996, during which the 1993 Constitution was suspended and a coalition governed temporary until full scale civil war broke out.

<sup>5</sup> Throughout the thesis the years 1993 and 2005 are used to refer to the two power sharing agreements. The 1993 power sharing agreement was based on a Constitution adopted by referenda in 1992, and the 2005 experience was based on a Constitution elaborated in 2004 but accepted by referenda in 2005. In the literature, the dates therefore vary somewhat,

scene. Inclusive decision making is realised through electoral laws (Paris, 2004). The consociational model, on the other hand, ensures representation of ethnic groups by allocating a fixed proportion of seats in central institutions to representatives of each group. The model, which was first elaborated by Arent Lijphart (1977),<sup>6</sup> rests on four main pillars: a grand coalition, segmental autonomy, minority overrepresentation and minority veto on contested issues. In addition, Lijphart recommends group autonomy and a proportional electoral system. Both models aim for inclusive decision making and conflict management in divided societies. Their intended effect on inter-group relations however, is radically different: whereas the integrative approach aims to dissolve vertical cleavages and create new group alliances based on cross-cutting interests, the consociational approach stipulates group segregation and representation along prevailing divisions, hence reinforcing existing cleavages.

Choosing one of the two models has been associated with a number of trade-offs. The case study of Burundi however, challenges the prevailing assumption that the two models are mutually exclusive. Rather, power sharing agreement in Burundi has sought to combine the two models. The debate on power sharing is thus given a new twist by assessing the results achieved by integrating the two approaches and by asking whether it is possible to circumvent the major critiques of power sharing by combining two models.

A final contribution of the case study of Burundi is to shed light on power sharing in a neo-patrimonial state. The literature has focused on power sharing in weak and failed states. Power sharing has been prescribed to end civil war grounded in prevailing explanations of war as a result of groups' need for self-protection in the absence of central governance, as a scramble for scarce resources or merely as a struggle for economic gain.<sup>7</sup> As the case of Burundi will demonstrate, characterising the conflict as an outcome of a weak or failed state is inadequate and rather incorrect. A government has been in place since independence and the bureaucratic functions of the state have been upheld. If the objective

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<sup>6</sup> Lijphart's model was first developed for deeply divided societies in Western Europe, in a context quite different to a post-civil war context in Africa. The model is however increasingly attempted applied to this setting.

<sup>7</sup> For more on what is frequently labelled neo-realist explanations on civil war, see Collier (2000), Mehlum and Moene (2002). For more on weak and failed states, see Jackson (1990) and Ayoob (1996).



of power sharing is to transform underlying communal relations, an understanding of these relations that go beyond the perception of the failed state is required. The neo-patrimonial state has state structures and institutions in place, albeit governed based on political patron client relations, and is hence different from a weak and failed state that lacks state structures altogether. The case of Burundi highlights the importance of taking into account the nature of the state one is dealing with, and serves to shed light on power sharing in a neo-patrimonial state, a common, if not prevailing, form of statehood on the African continent (Chabal and Daloz, 1999). The case study of Burundi can thus give insights that go beyond the particular context and facilitate understanding of how power sharing can work in a neo-patrimonial state.

With experience from two different power sharing agreements, both of which have incorporated characteristics of consociational democracy and one that combines the integrative and consociational models, the case of Burundi provides a pertinent base for discussing theory on power sharing. Burundi's experience also offers other relevant insights: The current power sharing agreement was the result of mediation by South Africa and Tanzania. When a cease fire was established, South Africa took charge of an African Union force that supported its implementation (Norwegian Ministry of Foreign Affairs, 2006). African leadership on all key aspects of the process has led the peace in Burundi to come to be regarded as 'an African solution to an African problem.' Accomplishments and obstacles in Burundi can therefore provide useful lessons learned for a continent that is currently experiencing a number of extremely violent armed conflicts and where the risk of conflict is high in several states.<sup>8</sup>

A study of Burundi is also timely as the country has recently been selected as a pilot case for the UN Peacebuilding Commission. Norway is Vice-Chair of the Commission and has taken on special responsibility for Burundi.<sup>9</sup> As Burundi has received relatively little scholarly attention, this study can contribute to enhance knowledge of the political

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<sup>8</sup> Civil wars are ravaging in Somalia and Darfur, whereas fragile peace agreements have been signed in the Democratic Republic of Congo, Uganda, and Côte d'Ivoire. The threat of instability is looming in e.g. Guinea (ICG, 2007).

<sup>9</sup> Norwegian Ministry of Foreign Affairs, Press Release 28 November, 2006, "Minister of Development Solheim visits Burundi", <http://odin.dep.no/ud/norsk/aktuelt/nyheter/032171-430045/dok-bn.html>, accessed 10 December, 2006. The Commission was inaugurated in June 2006 (cite)

dynamics in Burundi and inform concerned actors working in Norway, in Burundi and internationally on the strengths and weaknesses of the power sharing agreement. Simultaneously, Burundi's very 'fresh' experience and innovative approach may provide useful insights on power sharing as a tool for conflict management and prevention that can be useful in settings beyond the particular context.

## **1.2. Research question and scope of thesis**

The thesis aims to assess what role power sharing institutions have played in Burundi's democratic transition. Two sub-questions that will be attempted answered are firstly, "how did the 1993 and 2005 power sharing agreements in Burundi impact ethnic group relations at the level of political elites?" Secondly, "has Burundi managed to 'take the best' from two models of power sharing and combine it in order to create sustainable peace?" Based on the findings, the aim is to identify how specific constitutional provisions impacted or failed to impact cross-ethnic cooperation, and hence, whether power sharing holds the potential to prevent a reoccurrence of communal conflict.

To answer the research question, the unit of analysis is political actors and parties in the National Assembly and in the Government of Burundi.<sup>10</sup> The specific power sharing provisions laid down in the electoral system, in the Constitution and in the Pretoria Peace Agreement, which is where ethnic quotas and regulations designed to promote multi-ethnic parties are laid down, will be examined in detail, in order to assess their impact on group relations. Election results will be assessed, along with observations on political dynamics between parties, and between majority and opposition in the periods following elections to power sharing institutions in 1993 and 2005.

The analysis will be focussed on the months leading up to and following elections that established power sharing in 1993 and 2005. With regards to the second power sharing agreement, the time span since the government was established in 2005 is clearly too short to make a meaningful judgment on how the power sharing arrangement will impact inter-

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<sup>10</sup> Here the term unit of analysis is used to refer to a data category and means that this is the level at which data is collected. The term has elsewhere been used to refer to theoretical categories (for an extensive discussion on the correct use of the term, see Ragin, 1983).

group relations at the political level in the long term, however, an analysis is made of the period that has passed since the first round of elections in 2005 .

The analysis of Burundi will be confined to looking at power sharing in the legislative and executive branches of government. Whereas power sharing agreements can take various forms, ranging from inclusive accords that entail predefined division of positions and resources in political institutions, in the army and in the economy, to more narrow agreements confined to division of posts in the executive and legislative branches of government (Hartzell and Hoddie; 2003, Rotchild and Roeder, 2005; Lijphart, 1977), looking at more inclusive forms of power sharing would make for a more complex analysis extending beyond the scope of this paper. It is worth noting, however, that in a quantitative study of peace agreements since 1945, Hartzell and Hoddie (2003) found that “the more power sharing the better”, which indicates that resorting to power sharing beyond the executive level, could enhance its potential for conflict resolution. Clearly, analysing power sharing in other spheres of society would have been a highly relevant contribution, in particular power sharing in the army, as this is a key sector for the actual and perceived security of Burundians. It would also have been useful to include economic factors, the role of international actors and peacebuilding efforts at other levels of Burundi society.

### **1.3. Research method**

The study is a qualitative case study, in which the two power sharing agreements will be studied using the method of structured, focused comparison (George, 1979; Smelser, 1973), making an inter-temporal comparison between the two cases. Before explaining why this method case is particularly suited to address the research question, it is worth taking a quick look at the challenges the investigation of power sharing in Burundi entails and that the chosen research method can contribute to surmount.

The investigation of Burundi spans both a historical period and the present. The extent to which phenomenon can be observed first hand is therefore limited, while there are no possibility for manipulating variables or controlling for effects. Further complicating the case study is the fact that very few written, historical sources exist. The reason for this is

two-fold: Up until the colonial period, Burundi was primarily an oral society.<sup>11</sup> What was written down of history prior to the end of administrators and missionaries was done by the colonisers, underpinned by their worldview and specific purposes (Chrétien, 1993). Apart from a few written accounts, historians of Burundi have had to rely on oral sources. In contrast to written sources that mostly can be held to have remained the same as when written, oral sources are evanescent and must be treated as such (Vansina, 2004).<sup>12</sup>

A second reason why historical sources are scarce in Burundi is the ongoing wars the country has experienced in the post-colonial era. The killing and fleeing of a large number of people and the physical destruction of homes and belongings as a result of the war, a direct consequence has been a scarcity of human and written sources of information and also the danger that those sources that exist have been falsified (Bwenge, 2005). There tends to be a lack of well balanced historical viewpoints due to the marginalisation of certain groups within the education system, in the civil service and in the media. The question of ‘what is history’ becomes highly relevant in this context. It is clear that what is perceived as historical facts have been through a careful selection process impacted by special interests and actors’ utility of specific interpretations of history (Carr, 1961). In Burundi, there are numerous examples of manipulation of the past in efforts to control the present (Lemarchand, 1998). As highlighted by the heated discussion between scholars on how to interpret e.g. the 1972 and 1988 genocides in Burundi (Chrétien, 1991; Lemarchand, 1990), facts become blurred and open to a variety of interpretations that are sometimes not objectively verifiable. Following every incidence in the history of Burundi, a number of different versions of the truth have been circulated by the media, by the government and the external opposition, to make sense of and control the legacy of events.

A third challenge related to the study of war-torn societies in general and of Burundi in particular, is the role of perception in influencing the behaviour of actors, and hence the problem of establishing causal links. “Within the context of violent conflict, the beliefs

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<sup>11</sup> In contrast to Rwanda, where some of the major historiographical work has relied on information collected from sources written by courtiers who were official ideologues, charged with interpreting history and of elaborating the official view of its details, such sources have not been preserved in Burundi (Vansina, 2004; Chrétien, 1993).

<sup>12</sup> For an excellent description of problems associated with mapping history in oral societies in general, and the challenges encountered in Rwanda in particular, see Vansina, 2004: 5-14.

about and the perceptions of the facts more than the mere facts themselves become the catalysts for conflict” (Bwenge, 2005). How events play out is to a large extent influenced by how actors perceive and interpret variables (Hovi and Rasch, 1996). Thus it is crucial to document how actors perceived the situation in order to identify the sources of conflict. Accounting for the role of perception, however, makes it problematic to apply the same theory across different points in time. Interpretation may change as a product of circumstances, a problem referred to in the literature as a change of paradigm.

How can the case study method help overcome these obstacles? The primary advantage with the case study method is that it allows for using a variety of sources to investigate the single case. The case study method is capable of dealing with a variety of evidence to shed light on relevant aspects of the research question (Cohen and Manion, 1994; Yin, 1994), e.g. combining historiographies, interviews, official documents, previous research and other types of documentation. In this way, it makes for a holistic picture of a very complex phenomenon and allows for treating the case as a combination of characteristics (Ragin 1987; Yin, 1994). This also makes it particularly suited to address some of the challenges that stem from studying ethnic conflict: Quality research in the context of a violently divided society must consider complexity and polarised perspectives (Porter, 2005). In this context, data and sources tend to be ambiguous and unreliable, and the relationship between facts and perception is often ambiguous, while simultaneously important contributions to developing an understanding of why actors act the way they do.<sup>13</sup> Evidence can be examined from a range of perspectives, including personal memoirs, government documents, interviews and academic investigations. In order to enhance the reliability of the conclusions, a multiplicity of sources will be used to cross-check observations and facts. I also intend to remain conscious of the origins of viewpoints and the purposes for which documents are produced.

A final reason why the case study method is suited to this investigation is that it is a method which focuses on what can be learned from the single case (Stake,

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<sup>13</sup> There is certainly also a number of other problems with research in war-torn societies. The challenges are too complex to elaborate on in detail here, but they include: the distance between the researcher and the society, the challenges of doing research in a country at war, and the problems of measuring the impact of violence. For an excellent discussion of methodological challenges, see Porter et al., 2005.

1994). As a key aim of this study is to contribute to fill the gap in knowledge on the implementation of power sharing arrangements, a single case is well suited. Furthermore, because of the extreme polarisation between ethnic groups in Burundi, a case study of power sharing in this country can be described as what Yin refers to as a critical case study: It is a particularly complex and challenging case which can be used to inform existing theory on power sharing (Yin, 1984). As this case has some interesting innovations with regards to the two established models of power sharing, it may potentially be regarded as a heuristic case study, in that it can identify new generalisable relations (George, 1985).

Like other methods, the case study method has its advantages and disadvantages. The most common critique of the case study method is that case studies have low scientific generalisation value beyond the particular setting, referred to as low external validity (Yin, 1994). While it is true that case studies are not generalisable to populations or universes, this critique misses the major contribution of case studies, namely that findings can be generalised to theoretical propositions. In this particular context this refers to testing whether the case of Burundi conforms to general theory on power sharing and possibly how it deviates from theoretical predictions, referred to as level two inference (Yin, 1994). As Burundi is a case of extreme societal conflict, the contribution is potentially very important and can serve to uncover aspects that the theory has failed to incorporate. Although case studies can not be used to make inferences to a universe or a population the same way that the statistical method can, the aim is still to make generalisations beyond the particular setting. Providing insights on power sharing that can be useful beyond the setting of Burundi is an objective of this study, and thus I intend to provide lessons learned by specifying the particularities of the case in question.

The claim that case studies have low external validity stems from the assumption that there is a lack of established standards and requirements for rigidity when it comes to case studies. King et al. (1994) stress that qualitative research can produce more reliable research if researchers pay attention to the rules of scientific inference that go for quantitative research, and stress the important role the research design plays in connecting the data to operationalised variables and to the theoretical propositions. The next section

explains how variables in this study are operationalised in order to ensure construct validity and how I intend to establish valid causal relationships between institutional design and outcomes, which is necessary to ensure internal validity (Yin, 1994).

In order to make the investigation of power sharing in Burundi as scientific and thorough as possible, the investigation will apply the method of structured, focused comparison. It is referred to as focused because it only deals with certain aspects of historical cases, and structured because it uses the same questions to guide the analysis of both cases. Cases are looked at holistically, in order to look at the outcomes of a combination of characteristics. Knowing from the onset that the outcome in the two cases was different, it is natural that the focus will be on identifying the characteristics and control variables that differed in the context of the two power sharing agreements. Attempting to arrive at an answer hence implies including all available and pertinent data regarding the preconditions of a specific outcome in the analysis (Ragin, 1987).

As the comparison is done within a single state, some of the potential measurement problems from cross-societal comparison are absent. The problem of constructing useful empirical typologies for example, does not arise as the cases are given. A problem that remains, however, is that the number of relevant explanatory variables far exceeds the characteristics the case study can account for, and hence assessing causal complexity, especially multiple conjectural causation, is difficult. The outcome certainly results from several different combinations of conditions, and it is not possible to identify with certainty the variables that were decisive in influencing the outcome (Ragin, 1983). To address this problem, it is important to assemble all available and pertinent data concerning the preconditions of a certain outcome to elucidate the causal connections. Characteristics related to the context and actors that were important in the political scene in Burundi leading up to the two peace agreements will be examined in detail, and changes from the early 1990s to the process that started in the late 1090s will be highlighted. To address the problem of multiple conjectural causation, the analysis will be structured the same way for the two agreements, namely according to the dimensions of Lijphart's pillars of consociational democracy.

The study relies on two methods of collecting data - analysis of secondary sources and in-depth, semi-structured interviews. A survey of secondary information has been conducted to develop baseline knowledge of the history of group relations in Burundi, of the 1993 experience with power sharing as well as of the current political situation following the ratification of the 2005 Constitution. Documentation consisted of academic writing by Burundian and international scholars, official documents from the Burundi government, media and reports made by international organisations and NGOs. A substantial part of the material is written in French, and was collected in francophone libraries in Canada. Other materials were collected at the University of Oslo, at the Peace Research Institute of Oslo (PRIO) and from Internet sources. With the exception of classified documents from the Ministry of Foreign Affairs, which can be obtained upon request, all documents are publicly available. This increases the reliability of the study and enhances the chances that other scholars will arrive at same conclusions if trying to replicate the investigation.

To further enhance the reliability of the findings, semi-structured interviews were conducted with people that have been involved in the peace process in Burundi in some way or the other. Interviewees include representatives from the UN Department of Peacekeeping Operations (DPKO), the Norwegian Ministry of Foreign Affairs and the Woodrow Wilson Center for International Scholars. The purpose of the interviews was primarily to substantiate findings and cross check information derived from secondary sources, and also to get an updated perspective of the political landscape in Burundi. The added contribution of these findings should not be exaggerated, as the selection of sources was largely dependent on availability, and as no Burundians have been interviewed first hand. Information from these interviews has been included, however, to add to the findings derived from the secondary sources cited above.

#### **1.4. Research design**

In this study, inter-ethnic relations at the political level is the dependent variable. It is operationalised and made observable as multi ethnic parties, elite cooperation in government and in the National Assembly. Elite cooperation is clearly not a dichotomous variable - it is located on a continuum between overt hostility/ war and cooperation. It is a



variable that is difficult to observe. The indicator will therefore centre on rhetoric in electoral campaigns and on the political scene, acts of accommodation or political conflict.

Clearly, a range of other variables would potentially be relevant to the analysis of ethnic relations in Burundi, but were left out due to space constraints. These include, but are not limited to: economic development, involvement of the international community, and political changes at the local level. Without possibility to control for these effects, observed relationships run the risk of being spurious, which threatens internal validity (Yin, 1994). As inclusion of more variables would make for a too complex analysis, mentioning rival explanations will therefore suffice in this thesis.

Finally, when it comes to power sharing, a highly relevant question is also whether it is the actual institutions and laws in place that lead to observed outcomes, or whether it is the procedures of putting these institutions in place that caused the outcome. If the second power sharing agreement in Burundi turns out to be more successful than the first, it might be attributed to the processes of consultation and national dialogue initiated in the early 1990s that led to the establishment of power sharing. This potentially developed a new mindset among citizens and political actors, which when allowed to mature over a decade, may have benefited the second agreement.

## **1.5. Structure of the thesis**

Having presented the research question, explained what makes Burundi particularly relevant as a case study and outlined the methodology, this chapter will finish off by defining key concepts and introducing some key debates that are relevant to the analysis of Burundi. **Chapter two** then starts off by a brief discussion of possible democratic models, which serves to highlight why power sharing has become a predominant solution in deeply divided societies. The chapter presents the two models of power sharing, outlines the mechanisms by which these are supposed to manage ethnic relations in post-conflict societies and discusses some of the alleged problems associated with the models. **Chapter three** looks at the development of ethnic groups and ethnic war in Burundi in light of theory on ethnicity and conflict and in relation to the role the state and political elites

played in shaping ethnic identity. A good understanding of the historical processes and events that have caused ethnic groups to become extremely polarised and regularly fight each other is necessary in order to prescribe a remedy for conflict resolution. For the purpose of this analysis, the historical review has been divided into three parts: The pre-colonial era, the colonial era and the period up until the late 1980s. The three periods are each associated with distinct forms of governance, and thus allow for examining how governance has impacted ethnic relations. It becomes clear why power sharing is the only plausible means to manage conflict in Burundi. Against this backdrop, **Chapter four** aims to identify the underlying causes of conflict in Burundi. While taking as its starting point the findings from the previous chapter on the evolution of ethnic groups in Burundi, it looks closer at the processes that led to the outbreak of violent conflict and at why and how ethnicity became the identity around which conflict was organised. **Chapter five** examines Burundi's first effort at transition to democracy, the political context and the details of the first power sharing agreement. As this agreement quickly failed, particular attention will be paid to the analysis of why this attempt was so short lived. For the analysis of both power sharing agreements, observations related to the negotiation of the agreements, the context and processes leading up to implementation, election results will be analysed, with particular focus on how developments on the political scene affected the main aspects of the models of consociational democracy, namely minority security and elite cooperation.<sup>14</sup> **Chapter six** then examines the current effort at power sharing in Burundi. Changes in the context, the composition of actors and the constitutional design from 1993 are identified, and the implications of these innovations are examined in detail. An analysis of the results of elections in 2005 provides an indication as to whether the findings are relevant, while shedding light on intended and unintended consequences of the specific provisions of the electoral system that intended to bridge cleavages between ethnic groups while contributing to conflict management by protecting minorities. **Chapter seven** summarises observations from Burundi, while looking at how these can be generalised beyond the particular context to also understand the prospects of power sharing in other states that are neo-patrimonial in nature and where conflict between ethnic groups is intense.

