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## **Towards Durable Democracy in Burundi?**

*Assessment of the Promise and Pitfalls of Democratization in Burundi*

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# Towards Durable Democracy in Burundi?

## An Assessment of the Promise and Pitfalls of Democratization in Burundi

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## **Executive Summary**

The transition to democracy in 2005 is commonly seen as a turning point in Burundi's history. Prior to the transition, there were many reasons for optimism about Burundi's future: the major rebel group during the 1994-2005 civil war (the *Conceil national pour la défense de la démocratie - Forces pour la défense de la démocratie*, or CNDD-FDD) had put down its weapons and registered as a political party, a new Constitution laying the ground for the introduction of a democratic order had been approved in a referendum, and a new electoral code had been adopted. In the summer of 2005, Burundi carried out its first democratic elections in over a decade, and with the installation of a CNDD-FDD-led grand coalition government in August 2005, the stage seemed set for a consolidation of democracy and peace.

Since then, there has been progress in the peacebuilding process, but an array of governance problems continue to hinder further consolidation of Burundi's emerging democracy. After its electoral victory in 2005, the CNDD-FDD established itself as Burundi's dominant political party. However, despite constitutional requirements to share power with other political parties, the CNDD-FDD has taken almost full control of the executive, legislative and judiciary branches of government, and eliminated many of the checks and balances that are necessary for a functioning democracy.

Several challenges need to be overcome in order to ensure a consolidation of the democratic political order in Burundi. First, the CNDD-FDD's reluctance to share political power has led to a highly dysfunctional government, increasing distrust and a lack of dialogue between major political parties. Second, the CNDD-FDD's repression of political opposition and civil society has blocked important democratic spaces. Third, the continued weakness of state institutions has led to frustration among the population at the minimal progress and a loss in popular legitimacy of the regime. Fourth, in order to ensure a democratic civil peace, the remaining rebel group, the *Forces nationales de libération* (FNL), must be transformed into a political party. And finally, there are numerous challenges related to ensuring that the upcoming elections in 2010 become free, peaceful and fair.

Although the risk of a return to civil war at present seems small in Burundi, the semi-democratic nature of the regime may trigger violence that could spark renewed violent conflict. In order to achieve long-lasting peace, it is vital that national and international stakeholders coordinate their efforts to foster a political climate conducive to transiting Burundi away from the limbo between democracy and autocracy that it now finds itself in.

# Map of Burundi



Map No. 3753 Rev. 6 UNITED NATIONS  
September 2004

Department of Peacekeeping Operations  
Cartographic Section

Source: <http://www.un.org/Depts/Cartographic/map/profile/burundi.pdf> (accessed 29 March 2009).

## List of Acronyms

BINUB	Bureau Intégré des Nations Unies au Burundi
CENI	Commission électorale nationale indépendante
CNDD	Conceil national pour la défense de la démocratie
CNDD-FDD	Conceil national pour la défense de la démocratie - Forces pour la défense de la démocratie
FDD	Forces pour la défense de la démocratie
FDN	Forces de défense nationale
FNL	Forces nationales de libération
FRODEBU	Front pour la démocratie au Burundi
FROLINA	Front pour la libération nationale
HRW	Human Rights Watch
ICG	International Crisis Group
MP	Member of Parliament
MRC	Mouvement de réhabilitation du citoyen
MSD	Mouvement pour la sécurité et la démocratie
PALIPHEUTU	Le parti pour la libération du peuple hutu
PALIPHEUTU-FNL	Le parti pour la libération du peuple hutu – Forces nationales de Libération
PARENA	Parti pour le redressement national
PDC	Parti démocrate chrétien
SNR	Service national de renseignements
UN	United Nations
UN PBC	United Nations Peacebuilding Commission
UN PBF	United Nations Peacebuilding Fund
UN SC	United Nations Security Council
UPRONA	Union pour le progrès national

## I. Introduction

When the state of Burundi held elections in 2005, they were heralded as the end of Burundi's devastating eleven-year civil war (1994-2005), and the beginning of a new democratic era. There were many reasons for optimism about Burundi's future. The main rebel group during the war, the Conseil national pour la défense de la démocratie - Forces pour la défense de la démocratie (CNDD-FDD), had demobilized and registered as a political party, a new constitution including political power-sharing mechanisms correcting for the ethnic power imbalance that fueled the civil war had been approved, and the remaining rebel group, the Parti pour la libération du peuple hutu - Forces nationales de libération (Palipehutu-FNL), agreed to join ceasefire talks in April 2005. In the summer of 2005, Burundi carried out its first democratic elections in over a decade, and with the installation of a CNDD-FDD-led grand coalition government in August 2005, things seemed set for a consolidation of peace and democracy.

However, although there has been progress in the peacebuilding process over the past three years, Burundi remains faced with a number of serious governance challenges that jeopardize the country's prospects to maintain a durable democratic peace. Today, Burundi finds itself somewhere in between the continuum of democracy and autocracy, and a consolidation of the democratic gains made since 2005 is vital in order to secure the newborn civil peace. In this spirit, Burundi has started preparations for a new round of elections in 2010, and an assessment of the country's challenges to consolidate its democratic political order is essential to maximize the likelihood of success.

Drawing on primary documentation and secondary literature along with over 50 interviews with key informants,<sup>1</sup> this paper attempts to determine the effectiveness of political institutions in Burundi, particularly regarding their constitutional role in the promotion and protection of democracy after the 2005 elections. The paper examines why and how certain unintended challenges have occurred, and how these might hinder a consolidation of democracy. The report also assesses what is needed for Burundi to move out of its current semi-democratic state, so that its prospects for sustainable peace and democracy can be improved.

To provide a background for the importance of a consolidation of Burundi's democracy, this paper starts with a general discussion of war-to-democracy theory. A brief overview of the historical context of Burundi's democratic process is followed by an in-depth assessment of post-conflict political developments. The assessment begins with a description of the institutional design as defined in the 2005 Constitution and an overview of the nature and outcome of the 2005 elections. The major political developments since the installation of the democratic institutions are then discussed, before identifying the main challenges for a consolidation of democracy in Burundi. The outline of these key challenges sets the groundwork for the last section, which provides

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<sup>1</sup> including representatives from the major Burundian political parties, local civil society groups, researchers, official government representatives at embassies in Bujumbura, the UN Integrated Office in Burundi (BINUB), and international NGOs operating in Burundi. The interviews were conducted in October 2008.

policy recommendations for how national and international actors can contribute to the promotion of durable democracy in Burundi. As such, the report is also applicable to the UN Peacebuilding Commission (PBC), which since June 2007 has been gathering efforts to promote good governance in the country.

## 2. Democracy in the Wake of Civil War

Since the end of the Cold War, promotion of democracy has become an integral dimension of international peacebuilding missions in states emerging from civil conflict. Founded upon individual rights and the rule of law, democratic regimes provide mechanisms that encourage the resolution of political conflicts in a peaceful manner, and are designed to offer citizens and groups unfettered opportunities to both express their interests and mobilize public support. Democratic institutions are, as such, presumed to be a decisive tool for achieving sustainable peace in post-conflict societies. As the former UN Secretary-General, Kofi Annan, concisely has put it:

*At the center of virtually every civil conflict is the issue of the State and its power – who controls it, and how it is used. No conflict can be resolved without answering those questions, and nowadays the answers almost always have to be democratic ones, at least in form (...) Democracy is practiced in many ways, and none of them is perfect. But as its best it provides a method for managing and resolving disputes peacefully, in an atmosphere of mutual trust.<sup>2</sup>*

A number of studies have lent their support to this assumption. Scholars have found that consolidated democracies<sup>3</sup> not only are conducive to peace, but also significantly reduce the risk of a resumption of war in post-civil war contexts (Henderson & Singer 2000; Hegre et al. 2001; de Zeeuw & Kumar 2006). However, while institutionally consistent democracies are found to be conducive to durable peace, regime types located somewhere between the continuum from democracy to autocracy (often called semi-democracies) and regimes that have recently gone through a political change or transition (e.g. democratization) are considered to be the most prone to large-scale internal conflict (Snyder 2000; Hegre et al. 2001; Fearon & Laitin 2003). These states are typically characterized by a lack of institutional strength and coherence, which makes it difficult to effectively regulate mass political tension and accommodate opposition grievances. Furthermore, a political change is often followed by unrest and uncertainty, which may spark renewed conflict if some groups are not satisfied with the new political order (Mansfield & Snyder 2005:2).