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<sup>14</sup> Elite cooperation is here used to operationalise the aspect of the model referred to by Lijphart as 'grand coalition.' This operationalisation will be elaborated on further in Chapter 2.

## 1.6. Definitions of key concepts

Throughout the literature, the conflict in Burundi is referred to as an ‘ethnic conflict’, between the Hutu and the Tutsi,<sup>15</sup> and in which groups are divided by ‘rigid vertical cleavages’ created by an intense ‘instrumentalisation of ethnicity’ and ‘ethnification of the state’. To make a meaningful analysis of the conflict in Burundi, it is necessary to define these key concepts. It is also necessary to get a glimpse of the debate associated with these, starting with the most fundamental one, the debate on ethnic groups.

No single definition of what an ethnic group constitutes exists, but a common designation is that it is a group which shares five key traits: A group name, a believed common descent, common historical memories, elements of shared culture (religion, language etc.) and an attachment (historical or sentimental) to a specific territory (Hylland Eriksen, 1991). Definitions of ethnicity soon run into problems when looking at Burundi, as ethnic groups in Burundi, share these traits. Apart from the names, they speak the same language, share the same religion,<sup>16</sup> share common historical memories and are attached to the same territory.<sup>17</sup> This begs the question of how Hutu, Tutsi and Twa came to be seen as distinct entities. The discussion on the emergence of ethnic groups in Burundi is directly related to the wider general debate on how ethnic groups emerged.

Two opposing points of view have dominated this discussion: On one side, primordialists have claimed that ethnicity is a hereditary and irrevocable identity that people are born with, linked to either blood or territory. It is either a function of decent, *jus sanguinis*, or of the place of birth, *jus sole* (Coakley, 2003). The resurgence of the salience of ethnicity in politics has drawn attention to several problematic aspects with this theory (Kaufman, 2001): While it falls short of explaining the emergence of new ethnic groups, it also fails to account for the political consciousness many ethnic groups display and for the fact that the

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<sup>15</sup> The proper names of ethnic groups are Bahutu and Batutsi (singular: Muhutu and Mututsi), Hutu and Tutsi are the common colloquial names that will be used throughout this thesis.

<sup>16</sup> The Catholic Church has dominated the religious sphere in Burundi up until the last years, however, Islam is on the increase and Muslims have been estimated to make up around 10% of the population. However, there is great uncertainty attached to this number, with other sources citing the percentage to be as low as one per cent. US State Department, <http://www.state.gov/g/drl/rls/irf/2004/35342.htm>, accessed 15 April 2007.

<sup>17</sup> To what extent this is true is a topic of considerable debate, which will be discussed in Chapter Three.

salience of ethnicity seems to change with the context.<sup>18</sup>

The primordialist explanation has been defied by those that claim that rather than being fixed, ethnicity is a malleable identity that varies with the context. Proponents of this view stress that it is not until there is a sociological use of the concept that it acquires meaning (Mamdani, 2001). A person may have several overlapping identities (e.g. religion, gender and nationality). Which identity takes on highest importance is a function of the context, and of political and economic circumstances (Braathen et al., 2000).

Within this camp, there is a divide between instrumentalists and constructivists. Instrumentalists explain ethnic group formation and the salience of ethnicity as a result of manipulation by political leaders competing for power and wishing to promote specific political objectives (Anderson, 2001; Brass, 1991). Constructivists on the other hand, argue that ethnic identity, like other identities, evolve gradually, and are shaped by institutions and the state within which they exist. Ethnic identity is hence an outcome of particular power configurations and power relations. As explained by Mamdani:

*“If the law recognises you as a member of an ethnicity, and state institutions treat you as a member of that ethnicity, then you become an ethnic being legally and institutionally. It is the legal enforcement of these identities that makes them ‘the basis of participation in state-organised institutional and political life’” (Mamdani 2001: 22).*

From Mamdani’s claim follows the postulation that the state and the political system play a key role in priming and developing certain identities. This is central to the assumption that power sharing institutions may alter the underlying relations between groups.

Most scholars today tend to agree that ethnic group formation and the increased salience of ethnicity is a mix of primordial and sociological elements, an outcome of the context but perhaps particularly prone to manipulation for political ends because of cultural traits, values and practices associated with such groups (Brass, 1991; Kaufman, 2006). For the same reasons, it has been argued that ethnicity is a ‘default’ category along which people

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<sup>18</sup> For a more extensive discussion on the problems with the primordialist school, see Brass (1991).

come together when in need of protection which can not be obtained elsewhere, offering security and securitisation of the self (Brass, 1991; Lonsdale, 1994; Braathen et al., 2000). Ethnicity is particularly powerful because of the myths and symbols that often are integral parts of cultural heritage. Such myths and symbols may be reinvented as to constitute powerful tools in the hands of political leaders that aim to enhance solidarity within a group while alienating members of adversarial groups (Edelman, 1971; Horowitz, 2005; Kaufman, 2001).

This thesis embraces the assumption that ethnicity is comprised of primordial as well as sociological elements. The challenge thus becomes to identify the processes and circumstances under which ethnicity as a cultural identity is transformed into bases for political differentiation and becomes a political identity, which will be done in chapter three.

Based on the above, instrumentalisation of ethnicity is defined as the use of ethnic referents (symbols, myths and appeals to ethnic loyalties) for political mobilisation and political objectives. In Burundi, the result of these processes has been a near complete ethnification of politics, which can be described as a process by which the ethnic referent is incorporated into the institutions of the state, where political power is structured along ethnic cleavages and ethnic politics is extended to all spheres of society. An ethnification of institutions and the state has occurred when the system consistently privileges one ethnicity over others (Bizimana, 2002).

As a consequence of the instrumentalisation of ethnicity, ethnification of institutions and intense societal violence, ethnic groups have become extremely polarised and Burundi has become a deeply divided society. Such a society is characterised by vertical and compounded cleavages (Lipset and Rokkan, 1967). One overarching identity, in the case of Burundi ethnicity, overshadows other identities and delineates boundaries between groups. Members of a group tend to have the same ethnicity, the same social position and vote for the same party. A deeply divided society is the inverse of a society where cleavages are horizontal, in which identities and loyalties vary depending on the context or issue at stake, according to religion, labour or other ascriptive loyalties (Paris, 2004). Horizontal

cleavages are by many held to provide a buffer against communal conflict, and the creation of such cleavages is therefore an objective in peacebuilding.

Communal conflict is a conflict between identity-based communities within a state. Among communities that fight each other, ethnic groups are dominant (De Nevers, 1993).<sup>19</sup> Communal conflict will therefore be used interchangeably with ethnic conflict throughout this work. A common definition of ethnic conflict is that it is a dispute about political, economic, social, cultural or territorial issues, between two or more ethnic communities. While this conceptualisation of ethnic conflict is useful in that it draws attention to causes of conflict beyond ethnicity, it is analytically futile because it does not say anything about why the conflict erupts along ethnic lines. A common pitfall for many accounts of ethnic conflict, as demonstrated by works by a much cited scholar on ethnic conflict, Donald Horowitz (2005), is the tendency to reduce the explanation of conflict to an incompatibility between ethnic groups. By failing to move beyond the concept of ethnicity and instead look at the context to identify the factors that caused conflict to take an ethnic turn, an important point is missed. A brief review of theories on ethnic conflict will be provided in Chapter Three, and it will be argued that in the case of Burundi, descriptions of the conflict as ethnic covers up its underlying causes and hides a range of other divisions in society. For now it suffices to note that ethnicity is not the only line dividing the people of Burundi; clans, regional divisions and other cleavages are also significant (Sullivan, 2005). Ethnicity, however, has been the line along which conflict in Burundi has played out.

As this thesis will argue, a main reason why ethnicity has become the fault line in Burundi is related to the neo-patrimonial state. The neo-patrimonial state, which according to Chabal and Daloz (1999) is the most common type of state on the African continent, is characterised by a lack of separation between public and private spheres. The state extracts resources, which are distributed by political actors along vertical, clientelistic networks. These networks are the means by which followers are tied to the leader(s). Chapter four elaborates on how the neo-patrimonial state served to harness ethnic cleavages in Burundi and contributed to the evolution of ethnic conflict.

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<sup>19</sup> This is if a definition of ethnicity that includes religion is applied. Horowitz (2005) points to the fact that in some parts of the world, e.g. in Asia, religion delineates ethnicity.

Communal and ethnic conflict is often used interchangeably with the term civil war. Quantitative definitions of civil war, however, are more precise. Whereas conflict may be found anywhere on a scale that ranges from healthy competition between groups in society with different interests to civil war, to be denoted as a civil war requires that a conflict causes at least 1000 battle deaths per year.<sup>20</sup> Episodes of civil war occurred in Burundi in 1972, 1988, 1991 and from 1993 until 2006 (Ngaruko and Nkurunziza, 2005). This highlights that certain periods in history have been particularly brutal, however, violence and insecurity have been rampant throughout the post-colonial period. Reference to ethnic and communal conflict to describe Burundi in this thesis therefore means intense conflict bordering on civil war. The next chapter looks at models of conflict management in societies characterised by vertical cleavages and instrumentalisation of ethnicity. This will make the foundation for understanding how specific institutional and electoral mechanisms have been introduced in Burundi in order to impact ethnic relations.

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<sup>20</sup> The definition of civil war as including at least 1000 battle deaths per year has become common, is applied by the Correlates of War Project (COW) and by a number of datasets associated with the COW. For a description of the COW, see Singer and Small (1994). This highlights that certain periods in Burundi's history have been particularly violent. Violence and insecurity however, have been rampant throughout the post-colonial period. This makes conflict resolution in Burundi particularly challenging, but also particularly useful in terms of drawing lessons learned

## Chapter 2: Conflict management in deeply divided societies

The intention of this thesis is to assess how power sharing can address the problem of vertical cleavages, intense hostility and distrust among groups in societies emerging from civil war. Power sharing is a model for conflict management, in contrast to models of governance that seek to eliminate conflict, such as partition and con-federalism.<sup>21</sup> This Chapter will start off by outlining important parameters for managing conflict in deeply divided societies. Based on the criteria outlined, power sharing will be compared with two other models of conflict management, namely majoritarian democracy and proportional democracy. Authoritarianism could theoretically have been included as a third model of conflict management, in particular as a renowned scholar on peacebuilding, Roland Paris (2004), has proposed that a period of authoritarian rule would enable the insertion of functioning state structures, referred to as ‘institutionalisation before liberalisation’. The main weakness with Paris’ theory (2004), however, is that he fails to suggest how such sequencing would be possible. Authoritarianism, because of its undemocratic nature, would not find support in the international community and will therefore not be considered here. The assessment of two other democratic models of conflict management serves to highlight why power sharing seems to be the most popular model for post-conflict societies. Based on this, part two of the Chapter examines the two models of power sharing in detail, in order to explain *how* these models are intended to sustain peace. Major advantages and disadvantages with each model will be highlighted, which will guide the discussion of how the particular power sharing agreements in Burundi have addressed the distinct challenges this society face in Chapter Five and Six.

### 2.1. Challenges for conflict management

*“The eventual key to the effectiveness of mediators and negotiators is an outcome that returns conflict to normal politics. Generally this involves creating a new political system in which the parties to the conflict feel they have a stake, thus in a very positive way co-opting parties, governments and rebels in new creations” Zartman (1995:23)*

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<sup>21</sup> For a discussion on various models of governance for conflict regulation, see McGarry (1998).



Communal conflicts differ in their nature and sources, making it difficult to prescribe objectively verifiable criteria for ensuring that groups will play politics by peaceful means. In deeply divided societies, where societal groups have felt marginalised by an exclusionary political order, only steps to ensure representation of interest is likely to convince groups to conduct politics by peaceful means. In ensuring such representation through the construction of new institutions and ‘rules of the game’, Wallensteen (2000), has highlighted three central objectives: Firstly, the winner must be committed to respecting the rights of the loser. Secondly, the loser must be secure enough to accept defeat and not risk annihilation at the moment of defeat. In other words, minorities, whether political or ethnic, must be assured that their fundamental interests will not be overridden, which highlights the importance of adequate security guarantees for all groups in society. Thirdly, political actors must cease to see the state as ‘belonging’ to any group. The rule of law must restrict the use of the state as a resource. This is highly relevant in a neo-patrimonial state like Burundi where control of institutions has traditionally equalled access to the resources of the state. It also means that groups must be induced to stop viewing competition for political office as a zero-sum game.

To ensure a system that addresses both minority protection and security of representation, both procedures and outcomes matter. Ideally, there would be a way to establish just procedures and just outcomes for all parties, tailored to the particular context and accounting for the history of the conflict, but such a philosophical discussion of fairness is beyond the scope of this thesis.<sup>22</sup> Rather, for the purposes of this analysis it will suffice to discuss whether common standards for equality of procedures and equality for outcomes are met, and how the models considered produce results that are likely to manage conflict in general, and later for Burundi in particular.

Equality of procedures refers to equality of participation and equality of influencing outcomes. ‘One person, one vote’ is a central principle upon which any democratic political system must rest. Voting rights may not be differentiated on demographic,

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<sup>22</sup> A scholar that has attempted to arrive at guidelines for a model of justice is Mona Fixdal (2005). In her doctoral dissertation, entitled “Just Peace: A Theoretical Argument with Empirical Illustrations”, she looks at justice related to territorial division and ethnic representation in a post-conflict setting, with a case study from Bosnia.

sociological or cultural grounds, and votes must be interchangeable between citizens from all groups. A vote cast by an individual will not weigh more than that cast by any other individual, regardless of position or affiliation (Blanc et al., 2006).<sup>23</sup> While the assumption that equality of procedures is paramount stems from liberal political philosophy, it gives face value to a democratic system of governance and is intrinsically tied to irrefutable notions of human rights. As remarked by Blanc et al., however, it is still not always clear what equality means. Not every deviation from equality is unacceptable, and in a post-conflict setting preferential treatment of particular groups may be necessary, which will be discussed more in detail when looking at Burundi.

The reason why equal procedures are not sufficient as a criterion in a post-civil war society becomes crystallised with the case of Burundi. Where society is divided by vertical cleavages and where ethnic boundaries tend to define voting patterns, such a system would automatically result in predetermined outcomes and create a permanent majority along existing cleavages. The introduction of a 'one man one vote' would likely cause power to shift from the ruling minority to the majority. The minority's enthusiasm for democracy would therefore be "bound to be diluted by the certitude of their replacement by representatives of the masses" (Lemarchand, 1994:587).

In terms of outcomes, Blanc et al. (2006) argue that the party system ought to take care of political preferences, and accounting for other relevant divisions might have to be reassured in alternative ways. An elected assembly should be representative of the people along all dimensions considered relevant by those concerned. In some cases, being represented according to proportion is sufficient, while in other cases, over-representation is necessary (Blanc et al. 2006). For cases where a form of minority over-representation is adopted, Blanc et al. (2006) have developed a set of guidelines to ensure these do not do more harm than good, and are as follows: First, minority representation should have as little effect as possible on the composition of the parliament along regular political dimensions. Second, it should be the voters' individual choice whether group affiliation

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<sup>23</sup> Blanc et al., who will be frequently cited throughout the paper, has carried out an assessment entitled "State Structure and Electoral Systems in Post Conflict Situations", funded by the Norwegian Ministry of Foreign Affairs, in 2006.

should have priority over the national political dimension. Third, where voters are given the opportunity to register in a minority protocol, this must be done without fear of intimidation or pressure. Fourth, if there are special seats set aside for the minority, all parties should have the possibility to compete for these seats. Fifth, the system should not work in favour of segregation or group division. Sixth, there should be room for making political choices even for voters deciding to vote on a group basis. Seventh, the system should have little room for tactical behaviour by parties or voters. A criterion not discussed by Blanc et al., and that certainly has relevance in the context of Burundi, is that a system should be robust enough to withstand unanticipated new dimensions.

In dealing with a deeply divided society emerging from civil war, the first question that emerges when faced with the choice of governance is *how*, and *whether*, the systems outlined above address the principal criteria as outlined by Blanc et al., while stimulating the attitudes prescribed by Wallensteen as necessary, namely minority representation and security for all groups in society. The majoritarian system will be considered first.

In a majoritarian system there is no proportionality among the candidates that make it to the national assembly. A first-past-the-post system is usually employed, in which the candidate who gets the most votes in his/ her constituency is elected (Blanc et al. 2006). There are several variations of this system; however, they all run into the same problem: The system favours majority interest without providing any guarantees to minorities. Unless a group is geographically concentrated so that it can win a majority in some constituencies (Blanc et al. 2006), the minority will face problems with even being represented. The system is therefore not well suited for deeply divided societies.

The system of proportional representation, which is a system in which the elected assembly mirrors the votes cast perfectly, also fails to provide minority guarantees, whether it is a list-based or a so-called preferential voting system. This system does not automatically account for socio-political characteristics that are likely to be important, such as ethnicity (Blanc et al., 2006). Although providing a certain degree of representation, there is no political security for the minority. The outcome of a proportional system in a divided society will likely be a permanent majority and a constant opposition, which is likely to be

a source of frustration. A pure proportional system is therefore not ideal for deeply divided societies.

Based on the above, it is straightforward to see why power sharing has tended to be chosen as a strategy to manage conflict in societies emerging from civil war: It guarantees minority representation, ensures consensus decision making and a minority veto.<sup>24</sup> It is in particular the minority veto that makes this system attractive to smaller groups. It must be said, however, that the above assessment rests on a common assumption that groups in a post-conflict society like Burundi will vote along ethnic lines, which in the case of Burundi shortly will be proven to not necessarily be true.

Before looking at how power sharing can contribute to end conflict in Burundi, the next section will outline the mechanisms of power sharing that are supposed to manage relations between ethnic groups from two different theoretical stands.

## **2.2. The logic of power sharing**

As mentioned above, explanations of civil war have tended to centre on the weak or failed state. In this context, parallels are drawn between the anarchic international system and the domestic environments in states where central governance is weak or absent: The intra-ethnic security dilemma is frequently cited both as a cause of war and as an explanation for why civil wars are difficult to settle (Walter, 2002). Walter (2002) claims that the strategic dilemmas that create the intra-ethnic security dilemma, namely information failure, lack of credible information and inability of civil war combatants themselves to arrange credible guarantees regarding the terms of settlement, also explain the frequent failure to negotiate and maintain peace agreements. The literature on conflict resolution has tended to be polarised between two theoretical perspectives, often referred to as the neo-realist and neo-liberal institutional paradigms.<sup>25</sup> Although the two differ markedly in their approach to conflict resolution, power sharing is proposed as an integral part of efforts to sustain peace

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<sup>24</sup> This is the system of consociational democracy, as described by Lijphart (1990).

<sup>25</sup> Both the term neo-realist and neo-liberal institutionalism were originally developed and applied to international relations, not for state-level analysis. Applying these to analyse conditions internal to states may be seen as concept stretching, the terms are, however, frequently used throughout the literature, and will therefore also be used here.

in both schools. This section juxtaposes their approach to the utility of power sharing.

From the neo-realist point of view, the possible roads to peace are either to restore state authority through force, partition of groups or a combination of external enforcement and power sharing. While it is argued that power sharing pacts could play a role by establishing mechanisms of verification and monitoring, and by finding ways of sending the costly signals that one intends to abide by the agreement, it is maintained that an external guarantor that can enforce compliance with the terms of the agreement is necessary (Hampson, 1996; Lothe, 2005; Walter, 1997). In other words, from a neo-realist point of view, power sharing can improve the chances that peace will endure, but is in itself insufficient to ensure compliance with an agreement.

In contrast, the neo-liberal institutionalist school argues that institutions can be designed to meet security needs and to make the credible commitments in a process through which parties are given a chance to signal that they are willing to implement the agreement (Walter, 1997). The principles of supra-state institutions explain how: At the international level, institutional cooperation tends to take the form of participation in international organisations. It is maintained that states are willing to compromise some autonomy when they weigh benefits of engaging in such arrangements against costs. The first advantage is that such an agreement provides a verification mechanism: Through multilateral institutions states can communicate their expectations, and control that other members act in accordance with these expectations. Secondly, institutions lead to repeated interaction among states, and as non-cooperative behaviour is likely to be reciprocated in the future, states are given incentives to behave in accordance with established norms. Finally, at some occasions, international institutions provide mechanisms for punishing those that violate rules (Hartzell and Hoddie, 2005).

A domestic power sharing agreement seeks to replicate these mechanisms between groups within a state. Like international organisations, power sharing can provide means for signalling that one is committed to implementing a peace accord as agreed. These costly signals that are highly important for implementation can be created by parties as they engage in negotiations, accept a peace agreement and embark on the implementation phase.

Entering into negotiations with former adversaries, in particular with previously unrecognised non-state actors, incurs costs on parties associated with former institutions, referred to in the negotiations literature as transaction costs or side effects of negotiations (Hopman, 1996; Underdal: 1983). Accepting concessions necessary to reach an agreement and rules which by virtue limits the ability of actors to impose their preferences on the post conflict society is also costly. Finally, efforts to implement settlement provisions provide the opportunity to demonstrate real intent, while also being costly. Each stage thus has costs tied to it, associated with the loss of power vis-à-vis former enemy and potentially a loss of credibility and status within one's own group (Hartzell and Hoddie, 2005; Underdal, 1983; Lothe, 2006)

In addition to the aforementioned advantages of power sharing, an additional argument frequently raised is that such agreements can contribute to take some of the heat off elections. The first round of elections tends to sharpen ethnic and nationalist differences (Snyder, 2000). Post-settlement elections can also create turbulence if they give legitimacy to authoritarian parties, which continue to rely on coercion and chauvinism to stay in power. Even if the first elections run smoothly, people may also fear that subsequent elections may not be free and fair. Formal power sharing agreed to in advance can solve some of these problems. Elections no longer become a quest for absolute power, but for a share of the groups' collective decision making power. It both restrains and provides opportunities at the same time. In this way it transforms the political game from a zero-sum competition for power to a positive sum game in which several groups can gain power (Miall et al. 1999).

In the above explanation of the function of power sharing institutions, the emphasis is placed on outcomes. It is argued that power sharing institutions serve to maintain a balance of power between groups, and circumvents the danger of one party becoming dominant and threatening the security of others (Hartzell and Hoddie, 2003). Lijphart, however, has argued that the process of participation in decision making commits actors to play by the rules of the game. Whereas there is the paradoxical fear of the parties that the new institutions will not be powerful enough, or that they will be too powerful. "Institutions do

not bind by magic; they normally do so by creating a pattern of behaviour around which expectations converge” (Snyder and Jervis, 1999). The claims to the effects of power sharing are not exclusive, but rather mutually reinforcing. The next section looks at what a power sharing agreement may look like.

### **2.3. Consociational democracy**

Consociational democracy is above all associated with Arent Lijphart’s model for conflict resolution in deeply divided societies, originally developed based on observations from countries such as Belgium, Austria and Switzerland (Hartzell and Hoddie, 2003; Lijphart, 1977). The original model was not intended for ethnically divided societies emerging from civil war, but rather focused on democracies in Western Europe, albeit ethnically, religious or linguistically divided. Variations of Lijphart’s model have recently been applied to manage conflict in a number of post-conflict societies, but the experience is limited.

Lijphart’s model outlines four main components that combined are supposed to create peaceful relations between ethnic groups: a grand coalition, minority overrepresentation, a minority veto on issues of particular importance, and segmental autonomy for groups (Lijphart, 1995). Peaceful relations between groups are supposed to be created through a process that starts with elite cooperation, creating a consociational democracy, which in turn leads to an even higher level of elite cooperation, strengthened by political security for smaller segments of society. The third stage is the arrival at an even higher level of elite cooperation, which is supposed to lead to sustained peace. Lijphart emphasises that consociational democracy can not be defined as one particular set of rules and institutions, but in terms of broad principles (Lijphart, 1995). The central contribution of the consociational model to the management of ethnic conflict is the provision of political security, especially to small segments of the population. This allays fears and allows for increased cooperation between elites. Political security is provided through a minority veto and overrepresentation of small groups. Lijphart describes this as the ultimate weapon that minorities need to protect their vital interest (Lijphart, 1990). The minority veto does this by preventing decisions by the grand coalition that would be so unacceptable to the minority as to make them leave the government. Lijphart acknowledges the danger of the

minority veto being used too often, and thus destroying an attempted consociational democracy. He argues, however, that the very security the existence of the minority veto provides will remove the strongest incentives for using it. It is worth paying particular attention to the issue of minority veto, as it has taken on high importance in Burundi.

In contrast to the model of integrative institution, Lijphart argues that segmental cleavages should be recognised, and that the segments should be allowed to autonomously contribute towards stable democracy. Whereas issues of common interest should be decided by consensus in the grand council, other concerns should be left to the groups to decide for themselves. Despite the reassuring prospects of the model, there are numerous problems.

#### **2.4. Problems with the consociational model of power sharing**

The immediate drawback with the consociational model is that it institutionalises the division of groups around ethnic identities and locks groups into a system of politics defined along ethnic lines. Because a formal power sharing agreement allocates a fixed share of power to the respective groups included in the agreement, ethnicity will permanently constitute the primary line of political identification, creating cumulative societal cleavages rather than building bridges between groups. The incentives for cross-group appeal are removed, and groups are incited to relate to their ethnic representatives rather than the leader to represent their true interest on a given issue.

Along the same lines, with a consociational power sharing agreement, leaders are incited to frame their demands in ethnic language and focus on issues that are most important to their respective ethnic constituencies. In this way, issues that divide ethnic groups come to occupy a central place in politics, and the agenda is shaped by issues related to interethnic allocation of power and resources (Roeder and Rotchild, 2005). The example of Bosnia provides an instructive example, where the tripartite presidential system has reinforced ethnic cleavages and competition (Paris, 2004).

Clearly, permanently fixing representation and predetermining decisions have some major impacts on democratic performance in the long run. Predefined interaction between groups



leading to a limited number of outcomes are not compatible with Western definitions of democracy that emphasise competition, uncertainty of outcomes and institutionalisation of conflict management, exemplified by e.g. empirical democratic theorists such as Schumpeter (Grugel, 2002). In this way, a permanent power sharing agreement can only bring a partial democracy and thus poses an obstacle to the development of full-fledged democracy. However it is important to recognise that Lijphart (1995) argues that it is the best possible outcome that can be aspired for, a fully competitive democracy may not be something to aspire to because of the particular challenges specified above, such as deep vertical cleavages and a history of violence and distrust.

Few power sharing agreements have succeeded in including all groups. Power sharing thus runs the risk of creating a cartel among the elites of ethnic groups or that those left excluded become spoilers (Spears, 2000; Stedman, 1997). Examples of problems caused by non-inclusive agreements include the failure to incorporate the *Coalition pour La Défense de la République* (CDR) in the Arusha accords for Rwanda and the exclusion of *l'Union pour la démocratie et le progrès social* as well as the rebel groups *RCD/ Goma* from the Inter-Congolese Dialogue in 2002 (Stedman, 1997; Spears, 2000). Failure to include the CDR led them to push ahead with organising Rwandans into self defence units, preparing attacks on Tutsi's, and instigating hatred through the radio. The group played a key role in the mobilisation for the 1994 genocide (Paris, 2004).

While the reasons why certain groups are left out vary, and may be related to e.g. the group's potential as a spoiler, dominant leaders tend to marginalise smaller minorities, in particular in states that have multiple ethnic minorities (Stedman, 1997; Paris, 2004). Permanently excluding certain groups from a share of power is clearly incompatible with the requirements for just outcomes and just procedures specified above, while also potentially an obstacle to conflict management.

Whereas the above are reasons why power sharing impedes the transition to a full-fledged democracy, what is more worrisome when it comes to weaknesses of power sharing, is the claim that power sharing agreements provide incentives for ethnic leaders to escalate conflict and equip them with the capabilities to do so: The incentives to escalate conflict,

according to Roeder and Rotchild (2005), stem from the fact that power sharing agreements tend to create high governmental inefficiency, are inflexible and unable to adapt to rapid changing contexts. The immobilism that results could lead to frustration and cause parties to defect from the agreement, and in worst case, to cause renewed conflict. Further, it is argued that elite incentives to comply with the agreement change once a power sharing agreement is in place, referred to as “the second generation problem”: The need to reassure the other parties becomes less pressing, and the parties start focussing on problems of governance and political power. Once the immediate post conflict phase is over, new leaders do not necessarily understand why their predecessors agreed to a certain division of powers, in particular when demography change or certain groups are over-represented in governmental institutions.

An example of the breakdown of a power sharing pact due to dissatisfaction with its composition was the first power sharing agreement in Lebanon, which the parties found intolerable after a certain time as the demographic balance changed and groups became reluctant to accept Christian dominance (Zahar, 2002). In Côte d’Ivoire, the Marcoussis power sharing agreement has been difficult to implement: Southern political leaders accuse it for being a French sell-out to terrorism, while Northern politicians blame the head of the Ivorian Popular Front for renegeing on obligations regarding the powers to be exercised by the Prime Minister (Rotchild, 2006).

As will soon be demonstrated, power sharing in Burundi suffered from several similar problems. In sum, consociational power sharing entails a number of compromises when it comes to democratisation. The rival approach to the consociational model, the integrative approach, is held to circumvent some of the unintended and undesired consequences.

## **2.5. The integrative approach**

From the point of view of proponents of integrative institutions, it is not a good idea to structure institutions to represent groups according to fixed, existing cleavages. A better alternative would be to stimulate the emergence of interest-based politics and thus create cross-cutting cleavages spanning different ethnic groups. In contrast to the consociational

model of power sharing that is founded upon maintaining cleavages between ethnic groups, integrative institutions is a form of power sharing that aims to build multi-ethnic coalitions, promote cross-cutting interest, and provide guarantees of group security by providing incentives for leaders to be moderate on divisive issues (Paris, 2004). Integrative institutions are grounded in an electoral system that encourages pre-election pacts across ethnic lines and non-ethnic federalism that diffuses power (Sisk, 2001). Ways to achieve these objectives include an electoral system that forces candidates to appeal across ethnic lines and receive support from e.g. all electoral districts, or a list system where parties are required to include candidates from different ethnic groups (Snyder, 2000).

The integrative approach relies on functionalism, and in line with the constructivist assumptions regarding ethnicity and ethnic mobilisation outlined in Chapter One, it is grounded in the belief that institutions and structures impact the process of identity formation (Axelrod, 1984). Assuming that politicised ethnic identities are endogenous to the political process, it is also possible to alter them. According to Brass (1991:16), this logic of ethnic group formation means that the process is reversible. “It is reversible because of both the dynamics of external competition and internal divisions and contradictions which exist within all groups of people however defined.” Political and economic circumstances may cause elites to downplay the symbolic manipulation and rather seek cooperation. The essence of integrative institutions is therefore to create multiple, overlapping affiliations, based on interest particular to the context.

Due to the inter-ethnic cooperation and mixing that is supposed to result from such an electoral system, the system of integrative institutions is by many seen as the most ideal form of power sharing because it aims to break down the cleavages between groups, as opposed to reinforcing them (Paris, 2004; Snyder, 2000). One problem with the integrative approach, however, is that there is not much empirical evidence to support the theory of integrative institutions, beyond experiment with such systems in Malaysia and Nigeria. Nigeria’s experiment lasted for about a decade around 1970, before the country reverted to authoritarian dictatorship (Snyder, 2000; Horowitz, 2005). The problem with this strategy in a post-civil war context is clearly feasibility. In a society where ethnic identities have

been hardened during the course of war, efforts to force cooperate across ethnic lines are likely to run aground.

## **2.6. Conclusion**

The discussion of the consociational and integrative models has highlighted advantages and drawbacks with both models of power sharing. The strengths of consociationalism derive from the fact that it provides firm guarantees to minorities that they will be represented and heard, both because such an agreement permanently fixes representation and thus brings a certain predictability, and also because it gives all groups a veto on important decisions. Major drawbacks with this system are that it serves to reassert ethnic divisions, while its durability is uncertain because of the obvious democratic deficits it purports. The integrative approach, on the other hand, is alluring because of its aim to promote cooperation across ethnic boundaries and thus to promote a more sustainable and democratic system, however, the problem with this model is how to make it work as there is little experience with such a system.

Perhaps the solution for circumventing these problems would be to combine the consociational approach with the integrative approach. What is interesting in the case of Burundi, is that this is exactly what has been done. The system chosen in Burundi seems to have taken a number of lessons learned from other cases into account in order to pre-empt the problems envisioned. Before going on to assess power sharing in Burundi, Chapter Three looks at ethnic relations and communal violence in Burundi.

### **Chapter 3: Ethnic Conflict**

Looking at history is necessary in order to understand the present. To analyse the impact of a particular configuration of power sharing institutions in a given context, it is necessary to have a thorough understanding of the problems these institutions are supposed to address. Only by uncovering the underlying causes of conflict and the dynamics that led to its eruption will it be possible to prescribe a useful antidote to conflict resolution, lay the foundations for a more inclusive state and manage conflict. This Chapter therefore aims to understand how ethnic relations have evolved in Burundi through history. The aim of this Chapter is therefore two-fold: Firstly, to identify how and why conflict in Burundi has become structured around ethnic lines, and secondly, to identify the root causes of conflict.

In addition to contributing to an understanding of the sources of conflict and ethnic struggle in Burundi, the historical review also serves to shed light on questions that ought to be thought through before one engages in institutional engineering: What are the grievances of the parties to the conflict? What measures and goals are desirable and why? What is feasible in a specific context? An understanding of the processes by which ethnicity became the main cleavage for political mobilisation may also give clues with respect to how ethnicity can, and ought to, be dealt with within the political system. It allows for determining whether strict compartmentalisation of ethnic groups or a degree of integration should be aspired for.

The Chapter starts off with a brief review of the debate concerning the emergence of ethnic groups in Burundi. The Chapter then goes on to look at the history of Burundi, starting from the time just prior to the arrival of the colonial powers. Particular attention will be paid to factors that influenced development of current political identities. It will be argued that ethnicity in pre-colonial Burundi was primarily a cultural identity, which was transformed into a basis for political differentiation and mobilisation, and then severely radicalised. The second part of the Chapter aims at making the connection between the formation of ethnic groups and the outbreak of conflict. A brief review of mainstream explanations for ethnic conflict will be presented, and the conventional wisdom that ethnicity leads to the outbreak of ethnic conflict and causes groups to kill each other will be

challenged. The constructivist approach to the construction of political identities calls for looking beyond immediate identities to the context in order to explain conflict. In other words, although conflict is structured around ethnic affiliation, the underlying causes of conflict must be uncovered in order to explain the outbreak of conflict. In the case of Burundi, I will argue that these are found by looking at the state. The neo-patrimonial state and its role in creating ethnic conflict will be central to the explanation. The final part of the Chapter returns to the discussion on the outbreak of violent conflict, in order to give a synthesis of what happened in Burundi.

### **3.1. Ethnic groups in Burundi**

Akin to the general debate on the emergence of ethnic communities, the question of the origins of ethnic groups in Burundi has generated considerable discussion within the academic community. With regards to Burundi, as with many other colonial states, the debate on the origins of ethnicity was triggered by political processes and disagreements regarding the legitimate foundations for the post-colonial state as the colonial era came to a close. It opposed nationalists and colonialists (Mamdani, 2001), and proponents of both views have used their version of history in forwarding specific views on legitimate policies and institutions. Mamdani and Jefremovas (2000) draw attention to the difference in the use of history by Hutu and Tutsi; Hutu, conscious of their marginalisation, have looked to pre-colonial history to find the sources of their oppression, whereas the Tutsi, blame colonial powers for construction of ethnic difference and deny such differences in pre-colonial times and thereby also the claim that the Hutu should have power because of their demographic majority. The Tutsi have therefore traditionally been associated with an anti-ethnic quota view, whereas the majority of Hutu have been in favour of such a system.

As such, the debate has shaped political processes, while also being coloured and shaped by political agendas. Scholars that engage easily become unwitting accomplices to political agendas, as any statement will be prone to fall victim to interpretation as 'siding' with one or the other view.

Two main hypotheses regarding ethnic group formation in Burundi exist, both buttressed by a number of sub-hypotheses. These have generated a fierce debate within the academic community, centred on what has become known as the Franco Burundian School vs. the Belgian Burundian School. On one extreme, linked to the constructivist and instrumentalist schools of thought, is the view that there is “no difference” between Hutu and Tutsi. This view is represented by the Franco Burundian School, fronted by Jean Pierre Chrétien (1993), who argues that the people of Burundi were groups that converged from different parts of the continent at different times, forming one cultural community and constituting a single people.<sup>26</sup> It is argued that the homogeneity displayed across ethnic groups in terms of language, religion and culture challenges the degree to which the groups could historically have been mutually exclusive, and this school has thus tended to deny the existence of different ethnicities in Burundi. It is argued that the differences that are observed are results of cultural integration, but as a consequence of differentiated relationships between patrons and clients starting in pre-colonial times, and subsequent differentiation according to occupation and wealth and colonial policies. Ethnicity, it is argued, is a matter of socio-economic differentiation and class, and in order to understand contemporary conflict, one needs to look at their ideological referents.

On the other extreme is the Belgian Burundian School, under leadership of Filip Reyntjens and René Lemarchand, who argue that Hutu and Tutsi were originally different peoples with different origins, and that differences are socio-biological. Proponents of this view argue that Tutsi were migrants from North-East Africa that settled in the Great Lakes region, a theory that has given rise to what is referred to as the ‘Hamitic hypothesis’ which portrays these as descendants from Hamitic kings. The Hamitic hypothesis was accepted and used by the colonial rulers to justify a hierarchy between natives and settlers, and to privilege the Tutsi over the Hutu. While maintaining that origins are different proponents of this school recognise the large role the colonial and post-colonial state played in manipulating ethnic identity.

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<sup>26</sup> Other proponents of this view that have engaged in the debate are Gahama (1983) and Mvuyekure (1989).

Historical evidence to prove one or the other theory is scant, but popular proverbs predating colonial rule which mention the Hutu, the Tutsi and the Twa and historical accounts of a societal hierarchy indicate that the categories existed before arrival of the colonial powers (Bizimana, 2002). Chrétien (1991), who was involved in assembling a history of Burundi in the 1960s, has provided an account of the tedious and challenging process of replacing the history of Burundi that was resembled by colonial rulers with a history that relied on proper historical research and sources, completed by historians abroad and in Burundi. “The intellectual challenge was not small. It was necessary to start practically from zero.”<sup>27</sup> This highlights how volatile the situation was to political manipulation that favoured specific versions of history. The next sections give a brief recap of Burundi history.

### 3.2. The pre-colonial era

Up until the arrival of the colonial powers towards the end of the 19<sup>th</sup> century, Burundi was a unitary territorial entity, centralised under the king, the *mwani* (Chrétien, 1993; Prunier, 1995).<sup>28</sup> Borders kept changing, however, up until the mid eighteenth century as a result of conquest of neighbouring territories (Chrétien, 1993; Wolpe et al., 2004). An ambulant court was the focal point of unification for the kingdom, and the court had an army at its disposal (Vansina, 2004). The court ensured security for the ruling class, while creating an ever growing gap between the rulers and subjects. Three levels of authority existed below the Crown: provincial administrative authorities, chiefs and chiefs of the collines. The judicial *bashingantahe* promoted social cohesion (Hakim 2000; Daley, 2006). This early unity is likely to have contributed to groups’ shared identification with the nation state since independence, and possibly constitutes a reason why the integrity of the state has not been contested despite intense societal violence.

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<sup>27</sup> Authors translation from French: “Le défi intellectuel n’était en effet pas mince. Il fallait partir pratiquement de zéro.”

<sup>28</sup> Like Vansina and Mamdani, Prunier’s book is a book about Rwanda, but the aspects used here are aspects that are held to be the same throughout the literature on Burundi as well and thus just serves to confirm the facts.



The relation between ethnic groups under the monarchy's rule is disputed. Several historians argue that in Burundi both Hutu and Tutsi were associated with the Crown (Lemarchand, 1994). It was a warrior's society with a hierarchical political structure, tied together by patron-client relations (Daley, 2006; Hakim, 2000). Internal rivalry existed between the Baganwa clans, the Besi and the Batare, and led to the creation of regional alliances with the Tutsi-Banyabururi and the Tutsi-Banyaruguru who became associated with the Besi and the Batare, respectively (Daley, 2006; Bizimana, 2002).