However, in a post-civil war context, crafting institutions that can both initiate peace and democracy in the short-term, and facilitate the consolidation of these in the long

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<sup>2</sup> Kofi Annan, 'Why Democracy is an International Issue.' Cyril Foster Lecture (2001).

<sup>3</sup> The concept of 'consolidated democracy' is here understood as a regime 'in which none of the major political actors, parties, or organized interests, forces, or institutions consider that there is any alternative to democratic processes to gain power, and (...) no political institution or group has a claim to veto the action of democratically elected decision makers (...) To put it simply, democracy must be seen as the "only game in town"' (Linz 1990:156).



run is an encompassing and difficult political process. Years of conflict have usually weakened the state's capacity, and a volatile security environment, deep social divisions, and the war's erosion of socio-economic prerequisites all generate huge challenges for the establishment of a democratic political order (Jung 2007:3; Kumar & de Zeeuw 2008:261). Policymakers are thus often confronted by a dilemma of whether to concentrate on short-term solutions to keep the peace or to focus on longer-term solutions that seek to establish sustainable democratic stability (Baker 2001:760; Jung 2007:2; Jarstad 2008a:17-20).

Democratic theory commonly differentiates between two forms of institutions; majoritarian (winner-takes-all) institutions and consociational (power-sharing) institutions.<sup>4</sup> While the winner-takes-all model often is viewed as a source of heightened interethnic conflict in divided post-conflict societies, power-sharing is assumed not only to be conducive to peaceful resolution of conflicts, but also to strengthen democracy. Power-sharing has thus become the international community's preferred remedy in dealing with the cross-cutting, and many times conflicting, issues that emerge in the processes of building peace and democracy (Rothchild & Roeder 2005a:5-6; Jung 2007:22; Jarstad 2008b:106).

Although power-sharing institutions<sup>5</sup> are inclusive, encourage collaborative decision-making, and hence are assumed to promote peace, the ability of these institutions to consolidate democracy in societies emerging from war is contested (Roeder & Rothschild 2005:325; Gates & Strøm 2007:5-6; Jung 2007:22). Most notably, it is argued that power-sharing limits necessary democratic competition, since actors who might act as spoilers are often guaranteed fixed representation in political institutions. It is also argued that the rigidity of these kinds of frameworks lead to political stagnation, due to the way that they lock conflict-induced cleavages into post-war political structures by freezing the balance of power among the parties (Roeder & Rothschild 2005b:36-40; Jung 2007:3; Jarstad 2008b:107-8).

Like in many other ethnically divided post-conflict societies, power-sharing has been chosen as the platform upon which durable peace and democracy are to be built in Burundi. The civil war has ended, and democratic elections have been held. But in light of the above considerations, how successfully have the power-sharing institutions in Burundi worked to consolidate the country's emerging democracy? The report returns to this question after an overview of the historical context of the Burundian democratic process.

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<sup>4</sup> For an in-depth analysis of the difference between majoritarian and consociational democracies, see Lijphart (1977).

<sup>5</sup> Examples of power-sharing arrangements are grand coalitions of government, mutual veto arrangements, reserved executive offices, proportional civil service distribution, and proportionally representative electoral systems.

### 3. The Burundi Context

Burundi is a small, poor, landlocked and conflict-ridden Central African country. The country's 8.7 million inhabitants are commonly divided into three ethnic groups, the Hutu (85%), the Tutsi (14%) and the Twa (1%). Traditionally, there was merely a socio-political distinction between these groups. However, through support of a racist ideology and ethnic hierarchy clearly biased against the Hutu, the German (1889-1918) and later Belgian (1918-1962) colonialists transformed this division into more rigid identities (Lemarchand 1994:42; Ngaruko & Nkurunziza 2005:4; Daley 2006:662-5). After Burundi gained its independence from Belgium in 1962, this divide has to a large extent been kept on the agenda by a small minority of urban Hutu and Tutsi elites, who have manipulated and used ethnicity as a powerful mobilizing force in their political strategies to maintain or obtain political and economic power (Brachet & Wolpe 2005:1; Ndikumana 2005:7; Sullivan 2005:76-77).

Burundi's post-independence history is characterized by a high level of political instability, with six different governments that operated between 1962 and 1966, abolishment of the monarchy in 1966, four successful coup d'états,<sup>6</sup> and Africa's highest rate of assassinated government officials.<sup>7</sup> Moreover, successive waves of inter-communal violence<sup>8</sup> and a long-lasting civil war (1994-2005) have led to the deaths of hundreds of thousands of Burundians (Hutu and Tutsi alike) and the displacement of over a million more.<sup>9</sup>

In this turbulent context, three attempts at introducing democracy have been made. While the two first efforts (in 1961 and 1993) were ultimately unsuccessful, the latest transition, initiated by elections in 2005, has borne fruit in terms of establishing a multi-party democratic regime in Burundi. Below is an overview of the nature and outcome of the two first democratic experiments. The last, and ongoing, democratic process is the main focus of the report, and is discussed and analyzed more thoroughly in section 4.

#### 3.1 From Fledgling Democracy to Military Dictatorship

Burundi's first experiment with democracy started in 1961 and ended only five years later. Belgium granted Burundi internal autonomy in 1959, and in 1961 the country held its first democratic elections. The elections pitted the pro-Belgium Parti Démocrate Chrétien (PDC) against the nationalist and ethnically mixed l'Union pour le Progrès National (UPRONA), which was founded by the pro-independence Prince Louis Rwagasore in 1958. UPRONA dominated the elections, and won 58 of the 64 seats in the National Assembly (Uvin 2009:9). However, only a month after the elections,

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<sup>6</sup> in 1966, 1976, 1987 and 1996 (see timeline, section 7.1).

<sup>7</sup> The list of assassinated government officials includes Prince Louis Rwagasore (1961), Pierre Ngendandumwe and Joseph Bamina (1965), Melchior Ndadaye (1993) and Cyprien Ntaryamira (1994) (Lemarchand 2009:141).

<sup>8</sup> in 1965, 1972, 1988, 1991 and 1993 (see timeline, section 7.1).

<sup>9</sup> Please see Reyntjens (2000, 2005); Daley (2006); and Lemarchand (2009) for thorough reviews of the conflict history of Burundi.

Rwagasore -who was to become the first Prime Minister of independent Burundi- was assassinated by agents of the PDC (Reyntjens 2000:7). A four-year long period of instability followed, in which the Hutu/Tutsi division deepened, government after government fell, and extremist positions increased (Daley 2006:666-7; Uvin 2009:9).

When new elections were organized in 1965, the Hutus emerged victorious, gaining 23 out of a total of 33 seats in the National Assembly. However, the King refused to recognize the new National Assembly, and replaced the newly elected Hutu Prime Minister with a Tutsi (Ndikumana 1998:35, 2000:433). Observing the 'Hutu revolution' in Rwanda, UPRONA started a 'Tutsification' process within its party ranks (Ould-Abdallah 2000:23; Lemarchand 2009:143-4), and began replacing elected Hutu government officials with Tutsis. This sparked a revolt and an attempt to seize power by several Hutu military units. Their attempted coup failed, however, and led to extremely violent reprisals by the regime. Practically the entire Hutu elite was massacred, along with thousands of rural Hutus who were suspected to have supported the revolt (Ndikumana 1998:35-36; Reyntjens 2000:7).