One's position in society was defined by wealth, occupation, land ownership and ownership of cattle. The agriculturalists that held cattle were held to be Tutsi, whereas the pastoralists were commonly held to be Hutu (Daley, 2006; Hakim, 2000). In the case of Rwanda, Vansina (2004) sheds light on the complex evolution of the terms: Whereas at first, Tutsi, was just applied to refer to a small group of Rwanda's herders, it was later expanded to comprise the political elite within that group. The category Hutu was a demeaning term, used for servants, even if they belonged to the Tutsi group. The term gradually was expanded to comprise more groups, implying that they were servants to the court. As the country became militarised and developed armies, Tutsi came to be applied to combatants and Hutu to all non-combatants in the army. Vansina (2004) shows that what eventually led the categories of Hutu and Tutsi to become reinforced and to denote a strictly hierarchical society, was the imposition of a new system of exploitation, *uburetwa*,<sup>29</sup> which outlined the obligations of tenants to their masters. The chief of the land began imposing this obligation on the families within his jurisdiction.

While it is based on the assumption that it was whether one held cattle or not that defined whether one was a Hutu or a Tutsi, some claim that the ethnic difference is primarily one of class (Bizimana, 2002). Confounding this assumption is the existence of a group of what is referred to as Tutsi-Hima who did not hold cattle, but were associated with power and with the rest of the Tutsi group. This highlights that internal divisions among the Tutsi existed already at this point in time.

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<sup>29</sup> Prunier (1995) refers to this as *ubuletwa*

Social boundaries in pre-colonial Burundi were somewhat fluid, more so than in Rwanda (Lemarchand, 1972). Lemarchand suggests this is a reason why ethnic conflict erupted later in Burundi than in Rwanda. In Burundi, Hutu occupied some important administrative and ceremonial roles as *banyamabanga* (keepers of state secrets) and *bashingantahe* (community arbitrators) (Daley, 2006). Groups have always intermarried across clans and ethnic groups and lived in spatially contiguous areas. Furthermore, on the rare occasion that a Hutu accumulated cattle and thus progressed upwards in the social hierarchy, it was possible to change from Hutu to Tutsi by the process of *Kwihutura* (literally: rejecting one's Hutu identity). The new status was, however, not transferred to one's descendants (Bizimana, 2002). It is a patriarchal society, where ethnicity is transmitted through the father (Ndarishikanye, 1998).

Society was held together by the practice or institution called *ubuhake*, which denoted a relationship of personal dependence between patrons and clients. Prunier (1995) has demonstrated how this practice was analysed very differently by Hutu and Tutsi after the events of 1959: From a Tutsi perspective, the institution was portrayed as a mutual help contract that linked lineages together. From a Hutu perspective, it was portrayed as quasi-slavery, enabling the Tutsi masters to exploit the Hutu.

The categories of Hutu, Tutsi and Twa clearly existed before the arrival of the colonial powers. According to historical sources, however, ethnicity was never and is still not, the only cleavage in Burundi. The presumption that ethnicity is the primary line of identification veils other important cleavages, such as the existence of around 220 clans in the country, some of them trans-ethnic, and regional divisions (Daley, 2006, Lemarchand, 1970). In pre-colonial times, regional distinctions existed between Hutu who were closely allied with the Crown and those who were not, and between the Tutsi-Banyabururi (southerners) and the Tutsi-Banyaruguru who were dispersed throughout the country (Lemarchand, 1970). Status differences separated the high-ranking Tutsi from the pastoral Tutsi-Hima (Daley, 2006).

These regional dimensions remain significant. It revolves around three major cleavages: Firstly, there is the Tutsi from the south, which is comprised of the provinces of Bururi and

Makamba. They have controlled the military and dominated the political arena since independence (Ndikumana, 1998). Secondly, there is the Tutsi from Muramvya province, the former headquarter of the monarchy. This group has traditionally controlled a substantial proportion of the national intelligentsia. Finally, there is the rest of the country. According to Ndikumana (1998), one's status is determined based on ethnicity, region of birth, as well as a military-civilian dimension, a classic example of compounded cleavages.

All these divisions serve to illustrate that portraying Hutu and Tutsi as two homogenous groups is certainly too simplistic. However, violence has come to consistently involve Hutu against Tutsi (Ndikumana, 1998). In order to illustrate what caused this polarisation to emerge, the next section moves into the colonial era. A longstanding history of societal cohesion could lead one to expect that Burundi's outlook on nation building and stability would have been better than most other states' on the continent. The arrival of colonial powers and their approach to nation building quickly undermined any prospective for success. The colonial state came to play a key role in transforming pre-existing socio-political boundaries into rigid ethnic identities.

### **3.3. Colonial era**

Until its independence in 1962, Burundi was first part of the German colony of Ruanda-Urundi (1897–1916) and after Germany's defeat in the First World War, placed under Belgian trusteeship. Administratively, it was attached to the Congo after 1925 (Chrétien, 1993). The colonial powers initiated a nation-building project in which ethnicity was used as a principal referent in structuring a society they could rule (Hakim, 2000).

The colonisers based their nation building project on a racist ideology, what has become known as 'the Hamitic hypotheses'. The Tutsi, who were held to be most fair-skinned, with Caucasian features and behaviour, believed to be descendants from Hamitic kings from Ethiopia and were therefore considered non-indigenous.<sup>30</sup> They were seen as racially superior to the Hutu, who were cultivators and had negroid features. The label Twa was

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<sup>30</sup> According to Prunier (1995), a range of versions of the Hamitic hypotheses circulated, including theories linking the Tutsi to India, the Garden of Eden and Atlantis.

given to those who were hunters and gatherers and had pygmoid features (Chrétien, 1991; Daley, 2006; Hakim, 2000; Prunier, 1995). This is how superiority and inferiority became associated with Tutsi and Hutu, respectively. To an extent this was a simplification of the pre-existing patterns of the cultural, socio-economic differentiation observed in the pre-colonial period.

Colonial law was used to enforce these categories. With regards to Rwanda, Mamdani has given an account of how exactly civil and customary law served to delineate a hierarchy in society. As colonial rule in Burundi was very similar to that in Rwanda up until developments in the two countries started diverging radically in the 1950s, his insights are briefly included here as they provide a unique empirical and theoretical contribution that is also applicable to Burundi. Civil law, which was held to be the carrier of universal rights, excluded the natives, who were seen to be required to be ruled by customary law (Mamdani, 2001; Braathen et al., 2000). Civil law thus became the foundation for discrimination based on race. The Tutsi settlers, characterised as subject races, were governed by civil law and seen as virtual citizens. Unlike the colonisers, the master race were the only full citizens, while the subject races i.e. the Tutsi were virtual citizens in that they were deprived of rights of citizenship but considered to hold the potential to become full citizens. They became integrated into the colonial machinery as agents and received preferential treatment under the law.

The Hutu were subordinated to both the master race and the subject races, and were governed locally by Native Authorities (Mamdani, 2001). The Native Authorities governed by customary law and was tribalised. With the introduction of the Hamitic hypothesis, the Tutsi race became fixed in their relationship to the colonial state (Mamdani, 2001). A binary logic was put in place- in which the Tutsi was constructed as an alien settler and the Hutu as a subordinate native, creating a notion among Hutu that they were the sons of the land while the Tutsi were aliens.<sup>31</sup>

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<sup>31</sup> It is necessary to recall that in his book “When Victims Become Killers”, Mamdani writes about Hutu and Tutsi in Rwanda. Although the history of Burundi and Rwanda differs markedly after 1959, the dynamics that created the identities are largely similar and comparable across the two countries.

Having illustrated the changing function of group identities, Mamdani (2001) goes on to argue that rather than trying to determine what an ethnic group is in a given context, ethnic groups should be conceived of as identities that are in constant evolution, shaped by forces in the society in which they exist. As a consequence of the Hamitic hypothesis, governance by separate laws and the erection of a rigid hierarchy in society, Hutu and Tutsi were no longer just different cultural communities, but became political communities with political identities. The institutions of the pre-colonial era meant that while the labels Hutu and Tutsi delineated different cultural communities, and they now took on political functions as a direct result of the colonial institutions.

Privileging the Tutsi over the Hutu served to guarantee the local support for the colonial powers. Tutsi supremacy was reinforced by giving them privileged access to education, to religious institutions, to the civil service, to the justice system and in land dispute settlements (Ndikumana, 1998; Linden, 1977).

The struggle for control of the state divided the established Tutsi political class. There was constant internal rivalry between the Tutsi Banyaruguru, representing the Tutsi from Muramvya province, and the Tutsi-Hima from Bururi province. Each group attempted to assert its dominance vis-à-vis the other, by courting the support of Hutu allies and acting as their protégés. In the early colonial period, the rivalries were reflected in the two leading nationalist parties, *le Parti de l'Unité et du Progress National* (UPRONA), and *le Parti Démocrate Chrétien* (PDC) (Rodegem, 1975).

Towards the late 1950s tensions were mounting in Burundi and in the region. While analysis has so far been confined to Burundi, it is not possible to ignore the influence of the regional environment in polarising group relations in the country. In particular the 1959 Rwanda uprising, in which the Tutsi oligarchy was overthrown and the majority Hutu asserted their power over state institutions, had significant impact, not least symbolic, on the relation and tension between the Hutu and the Tutsi in Burundi. This event was used among the Tutsi population in Burundi to cultivate a nightmarish vision of Hutu power (Ndikumana, 1998, and Chrétien, 1990). It initiated an intense oppression of any efforts by the Hutu to increase or grab a share of power. The uprising in Rwanda was followed by a

flow of Banyarwanda (Tutsi from Rwanda) refugees across the border to Burundi, anxious for revenge and in search for solidarity from the neighbouring Tutsi elite. These refugees became actively involved in Burundi politics, and were a factor in the further deterioration in ethnic relations in the 1960s (Daley, 2006).

As the colonial era came to a close, Burundi witnessed an increased mobilisation of the Hutu, fuelled by ambitions to reap a proportion of political power as prospects of a majoritarian electoral democracy appeared within reach.

### **3.4. The post-colonial era**

The period of independence started off violently. Alleged Hutu plots of 1965 and 1969, according to which the Hutu were accused of aiming to kill all Tutsi, resulted in the execution of those held responsible. Furthermore an aborted, externally supported Hutu uprisings in 1972 unleashed reprisals that reached genocidal dimensions (Lemarchand, 1994). The death toll of 1972 was immense. Between 2000 and 3000 Tutsi and between 100 000 and 200 000 Hutu were killed (Lemarchand, 1998; Rwantabagu, 2001). Thousands of Hutu, fled into exile in neighbouring countries and abroad. The monarchy fell in 1965, commonly seen as a ripple effect of the Rwanda revolution (Lemarchand, 1994).

From there on, elements from within the Tutsi community set out to capture the state and take control of institutions (Lemarchand, 1994). Consolidation of Tutsi power was achieved in that the Tutsi monopolised political life, controlled the armed forces, and took advantage of preferential access to education, employment and wealth. Continued inequality in access to education was ensured by concentrating educational infrastructure in the southern province of Bururi where the southern Tutsi oligarchy was based (Ndikumana, 2005). The army was systematically purged for Hutu members (Rodegem, 1975; Greenland, 1975; Lemarchand, 2006). Clearly, this was a critical factor in the growth of ethnic rivalries, which reinforces existing notions of marginalisation and discrimination of one group vis-à-vis the other, namely the privileged Tutsi against the disadvantaged Hutu.

The process of ethnification of state institutions described above was accompanied by two other simultaneous processes that further served to consolidate Tutsi dominance in all spheres of society. Firstly, there was a centralisation of the state in which one party came to dominate state institutions and use these to extend its control to all corners of society. Secondly, there was a militarisation of the state by which the army became a key player in national politics and acted as a guarantor of Tutsi power was carried out.

### **3.5. Centralisation of the state - UPRONA takes hold**

Leading up to the 1961 legislative elections, UPRONA was able to attract supporters from among both the Hutu and Tutsi due to its progressive nationalist rhetoric, opposition to colonial rule and alignment with the Crown. UPRONA was headed by the charismatic Prince Rwagasore, who was married to a Hutu. The party easily won the elections (Daley, 2006; Greenland, 1975), but because the Belgian administration feared such a mass-based party, they proceeded to actively support the less radical PDC, which was not in favour of immediate independence. Prince Rwagasore was killed in October 1961, allegedly planned by PDC leadership with tacit approval by the colonial rulers. His assassination led to the dissolution of the PDC and to UPRONA founding the independent government in 1962. According to Rodegem (1975:7), the reason for Rwagasore's assassination was that he had married a Tutsi-Hima girl, and "According to tradition, Hima blood does not mix well with royal blood," which explained his assassination (Rodegem, 1975). The Tutsi-Hima took their revenge and took control of all posts in government. A turbulent period followed. UPRONA was divided between an older generation of royalists, wanting to reinstall dominance, and a new generation of radical, some communist sympathisers.

On 18 January 1965, Hutu Prime Minister, Pierre Ngendandumwe, was assassinated by a Tutsi employed at the US Embassy (Lemarchand, 1994; Daley, 2006). Elections were held in May 1965, during which the vulnerability of the Tutsi hegemony became clearly exposed. To forestall the collapse of Tutsi rule, a military coup d'état was carried out in 1966, which caused the fall of the monarchy several months later. UPRONA became transformed into a Tutsi party, and the rise of the single-party state started (Daley, 2006). From 1966, UPRONA was the single party *de jure*.

UPRONA remained in power until the advent of multiparty elections in the 1990s. During this entire period, the party was used by all actors in power as a vehicle for maintaining power (Bizimana, 2002). Throughout the post-colonial era, the party decided the policies that the government executed. The head of the party was automatically the head of state, head of the government and in charge of the armed forces. The majority of the members of the party were also members of the central committee of the party. Hence the party became the sole branch of the administration (Bizimana, 2002).

Following the massacres in 1965, 1969 and 1972, nearly all Hutu were purged from the army, which became close to ethnically homogenous. It was next to impossible for Hutu to enter the ranks. In the process of overtaking the army and the security apparatus of the state, the Tutsi played the security card, that is, the frequent reference to the claim that a majority takeover of politics would constitute a serious threat to the political minority, by which the Tutsi justified its control over the army.

Simultaneous with the Tutsi taking control of the army, the army gradually asserted its hold on society and became a principal actor in politics (Ndikumana, 1998). The senior ranks of the Forces Armées Burundaise (FAB) emerged as a powerful actor in politics and were aligned with key sections of the political elite. It became common among members of the political class to sponsor their personal militias, which both contributed to and reinforced militarisation of society. Violence became the number one tool of political competition. As the army was composed of 95% Tutsi-Hima (from the Bururi province), elements of the Tutsi who had been low-ranking actors prior to colonialism and who had been relegated to the low status military during colonial days, were suddenly in a position to capture the state due to their prominence in the army (Daley, 2006). The army performed a vital security function for the Tutsi ethnic group and in particular for the elites in power.

### **3.6. Conclusion**

This Chapter has demonstrated that the portrayal of conflict in Burundi as one between two ethnic groups that are inherently opposed to each other is incomplete and not correct. The brief review of history has shed light on the significant internal divisions between groups



dating back to pre-colonial times, divisions that existed well into the post-colonial era. The reality is not two homogenous, cohesive groups, but several alliances brought together by political entrepreneurs in the interest of promoting personal and group power, using the prerogative of ethnicity and group security. Despite hopes for an inclusive democracy, the post-colonial state failed to promote a more inclusive vision of Burundi society. Rather, this era saw a further ethnification and radicalisation of the relationship between groups (Wolpe et al., 2004).

This Chapter has highlighted the way the institutions of the state have been used to create a system of ethnic differentiation and marginalisation, and concentrated power in the hands of the ethnic minority, the Tutsi. Three processes that worked to install a monopoly of power in hands of the Tutsi elite, while marginalising the Hutu from political and societal life were described: Firstly, ethnification of institutions and society, secondly, centralisation of state power and thirdly, militarisation of the state. The threat of ethnic crises and security fears of the minority was used as a pretext by the Tutsi to assert its control over the military and the state apparatus. Assisted by the army, the state party UPRONA was used as a vehicle to maintain Tutsi hegemony in all spheres of society (Reyntjens, 1993).

Before the thesis goes on to look at what these processes means for power sharing, an observation worth noting is that the changing nature of ethnic identity and the resurgence of ethnic loyalties indicate that ethnic groups are not fixed in their constellation, that group loyalties are not exclusive and that identities are prone to manipulation, for positive or negative purposes. According to former President Buyoya (Gakunzi, 1998: 59), it is clear that “the issue at the centre of these conflicts, is the division of the national cake: ethnicism is an instrument of capturing and preserving power.”<sup>32</sup>

We have seen that significant internal cleavages exists within and across the ethnic groups, primarily based on regional differences. This strongly indicates that further reinforcing ethnic boundaries is not desirable, but rather suggests that it should be possible to reverse

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<sup>32</sup> Translated by author. Original text: “Car l’enjeu centra de ces conflits, est le partage du gateau national: l’ethnicisme est un instrument de conquête or de preservation du pouvoir.”

these processes. In order to understand how to reverse these processes, it is necessary to answer the question of how ethnic competition in Burundi turned into violent conflict. Making this causal link is the aim of the next Chapter. The section starts off with looking at different theories for the outbreak of ethnic conflict, for then to determine which more accurately describes the case of Burundi better. Making a good diagnosis of what led to outbreak of conflict in Burundi will provide valuable cues in the search for a sustainable solution to conflict. The analysis will of course build on observations from this Chapter, with focus on the monopolisation of state institutions by the Tutsi, and the various processes initiated by the Tutsi elite to ensure and maintain political hegemony.

## Chapter 4: Causes of ethnic conflict in Burundi

The pervasive role the state-party UPRONA played in Burundi throughout its post-colonial history makes it evident that describing conflict in Burundi since 1962 as a result of a failed state is inadequate and not particularly correct. Prevailing theories that explain ethnic conflict as a scramble for resources and security in the absence of a central authority (Jackson, 1990; Reno, 2002; Collier, 2000; Berdal et al., 2000) must therefore, at least partially, be dismissed. Whereas security and economic factors unquestionably played a role in the outbreak of civil war, the experience of Burundi calls for grounding the analysis of causes of conflict in a different conception of the state than simply as a failed one.

Opposite on the spectrum from the failed state is the Westphalian state, which according to Weber's classic definition is a political community with a fixed territory, an organised government, possessing internal and external sovereignty and with a monopoly of the legitimate use of physical force within that territory. Burundi clearly also falls short of meeting these empirical criteria. Where does this leave Burundi? Like most other states in Africa, the state in Burundi is predominately neo-patrimonial in nature (Braathen et al., 2001; Bratton and Van der Walle, 1994; Chabal and Daloz, 1999). This Chapter argues analysing the case of Burundi through a neo-patrimonial lens is most useful. An extreme version of the neo-patrimonial state emerged as a need for regime security, which in turn was an overarching problem because of the extreme version of the neo-patrimonial state.<sup>33</sup>

This Chapter looks closer at what characterises the neo-patrimonial state, in order to highlight how the neo-patrimonial state contributed to cause conflict in Burundi. The dynamics that led to development of an extreme version of the neo-patrimonial state are highlighted, and lead to the question of why networks of patronage, despite to the numerous cleavages alluded to in the previous Chapter, were mobilised along ethnic lines. Whereas colonial history plays an important role, it is also necessary to return to the

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<sup>33</sup> Lemarchand (1972) juxtaposes two different ways of analysing political development: He claims it can either be conceived of as synonymous with the process experienced by the West and hence focussed on forces that lead to a dispersion of power. Alternatively, one can take the view of Huntington (1965: 35), who sees a process of institution building "independent off, but obviously affected by, the process of modernisation", hence focusing on the containment of the forces of modernisation for purposes of accumulation.

discussion on ethnicity in order to highlight the cognitive components of ethnic identity that makes it particularly propitious to political mobilisation under circumstances in a context where security is scarce.