The already faltering democratic process was obliterated in 1966, following a coup by a Tutsi faction of the army led by Michel Micombero (Daley 2006:667). Micombero abolished the monarchy, dissolved Parliament, and became the first of a series of Tutsi military rulers<sup>10</sup> who used their position to abolish all other political parties other than the now Tutsi-dominated UPRONA. By completing the cleansing of Hutus from the military and political bodies, Micombero further consolidated state power in the hands of the Tutsis and established a military dictatorship (Ndikumana 1998:36-37, 2005:22; Reyntjens 2000:7).

### 3.2 From Democratic Elections to Civil War

After the failure of the democratic experiment in 1966, it would take almost three decades and three Tutsi-led military regimes before new elections were held in Burundi. In response to a major violent repression in 1988,<sup>11</sup> the international community expressed concern about the situation in Burundi, and began pressuring Tutsi President Pierre Buyoya to create a more inclusive government (Reyntjens 2000:8; Curtis 2002:9). Under threats of aid withdrawal from international actors, Buyoya was left with no other choice than to respond to the pressure and initiate a reform-process. This process culminated with the adoption of a new constitution through a referendum in 1992, which legalized a multiparty system and set the stage for democratic elections the following year (Reyntjens 2000:10; Sullivan 2005:77).

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<sup>10</sup> The military leaders Michel Michombero (1966-1976), Jean-Baptiste Bagaza (1976-1987) and Pierre Buyoya (1987-1993 and 1996-2000) were all Tutsis coming from the Bururi province (Daley 2006:667).

<sup>11</sup> In 1988, rumors and fears of a new bloodbath comparable to a major massacre that happened in 1972 (see timeline, section 7.1) led to eruption of ethnic violence. Hutu peasants first killed hundreds of Tutsi, following which between 5,000 and 20,000 unarmed Hutu civilians were massacred by the Tutsi-controlled army in retaliation (Ndikumana 2000:434; Brachet & Wolpe 2005:24; Reyntjens 2000:8).

The 1993 elections gave a surprisingly overwhelming victory to the predominantly Hutu party, the Front pour la Démocratie au Burundi (FRODEBU). FRODEBU gained 65 out of 81 seats in the National Assembly, and the party's presidential candidate, Melchior Ndadaye, won with 65% of the vote (Reyntjens 2000:11; Daley 2006:670). In ethnic terms, the elections translated to a Parliament made up of 85% Hutu and 15% Tutsi representatives, closely paralleling the ethnic make-up of the country (Sullivan 2005:77). International observers and analysts applauded the elections, claiming that they represented one of the most remarkable transitions to democracy yet seen in Africa, and lauded it as a 'model for all aspiring democracies' (Lemarchand 1994:xi).

Despite the international community's praise, and notwithstanding efforts by President Ndadaye to create an ethnically inclusive government, discontent grew within the Tutsi elite from what they considered as a "FRODEBUization" of politics (Reyntjens 2000:13-14; Sullivan 2005:77-78). This prompted a coup attempt by a Tutsi-pro military faction in October 1993, in which newly elected President Ndadaye and several members of the cabinet were assassinated (Daley 2006:670; Lemarchand 2006b:6).

The coup attempt and the violence that followed had a dual effect on political developments in Burundi. On one hand, it led to the initiation of what has been called 'a creeping coup,'<sup>12</sup> which culminated in a bloodless coup bringing former dictator Buyoya to power in 1996. On the other hand, it led to a radicalization of the political landscape, with emergence of Hutu rebel groups<sup>13</sup> and renewed actions of old ones,<sup>14</sup> eventually leading the country into a long-lasting civil war (Reyntjens 2000:14).

The civil war began in the summer of 1994, when several Hutu-based opposition groups took up arms against the Tutsi-dominated army. Each of the two main rebel groups – the CNDD–FDD and Palipehutu–FNL – had significant support bases within the Hutu community even though they offered competing solutions to the conflict. While the CNDD–FDD fought to re-establish the democratic institutions from 1993, the aims of the Palipehutu–FNL were to raise Hutu awareness about the massacre in 1972, obtain justice for the victims of the massacre and overthrow the Tutsi-dominated government (ICG 2002:8-9). The eleven-year civil war (1994-2005) had devastating effects. Exact measures of the human tragedy are hard to obtain, but it is estimated that over 300,000 people were killed during the war. Another 500,000 are estimated to have fled to neighboring countries, and around 800,000 (12 % of the population) were internally displaced (Sullivan 2005:78).

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<sup>12</sup> 'aimed at destroying the legitimacy, and indeed the very existence of FRODEBU and at imposing a *de facto* constitutional order that in effect consolidated the achievements of the October 1993 coup' (Reyntjens 2005:1).

<sup>13</sup> E.g. the Conseil national pour la défense de la démocratie (CNDD) and its armed wing, Forces pour la défense de la démocratie (FDD).

<sup>14</sup> E.g. the Parti pour la libération du peuple Hutu–Forces nationales de libération (Palipehutu–FNL) and Front pour la libération nationale (FROLINA).

#### 4. From Civil War to Durable Democracy in Burundi?

Burundi's latest democratic transition was preceded by a long transitional process that began after the signing of the Arusha Peace and Reconciliation Agreement in August 2000 (hereafter, the Arusha agreement).<sup>15</sup> The Arusha agreement was a comprehensive reform package designed to lay the foundations for national reconciliation and democracy in Burundi. One of the key provisions in the agreement was the creation of a three-year interim grand coalition government, which would adopt a new constitution and organize democratic elections at the end of its term (Lemarchand 2006b:11; Daley 2007:345).

Under intense regional and international pressure, the Arusha agreement was signed by 19 Hutu and Tutsi-dominated political groups, including Buyoya's government and the FRODEBU-dominated National Assembly. The main rebel movements, the CNDD-FDD and the Palipehutu-FNL, however, refused to sign the agreement, and it would take years of fighting and negotiations before the largest rebel group, the CNDD-FDD, agreed to the implementation of the agreement.<sup>16</sup> Although the CNDD-FDD never fully accepted the content of the Arusha Agreement, this paved the way for their integration into state and military institutions. Palipehutu-FNL, on the other hand, signed a cease-fire agreement with the government in 2006,<sup>17</sup> but delays in the implementation of the agreement led to a continuation of fighting with the government army that lasted into 2008 (Uvin 2009:17).

In accordance with the agreement, a transitional government headed by a Tutsi (Pierre Buyoya) with a Hutu vice-president served the 18 first months, and a Hutu (Domitien Ndayizeye) with a Tutsi vice-president the following 18 months (Lemarchand 2009:165). After two extensions of its mandate, the interim government finalized the work on a new post-transitional Constitution, which was adopted by 2/3 of the Parliament in October 2004 and approved by 91.2% of the vote in a referendum in February 2005 (Reyntjens 2005:2-3; Daley 2008:223).

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<sup>15</sup> The Arusha agreement is available at: [http://www.usip.org/library/pa/burundi/pa\\_burundi\\_08282000\\_toc.html](http://www.usip.org/library/pa/burundi/pa_burundi_08282000_toc.html) (accessed 28 March 2009). See Reyntjens (2005), Falch & Becker (2008), and Lemarchand (2009) for detailed discussions of the negotiations and implementation of this agreement.