Four processes are identified and argued to be vital for the understanding of the outbreak of civil war in Burundi. Firstly, the restructuring of clientelistic networks observed with the demise of colonial rule caused patronage to become increasingly structured around ethnicity, enhancing the status, power and privileges of the Tutsi, while marginalising and depriving the Hutu of general societal rights. Secondly, as the Tutsi took control over the state, patronage networks structured along ethnic lines also delineated access to political power, economic benefits and societal rights, allowing the Tutsi to extend their influence to all spheres and corners of society and causing a scrupulous ethnification of politics. As a result of the rigid divide between Hutu and Tutsi, control of the state hence came to be seen as a zero-sum struggle, in which control of the state equalled control of resources and power. Thirdly, the perception of control of the state as a zero-sum struggle caused regime security for the Tutsi elite to emerge as a key concern, and led to a militarisation of the state. Any signal of Hutu opposition was perceived as a threat to the Tutsi minority and hence led to violent retaliation.

The first part of the Chapter elaborates on these processes, while the second part is concerned with cognitive explanations of conflict, which played an important role in leading to violent ethnic conflict.

#### **4.1. The neo-patrimonial state**

Chabal and Daloz (1999) have argued that assessing the African state based on criteria of Western, sovereign states is a ‘dialogue of the deaf’, as it fails to capture the internal dynamics by which many African states that are first and foremost neo-patrimonial in nature display. It differs from the Western state, in that it does not display formal governing coalitions between organised state and social interest (Bratton and Van der Walle, 1994; Medard, 1998). Bøås (2001: 698) argues that politics in Africa are played out beyond the institutionalised context and regulations of the state, and are “more personalised

and less restrained (...). The essence of politics is the distribution of scarce resources, and because of the lack of institutional constraints, politics in Africa are open to personal struggles aimed at controlling the state apparatus. Bøås uses an ‘African Machiavellian Prince’ as a metaphor to highlight the role of the personal ruler:

*“(...) he either rules jointly with other oligarchs or he rules alone but he cultivates the loyalty, co-operation and support of other ‘big men’. The basic motivation for seeking political power is neither ideology nor national welfare but the desire to acquire and ensure the well being of one’s group” (Bøås 2001: 699).*

The neo-patrimonial state is characterised by a lack of separation between public and private spheres, and according to Bratton and Van der Walle (1994), a purposeful lack of separation. Bureaucratic and patrimonial norms coexist, and as such it is not purely patrimonial because a bureaucratic logic also exists (Bøås, 2001). Hence, although the state is structurally differentiated from society, functionally it is not. The state is able to extract resources, however, and management and distribution of these resources is privatised by political actors, and mass politics are structured around vertical client relationships (Braathen et al., 2000; Bøås, 2001; Chabal and Daloz, 1999; Ndikumana, 1998; Ngaruko and Nkurunziza, 2002).<sup>34</sup> State resources are distributed through patronage, and clientelistic networks are the means by which followers are tied to the leader(s) (Daley, 2006). Clientelistic networks are relationships of assistance and support, built on accepted inequality between ‘big men’ and ‘smaller men’ (Bøås, 2001). Patrimonial clientelism is explicitly political in character (Lemarchand, 1972), and involves “an exchange of protection, economic security, and a position in the society in return for loyalty, obedience and service from the subordinate” (Cohen, cited in Lemarchand, 1972). The neo-component of the neo-patrimonial state denotes that because these ties are different from traditional ties, because they adapt to the formal political structures in which they exist (Bøås, 2001; Lemarchand, 1972).

Neo-patrimonial relations and personal rule rely on a subjectification of power along identity lines, hence relying on a need to create a ‘self’ and an ‘other’ in order to attract and

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<sup>34</sup> For a critique of the neo-classical approach to African politics, see Berman et al. (2003) who argues that its elite-centric focus fails to give agency to the polity, while portraying African elites as homogenous.

strengthen relations with followers. The need for constructing an 'other' is also related to the need to secure the 'self', because without an 'other', security as a concept is meaningless (Bøås, 2000). Bøås (2001) argues that since resources and the distribution of resources is not sufficient to ensure clientelistic loyalty and maintenance of power, combining these with certain lines of identities as subjectification of power, loyalty can be more thoroughly secured through socially constructed images of the self and the other.

Whereas the neo-patrimonial state may not be an effective provider of human security, this specific way of consolidating clientelistic networks may be an avenue to regime security and enrichment of elites (Bøås and Jennings, 2005; Medard, 1998). The extreme version of the neo-patrimonial state is thus held to be constructed upon a need to secure the self through self-categorisation into self and other. Construction of the self is done in relation to the other (the enemy), by categorising people and by accentuating similarities between the in-groups and pointing to differences between the self and 'out groups'. In Burundi, the function was not only to secure the flow of resources, but also the security of the regime. The declining availability of resources, intensified a struggle for opportunities, resources and power, and took shape along lines of patronage, which increasingly became delineated along ethnic lines because of the advantages ethnicity holds for mobilisation even in a society divided by multiple loyalties like Burundi. Also, as the case of Burundi demonstrates, a reason why elites were able to mobilise people around ethnicity was the historical patterns of integration of 'citizens and subjects' established by the colonial state (Mamdani, 2001).

Thus ethnicity is a vehicle for political and economic competition. The conflict is thus political, but not just about who is in control. It is also about legitimacy of that control, what political institutions are in place and how stable these are (Maundi et. al, 2006).

#### **4.2. Zero-sum state**

As demonstrated in the previous Chapter, the rupture with the colonial powers led to a restructuring of patrimonial networks, by which the two ethnic groups were gradually separated and increasingly polarised. At the time of independence society was divided

between those that supported the colonial powers which were primarily Tutsi, and nationalists, primarily Hutu. Cross-ethnic collaboration, however, was quite common, as demonstrated by the mixed base of support for the two main political parties at the time as explained above. However, the political landscape soon changed. As it became clear that the Tutsi-elite's power was threatened at the first round of elections in 1965, the polarisation of ethnic groups started. The mobilisation along ethnic lines was first and foremost promoted by the rhetoric of security for the Tutsi. Clearly, the revolution in Rwanda in 1959, in which the Tutsi oligarchy was overthrown, played a significant role in increasing the Tutsi elite's fear of being ousted.

With the exit of the colonial powers, a new struggle over distribution of resources, power and opportunities emerged, in which the state was at the centre of struggle (Lema, 2000; Braathen et al., 2000; Brass, 1991). As the Tutsi gradually seized control of the state aided by their dominance in the army, power and influence was extended to all spheres of society through patronage networks. In the period 1977 to 1982, the government undertook massive investments in public works and job creation, setting up some 100 state companies, underpinned by a web of patronage (ICG, 2006; Ngaruko and Nkurunziza, 2005). This further reinforced the Hutu-Tutsi divide, delineating citizens with access to the state and citizens without access. This domination of the state by one ethnic group, grounded in neo-patrimonial networks, led the quest for state institutions to be seen as a zero-sum struggle. Overthrow of Tutsi rule came to be seen as the only way to change the status quo and secure rights and access to institutions and the state. The Hutu felt threatened by the Tutsi dominance over institutions and the coercive organs of the state.

### **4.3. Regime security**

As politics and institutions become intricately linked to accumulation, the wish to keep power becomes linked to regime security. Further, the complete marginalisation of Hutu from the political and economic sphere created an intense security problem for the Tutsi elite. Believing that the Hutu had plans for genocide and total elimination of the Tutsi minority, maintaining control of the state and the subordination of the Hutu was the only way to preserve power. Hence, regime security became paramount.

The Tutsi's concern was probably well-founded, judging from Johan Galtung's theory of social rank equilibrium. According to Galtung (1964), in a system that consists of two ranked groups, i.e. groups that stand in a hierarchical relationship to one another and tend to be functionally integrated into society,<sup>35</sup> there is a constant pressure for structural change. Ranked groups are often a result of instrumentalist efforts to impose a power structure on society, often based on class (Horowitz, 2005), and there will therefore always be pressure to overthrow this system, which can happen if a social rank disequilibrium emerges. It is at the occasion when a social rank disequilibrium emerges that aggression is likely to arise. The threat of an overturn of the stratification of society would, because of the strict stratification along ethnic lines, be a death sentence to the Tutsi elite and Tutsi power. Maintaining the equilibrium was therefore vital.

Because relations between ranked groups tend to be rigid, a degree of social cohesion, often underpinned by clientelistic relations, usually exists. "Ranked systems may possess more social cement than unranked at some stages of their development", "but when the cement cracks in a ranked system, the edifice usually collapses" (Horowitz, 2005: 29). This is because conflict results from efforts of overturning the ranked order in society, and the crises provoked by the marginalisation of the groups at the bottom of the hierarchy. Episodes of violence in post-colonial Burundi has been instigated by alleged coup-plots by Hutu rebels, at which Tutsi army has responded violently. Clearly, the Tutsi has felt threatened by the demands for power by the majority Hutu.

Above the argument that post-colonial Burundi can not be characterised as a failed state was presented. However, as demonstrated, Tutsi dominance of all organs of the state meant that the state could no longer be seen as a protector of the Hutu. The inter-ethnic security dilemma, hence, is characterised as a situation in which one group's efforts to enhance own security, increases the insecurity of the other (Snyder and Jervis, 1999).<sup>36</sup> It is claimed to generate conflict among groups as each then fears that others will move against it and

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<sup>35</sup> As explained by Horowitz (2005), the relationship between ranked groups differs from unranked groups that are parallel and usually divided by ascriptive differences. In general, and as observed in Burundi, ranked groups are often a result of instrumentalist efforts to impose a power structure on society, often based on class, and groups stand in a strict hierarchy.

<sup>36</sup> Originally developed to describe relations between states in the international system, in the absence of a central governance body.



therefore it is compelled to act pre-emptively (Snyder and Jervis, 1999; Lake and Rotchild, 1996; Roe, 1999). Whether the situation in Burundi was a real security problem or rather a security dilemma based on perception and fear, the result was intensified fear of the other. In an environment where information of others' true intentions cannot be obtained, states or groups are inclined to make worst-case assumptions. As remarked by Jervis (1976), 'parties' previous experience with each other is crucial'. From a constructivist point of view, it is upon their perception of the situation that parties act, which leads on to the next section that addresses the role of psychological factors.

#### **4.4. Myths and symbols**

The discernible effects on ethnic relations of the neo-patrimonial logic were reinforced by powerful symbolic and cognitive elements. The use of myths and symbols related to the respective ethnic groups contributed to reinforce ethnic polarisation and instigating violence. Recalling that according to Brass (1991) and later Kaufman (2006), ethnicity is a particularly useful tool for mobilising people for conflict and battle because of the values, practices and traditions that is usually invested in ethnic groups, Kaufman (2001: 29) argues that "emotion commits one to action more than does the cost-benefit calculation of intellectual cognition." He argues that the most powerful appeal is done by evoking symbols that people link to myths which justify aggression. If such appeals simultaneously appeal to ideas that lead one to blame another group, those feelings are most likely to motivate people to want to fight.

Kaufman (2001) has developed a theory on the role of myths and symbols in ethnic conflict, labelled the myth-symbol complex theory.<sup>37</sup> While it is intended to explain why ethnic groups fight each other, it also goes a long way in explaining ethnic solidarity. Two roads to ethnic conflict are set forth: elite-mobilisation and mass-mobilisation. Mass-led mobilisation occurs spontaneously, often triggered by the lifting of some previously existing barrier to ethnic expression, such as state repression. It is fuelled by myths that justify ethnic violence and fear of group survival, and is characterised as a tipping balance process in which the increasing prospects for success motivate more and more people to

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<sup>37</sup> For another good theory on ethnic violence see Binder (2004).

join. In the case of elite-led mobilisation, on the other hand, group leaders mobilise their adherents through use of propaganda that justifies and calls for ethnic hatred. Both avenues to conflict proposed by Kaufman are centred on the invocation of myths and symbols associated with a group to trigger mobilisation.

In the case of Burundi it is clear that symbols and myths associated with ethnic groups have been used widely in the mobilisation of people along ethnic lines. The 1959 revolution in Rwanda, where the Tutsi oligarchy was overthrown, has been used as 'an omen' for what the future could bring and has caused a permanent fear among the Tutsi in Rwanda, in particular as pressures for democratisation increased.

A second incidence that came to be an important reference point in the history of Burundi was the 1972 killings. "When you kill upwards of 100 000 people in a country of 4 million people, you create a situation where there are enough bitter refugees, widows and fatherless children to plot an endless succession of coups" (Greenland, 1975). As the Hutu started focusing on their demand for power based on their demographic majority, the Tutsi, with reference to the genocide of 1972, defended their dominance based on a need for security (Rwantabagu, 2001).

The effect of invoking myths of the past was demonstrated in 1993, as widespread anti-Tutsi violence broke out. Lemarchand claims it was "a very clear interpretation of Ndadaye's assassination as the harbinger of a replay of the 1972 carnage" (Lemarchand, 1998). He cites a Hutu, who shortly after the news had reached his commune proclaimed that "back in 1972 they got us, but this time they won't!" and "since 1972 it is our blood that has been spilled! Now we hear that President Ndadaye has been killed. If they did that it means we are next!" From a Tutsi perspective, and in particular from extremists within the Tutsi community, the version reads quite different: arguing that the reckless killing of innocent Tutsi families is traceable to a carefully planned attempt to annihilate the Tutsi community, led by *Front pour la Démocratie au Burundi* (FRODEBU) leaders. Lemarchand (1998) claims that from this perspective, the only way to eliminate the threat would be to eliminate extremist FRODEBU elements, primarily those who had joined Leonard Nyangoma's *National Council for the Defence of Democracy* (CNDD).

#### **4.5. Conclusion**

This Chapter has argued that an analysis of conflict in Burundi should be grounded in a conception of the state as a neo-patrimonial state, and that because of the need to secure the self and hence the regime, ethnic categorisation of the population proved the most effective way of doing this. Looking at the state through a neo-patrimonial lens allows for discerning three processes that convened to cause the outbreak and persistence of conflict in Burundi. Firstly, clientelistic networks delineated along ethnic lines enabled the Tutsi to take control of the state and its resources, while completely marginalising the Hutu from power and access to rights. It was impossible for the Hutu to exercise their political rights (Lemarchand, 2006). Politics became ethnicised and the state privatised by the Tutsi elite. Secondly, this extreme marginalisation and exclusion of the Hutu caused the conflict over the state to be seen in zero-sum terms. Only an overthrow of the regime could lead to a change of the status quo, at least from the perspective of many Hutu that had felt this profound and increasing marginalisation over years. Maintenance of regime security hence became a constant and the number one concern of the Tutsi elite, as it was directly related to personal security and rights. To maintain regime security, the efforts at ethnic polarisation were intensified. The state became increasingly militarised, and the links between the military and the political elite were deepened. Finally, every sign of intent of the Hutu to rebel against the order that was imposed by the Tutsi elite was responded to by violent retaliation by the Tutsi army, causing the numerous incidences of civil unrest observed in post-colonial history (Lemarchand, 2006).

Having shed light on the processes that caused societal conflict and ethnic polarisation in Burundi, a pertinent question is ‘what does this mean for power sharing in Burundi?’ Three factors can be highlighted. Firstly, ethnic polarisation in Burundi is a result of elite-initiated processes in pursuit of specific political objectives, and has been reinforced by the way ethnic differentiation has been inscribed into the political realities and institutions of the state. Ethnicity came to define access and lack of access to institutions, power, rights and societal resources. This observation suggests that institutions could potentially also play a role in ‘undoing’ the process of ethnic polarisation and in establishing a new societal system not arranged around ethnicity. How, will be the focus of the analysis in the two

final Chapters. Secondly, the complex processes surrounding the gradual isolation of a large proportion of the population incurred by the neo-patrimonial state, highlights the need to address economic issues. Group rights must be paid attention to, as while individual rights must be ensured through laws that ensure equal rights for all citizens. The intimidation and violence on both sides of the ethnic divide calls for addressing psychological factors, issues of reconciliation and justice, in addition to institutional arrangements.

## Chapter 5: 1992. Burundi's first flirt with power sharing

*“While the Burundi government may seem justified in pursuing its present policies and in relying on tacit external support for the status quo, another option deserves to be considered. This is the suggestion, at first sight ridiculous, that the Tutsi government should agree to voluntarily share power with the Hutu” (Greenland, 1975:3).*

This early suggestion for power sharing in Burundi was set forth by Oxford scholar and teacher in Burundi for a number of years, Jeremy Greenland in 1975. Three years after the 1972 massacres, he predicted that increased rivalry over resources due to population growth, and that the return of refugees would alter power relations and that expectations towards democracy would rise as a consequence of Western education, and hence force a change to the status quo. Nonetheless, Burundi went through 20 years of civil strife before power sharing institutions between ethnic groups were established for the first time.

The focus of this Chapter is the first, and failed, attempt at inscribing power sharing in the Constitution and in the electoral system, undertaken in 1992. The second and current effort will be analysed in the following chapter. Based on the understanding developed in previous chapters with regards to the evolution of ethnic groups and ethnic relations in Burundi, the increased monopolisation of power and resources in society, and the ethnification of state institutions and politics, this Chapter aims to provide an answer to the first part of the research question- “how did the 1993 and 2004 power sharing agreements in Burundi impact ethnic group relations at the level of political elites?”, by going back to the early 1990s. To answer the question, the following steps will be included in the analysis. Firstly, political dynamics and actors surrounding the negotiation process for the shape power sharing institutions would take will be examined. The processes that shaped the formulation of specific provisions will be traced. This serves to outline the objectives of the actors involved in the negotiation and their specific interests. This also gives an idea of how specific provisions were incorporated in the Constitution and the electoral system, and in the case of 2004, in the Peace Agreement, to serve these interests. Secondly, election results will be examined in order to map the intended and unintended outcomes of the elections. Finally, observations from the period following the establishment of power

sharing institutions will be examined. This serves to observe how the political scene has evolved, how cooperation between parties and groups has developed and how ethnic relations have been impacted.

The framework of analysis will be the same for both power sharing agreements: The outcome of electoral engineering and efforts to promote inter-ethnic peace will be evaluated against Arend Lijphart's model of consociational democracy, as outlined in Chapter Two. Two aspects of the model will be central, namely the aspects that the four pillars are created to promote, firstly elite cooperation, and secondly, political security for the minority. The analysis focuses on how the grand coalition, minority overrepresentation and minority veto were attempted and what the practical implications of provisions to promote these pillars were.

The fourth pillar of consociational democracy, segmental autonomy, has not been attempted in Burundi, and is therefore not included in the analysis. Based on the observations above, there are reasons to question to what extent this would have been useful. As demonstrated in the historical part, the three ethnic groups have lived intermingled in all parts of the country, share a common religion and language, and political collaboration across ethnic cleavages has existed, albeit to varying extent, since the end of colonial rule. In the 1960s, UPRONA was a party supported by both Hutu and Tutsi. Efforts at reconciliation in the late 1980s also led to some cross-ethnic representation in political parties. In 1990 a Hutu became secretary general of UPRONA, after the party had been Tutsi dominated for decades (Reyntjens, 1993). In this context, introducing segmental autonomy would simply have reinforced the same divide consociational democracy was seeking to bridge. Instead, leading up to the 1993 elections there was a push for integration of ethnic groups into the same schools and political parties, and a discouragement of ethnic identification in cultural organisations (Sullivan, 2005). The assessment will therefore focus on elite cooperation and minority veto, while the above is considered sufficient reason to leave the question of whether segmental autonomy would have been useful out.

As the first power sharing agreement failed very quickly, the analysis will be focussed on why this agreement was so short-lived. The analysis of the second agreement, however, will rely on theory on both Consociational Democracy and Integrative Institutions, as components of both were included. The analysis will examine to what extent the pillars of elite cooperation, minority over representation and minority veto were present, and look at how their role impacted ethnic groups relations.

### **5.1. Towards reconciliation**

The first power sharing agreement in Burundi was preceded by domestic and international events in the late 1980s that spurred a radical change in the political climate. Internationally, Burundi came under increased pressure to deal with the ethnic conflict. Domestically, a coup d'état in September 1987 brought Major Pierre Buyoya, a Tutsi, to power (Gakunzi, 1998). While the coup appeared to be just another coup, not deviating from the regular way of ascending to power in Burundi, Buyoya signalled intent to address the ethnic problem. Few changes were made, however, and violence soon re-erupted. In an operation to 'restore order' in 1988, the armed forces killed an estimated 20 000 Hutu civilians in the northern municipalities, while near 60 000 fled across the border to Rwanda (Reyntjens, 1993).

Pursuant to the massacres, the government of Burundi came under significant domestic and international pressure to transform its approach to conflict management (Mohsen, interview 23 March 2007). The first steps towards reconciliation between the long dominant Tutsi government and the Hutu population were taken in 1991: President Buyoya enacted reforms that gave the Hutu elite a voice in government. Parity between ethnic groups was created in the national government by assigning a number of Hutu to high positions, including to the position as Prime Minister. Tutsi still remained in control of the most important ministries, however, such as defence, foreign affairs and the ministry of interior (Sullivan, 2005). Power sharing at this point was not codified; it relied on tacit agreement between leaders.

Another major step towards reconciliation was the creation of a 'National Commission to Study the Question of National Unity', tasked with looking closer at the problem of

ethnicity and with investigating the 1988 massacres. Whilst the report produced by the Commission was heavily criticised for missing the opportunity to engage in meaningful reconciliation and for placing the blame for ethnic cleavages solely on the colonial administration, some regarded it as useful as it for the first time acknowledged the existence of an ethnic problem and for initiating a national debate on ethnicity (Lemarchand, 1989; Ndarishikanye, 1998; Ndikumana, 1998; Reyntjens, 1994). The Commission's work culminated in a Charter of National Unity, adopted by referendum in February 1991. The Charter advocated nationwide reconciliation, and called for policies to end discrimination of Hutu in the education system and in the bureaucracy (Reyntjens, 1993; Rwantabagu, 2001). This laid the basis for the new 1992 Constitution, and created a climate of openness and tolerance never before observed in Burundi (Reyntjens, 1993).

## **5.2. The 1992 Constitution and the political landscape**

The draft Constitution of 1992 set out to install democracy in Burundi and to ensure participation of all segments of Burundi society.<sup>38</sup> The need for 'a spirit of national unity' was repeatedly mentioned, a phrase included in a total of 12 Articles. The provisions for the parliamentary elections stressed that all the 'component parts' of Burundi society had to be represented in the National Assembly and in the government. Unlike in 2005, however, this was not codified in the Constitution, nor did the electoral code include provisions to ensure such representation. Rather, ethnic referents were outlawed in institutions and in the campaign (Mohsen, 2007, interview 23 March 2007). Stringent restrictions were imposed on parties, causing some to withdraw while others ended up changing name (Reyntjens, 1993). Ensuring ethnic balance, however, was left to the discretion of the President who distributed the various portfolios in government.

Two political parties were competing for power in the first round of democratic elections- *le Front pour la Démocratie au Burundi* (FRODEBU) and the *Union Nationale pour le Progrès* (UPRONA). FRODEBU was a moderate, Hutu-dominated party, which had emerged in opposition to Tutsi-dominated UPRONA.

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<sup>38</sup> The 1992 Constitution is available at <http://unpan1.un.org/intradoc/groups/public/documents/CAFRAD/UNPAN004624.pdf>, accessed 10 January 2006



As observed above, the tendency to explain ethnic group relations in Burundi as an outcome of socio-economic differences and class was associated with Tutsi leaders, and the UPRONA-led government had consistently denied the existence of ethnic cleavages in Burundi. The party, e.g. through radio broadcasts and the press, used every available opportunity to stress that “we are all one nation we speak one language, we have the same customs” (Greenland, 1975:3). While being justified under the cover of promoting national unity, it served to justify ignoring Hutu claims to a proportion of power and to maintain the status quo (Tutsi domination) by making it more benevolent than it was (Greenland, 1975).

Upon introduction of a new electoral system, the parties to the negotiations over the future legislative framework were faced with the choice between including ethnic quotas and outlawing ethnic referents. The challenge was crystallised: ethnic quotas would have to mean a reduction of Tutsi power, due to the demographic weight of the Hutu. Without quotas, Tutsi could still aspire to a political majority and hence maintain their grip on power. Allied with FRODEBU and opening up for democratic transition, Buyoya was confident that he would be elected even in free and fair elections (Mohsen, interview 23 March 2007). This was likely a main rationale behind outlawing the ethnic referent in elections, a calculation that failed.

Despite having outlawed ethnic references in the campaign, as elections approached, the ethnic referent increased in salience. Representatives from UPRONA accused FRODEBU for being an ethnic party, and even physically intimidated Tutsi who had joined FRODEBU (Reyntjens, 1993). This only served to discredit UPRONA, as it was against the spirit of the Charter of National Unity that UPRONA had played a strong role in drafting, while strengthening the image of UPRONA as a Tutsi party. Being seen as a Tutsi party was clearly not in UPRONA’s interest, as demographics would work against the party. Despite rivalry and attempts at ethnic mobilisation, elections were considered free and fair by international observers. Voter turnout was high among those registered: 97,3% (Stenberg, 2005).

### 5.3. The first round of democratic elections

Out of twelve registered parties for the Presidential elections, only three set forth candidates: UPRONA, FRODEBU and the monarchist and predominantly Tutsi People's Reconciliation Party, RPR, whose candidate was a Hutu (Maundi et al. 2006). The 1992 Presidential elections resulted in a massive victory for FRODEBU's presidential candidate, Melchior Ndadaye, a Hutu, who received 64.75% of the total vote. Ndadaye became the first democratically elected President in the country's history. He was also the first civilian to hold the office.

In line with his promises, Buyoya took an unprecedented step following the elections: He accepted the defeat and stepped down. On losing, however, he writes that "(...) just because I did not have the right ethnicity. We had underestimated the weight of history. Despite the process aimed at national unity, the Burundis were captives of history, in the voting booth the ethnic reflex won the day."<sup>39</sup> (Gakunzi, 1998: 92)

**Table 1: Presidential Elections\*, 1 June 1993**

<i>Candidate (Party)</i>	<i>% of Votes</i>
Melchior Ndadaye (FRODEBU)**	64.75%
Pierre Buyoya (UPRONA)***	32.39%
Pierre-Claver Sendegeya (PRP)	1.44%

Source: African Elections Database<sup>40</sup>

\*The percentage of votes received by candidates does not add up to 100%, most likely (but unconfirmed) due to inclusion of the percentage of invalid/blank votes cast in the final results.

\*\*FRODEBU candidate Melchior Ndadaye was also supported by the People's Party (PP), Liberal Party (PL), and the Rally for the People of Burundi (RPB).

\*\*\*UPRONA candidate Pierre Buyoya was also supported by the Rally for Democracy and Economic and Social Development (RADDES).

<sup>39</sup> Author's translation from French. Original text: "Tout simplement parce que je n'avais pas l'ethnie qu'il fallait. Nous avons sous estimé le poids de l'Histoire. Malgré le processus d'unité nationale, les Burundi étaient encore prisonniers de l'histoire, et dans les isolements, le réflexe ethnique a repris le dessus".

<sup>40</sup> Available at <http://africanelections.tripod.com/bi.html>, accessed 23 March 2007

**Table 2: National Assembly Elections, 29 June 1993**

<b>Party</b>	<b>% of Votes</b>	<b>Number of (81)</b>
Front for Democracy in Burundi (FRODEBU)	71.40%	65
Union for National Progress (UPRONA)	21.43%	16
People's Reconciliation Party (PRP)	1.38%	-
Rally for Democracy and Economic and Social Development (RADDES)	1.23%	-
People's Party (PP)	1.13%	-
Rally for the People of Burundi (RPB)	0.66%	-
Independents	0.03%	-

*Source: African Elections Database*

*\*The percentage of votes received by political parties does not add up to 100%, most likely (but unconfirmed) due to inclusion of the percentage of invalid/blank votes cast in the final results.*

In the Parliamentary elections, FRODEBU gained a landslide victory, capturing 71.40% of the vote, against 21.43% for UPRONA. Of 81 seats, FRODEBU captured 65 and UPRONA 16. The system of proportional representation in multi-member constituencies and division by the D'Hondt method<sup>41</sup> translated into 80.2% of seats for FRODEBU (Reyntjens, 1993). From an ethnic point of view, the composition of the National Assembly was roughly 15% Tutsi seats and 85% Hutu seats (Gahama, 1995; Reyntjens, 2000; Sullivan, 2005). None of the other parties managed to pass the 2% nationwide threshold. Clearly, a system unfavourable to small parties had been chosen.

The domination of Hutu in both parties in the National Assembly meant that the Tutsi elite that had been in power since independence, and closely associated with power much further back, suddenly lost their grip on power, which was highly unexpected (Mohsen, interview 27 March 2007). Although a number of steps were taken by President Ndadaye to reassure the Tutsi, such as giving UPRONA a number of important posts in government, seven in total, and appointing a Tutsi to the position as Prime Minister, this was not

<sup>41</sup> The method chosen, the d'Hondt method for rounding and the list-based system is discussed in Blanc et al., (2006). In this version of the proportional system, the seats a party obtains are distributed according to the party list, in proportion to the share of votes obtained (Blanc et. al., 2006). A vote cast for a party that does not get a seat, is hence a wasted vote. The list can be closed or open, denoting whether seats are attributed to the candidates in the order they appear on the list, or open so that the electorate can change the preferred order of candidates. An alternative to the list-based system is the mixed member proportional system, in which part of the assembly is elected by majority voting and the rest by proportional voting. This does not really have any significant bearings on addressing the problem of security and guarantees outlined above.

adequate for Tutsi hard liners. A group of Tutsi immediately denounced the new institutional system and the 1992 Constitution as one that prescribed the Hutu as permanent winners and the Tutsi as losers, given the Hutu's demographic weight (UNDP, 2006).

Despite protests from hard-liners within the Tutsi camp, the elections were largely considered successful. Multi-ethnic parties had emerged, and the share of votes obtained by Hutu and Tutsi respectively corresponded roughly to their demographic distribution in the population. Although the multi-ethnic nature of parties seemed to have been a result of opportunistic behaviour of candidates, which will be discussed in detail below, and not necessarily a result of the campaign to promote a 'spirit of national unity', the fact that former Tutsi President Buyoya received more than 32 % of the vote indicates and a number of Tutsi supported the 'Hutu party' FRODEBU, indicate that voting had not strictly followed ethnic lines.<sup>42</sup> President Buyoya had lost, and consistent with democratic procedures, he stepped down and let his Hutu successor accede to power. The policy of elite cooperation between ethnic groups was continued by Ndadaye, who announced a government of National Unity and appointed several Tutsi to his government (Sullivan, 2005; Reyntjens, 1993). Ndadaye also kept his promise that the Prime Minister would be from another ethnic group than the President.

#### **5.4. Discontent emerges**

"The Proof of the Pudding is the Eating" stated Filip Reyntjens in a seminal article with the same name in 1993 (Reyntjens, 1993). Burundi's 1993 effort at democratic transition did not make it across the finishing line - it stumbled in the starting block due to discontent among the ousted elite. Already in July, the first attempt to put an end to the new government and seize the presidential palace was carried out by the army. Barely 100 days after taking office on 21 October 1993, Ndadaye was assassinated in an attempted coup d'état (Daley, 2006; Gakunzi, 1998). Massive violence broke out. It has been indicated that 15 000 to 20 000 Tutsi were killed and that probably just as many Hutu were massacred by the army (Lemarchand, 2006). The coup failed as the international community immediately

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<sup>42</sup> An analysis at the provincial level, in which FRODEBU received a larger percent of votes than what the Hutu proportion of the population correspond to, highlights this (Reyntjens, 2000).

condemned it. The coup makers also met considerable resistance from within the population. The power sharing agreement and the new Constitution were shelved.

A new government, governed under what came to be known as the Convention of Government was inserted, an effort led by UN Special Envoy to Burundi, Ahmedou Ould-Abdallah (Ould-Abdallah, 2000).<sup>43</sup> The Convention of Government suspended the Constitution, annihilated FRODEBU's electoral victory, and altered the power sharing formula to give the Tutsi 45% of portfolios in government (Reyntjens, 1996).<sup>44</sup> Rule under the Convention of Government lasted until 1996, when the army again seized power and reinserted Buyoya, the previous Tutsi President, as President. In this period, violence in the country was extreme (Gakunzi, 1998).

### **5.5. Analysis of the first power sharing agreement**

In assessing why the first power sharing attempt failed very soon after its insertion, two possible explanations present themselves: firstly, the agreement itself was deficient and did not cater to the various needs and interests of key actors in society. Secondly, the environment was not conducive to power sharing. A combination of the two would also be a possibility.

The first power sharing agreement had sought to address the issue of political security, identified in previous Chapters as paramount for the minority as well as for the majority, through a loose consociational model, specified in the Constitution as the requirement that 'all component parts of society would be included'. Political security for both the minority and the majority was supposed to be ensured through elite cooperation. What appears to be

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<sup>43</sup> It is beyond the scope of this paper to analyse the period that followed, as it was a period characterised by unconstitutional. However, it is interesting to note that while Reyntjens describes the period as a creeping coup, Ndarishikanye, (19988) claims that the Convention marked a turning point in Burundi politics as it governed state institutions while a new constitution was elaborated after a national debate. The Convention was a product of negotiations between two political coalitions, the FCD, centred on Frodebu, and the PPO, centred on Uprona. Maundi et al. (2006) on the other hand, praises Ould-Abdallah for preventing Burundi from becoming another Rwanda and manage to maintain calm in the country in the aftermath of the attempted coup. Negotiations over the future face of the state involved civil society representatives, a Hutu and a Tutsi bishop, the president of the labour union and a business person (Ndarishikanye, 1998).

<sup>44</sup> Reyntjens refers to rule under the Convention of Government as a 'creeping coup': Non-elected bodies dominated by representatives from the Tutsi elite monopolised power. The National Security Council, whose majority of members came from the opposition, was empowered to become the most important body of the state, and even held veto power in certain presidential matters (Reyntjens, 1996).

problematic, however, was that the grand coalition and minority overrepresentation was not codified in the Constitution or specified in the electoral system, but left up to the new President and government's discretion. Although they appeared committed, this did not seem to have provided sufficient guarantees.

### *Elite cooperation*

Beyond cooperation between the President and Vice-President, political actors from the two ethnic groups were also tacitly encouraged to cooperate in the government of National Unity, resembling a grand coalition, as "all component parts of society were required to be accounted for" (Constitution Art. 87). President Ndadaye clearly showed intent to continue the spirit of cooperation initiated by Buyoya. More than a third of Ndadaye's cabinet was Tutsi, and FRODEBU was only given 13 of 23 ministerial posts, despite their landslide victory. Ndadaye appointed a Tutsi as prime minister, while the Minister of Defence and the State Secretariat for Internal Security were two army officers who despite being independent were 'considered to be "close" to UPRONA' (Reyntjens, 2000). The steps taken to give Tutsi's influence in the government were supposed to create political security for the minority and allay Tutsi concerns. A problem, however, was that because the ethnic referent was outlawed, there was no apparent, clear effort to address the concern of the minority Tutsi. Further, no veto power was vested with the minority ethnic group on any issue.

A second problem with the aspired grand coalition was that elite cooperation was limited to collaboration between selected elites. The decision to undertake democratic opening had been a joint decision by Tutsi and Hutu elements allegedly handpicked by President Buyoya, and key opposition parties, such as *Le Parti pour la Liberation du Peuple Hutu* (PALIPEHUTU), were left out of the negotiations over the new legislative framework (Lemarchand, 1994). Chapter Two highlighted the challenges and potential spoiler problems with failing to make a power sharing agreement fully inclusive (Roeder and Rotchild, 2005; Stedman, 1997). Although it has been claimed that in Burundi, failure to include key stakeholders opened a window for extremists to interfere (Lemarchand, 1994), it is worth noting that it was not actors that had attempted to enter the political scene and

failed that ended up spoiling the transition to democracy, but actors from the army. Further, the fact that PALIPEHUTU was not part of negotiations was not a reason for the failure of the agreement, as PALIPEHUTU's ideology and *raison d'être* is based on a rejection of Tutsi domination and army reform and would not have been likely to enter into negotiations over quotas in the government. The *Forces Nationales de Libération* (FNL) is the armed wing of PALIPEHUTU.

### *Minority veto*

The second pillar of consociational democracy, minority overrepresentation, was present at the higher level of Burundi politics in the form of seven Tutsi receiving ministerial posts. Because of the absence of any mechanisms to ensure Tutsi representation in Parliament, however, and fact that ethnic referents were outlawed and not allowed as a basis for representation, meant that minority overrepresentation was very limited.

Adding to the problem of not being adequately represented, was the fact that the Tutsi did not gain enough seats in Parliament to attain the 20% blocking power that would have been needed to veto changes to the Constitution, which required a 4/5 majority (Reyntjens, 1993). The Tutsi was therefore not in a position to block changes that would appear threatening. The absence of such a veto seems to have constituted a second reason for the minority's perception that the situation did not provide adequate political security. Although specified by Lijphart that such a veto does not need to be formal, it is essential that it is a mutual understanding, which the response by the Tutsi indicated was not there.

Minority overrepresentation at the municipal level, however, was not part of the power sharing agreement (Sullivan, 2005). In the light of Lijphart's theory, the lack of minority overrepresentation at the lower level was a significant weakness of the power sharing formula. What seems to have been the most serious problem, nonetheless, and what caused disgruntlement among the Tutsi elite, was their marginalisation in both UPRONA and FRODEBU and consequently in the National Assembly.

The minority lacked veto power on important issues, but had maintained another veto,

however, a military veto. Recalling that the army had been dominated by Tutsi since the early 1960s, and has since, in close association with the Tutsi political elite, acted as a guarantor of Tutsi power, the lack of army reform was a significant problem with the attempted democratic transition (Boshoff and Very, 2006; Reyntjens, 1993). In the past, whenever Tutsi perceived a threat to power, the army had intervened to maintain the status quo. Reform of the army would therefore be necessary to remove the threat of new coups and to keep the army from playing a role in politics. As military reintegration started to threaten this ultimate protector, the army decided to use their veto and staged a coup in 1993. Although the coup failed, the 1992 Constitution was made history and democratic transition aborted.

## **5.6. Conclusion**

The first power sharing agreement between Hutu and Tutsi had failed after less than a year. Three weaknesses of the power sharing agreement, possibly explaining its quick failure, have been proposed in this Chapter. Firstly, the measures taken to ensure political security for the minority were at best weak. As ethnic referents were outlawed and no provisions for ethnic quotas were included in the Constitution, Tutsi representation was left to the discretion of the President. Although he appointed seven Tutsi to ministerial posts, this did not seem to be sufficient guarantees of interest to a Tutsi elite that had lost the grip they had held on power for decades. The 1993 elections had challenged the monopoly of power. Secondly, because of the weak performance of UPRONA and other Tutsi parties in the first round of elections, and consequently the lack of representation of Tutsi in the National Assembly, the Tutsi did not have a minority veto in practice. They did not have sufficient power to reject amendments to the Constitution and hence to ensure their political security. A third reason, which is an enabling factor rather than a reason for failure, was the fact that army reform was not initiated as part of the transition to democracy. This made it possible for the Tutsi dominated army to intervene when power slipped away from the Tutsi elite.

It is perhaps simplistic to argue that it was a missing pillar of the 1993 peace agreement, namely the lack of a minority veto, which triggered the attempted coup d'état shortly after the new government was inserted in 1993. However, the absence of sufficient political



guarantees to the Tutsi, coupled with a lack of army reform and continued dominance of Tutsi in the army, led to the new government's downfall when the army, the ultimate veto of the Tutsi elite, was threatened with reform.

The experience from 1993 highlights a major obstacle to electoral engineering in Burundi: While the history of ethnic groups in Burundi does not point in favour of institutionalising cleavages and forcing groups to vote along ethno-political lines, the absence of such a requirement leads the minority to feel that their political security is not sufficiently guaranteed. Whereas in light of history, the claim that minority was not sufficiently represented could be interpreted as just another effort by marginalised candidates to instrumentalise the ethnic question, and use the ethnic card for political purposes, there is little doubt that the minority Tutsi have substantial security concerns that must be addressed in one way or the other. The tacit arrangements provided by the 1992 Constitution were clearly not sufficient.

Despite the disastrous outcome of the attempt at democratic opening, the early 1990s had provided Burundi with a first experience with power sharing, highlighted as valuable by those that stress the procedural aspects of power sharing. The 1993 elections and their violent consequences triggered a restructuring of the political landscape in Burundi, marked by divisions within the Hutu political class, between moderates and extremists and between advocates of violence and non-violence (Daley, 2006). The political landscape became multi-polar. The number of armed movements associated with the new parties also increased, however, which caused the security situation to deteriorate further.

This set the stage for the next round of peace negotiations, which started in 1999. The next Chapter will assess the second effort at power sharing. The question of how and to what extent lessons learned from the 1993 agreement were taken into account in elaborating a new power sharing agreement and electoral framework will be studied closer.