<sup>16</sup> through the signing of the Pretoria Protocol on Political, Defence and Security Power Sharing in Burundi in October 2003. Available at: [http://www.usip.org/library/pa/burundi/burundi\\_10082003.html](http://www.usip.org/library/pa/burundi/burundi_10082003.html) (accessed 28 March 2009).

<sup>17</sup> The Comprehensive Ceasefire Agreement between the Government of the Republic of Burundi and the Palipehutu-FNL. Available at: <http://www.pcr.uu.se/gpdatabase/peace/Bur%2020060907.pdf> (last accessed 28 March 2009).

## 4.1 A New Democratic Framework

The 2005 Constitution<sup>18</sup> established Burundi as a presidential republic, and laid the ground for the introduction of a new democratic institutional structure. As in many other conflict-prone countries, power-sharing was built in as an integral part of the democratic framework, and was intended to lead to a demobilization of ethnic politics in the country.

According to the Constitution, the president of the country acts as the Head of Government, and is to be elected by universal suffrage for a five-year term (renewable only once).<sup>19</sup> To achieve ethnic balance, the president is charged with appointing two vice presidents, one Hutu and one Tutsi, each from parties historically associated with their group (2005 Constitution, Art. 123 & 124). The president also appoints the ministers to the cabinet, but must ensure that all political parties receiving more than 5% of the vote in the National Assembly elections are granted ministerial portfolios commensurate with their vote share. Furthermore, the Constitution states that the cabinet should be composed of 60 % Hutu and 40 % Tutsi (Art. 129).

The Constitution also stipulates a set of guidelines for ethnic and political representation in the legislative branch. According to the Constitution, the National Assembly should have at least one hundred members who are elected to five-year terms through direct universal suffrage in a system of proportional representation with a 2% threshold (Art. 169). As in the cabinet, 60% of the representatives in the National Assembly should be Hutu and 40% Tutsi. If any of the percentages are not met because of the particular election results, the Constitution allows for the rectification of this problem through a system of co-optation (Art. 164). The Senate, which should consist of two members from each of the country's 17 provinces, should be indirectly elected by municipal councils, and divided evenly between Hutu and Tutsi. The Constitution also states that 30% of the representatives in the Senate and the National Assembly should be women, and that three Twa representatives should be co-opted to each of the chambers (Art. 164 & 180).

The Constitution further stipulates that power-sharing should not be limited to the national level, but should also occur at the local and party level, as well as in the military. Commune councils are to reflect the ethnic diversity of their constituencies, and if the Senate finds that this is not so, citizens may be co-opted to participate in the council (Art. 164). In order to encourage inclusiveness at the party level, the Constitution stipulates that for every three candidates registered on a list, only two may belong to the same ethnic group (Art. 168). Furthermore, the Constitution called for a dramatic change in the security forces, which traditionally had been a Tutsi stronghold. In the new

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<sup>18</sup> The Post-transitional Constitution of Burundi is available at: <http://www.reliefweb.int/rw/RWB.NSF/db900SID/EVIU-64ZFMM?OpenDocument> (in French. Last accessed 28 March 2009).

<sup>19</sup> However, the Constitution stipulates that the first post-transitional president should be elected by a 2/3 majority of the National Assembly and the Senate sitting in joint congress.

disposition, the police, army and the security service would be ethnically balanced, with 50% Tutsi and 50 % Hutu representation (Art. 257).

It should be noted that the Constitution requires decision-making to be dependent on agreement of 3/4 of the Government, 2/3 of the National Assembly and 4/5 of the Senate, and that a constitutional amendment requires a 4/5 majority in the National assembly and a 2/3 majority in the Senate. These measures guaranteed both an ethnic and political minority veto, and the fact that the above power-sharing stipulations were included in the Constitution also signifies that they were intended to direct future composition of the political bodies, institutionalizing power-sharing as the framework for the new democratic institutions.

## 4.2 The 2005 Elections

The democratic transition was carried out through four rounds of elections in the summer of 2005. Municipal elections were held on June 3, elections to the National Assembly on July 4, indirect elections for the Senate on July 29, and indirect election of the President in a joint session of the National Assembly and the Senate on August 19 (Lemarchand 2009: 170-1). Although the electoral process was by no means free of violence or attempts at fraud, most international observers reported the elections to have been generally “free and fair” (Reyntjens 2005:9; Lemarchand 2006b:15). International electoral standards at the level of institutions and the law were largely followed, and the elections included competition between thirty political parties (ICG 2005:7; Daley 2008:223).

The elections gave a resounding victory to the CNDD-FDD. In the communal elections, the CNDD-FDD received 62.6% of the vote, against 20.9% for its nearest competitor, the FRODEBU, who received 71% of the vote in the 1993 elections. On the other hand, UPRONA, who had been in power for most of the past four decades, only got seven percent of the vote, representing half of its 1993 total (Uvin 2009:20). The CNDD-FDD also emerged as the clear winner in the legislative elections, with 58.2% of the vote, gaining 59 of the seats in the National Assembly, compared to FRODEBU and UPRONA, who got 25 and ten seats, respectively. It should be noted that because fewer than the constitutionally prescribed number of Tutsis gained seats in the National Assembly (35 Tutsi and 65 Hutu), article 164 of the Constitution came into effect and authorized the electoral commission to co-opt 18 deputies (4 Hutu, 11 Tutsi, and 3 Twa), leading to the composition shown in Table I (Lemarchand 2009:170). CNDD-FDD’s landslide victory in the communal elections made the senatorial elections a foregone conclusion, as the senators were elected through indirect suffrage by the municipal councilors (Reyntjens 2005:12).

**Table 1: 2005 election results, number of seats**

<b>Party</b>	<b>Commune</b>	<b>National Assembly</b>	<b>Senate</b>
Conceil national pour la défense de la démocratie - Forces pour la défense de la démocratie (CNDD-FDD)	1.781	64	32
Front pour la démocratie au Burundi (FRODEBU)	822	30	5
Union pour le progrès national (UPRONA)	260	15	2
Conceil national pour la défense de la démocratie (CNDD)	135	4	3
Mouvement de réhabilitation du citoyen (MRC)	88	2	0
Parti pour le redressement national (PARENA)	75	0	0
Others	64	0	0
Ethnic Twa		3	3
Former presidents			4
<b>Total</b>	<b>3.225</b>	<b>118</b>	<b>49</b>

Sources: ICG (2005) and Reyntjens (2005).

The elections radically transformed the political landscape in Burundi. However, the CNDD-FDD's electoral triumph did not come as a surprise, but rather confirmed the growing popularity of the movement after they signed a peace agreement with the transitional government in 2003 (Daley 2008:224-5). The perception amongst CNDD-FDD's predominantly Hutu electorate was that the group had 'won the war,' but some sources also point to the implicit message transmitted during the electoral campaign that if CNDD-FDD did not win, it would return to war.<sup>20</sup> Furthermore, due to the constitutional requirement of ethnically mixed party lists, the CNDD-FDD was forced to recruit Tutsi members, and although many of the Tutsi newcomers joined "probably more out of opportunism than out of political conviction" (Nindorera 2008:114), the former Hutu rebel group became the most interethnic party after the elections, with 30% of its elected deputies being Tutsi (Lemarchand 2006b:14).

As leader of the largest party, CNDD-FDD leader Pierre Nkurunziza was elected to become the new President of the Republic by the National Assembly and the Senate in joint congress in a vote of 151 to 9 with one abstention. The new president took the oath of office on 26 August 2005, and four days later, he announced the twenty members of his new government (ICG 2005:14; Reyntjens 2005:13). The new government was close to in conformity with the constitutional requirements for ethnic and gender balance, with nine Tutsi (45%) and eleven Hutu (55%), out of whom seven were women (35%). The composition of the new government did not, however, comply with the requirements of a proportional representation of the political parties (see Table 2).

<sup>20</sup> Author interviews with researchers and civil society representatives, Bujumbura, October 2008.



**Table 2: Composition of the government, August 2005**

<b>Party</b>	<b>Number of ministers</b>
Conceil national pour la défense de la démocratie - Forces pour la défense de la démocratie (CNDD-FDD)	12
Front pour la démocratie au Burundi (FRODEBU)	3
Union pour le progrès national (UPRONA)	1
Mouvement de réhabilitation du citoyen (MRC)	1
Inkanzo	1
Parti pour le redressement national (PARENA)	1
Military	1
<b>Total</b>	<b>20</b>

Sources: ICG (2005) and Reyntjens (2005).

Recalling the constitutional stipulation that all parties receiving over 5% of the national vote would get a proportional representation in the government (Art. 129), the second (FRODEBU) and third (UPRONA) largest parties were entitled to get five and three ministers, respectively. In the new government, they only got three and one. MRC, Inkanzo and PARENA, on the other hand, had failed to obtain 5% in the legislative vote, and should not have been included in the new government. CNDD-FDD was also over-represented, with proportionately more seats in the cabinet than they held in the National Assembly. However, the international community expressed contentment with the composition of the new government, which they regarded to be “more or less” in line with the constitutional power-sharing arrangements (Reyntjens 2005:13-14).

### 4.3 Political Developments after the Elections

The successful conduction of elections and introduction of democratic institutions notwithstanding, the political climate in Burundi has significantly deteriorated since 2005. This development is not the result of one single event, but is rather the result of an accumulation of challenges to the government. Two interrelated trends have particularly impacted the attempt to maintain democratic gains after the elections: a fragmentation of the political landscape, and non-consensual practices by the ruling party that have minimized space for political dialogue with oppositional forces.

#### ***CNDD-FDD Takes Control***

Following its landslide victory in the elections, the CNDD-FDD established itself as the ruling party with a strong mandate from the Burundian electorate. Immediately after the inauguration of the new government, President Nkurunziza’s announcement of the implementation of long-needed social reforms<sup>21</sup> was received enthusiastically among the Burundi citizenry (Lemarchand 2006b:16; Uvin 2009:21-22). However, it did not take long before the party lost much of its popular legitimacy (Lemarchand 2009:171).

The first worrying sign of CNDD-FDD’s intentions to take control of Burundi’s political institutions was President Nkurunziza’s unconstitutional appointment of ministers in

<sup>21</sup> providing free primary schooling and free healthcare to children under five and mothers giving birth.

August 2005. FRODEBU and UPRONA, who were under-represented in the new government, protested against the allocation, but as Reyntjens (2005) notes, the parties “did not really push the issue” (2005:14), and accordingly nothing was done to accommodate their requests. This action clearly demonstrated President Nkurunziza’s lack of commitment to the constitutional provisions of power-sharing.

Growing discontent with what FRODEBU regarded as a failure by the CNDD-FDD to consult with other parties in the government led the party to withdraw from the government and become an opposition party in March 2006<sup>22</sup> (ICG 2006:7; Nindorera 2008:111). FRODEBU’s withdrawal could have led to a major crisis, but as all three FRODEBU ministers refused to comply with the order to resign from their posts, the withdrawal had a counterproductive effect, dividing FRODEBU and strengthening the position of the CNDD-FDD-led government (Lemarchand 2009:173).

A new round of criticism started only a few months later. In late July, rumors of a plot aimed at overthrowing the government led to the arrest of several leading opposition politicians,<sup>23</sup> who were suspected to be involved in the conspiracy (Lemarchand 2006b:19). The detentions seemed to be an excuse to weed out members of the opposition, and reports claimed that those arrested were tortured.<sup>24</sup> The arrests received harsh international criticism, and when insufficient evidence was found to convict the suspects in the trial, they were released six months later (Caprile 2007:13). This event seriously dented the legitimacy of Nkurunziza’s government.

### ***Rifts Create Crisis***

2007 was a particularly dark period for the CNDD-FDD. Rifts started to develop within the party in 2006, when Mathias Basabose, a leading member of the party’s executive, and Alice Nzomukunda, the second vice-president of the republic and high profile CNDD-FDD member, withdrew from their posts due to the lack of transparency and the authoritarian leanings of party chairman Husain Radjabu (ICG 2006:10; Nindorera 2008:123; Lemarchand 2009:173-4). Although these resignations confirmed tensions within the party, it was the expulsion of the long-time leader and hardliner strategist Radjabu from his position as CNDD-FDD chairman in February 2007 that most notably compromised the party’s ability to rule. Radjabu was expelled from the CNDD-FDD after a power struggle between himself and President Nkurunziza,<sup>25</sup> was subsequently prosecuted and detained for treason and for insulting the Head of State, and sentenced to 13 years in jail in April 2008 (ICG 2008:2-3; Reyntjens 2008:9).

Coupled with the growing discontent among several CNDD-FDD deputies of their leadership, the expulsion of Radjabu hit the Parliament hard and exacerbated party

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<sup>22</sup> FRODEBU also denounced the CNDD-FDD’s removal of several of its members from their posts as local administrators, and for human rights violations and corruption.

<sup>23</sup> Among the arrested were Domitien Ndayizeye (the former transitional president), Alphonse-Marie Kadege (ex-vice president under Ndayizeye), Deo Niyonzima (secretary general of the Parti pour la réconciliation des peuples), and Alain Mugabarabona (head of FNL-Icanzo, a dissident wing of FNL).

<sup>24</sup> ICG (2006:2) and author interviews with political party officials, Bujumbura, October 2008.

<sup>25</sup> For a thorough analysis of the leadership struggle and the expulsion of Radjabu, please consult Lemarchand (2009:177-8).

divisions. After the removal of Radjabu, 21 pro-Radjabu MPs from CNDD-FDD defected and began to work with opposition leaders (UNSC 2007a:3). This deprived the CNDD-FDD of its majority in the Parliament, and made it necessary for the party to find other allies. This proved difficult, as FRODEBU, who already objected to the composition of the government, decided to join the Radjabu faction, and stopped attending plenaries in order to deprive the National Assembly of the quorum necessary for considering legislation (ICG 2008:4; Reyntjens 2008:9).<sup>26</sup> Consequentially, the National Assembly was paralyzed for months.

### ***Seeking a Way out of the Crisis***

President Nkurunziza resorted to various means to put an end to the parliamentary crisis. In July 2007, the President appointed a new cabinet in an attempt to regain CNDD-FDD's support (by including some of Radjabu's allies), and tried to restore parliamentary confidence by appointing new FRODEBU and UPRONA ministers. However, the fact that the two latter parties had not been consulted prior to the appointment of their ministerial candidates led to increased tensions, and both parties refused to join the government (UNSC 2007b:2; ICG 2008:4). A majority in the National Assembly refused to join the swearing-in of the new cabinet, and 60 MPs informed the president of the National Assembly that they would vote systematically against all the government's law proposals. Instead of trying to reach a compromise with the opposition, President Nkurunziza accused the opposition MPs of wanting to sabotage the government, leading to nothing but a continuation of the parliamentary deadlock (ICG 2008:4-5; Reyntjens 2008:9-10).

Following a long period of boycotts and negotiations, the situation seemed to improve in November 2007. The President responded to pressure from UPRONA to appoint a new government, in which FRODEBU and UPRONA finally got the representation that they were entitled to according to Article 129 of the Constitution (ICG 2008:5). The new government was composed by 19 ministers and 7 vice-ministers from only three parties, CNDD-FDD, FRODEBU and UPRONA. The appointment of the new government was welcomed by both FRODEBU and UPRONA, and Nkurunziza's government thus regained a majority in the Parliament (UNSC 2007b:3; Reyntjens 2008:9-10).