## Chapter 6: Peace at Last?

*“No other constitution on 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” (Lemarchand, 2006: 12).*

In 2005, Burundians went to the polls and voted for a new Constitution. The Constitution was the culmination of five long years of negotiations, and the referendum was followed by elections at all levels. The elections marked the start of Burundi’s second effort at power sharing, which is the focus of this Chapter. The aim is to answer the second part of the research question “how did the 2005 power sharing agreement affect group relations”, looking back at the first two years of its existence. Like the previous chapter, the focus will be on the negotiations that led up to the agreement, the particular provisions in the Constitution and the electoral code that defined the rules for power sharing, observed developments in elite cooperation in particular and at the political scene in general. Changes made from the first power sharing agreement to the second one are highlighted and their significance discussed.

The Chapter will start off by a brief review of the period leading up to signing of the peace agreement, and contextualises events by focussing on changes in the implementation environment of the peace accords. The second part of the Chapter then goes on to review results from the 2005 elections, which serves to shed light on a number of intended and unintended effects of the particular electoral provisions with regards to ethnic relations. The final part follows the same model of analysis as Chapter Five and examines outcomes against the pillars of Consociational democracy. The analysis differs from that of the previous Chapter in that it also looks at the integrative aspects of power sharing.

### 6.1. Negotiations and contextual changes

After President Buyoya was reinserted following the coup d’état in 1996, he moved “slowly and cautiously towards negotiations” (Reyntjens, 2005). Before looking at the interim period, three contextual changes that greatly impacted the negotiations and the

process of putting in place new institutions deserve to be highlighted. Firstly, the formerly bi-polar political landscape had become multi-polar, with a number of new actors joining in the process. The number of parties had increased from four in 1996 to 17 by 2000. This had started changing after 1993, and the initial proliferation of actors and parties were mainly splits from the main parties between moderates and radicals (Lemarchand, 2006). After negotiations had started in the late 1990s, a number of political parties also emerged because of the prospects of gaining representation in the National Assembly and a seat in government. Out of these ten were Tutsi-dominated and seven were Hutu-dominated. Most of these did not have a constituency going beyond relatives and friends; their main concern was to position themselves for government jobs (Lemarchand, 2006). Having several political parties competing for the vote of the ethnic constituencies was a major change from 1993. Simultaneously, politicians and civil society had adopted a more moderate approach to politics than in the early 1990s (Reyntjens, 2005).

A second difference from the early 1990s was that the negotiations over the peace agreement had been much more inclusive than those leading up to the adoption of the 1992 Constitution; they had been more or less open to all stakeholders. During negotiations in Arusha, nineteen interest groups were gathered: 17 political parties, of which 10 were Tutsi dominated and seven Hutu), plus representatives from the government of Burundi, the National Assembly and the army (Daley, 2006). FRODEBU and UPRONA both included Tutsi and Hutu members, whereas extremist Tutsi *Parti socialiste et pan-africaniste (Ikinso)* and *Parti pour le redressement national (PARENA)*, and the Hutu *PALIPEHUTU* only had single-ethnicity membership (Daley, 2006). Significant internal divisions surfaced within the ethnic groups, however, these grouped themselves into two coalitions - the G7 (Hutu parties) and the G10 (Tutsi parties). Negotiations were marked by disagreements on many fronts, in particular over power sharing (Daley, 2006). While the proliferation of parties injected a certain flexibility into the negotiation process, the sheer number of actors complicated efforts to reach decisions by consensus (Lemarchand, 2006).

A third contextual change of great significance to the implementation environment was that army reform had been initiated (ICG, 2004). Rebel forces had been integrated into the

national army and an integrated high command (FAB-FDD) had been created. The main insurgent movement, the CNDD-FDD, had been successfully integrated into politics after 1993 (ICG, 2004; Lemarchand, 2006).<sup>45</sup> These structural changes reduced the immediate danger of renewed violence (Boshoff and Very, 2006; ICG, 2006). One rebel movement had refused to commit to a cease fire, however, the FNL, and did not sign a cease fire until 7 September, 2006 (ICG, 2006).<sup>46</sup>

Negotiations were initially mediated by former President of Tanzania Julius Nyerere, with strong support from the Carter Centre (Lemarchand, 2006). When Nyerere passed away in 1999, Nelson Mandela, assisted by Deputy President of South Africa, Jacob Suma, took over. The negotiations led to the signing of the Arusha Peace and Reconciliation Agreement in 2000 (hereafter referred to as the Arusha Agreement)<sup>47</sup>, initiating a transition that was scheduled to last for 36 months (Lemarchand, 2006). In line with the Arusha Agreement, a Transitional Constitution was promulgated in October 2000 to guide the work of the Transitional Government.<sup>48</sup> The Arusha Accord contains five protocols, of which the second addresses democracy and good governance. This Protocol set out principles for the post-transition Constitution, which would be adopted by referendum before the end of the transitional period, and stipulated power sharing.

According to the Transitional Constitution, the leader of UPRONA, Pierre Buyoya, accompanied by a Hutu vice-minister, would remain in power for the first 18 months. After 18 months, a candidate from FRODEBU, accompanied by a Tutsi vice-minister, would assume the Presidency (Lemarchand, 2006).

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<sup>45</sup> Whereas several rebel movements had been incorporated into the Arusha agreement by signing cease fire agreements with the transitional government, the CNDD-FDD signed a separate agreement (the Global Cease Fire Agreement), as they refused to sign the Arusha agreement. The Global Cease Fire Agreement outlined the distribution of defence and security posts and the DDR process. The CNDD-FDD were to receive 40 per cent of the posts at the integrated high command headquarters level and 35 per cent of the police and intelligence services. Posts were to be distributed between equal numbers of Hutu and Tutsi (ICG, 2004).

<sup>46</sup> BBC World News, 7 September 2006, <http://news.bbc.co.uk/2/hi/africa/5323328.stm> (accessed 10 January 2006). Agreement: [http://www.unburundi.org/facts/doc/Ceasefire\\_7-9-06.pdf](http://www.unburundi.org/facts/doc/Ceasefire_7-9-06.pdf) (accessed 10 January 2006).

<sup>47</sup> The Arusha Agreement is accessible at the website of the Institute for Security Studies at <http://www.iss.co.za/AF/profiles/Burundi/arusha.pdf>, accessed 20 January 2007. The five protocols are Protocol I "Nature of the Burundi Conflict, Problems of Genocide and Exclusion and Their Solutions", Protocol II "Democracy and Good Governance", Protocol III "Peace and Security For All", Protocol IV "Reconstruction and Development" and Protocol V "Guarantees on Implementation of the Agreement"

<sup>48</sup> UN Press Release SC/7199, 8 November 2001, available at <http://www.un.org/News/Press/docs/2001/SC7199.doc.htm>, accessed 20 January 2007

The three year long transition period was used to bring groups that had not signed on to the peace agreement onboard. The main rebel group, the CNDD-FDD, remained outside the political process until 2003. Having emerged as the military wing of FRODEBU in 1994 after the assassination of Ndadaye, the group fought against what it perceived to be a problem of “ethnic apartheid” (Maundi et al., 2006). Its main objective was to secure army reform in order to protect the political leadership that could carry out political reform without having Tutsi military actors intervene to protect its role (ICG, 2004). The CNDD-FDD has refused to accept ethnic quotas, which was its primary reason for rejecting the Arusha Agreement. The group also rejected the Arusha Agreement, arguing that it only echoed an alliance between FRODEBU and UPRONA, aimed at restructuring the status-quo (ICG, 2004). Instead, the CNDD-FDD signed a separate protocol with the transitional government, the Pretoria Protocol Concerning the Sharing of Political Power, Defence and Security on 8 October 2003 (hereafter referred to as the Pretoria Protocol).<sup>49</sup> The Pretoria Protocol outlined provisions for transitional power sharing and delineated the post-transition political dispensation, which the transitional government translated into a post-transition Constitution (Lemarchand, 2006). Despite significant progress, the deadline for the end of the transition, 1 November 2004, was not met, and elections were re-scheduled for the following year.

Having sketched out the new environment in which the Constitution was adopted, the next section looks in detail at the technical changes to the Constitution and electoral laws made from 1993 to 2005. A difference that becomes immediately clear is the fact that unlike in 1993, ethnicity was in 2005 recognised as a factor to be accounted for in order to ensure a peaceful and sustainable transition to democracy. The 2005 Constitution explicitly recognised ethnicity in the institutions of the state and seeks to accommodate these rather than brush the issue under the carpet like before (Mohsen, interview 27 March 2007).

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<sup>49</sup> The Pretoria Protocol is available at [http://www.usip.org/library/pa/burundi/burundi\\_10082003.html](http://www.usip.org/library/pa/burundi/burundi_10082003.html), accessed 1 December, 2006. The guarantees made to the CNDD-FDD included four ministries, including a Minister of State, the second-Vice President and 15 members of the National Assembly.

## **6.2. Continuities and innovations from 1993**

The 2005 Constitution is both consociational and integrative in nature. It is consociational in that it prescribes mechanisms for elite cooperation and stipulates minority overrepresentation, whereas it is integrative in that it incorporates specific provisions to ensure multi-ethnic parties.

Elite cooperation and minority over-representation is ensured by a number of provisions in the 2005 Constitution. Recalling that the 1993 Constitution did not recognise ethnicity as a basis for representation, this is a major change in approach. A firm effort was made to ensure political security for both the minority and the majority by taking the ethnic factor into account in distribution of seats in the National Assembly and the Government. The 2005 Constitution requires the President to be accompanied by two vice presidents, one Hutu and the other Tutsi. The Vice-Presidents must also come from different political parties (Art. 124). In the government, any party that gains more than five percent of votes is entitled to a number of ministers proportional to its share in Parliament. Out of the ministers, 60% must be Hutu and 40% Tutsi (Art. 129). The Minister of Defence can not be from the same ethnic group as the Minister for the National Police (Art. 130), a disposition that is clearly derived from the history of abuse of the armed forces and the security forces.

The legislature consists of two chambers, a lower chamber, the National Assembly, and an upper chamber, the Senate. In addition to the requirement that 40% of ministers be Tutsi, minority overrepresentation is further required in the National Assembly. In the National Assembly, like in the government, 60 % of representatives will be Hutu and 40 % Tutsi, hence more than doubling the demographic weight of the latter (Art. 164). The Constitution clearly stipulates that if ethnic quotas are not realised through elections, adequate representation must be ensured through co-optation. Three Twa will be co-opted for the National Assembly. The threshold for political parties to get a seat in the National Assembly remained at 2% (Art. 169), while an innovation was that opposition parties that gets less than 5% of the national vote would be entitled to a compensatory seat in the National Assembly, strengthening the opportunities for small parties.

The Senate is another innovation that did not exist in 1993, when the legislature was unicameral. The Senate is composed of equal numbers of Hutu and Tutsi. Two members from each province, a Hutu and a Tutsi, are elected to the Senate by an electoral college made up of the municipal councillors (Lemarchand, 2006; Reyntjens, 2005). Finally, the 2005 Constitution differs from that of 1992 in that it includes over-representation at the local level: Maximum 67% of mayors will belong to one ethnic group.

While the 1993 Constitution was limited to highlighting the principle that all component parts of Burundi society ought to be represented at the national political scene, the 2005 Constitution makes a firm effort to promote multi-ethnic parties and ensure inter-ethnic cooperation at the level of political parties. It requires that on every party list, every second candidate must be from a different ethnic group than the two previous ones (Art. 168). As a result, any party that receives more than three seats in the National Assembly will include both Hutu and Tutsi representatives. As such, it is also integrative.

The above sketches out the major innovations resulting from the Arusha Peace Process and highlights the main mechanisms for ensuring that the political security of both the minority and the majority is taken into account. A number of elements that caused problems in 1993, highlighted in the previous Chapter, remained unresolved, however. Like in the early 1990s, a major debate was how to deal with the issue of ethno-political representation. Should ethnic representatives assigned to posts in the government or co-opted for Parliament be affiliated with traditional 'Hutu' and 'Tutsi' parties? While this clearly would contradict efforts to promote multi-ethnic parties and efforts to move away from ethnic party labels, hard-line Tutsi worried that Tutsi aligned with 'Hutu' parties would be assigned to posts reserved for Tutsi in the Government and Parliament, and argued that it would be better if politico-ethnic-affiliation was taken into account, i.e. insisting that Tutsi would have to belong to Tutsi parties (Lemarchand, 2006; Reyntjens, 2005). Like in the first power sharing agreement, the choice was made not to include ethno-political affiliation as a criterion in the power sharing formula. Again, this was a major reason why the hard-liners among the Tutsi initially opposed both the Arusha Agreement and the draft post-transition Constitution. Evidently, a trade-off had to be made.

In sum, the new Constitution clearly sets out to strengthen the multi-ethnic nature of parties and create elite cooperation at the highest level. While provisions are made for minority over-representation to a much larger extent than the former peace agreement did, a number of paradoxes have not been solved. The results from the first round of democratic elections highlight some of these.

### **6.3. The first round of democratic elections**

Five rounds of elections were held in 2005, if the referendum on the 2004 Constitution on 28 February 2005, is included. Elections at the municipal level were held on 3 June, for the National Assembly at 4 July, indirect elections for the Senate on 29 July and finally, indirect elections for the President followed on 19 August (Lemarchand, 2006). Although elections were preceded and followed by large-scale violence and intimidation, they were largely considered free and fair (Reyntjens, 2005; Norwegian Ministry of Foreign Affairs, 2006; Stenberg, 2005). This section reviews the election results to get a picture of how the various provisions to promote power sharing and integrative institutions played out.

#### *Legislative elections*

Recalling that the CNDD-FDD had laid down weapons and joined politics only in 2003, it was popular because it abandoned the ethnic discourse, and stood aloof from UPRONA and FRODEBU (Reyntjens, 2005). Prior to the legislative elections, a large number of candidates had gone from FRODEBU to the CNDD-FDD, perceiving this as the most promising bandwagon. Many Tutsi supported this party, despite its Hutu origins, for reasons of political opportunism. They realised that they had a better chance of being elected in a 'Hutu party' than in a 'Tutsi party' (Lemarchand, 2006).



**Table 3 National Assembly Elections, 4 July 2005**

<b>Party</b>	<b>% of Votes</b>	<b>Number of Seats 100 (118)*</b>
National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD)	58.55%	59 (64)
Front for Democracy in Burundi (FRODEBU)	21.70%	25 (30)
Union for National Progress (UPRONA)	7.21%	10 (15)
National Council for the Defense of Democracy (CNDD)	4.14%	04 (04)
Movement for the Rehabilitation of Citizens-Rurensangemero (Rurensangemero)	2.14%	02 (02)
Party for National Recovery (PARENA)	1.74%	- (-)
Independents & Others	4.51%	- (-)
Seats reserved for ethnic Twa members	-	- (03)

Source: African Elections Database

\*100 seats were filled based on the election results; The remaining 18 seats were allocated based on the constitutional requirement that 60% of seats are filled by ethnic Hutu, 40% by ethnic Tutsi, 30% by Women, and 3 by ethnic Twa. Figures in parentheses reflect the distribution of seats after these requirements were met.

The CNDD-FDD won 58% of seats in Parliament, which translated into 59 seats (ICG, 2006; Lemarchand, 2006). FRODEBU got 21.70 % of the vote, or 25 seats. The Tutsi parties only received around 9 percent of the vote. UPRONA was the only ‘Tutsi party’ which managed to receive more votes than the 2% threshold, although it represented 5% of the Tutsi vote and hence got 15 seats (Reyntjens, 2005). *Le mouvement pour la rehabilitation de citoyen* (MRC) got 2 seats. As a smaller number of Tutsi than prescribed in the Constitution was elected for the National Assembly, article 164 was used to authorise the Electoral Commission to co-opt 18 deputies (four Hutu, 11 Tutsi and three Twa, see Table 3). The CNDD-FDD ended up with a comfortable majority, although short of the required two-thirds majority needed to pass legislation. The party thus needs to develop partnerships across political and ethnic lines.

The CNDD-FDD emerged from the elections as the most multi-ethnic party: 30% of elected MPs were Tutsi. While a result of political opportunism as mentioned above, this was also largely a consequence of the requirement of mixed party lists. The multi-ethnic character has by many observers been characterised as a direct result of constitutional engineering, and might therefore not be such a good indicator of the ‘disappearance of the

ethnic factor'. Along the same lines, no Hutu was elected for UPRONA, as the party did not get more than one candidate elected in each province and hence only Tutsi were elected (Reyntjens, 2005).

### *Presidential elections*

In the presidential elections, the chairman of CNDD-FDD, Pierre Nkurunziza, won a landslide victory (Reyntjens, 2005). He appointed his vice-presidents, Martin Nduwimana (UPRONA) and Marina Barampana (CNDD-FDD).<sup>50</sup> Labelling the ministers in government according to the criteria of ethnic representation, however, proved very difficult. Apparently, no lists with ethnic affiliation existed, and lists with information intended to confuse people started to circulate.<sup>51</sup> Ethnic composition ended up being approximate to the requirements, but political composition failed to meet the requirements that portfolios should be attributed according to their proportion of seats in Parliament. The CNDD-FDD became overrepresented, while UPRONA and FRODEBU became underrepresented. They should have obtained two and five portfolios respectively, based on their election results (Reyntjens, 2005: 130). Rather, seats were given to other parties: in other words, the CNDD-FDD was being generous but at the expense of UPRONA and FRODEBUs (Mohsen, interview 10 April, 2007).

Despite the apparent success of the elections, the emergence of multi-ethnic parties and representation of Hutu and Tutsi in the institutions according to the Constitution, the post transition period has been turbulent. The next section analyses how the prerogatives for power sharing and ethnic representation have played out in politics, with an aim to assess to what degree these checks and balances have had the intended impact and hence may contribute to sustain the current political system.

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<sup>50</sup> Barampana was replaced by Gabriel Ntiseserana on 9 February 2007, after refusing to support the dismissal of CNDD-FDD party President Hussein Rajabu

<sup>51</sup> Comment from Roar- the President has alternated between claiming that he is from Hutu or Tutsi origins, which clearly highlights the problem with ethno-political affiliation.

## 6.4. Assessment of the power sharing agreement

### *Elite cooperation*

As demonstrated above, the Constitution and the electoral system include several prerogatives to ensure elite cooperation, and several new checks and balances have been incorporated into the legislative framework to ensure that cooperation runs smoothly. The system is still in place, however, a number of problems have surfaced. What has become evident from the first period of governance is that despite new mechanisms put in place to enforce elite cooperation, there are loopholes in the system. The survival of elite cooperation still depends to a large extent on political will of the ruling party. This is particularly the case since the CNDD-FDD is so dominant. Developments in an authoritarian direction, away from elite cooperation, were reported in the early period following the elections (Economist, 2007).

Following the 2005 elections, the government early on demonstrated a lack of commitment to elite cooperation as it failed to fulfil the ministerial quotas according to the Constitution (Norwegian Ministry of Foreign Affairs, 2006). FRODEBU was given three ministries instead of the five the party was entitled to, based on its election results, while UPRONA only got one ministry instead of two. Rather, ministries were accorded to three parties with less than 5% each.<sup>52</sup> This led to a ‘marked deterioration in the country’s political climate’ (Norwegian Ministry of Foreign Affairs, 2006; ICG, 2006). Lack of cooperation at the highest level also came to the fore in March 2006, when FRODEBU Chairman, Léonce Ngendakumana, decided to withdraw his party from the government and enter the opposition. He cited failure of the CNDD-FDD to consult with other parties in the government on key policy decisions and accused the government for violations of human rights (Lemarchand, 2006). Three of FRODEBU’s cabinet ministers, however, refused to withdraw and the party remained in the governing coalition.<sup>53</sup>

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<sup>52</sup> These three parties were the Party for National Recovery (PARENA), Movement for the Rehabilitation of the Citizen (MRC) and Inkiso

<sup>53</sup> <sup>53</sup> Economist, 27 August 2005, available at [http://www.economist.com/world/africa/displaystory.cfm?story\\_id=E1\\_QPNPNSD](http://www.economist.com/world/africa/displaystory.cfm?story_id=E1_QPNPNSD) (accessed 11 Jan, 2007)

While the above problems highlight that despite the significant checks and balances introduced by the constitution in order to ensure elite cooperation, the governance pact still remains ultimately reliant upon political will and the intent of the majority to include the minority in the political process. The deterioration in elite cooperation in the months following elections demonstrates that there are limits to what Constitutional provisions can ensure. What has also become clear, however, that there are deficiencies in the checks and balances included in the Constitution and the new legislative framework. Many of these also stem from political factors.