However, President Nkurunziza's government reshuffle again failed to provide a lasting solution to the Parliamentary impasse. Wrangling over representation of the different parties in ministries and senior positions in the civil service continued, and the opposition parties accused the CNDD-FDD of not doing enough to re-launch the peace talks with the still active rebel group, the Palipehutu-FNL. With support from some members of the CNDD-FDD (including the vice-president of the National Assembly, Alice Nzomukunda), FRODEBU and UPRONA called for the creation of a special parliamentary commission to address the issue of the FNL. Frightened by seeing the Parliament acting independently of the government, the CNDD-FDD leadership reacted

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<sup>26</sup> Article 175 of the 2005 Constitution states that the National Assembly cannot be legitimately deliberate unless two-thirds of MPs are present.

by expelling Nzomukunda from the party in January 2008, and subsequently pressed the other parties to accept the decision by trying to force through a removal of Nzomukunda from the vice-presidency position at the next parliamentary plenary session (ICG 2006:6; Reyntjens 2008:10). This prompted a harsh reaction from the opposition, who regarded the event as a manifestation of CNDD-FDD's authoritarian leanings. The National Assembly relapsed into inaction, as FRODEBU and UPRONA again decided to boycott plenary sessions. The CNDD-FDD responded by attempting to divide the opposition, accomplished in March 2008 when nine MPs (led by Jean Minani) from FRODEBU withdrew from the party's parliamentary group, and started attending plenary sessions in the National Assembly (Reyntjens 2008:10; UNSC 2008a:5).<sup>27</sup>

As a final attempt to end the institutional crisis, the President pressured the Constitutional Court to authorize the replacement of 22 dissident MPs (Radjabu supporters) with loyal supporters of the party in June 2008. With support from two MPs from the Movement de rehabilitation du citoyen (MRC) and nine MPs loyal to Minani,<sup>28</sup> the CNDD-FDD regained the 2/3 majority required to pass laws in the National Assembly (UNSC 2008b:4). Although this led to a reactivation of parliamentary activities, the replacement of the MPs was strongly criticized by the political opposition, and raised questions of the independency of the judiciary.<sup>29</sup> Furthermore, the CNDD-FDD's dominance over the Constitutional Court has created a dangerous precedent of violation of the Constitution and removal of checks on power, which may affect the political stability of the country in the long term, and compromise the holding of peaceful elections in the medium term (ICG 2008:7, Vandeginste 2008).

#### 4.4 Key Challenges for Democratic Consolidation

In its efforts to deal with the governance challenges discussed above, the CNDD-FDD has several times acted in violation of Burundi's constitution and exhibited what observers refer to as an 'authoritarian drift'.<sup>30</sup> Based upon the manner in which CNDD-FDD has handled the manifold challenges to its power, the Burundian regime can today be characterized as a semi-democracy. As discussed in section 2, such regimes tend to be unstable and prone to intrastate conflict, and in order to institutionalize a functioning democratic state, a number of issues, including the CNDD-FDD's failure to adhere to the 2005 Constitution, the repression of political opposition and the blocking of democratic spaces, need to be addressed in preparation for 2010 elections.

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<sup>27</sup> ICG (2008:6-7) and Burundi Réalités Agence Press (5 March 2008).

<sup>28</sup> Who logically also should have been expelled by the Constitutional Court, as they are no longer part of FRODEBU. If these nine MPs would have been replaced, it would have deprived the CNDD-FDD of its 2/3 majority (ICG 2008:11).

<sup>29</sup> Author interviews with researchers and political party civil society representatives, Bujumbura, October 2008.

<sup>30</sup> Author interviews with researchers, political party members and civil society representatives, Bujumbura, October 2008.

### ***Power-sharing Deprived***

The failure to establish a fully democratic political culture in Burundi is to a large extent rooted in the malfunctioning of the power-sharing institutions that were intended to be a central element of the new democratic regime. Although the constitutional requirements of ethnic power-sharing have been largely followed and the quotas for political parties' representation in the government complied with after the cabinet reshuffle in November 2007, the ruling party's reluctance to adhere to the politics of inclusive decision-making has stifled democratic development. Instead of including coalition partners in collaborative decision-making, the CNDD-FDD has used state institutions to consolidate its own power. This has led to discontent and mistrust among the other political parties, and contributed to undemocratic practices, wherein the CNDD-FDD has tried to affirm itself as the only legitimate decision-maker of the country.<sup>31</sup> Laws have been passed through both chambers of the Parliament with minimal involvement from the opposition, and the CNDD-FDD's dominance has blurred the intended separation between the executive, legislative and judiciary branches (Nindorera 2008:109; Lemarchand 2009:185). As the political opposition is too weak and fragmented to check the CNDD-FDD's power abuses, this has led to a serious erosion of the checks and balances crucial for a functioning democracy.

### ***Repression of Political Opposition***

The CNDD-FDD's attempts to eliminate political opposition have not been limited to exclusionary political decision-making practices. According to several sources, arbitrary arrests and detentions, torture and extrajudicial killings of FNL supporters and regime critics have been on the rise since the CNDD-FDD came to power.<sup>32</sup> Among the many politically motivated human rights violations are the illegal arrests and torture of seven opposition leaders after suspects of a coup plot in July 2006, a summary execution of 31 civilians in Musinga in November 2006, grenade attacks at the homes of five opposition politicians in August 2007 and March 2008, and the arrest of at least 71 opposition members in the autumn of 2008<sup>33</sup> (UN SC 2008a/b; HRW 2008, 2009). Credible reports reveal that these atrocities were not isolated incidents but for the most part orchestrated from the top, by the National Intelligence Service (SNR), the National Police (FDN) and the Interior Security Police (PSI) -all dominated by CNDD-FDD supporters (HRW 2006; Lemarchand 2009:173). At the same time, impunity for many of these human rights violations continues (HRW 2009).<sup>34</sup> As a human rights activist expresses, there "is a total denial from the ruling party when human rights violations are denounced by the civil society."<sup>35</sup>

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<sup>31</sup> Author interviews with opposition politicians and civil society representatives, Bujumbura, October 2008.

<sup>32</sup> Author interviews with researchers and representatives from political parties, human rights organizations and BINUB. Bujumbura, October 2008.

<sup>33</sup> Mainly from the Union for Peace and Democracy (UPD-Ziamibanga) and the Movement for Security and Democracy (MSD).

<sup>34</sup> However, in October 2008, a military tribunal convicted 15 soldiers for the Musinga killings. Although this is a positive step, it should be noted that 'no civilian officials implicated in the case, including local administrators and intelligence agents, were prosecuted' (HRW 2009).

<sup>35</sup> Author interview, Bujumbura, October 2008.

The CNDD-FDD has also created and enforced measures that limit freedoms of assembly and expression for political parties. In October 2008, the Ministry of the Interior issued an order that regulates meetings and demonstrations of political parties and other associations. Observers argue that the order was held as a pretext to arrest opposition members under charges of offending the head of state and holding illegal political meetings (UN SC 2008b:5). The order and subsequent arrests have been critiqued harshly from Burundian civil society groups, the opposition in government, and the international community. A CNDD-FDD Minister interestingly defended the need for this order by arguing that “Burundi’s democracy is too young for free meetings.”<sup>36</sup>

Another worrisome trend for Burundi’s democratic development is the deteriorating relationship between the ruling party and civil society. Given the weakness of the opposition and the CNDD-FDD’s control of state institutions, the strongest opposition to the government today comes from the media and civil society.<sup>37</sup> However, although Burundian civil society and press institutions are more outspoken and developed than in neighboring countries, their continuous reports about power abuses have not had much leverage on the CNDD-FDD’s actions (Hlongwana 2008). Civil society organizations are considered as nefarious by the CNDD-FDD,<sup>38</sup> and any criticism against the government’s actions has resulted in punitive actions by the authorities (Lemarchand 2009:186). On a number of occasions, the government has intimidated non-governmental organizations working to protect human rights or expose corruption.<sup>39</sup> Taken together with harassments and illegitimate arrests of journalists and civil society representatives, these actions question the government’s commitment to freedom of expression.