According to the Constitution, the President names governors, judges to the Supreme Court and Constitutional Court, directors of state companies and top administrative officials. Although the Constitution lays out several checks on this power, these are not effective in the current situation. One requirement is that the President must consult with the vice-presidents on all appointments, for then to be approved by the Senate. However, as the CNDD-FDD controls 65% of the seats in the Senate and UPRONA Vice-President, Martin Nduwimana, so far has not turned down a nomination, these checks and balances are not real. Also, the opposition is weak and divided, making control over the executive difficult. So far the opposition has not dissented from any legislation, nor initiated any commission of inquiry. It should be noted that the leaders of all eight Parliamentary Commissions are from the CNDD-FDD (ICG, 2006).

A related issue that has emerged with regards to elite cooperation has been the removal of elected public officials, heads of state companies, local administrators and officials in the court system in favour of CNDD-FDD officials. This has been possible as the Commission intended to supervise appointments has not yet been set up (ICG, 2006).

A third problematic development when it comes to elite cooperation is the increased centralisation within the ruling party, the CNDD-FDD. Since elections there have been multiple signs of internal tensions. Early on it became clear that the real source of power in Burundi politics was President of the CNDD-FDD, Hussein Rajabu, with some arguing that it was the President of the CNDD-FDD who controlled the country (Norwegian Ministry of Foreign Affairs, 2006). The party leader substituted several party members by

members of his own grouping, a small Muslim group. The second vice-president, Alice Nzomukunda, left the government on 5 September 2006 due to lack of political space within the party (Lemarchand, 2006). In an account from a CNDD-FDD party rally, the Economist reported that Mr. Rajabu had split a cockerel's throat and let an eagle feed on its entrails. "This would be a harmless spectacle but for the fact that the eagle and the cock are also the respective mascots of the CNDD-FDD and its main competitor, the FRODEBU."<sup>54</sup> Mr. Rajabu was dismissed from his position on 7 February 2007, resulting in a split within the CNDD-FDD. At the time of writing, the extent and consequences of the ongoing political crisis was uncertain. It has been noted that the split does not follow ethnic or religious lines, which begs the question whether new lines of divisions are taking on increasing importance (Mohsen, interview 10 April 2007).

In sum, the above examples indicate that needed checks and balances on the executive are defiant. Most of these problems are related to tardiness in implementation of Constitutional provisions and are thus indicators of a failure of the executive to comply both with formal and more informal agreements of elite cooperation. In the absence of adequate political will to promote elite cooperation, the minority has at several occasions tried to speak up, but so far no political crisis has been large enough to destabilise the system. The elite cooperation aspect of the power sharing system must thus be considered to be working reasonably well. The next section looks at how minority interest is protected and represented with the new power sharing agreement.

### *Minority protection*

When it comes to protection of the minority's political security, problems that have emerged do not seem to stem from the power sharing agreement itself, but rather from the difficult relationship between the political majority and minority.

While minority representation is evident as a function of the requirement of having 40% of ministers and representatives in the National Assembly be Hutu, a just as important mechanism to ensure the political security of the Tutsi has been representation within the

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<sup>54</sup> Economist, 27 August 2005

ruling party. As seen from the election results, the Tutsi is heavily represented within the CNDD-FDD (50%). Clearly, this has provided a buffer against marginalisation of the Tutsi. It seems that ethnic factor has somewhat disappeared, and that minority protection has been sufficient to avoid a relapse into conflict.

## **6.5. Conclusion**

Two years after its insertion, the Burundi government is still in place, and Nkurunziza is still alive. What are some factors that potentially explain the survival of the current power sharing agreement? First and foremost, the way the ethnic factor has been recognised and incorporated into all levels of the political scene is not to be underestimated. Tutsi over-representation in the National Assembly and in the government, by being heavily represented within the ruling party and by having parity with the Hutu in the Senate, seem to have allayed major concerns over political security for the minority Tutsi. In contrast to in 1993, it has been sufficient to hinder a return to violence. As discussed above, the new legislative framework also contains a number of provisions to ensure checks and balances on executive power.

The transition to democracy has been successful in that a number of political parties representing different interest groups have been created, some of them multi-ethnic. A more pluralistic and fragmented political environment, in which cross-ethnic allegiances have emerged, have reduced the risk of bi-polar confrontation between the two major ethnic groups (Lemarchand, 2006). Although it is claimed that the inter-ethnic cooperation within political parties, primarily within the ruling CNDD-FDD, is a direct result of electoral engineering, recent events testify to a shift in allegiances. As Rajabu was dismissed, divisions within the ruling party did not take ethnic lines, despite attempts from Rajabu to invoke ethnic accusations. Although this can by no means be interpreted as solid evidence that cleavages have found new lines, it indicated a change on the political scene.

Despite these observations that bode positively for the success of the new political system in Burundi, the post-transitional period has also been quite turbulent. The many problems experienced in the relationship between the majority and the opposition as well as within

the ruling party, highlight an important limitation to power sharing: A constructive dynamic between opposition and majority can not be ensured through laws and regulations, but ultimately rests dependant on political will. As the power sharing agreement does not touch on circumstances internal to parties, even integrative electoral legislation can not ensure that parties will be democratic internally. Authoritarian tendencies within the CNDD-FDD have impacted cooperation between the different groupings within the party, while also affected its cooperation with the opposition. Ensuring a healthy political dynamic was given precedence when President Nkurunziza decided to dismiss the party President, Hussein Rajabu, however, which can be interpreted as a sign of commitment to democratic politics.<sup>55</sup>

Overall, it seems that despite a number of deviations and slack in implementation of the 2005 power sharing agreement, so far checks and balances have been sufficient to avoid a governance crisis. Political cleavages do no longer run primarily along ethnic lines, a major achievement in light of the objectives of the chosen legislative framework.

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<sup>55</sup> It should be added that President Nkurunziza was under significant international pressure to dismiss Rajabu (Mohsen, interview 10 April 2007).

## **Chapter 7: Conclusion**

The thesis aimed to assess what role power sharing institutions have played in Burundi's democratic transition. Two sub-questions were posed: First, how did the 1993 and 2004 power sharing agreements in Burundi impact ethnic group relations at the level of political elites? Second, has Burundi managed to 'take the best' from two models of power sharing and hence enhance the contribution power sharing can make to sustainable peace? This final Chapter summarises lessons learned from Burundi, and discusses how these could be relevant for peacebuilding in other states emerging from civil war. The Chapter will draw attention to the limits of power sharing, propose measures that could potentially enhance the impact of power sharing institutions. Before going on to the main conclusions of the study, limitations of the study and issues that needs further research will be highlighted, as these qualify the conclusions that will be drawn here.

### **7.1. For future investigation**

The research design of the thesis was limited to focusing on a very brief time period in the history of Burundi - it concentrated only on the period immediately surrounding the two power sharing agreements. As the analysis did not account for the events or the time period in-between the two agreements, it is not possible to draw conclusions on whether it is the power sharing agreement itself or the processes that put the agreement in place that played the most important role in creating current political dynamics in Burundi. Looking at the dynamics and processes of the interim period could have been useful in understanding the particular provisions of the second power sharing agreement better and shed light on the potentially important learning experience power sharing rule under the Convention of Government provided. Whether the apparent success in Burundi is a result of power sharing institutions, or rather of the process of institutionalising power sharing, the environment surrounding the new institutions, war fatigue and political leadership are questions which this thesis in isolation therefore can not serve to answer.

Another limitation of the investigation is its focus on the political sphere, and not on economic factors or the impact of external actors. A more holistic assessment would



certainly have made for a richer analysis and a more thorough understanding of the factors that are crucial to the sustenance of democracy in Burundi, however, the scope of the thesis means that this has been left for future research.

Finally, the analysis has been concentrated only at the national level. In a country where regional divisions and local politics are of great importance, leaving out these dimensions clearly limits the utility of analysis and the scope of understanding of the society in focus, which ought to be kept in mind by the reader.

## **7.2. Burundi's choice of power sharing model**

The number one challenge for the design of democratic institutions and a new electoral system in Burundi was that at first glance, the ethnic cleavage between Hutu and Tutsi and their claims to ethnicity-based representation seemed to be the overarching problem to be addressed. As the Hutu grounded their demands for political power in their demographic majority and the Tutsi founded their rhetoric in the quest for power upon the need for political security and rightful entitlement to over-representation based on the traditional leadership role they had played throughout history, claims were virtually incompatible. The demographic imbalance between the two groups – roughly 15% Tutsi and 85% Hutu – meant that finding a 'fair' formula that would not leave the Tutsi in permanent minority and hence risk exclusion from political influence, while addressing the Hutu demand of a share of power corresponding to their numeric majority, would be at best difficult. For both groups, physical and political security were closely intertwined and at first glance, rested upon ethnicity-based representation. This was explicitly stated by the Tutsi, whereas the Hutu tended to downplay the ethnic referent, resting assured that in the absence of ethnic requirements, they would maximise their power due to their numeric strength. Ethnic demands took on a high profile in the negotiations over post-conflict institutions.

Despite the apparent importance of ethnicity in Burundi, as the historical analysis in this thesis has demonstrated, ethnicity as a basis for political mobilisation and loyalty was clearly an artificially constructed identity and a consequence of manipulation and instrumentalisation throughout colonial and post-colonial history. Ethnic groups in Burundi

became transformed from cultural to political communities in the context of changing institutions, first in the colonial era and later in the post-colonial period. The Tutsi gradually monopolised the institutions of the state, asserted their dominance in all spheres of society, and applied control of state institutions to establish a political system that totally marginalised the Hutu.

The fact that political structures had played a major role in shaping ethnic identities and in instrumentalising ethnicity suggested that institutions could be used to reverse the processes that had caused exclusion, marginalisation and ethnic conflict. The challenge was hence to design an institutional and electoral system that could take ethnic identity and security, political and physical, into account, while encouraging other cleavages to surface and promote cooperation across ethnic lines.

The assumption that institutions would have to play a role in reversing the processes of marginalisation and exclusion that had marked Burundi in the post-colonial era was further supported by an analysis of Burundi through a neo-patrimonial lens. As observed in the thesis, neo-patrimonial networks in post-colonial Burundi had applied the ethnic referent and made use of ethnic loyalties to ensure the flow of resources to the Tutsi elite, and to ensure physical and political security for followers. The underlying reason for ethnic mobilisation was hence not an inherent ethnic conflict as it appeared on the surface - but rather to ensure individual and group rights, the flow of resources and security. The neo-patrimonial logic of regime security which had underpinned political mobilisation and the instrumentalisation of ethnicity therefore suggested that to break with the past, one had to open up alternative channels for accessing physical and political security and for meeting the needs of individual and group rights that these neo-patrimonial networks had provided. This was exactly what power sharing institutions set out to do.

### **7.3. Burundi's power sharing institutions – contributions to sustaining peace**

Faced with the challenges described above and the choice of how to design power sharing institutions in Burundi, a mixed system was chosen. Burundi's 2005 Constitution and electoral code combined elements of the consociational model and the integrative model.

As this last effort at power sharing differed markedly from that of the early 1990s, the answer to the question of how inter-ethnic relations at the top were affected by power sharing therefore differs for the two power sharing agreements.

The analysis in Chapter six suggested that Burundi's first power sharing experiment failed as no requirements for power sharing were encoded or spelled out, but rather left at the discretion and good faith of the President and the majority. The 1993 Constitution and electoral code relied on a tacit consociational model without any integrative measures, and did not recognise ethnicity as a basis for political representation. These shortcomings meant that the minority did not get a proportion of seats in the National Assembly sufficient to be able to veto important decisions or prevent changes to the Constitution, and hence led to a sense of insecurity that was unacceptable. Power sharing thus served to increase tension between ethnic leaders and triggered its failure.

In contrast to the 1993 Constitution and electoral code, the current legislative framework stipulates that representation in government, Parliament and other key institutions would still be based on ethnic identity. Hutu, Tutsi and Twa were ensured a certain proportion of seats in the National Assembly. On the other hand, the requirement that all party lists include candidates from both ethnic groups meant that candidates and parties were forced to cooperate across ethnic lines and hence focus on other differences in order to take their electoral platform forward. A number of additional checks and balances were built in to ensure the political security and representation of both the Hutu, Tutsi and the Twa. These checks and balances were discussed in detail in chapter six, and included, but were far from limited to, the requirement that the vice-Presidents be from different ethnic groups and that the vice-Presidents would be consulted on all important issues. These checks and balances have so far proven sufficient to avoid a relapse back into conflict. It therefore seems fair to conclude that the power sharing agreement has contributed to improve and create good working relations between political actors from all ethnic groups. Forcing inter-ethnic cooperation through a new electoral system was not well received in all circles, as highlighted by the debates and objections forwarded in negotiations where groups attempted to insist on taking ethno-political affiliation into account. In the last peace

process, however, negotiators decided to ignore these demands and go ahead with the system that did not take ethno-political affiliation into account and rather let candidates run for whatever party they wished.

The current Constitution has locked the parties into a system of cooperation, which if allowed to persist and to further mature, seems to hold the potential of contributing to a substantive democratic transition in Burundi. Power sharing has thus decisively played an important role in the first part of Burundi's transition to democracy, and have made a significant contribution to avoid a relapse back into conflict this far.

#### **7.4. Lessons learned from the case study of Burundi**

Having concluded that Burundi has managed to take the best of the two models of power sharing - what lessons can be learned for power sharing in other states emerging from violent ethnic conflict, or perhaps, for power sharing as a preventative measure for states in which ethnic tension is high?

The decision to introduce a mixed system of power sharing in Burundi seems to have circumvented a major problem cited by Roeder and Rotchild (2005), who claim that with a consociational model, ethnic differences are institutionalised and issues of ethnic tension are put at the core. Clearly, in a society where ethnic groups are internally divided and factionalised, a pure consociational agreement that cause an artificial reinforcement of ethnic cleavages because of segmental autonomy and fixed representation along ethnic party lines would not be advantageous nor necessary. Roeder and Rotchild (2005) argued that with a consociational system, ethnic leaders are given incentives to focus attention on the issues that differentiate ethnic groups rather than on issues of common interest. With electoral mechanisms that force ethnically mixed parties to come into existence, these incentives are diminished or removed. Politicians must focus on issues that are important to all members of their party and make compromises in order to make progress. As observed in Burundi, however, while electoral mechanisms can create multi-ethnic parties, they can not ensure the internal democracy of parties. Although Tutsi make up one third of elected representatives in the main party, there is a risk that their voices will be marginalised on

important decisions as long as certain political stands are associated with ethnic affiliation. This highlights a potential peril in a society marked by an absence of democratic traditions and constructive cooperation between political actors. In the case of Burundi, the Burundi Leadership Training Programme, led by scholars from the Woodrow Wilson Center for International Scholars, has aimed to build such capacity since 2002. In focussing on the leadership factor in peacebuilding, efforts have aimed to strengthen the capacity and coherence of political parties, while promoting an understanding among political actors of how self-interest can be more effectively enhanced through collaborative politics (Wolpe, telephone interview 16 May 2007). According to the director of this programme “power sharing without trust building is doomed to fail. Parties in Burundi needed to be given the tools of communication to work together effectively.”

By combining the two models and introducing a base of politics not primarily founded on ethnic identification, fixed proportions of representation will not provide a permanent obstacle to further democratisation. With the system chosen in Burundi, parties are not associated with a particular ethnic affiliation, which means that the number of parties and their share of power can fluctuate freely with the popularity of that party, irrespective of their ethnic membership. While the ethnic referent still plays into politics, incentives are in place for this to gradually diminish in importance, and the system leaves room for focussing on other political differences and hence promotes more interest based politics. As such, the problem referred to as ‘second generation’ power sharing is also circumvented.

Whereas this mixed system seems to be working in Burundi due to the flexibility in political loyalties that has come to the fore, whether this would work in other contexts would be a function of whether such a system provides adequate political security to the groups involved. Where such requirements are more rigid than they proved to be in Burundi, the result of introducing a mixed system of power sharing might be different.

While the above observations seem to be applicable to states of different natures, certain additional observations that can perhaps be linked specifically to a state with a neo-patrimonial heritage can be made.

Following the establishment of power sharing institutions and a democratic electoral system, behaviour among political actors soon became geared towards capturing political power. A large share of the candidates embraced the new system, although behaviour in the campaign period seemed to reflect a neo-patrimonial heritage, in which the quest for state resources and a piece of the pie appeared to be the overarching objective: Many quickly abandoned their former political affiliations. The number of political parties proliferated, and independent candidates with very limited constituencies emerged in the quest for political office. The large number of candidates that changed party affiliation right prior to elections in order to maximise chances of being close to power highlighted the flexibility in loyalties.

The experience from the second power sharing agreement demonstrates that loyalties in a neo-patrimonial state may be more flexible than they appear at first sight and hence the ethnic cleavage more prone to decrease in importance vis-à-vis other factors that can serve political mobilisation. In the case of Burundi, the party that had most success, the CNDD-FDD, came to power based on a platform of abandoning ethnic conflict.

The experience of Burundi also highlights that in the context of a neo-patrimonial state, political opportunism might potentially be large. In Burundi, the checks introduced to prevent candidates with no constituency from accessing political office, namely requiring 2% of votes in elections in order to get a seat in the National Assembly and support on a national scale, proved useful. What this ceiling should be will depend on the context, and a balance between encouraging smaller parties to enter electoral competition while dissuading candidates with no real constituency must be found.

## **7.5. Challenges ahead**

Leaving Burundi on an optimistic note is not to defy that the road ahead will be challenging. As the United Nations Operation in Burundi (ONUB) drew down in February 2007 and was replaced by a development oriented Department of Political Affairs (DPA) led United Nations Integrated Office in Burundi (BINUB), it was clear that Burundi is still at a crucial point of sustaining the democratic transition and that the progress attained is

extremely fragile, as highlighted in the recent turbulence surrounding the dismissal of Hussein Rajabu.

Implementation of the Arusha Agreement has been slow. Of the five protocols in the agreement, only that on peace and security has come a long way in implementation. The protocols that deal with democracy and good governance, with reconstruction and development, and with guarantees for implementation remain largely untouched (Lemarchand, 2006).

The historically intertwined association between political power and economic discrimination resulting from the neo-patrimonial model in Burundi means that power sharing at the political level will not suffice. To be sustainable, such an agreement must be accompanied by policies and interventions that address economic inequalities and access to rights in all of society, for all groups. A direct effect of civil war, neo-patrimonial politics and failed industrialisation is the high level of poverty in the population, although many are starting to reap the dividends of peace. Even before war broke out again in 1993, Burundi was ranked as one of the poorest countries in the world. GNP dropped from US\$ 223 to an average of US\$ 116 from 1998 to 2001. The population is also growing at an unsustainable rate: its population doubled, from 3.5 million in 1972, to 7 million in 1988. Birth rates vastly outstrip economic growth. Against this backdrop, poverty must be addressed in order to ensure a slip back into conflict.

At a different level, in order to end nearly forty years of violence and discrimination, the psychological aspects of healing and reconciliation, justice and truth-telling must be addressed in the population. Although addressing people's real vulnerabilities is necessary, deconstructing the security dilemma implies addressing the underlying perceptual factors which drives its existence (Snyder and Jervis, 1999). These efforts include attention to the content of history textbooks, introduction of a professionalised media and sustained dialogue between the various segments of society. A Truth and Reconciliation Commission has not yet been established, and the commission charged with rewriting the country's history has yet to begin its work.

Finally, power sharing has not managed to come to grips with widespread corruption and networks of patronage. Burundi is perceived as among the 15 most corrupt countries in the world.<sup>56</sup> Informal payments are required to access most public services, permits, or licenses (ICG, 2006). While power sharing can serve to address people's concern regarding political security, corruption and other problems of governance can easily undermine the legitimacy of the government and hence directly impact the power sharing pact. The case of Burundi crystallises Lederach's (2001) identified need for multi-level peacebuilding - including all levels and actors in society.

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<sup>56</sup> Transparency International, Corruption Perception Index 2006, available at [http://www.transparency.org/policy\\_research/surveys\\_indices/global/cpi](http://www.transparency.org/policy_research/surveys_indices/global/cpi) (accessed 10 January, 2007)



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