Civil society has a key role to play in promoting democratic values and culture in Burundi, and functions as an important counterweight to the increasingly authoritarian regime. However, the government’s repression and intimidation of the civil society has limited the possibilities for civil society to fulfill its role as a source of opposition that can check abuses by the state power.

### ***An Institutional Deficit***

Another challenge for democratic consolidation is the poor institutional capacity of the state apparatus. The civil service is ill-equipped and lacks the capacity to effectively manage Burundi’s bureaucratic institutions, and several sources outside the ruling party point to bureaucratic and political positions being filled up with inexperienced loyalists.<sup>40</sup>

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<sup>36</sup> Author interview, Bujumbura, October 2008.

<sup>37</sup> Author interviews with researchers, Bujumbura, October 2008.

<sup>38</sup> In a CNDD-FDD party congress in June 2006, government members ‘declared that some media and civil society organizations are “enemies,” with whom party members should not communicate’ (Douma et al. 2006:54).

<sup>39</sup> E.g. the arrests and/or intimidation of representatives from Cercle d’initiative pour une vision commune (CIVIC), L’Observatoire de lutte contre la Corruption (OLUCOME) and Ligue Burundaise des droit de l’homme (Ligue Iteka), and journalists from Radio Publique Africaine (RPA) and Net Press (HRW 2009; ICG 2006:10).

<sup>40</sup> Author interviews with researchers, and civil society and political party representatives. Bujumbura, October, 2008.

CNDD-FDD members occupy almost 80% of civil service posts, and the great majority of people currently appointed to posts in the public services, public enterprises, and diplomatic corps also come from the CNDD-FDD.<sup>41</sup> Many of these positions have also been distributed to people faithful to the party, rather than based on their qualifications (Nindorera 2008:110; Lemarchand 2009:185), contributing to the lack of institutional capacity. At the same time, the inability of the government to deliver on its promises has aroused widespread disappointment among the population, who are growing tired with the increasing insecurity and declining quality of life, and await dividends from the democratic process.

Burundi's challenging socio-economic context also poses a major obstacle to the functioning of democratic institutions. The country's extreme poverty has led to a situation in which politics have become a matter of survival. Several sources expressed that "the state is the only real employer in the country," and that the primary reason for why politicians engage in politics is not out of a desire to represent the people, but to secure the economic well-being of their family.<sup>42</sup> Compounding the socio-economic situation is the widespread problem of corruption in state institutions. Revelation of large-scale misappropriations, including the sale of a presidential aircraft for 2 million USD below the highest bid, embezzlement of financial assistance from the EU in 2006, and unbudgeted payments totaling 1.6 percent of the country's GDP in 2007 (Lemarchand 2009:174-5), have undermined the credibility of the government. Although steps have been taken to reduce corruption and increase the transparency of the management of public resources,<sup>43</sup> new corruption scandals continue to occur. However, an increasing number of cases of misappropriation of funds are being denounced, and also come under review (UN PBC 2009).

Like in most post-civil war contexts, the conversion of CNDD-FDD from rebel group to political party is a major challenge to the democratic process. Despite the transition, a "war mentality" remains prevalent within the political leadership of the CNDD-FDD.<sup>44</sup> According to Willy Nindorera (2008), this has materialized in state institutions through clientelism, obsession with secrecy and a highly personalized line of command. Nindorera argues that the CNDD-FDD's tendency 'to meddle in the affairs of the state to the point that it sometimes virtually takes the place of the head of state, the ministers, and other officials' has not only created problems for the party itself, but also for the running of public affairs (2008:121). Within the CNDD-FDD, however, these arguments are dismissed, as most incumbents point to the presence of what they see as highly competent ministers and civil servants.<sup>45</sup>

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<sup>41</sup> Although it should be noted that all these appointments are in accordance with the constitutional requirements that 40% of the posts should be held by Tutsis and 30% by women (Nindorera 2008:110).

<sup>42</sup> Author interviews with researchers and civil society representatives. Bujumbura, October, 2008.

<sup>43</sup> E.g. the adoption of a law against corruption and the establishment of a Corruption Court and an Anti-Corruption Brigade.

<sup>44</sup> Author interviews with researchers and civil society representatives, Bujumbura, October 2008.

<sup>45</sup> Lemarchand (2009:184-5) and author interviews with CNDD-FDD representatives, Bujumbura, October 2008.

### ***Inclusion of the FNL***

The incorporation of the last active rebel group, the Palipehutu-FNL, into the political system also needs to be resolved in order to ensure a democratic civil peace. As mentioned earlier, a cease-fire was signed between the two parties in September 2006, but the agreement was never effectively implemented, and the rebel group resumed its fighting in July 2007. The government's negotiations with the rebel group have been extremely difficult and slow going,<sup>46</sup> but Burundi has achieved progress in the peace process over the past year.

In May 2008, Palipehutu-FNL leader Agathon Rwaso was forced by the region, especially Tanzania, to return from Tanzania to resume discussions with the government, and in June, a declaration was signed between the government and the rebel group. In the so called Magaliesburg Agreement, both parties committed themselves to resolve their differences through dialogue, and came to an understanding about recognition of the Palipehutu-FNL as a political party (ICG 2008:7-10; UN PBC 2008:5). Although the implementation of this agreement was delayed due to the reluctance from the Palipehutu-FNL to remove the ethnic connotation of its name<sup>47</sup> and its insistence on keeping an armed wing,<sup>48</sup> the rebel group agreed to change its name into FNL in January 2009, paving the way for a possible integration of the movement into the political mainstream (Boshoff et al. 2009:7). Although this has brought hope for a transformation of the rebel group into a political movement, the FNL has yet to metamorphosize from an armed faction into a political party (Lemarchand 2009:153). As the case of CNDD-FDD demonstrates, this is not always an easy task. Furthermore, if the FNL chooses to participate in the scheduled 2010 elections, the possibility of a return to ethnic-based politics exists, as the movement adamantly disputes the validity of the ethnic quota system formalized by the Constitution.<sup>49</sup>

### ***Preparations for the 2010 Elections***

In the context of the above, there are widespread worries about the elections scheduled for 2010. Political parties have started campaigning, but much remains to be done in order to ensure that the elections are conducted to an international standard. Of particular concern is the high probability that the elections will be systematically rigged. A number of sources expressed deep concern that the CNDD-FDD will use all

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<sup>46</sup> In the context of the political crisis, the government's negotiations with the Palipehutu-FNL proved difficult. The avoidance of the CNDD-FDD to include other political parties in the peace negotiations bothered the opposition greatly, and in revenge it tried to take advantage of the CNDD-FDD's failure to negotiate a solution to the conflict, to halt the peace process and put the ruling party in a bad light prior to the upcoming elections. Another likely reason for the delays in the negotiations is that CNDD-FDD was afraid of competition from the Palipehutu-FNL in the upcoming elections. From a tactical viewpoint, the party thus had every reason to keep the FNL tied up in procedural issues to prevent it from launching an effective challenge at the polls. Author interviews with researchers, diplomats and civil society representatives, Bujumbura, October 2008.

<sup>47</sup> Palipehutu translates as 'Party for the Liberation of the Hutu People.' According to the 2005 Constitution, political party names with an ethnic connotation are not allowed.

<sup>48</sup> Author interviews with Agathon Rwaso, political party representatives, the South African Ambassador to Burundi, and representatives of the Joint Verification and Monitoring Mechanism (JVMM), Bujumbura, October 2008.

<sup>49</sup> Author interviews with Agathon Rwaso, and researchers, Bujumbura, October 2008.



possible means to win, and if it loses it is unclear whether it will accept defeat.<sup>50</sup> The proliferation of small weapons among the civilian population compounds the difficulty of fair elections.<sup>51</sup> As such, the ongoing development of a program for disarmament of the civil population is positive for the promotion of security in the country (UN PBC 2009:7).

In order to create an environment conducive to free and peaceful elections, a major task for the political parties is to develop a legal framework for the elections. The electoral code has not yet been revised, nor has a code of conduct for political parties and the security forces been developed. However, the government has taken a first step in this process by reorganizing the Independent National Electoral Commission (CENI), whose composition was approved by the National Assembly in February 2009. This progress notwithstanding, several observers have expressed skepticism as to whether the CENI will truly be granted the independence needed to ensure free and fair elections.<sup>52</sup>

## 5. Preliminary Recommendations

Despite the importance given to elections as symbolic markers of legitimacy for nascent democratic processes, the foregoing should make it clear that free and fair elections are necessary, but not sufficient to ensure long-term multiparty democracy in Burundi. Nkurunziza's government bears primary responsibility for creating a political climate conducive to a consolidation of democracy. But other stakeholders, such as the political parties represented in the Parliament, civil society and the international donor community can also play important supporting roles.

### **The Government**

In order for Burundi to consolidate the democratic order in Burundi it is vital that Nkurunziza's government:

1. **Restore a constructive political dialogue:** As the leading political party, the CNDD-FDD should engage in constructive dialogues with the other political parties, promote more open debates, and search for consensus solutions to problems. In this respect, the CNDD-FDD's participation in one of the projects supported by the UN Peacebuilding Fund (PBF), the Cadre du Dialogue et de Concertation,<sup>53</sup> is a step

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<sup>50</sup> Oluch (2008) and author interviews with diplomats, researchers, journalists, and civil society representatives, Bujumbura, October 2008.

<sup>51</sup> According to a survey conducted by Ligue Iteka and Small Arms Survey in 2007, 100,000 households are assumed to possess arms and/or light weapons (Pézarid & Florquin 2007:2).

<sup>52</sup> Author interviews with researchers and civil society representatives, Bujumbura, October 2008.

<sup>53</sup> Project on Dialogue and Consultation. This is a one-year long project, which has defined dialogue and consultation frameworks for four groups of actors: elected officials, political parties, civil society organizations and the media. The project has three objectives: to build capacities in the concepts and instruments used in participatory democracy; to hold seminars to identify the main peacebuilding challenges and strategies; and to develop consensus on the roles and responsibilities of all actors (UN PBF 2007).

in right direction.<sup>54</sup> Aimed at integrating a democratic culture and building trust among national partners through inclusive and participatory dialogue, this project can, if successful, be conducive to collaboration and consensus building in Burundi. However, in order for the dialogue project to have an effect on political governance, it is essential that the CNDD-FDD demonstrate its commitment to the project and avoids high-jacking it for political propaganda purposes.

2. **Recognize the value of checks on the power of the executive:** The government should respect the civil and political rights of the country's citizens and guarantee that spaces for freedom and liberty are maintained. A revision of the order regulating the freedom of political parties and other associations to meet freely should thus be in order.
3. **Address human rights violations:** Based on the revelation of the involvement of the SNR in a number of illegal intimidations and arrests of opposition politicians and civil society representatives, the role and power of the SNR should be thoroughly revised in a consensual manner by the parties in the coalition government. Nobody should be intimidated or arrested for expressing his or her beliefs or opinions, and the government must ensure a fair judicial review for all detainees.
4. **Ensure liberties for civil society and media groups:** As part of a concerted effort to guarantee civil society and media freedoms, the government should open for closer interaction between political institutions and civil society. An institutionalization of the relationship between the government and civil society organizations, for instance through regular press briefings on the government's actions and discussions, will guarantee citizens' participation in public affairs and could lead to permanent dialogue between the public and the state apparatus.
5. **Enhance the independence and efficiency of the civil service:** The government should endeavor to assure that political meddling does not have negative effects on the functioning of civil service positions. It should replace the stacking of these in-demand positions of loyalists in favor of a meritocracy-based system of hiring.
6. **Increase transparency:** The government should demonstrate its promised commitment to combating corruption by opening its books for independent audits, and ensuring that corrupt officials are prosecuted through the recently established Anti-Corruption Court.
7. **Engage in inclusive election preparations:** The executive branch has an important role in the preparations for 2010 elections, and the CNDD-FDD must include other political parties in this work. The electoral code should be revised in a consensual manner, and a code of conduct for political parties and the security forces should be developed. The government should guarantee full independence of

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<sup>54</sup> Author interviews with researchers, civil society and political party officials, Bujumbura, October 2008.

the CENI in its work to ensure honest elections, and ensure that the SNR does not interfere in the 2010 electoral campaign. Given the high likelihood of unrest in the upcoming elections, the government should also discuss measures that can reduce the risk of violence, and solicit support from the international community to implement these measures and assist in election monitoring.

### ***The Parliament***

1. **Strengthen checks on the executive:** To ensure sound democratic performance, the Parliament should adopt tools for supervising government actions. The Parliament should push for improved access to public services, for an independent legal system, and encourage a proper and transparent functioning of the public administration.
2. **Secure productive legislative sessions:** A relapse into a situation of Parliamentary deadlock like experienced in 2007-8 would be a damaging setback to the progress made thus far. Political parties in both the ruling party and opposition should thus show determination to make the legislative sessions productive.
3. **Increase the contact with constituencies:** In order to improve the Parliament's image in the society, MPs should pursue enhanced contact with their constituencies, and make the Parliament's role in supervising government actions more visible. MPs should utilize independent media outlets, and open for debates in Parliament to be reported on a regular basis in newspapers and transmitted by national television and radio. Efforts like this could pave the way for a constructive incorporation of public opinion in democratic institutions.

### ***Civil Society and the Media***

1. **Continue to press for influence:** The role and influence of civil society and the media in the political system naturally depends on the space that it is given by the authorities. It is, however, important that civil society organizations and the independent media continue to press for their right to influence the political arena.
2. **Denounce bad governance:** It is essential that civil society organizations and the media continue to denounce human rights abuses and bad governance, and pressure Parliament to hold the Government accountable for its actions.

### ***The International Community***

Regional and international actors have been an integral component to the peace process in Burundi. However, the recent progress in the peace negotiations with the FNL and the end of the Parliamentary impasse must not lead to a withdrawal of the international community's support. The international community should acknowledge the importance of consolidating democratic gains by encouraging policies that strengthen democratic institutions in Burundi. In that regard, the international community can:

1. **Monitor the government's performance:** International actors should encourage President Nkurunziza to restore political dialogue and to adopt a more inclusive

approach in decision-making for the long-term benefit of democracy in Burundi. Donors should signal to the government that promised aid is conditioned on good-faith efforts to solve political problems through dialogue, and be cautious with allocation of un-earmarked budgetary support. In light of the numerous politically motivated human rights violations, international actors should stress the importance of compliance with human rights law and insist that the government provide timely trials to political prisoners.

2. **Support institutions that provide a check on the executive:** The international community should increase its support to all institutions that provide a check on the executive, such as civil society organizations defending human rights and denouncing corruption, and independent media. The support should be focused around civil organizations that are democratically run and transparent in their operations, and that have the potential to make a meaningful contribution to the democratization process. In this respect, two civil society organizations, the Observatory for Government Action (OAG) and Ligue Iteka, who continuously have drawn attention to human rights violations and restriction of press freedom, deserve the international community's full support. Technical assistance should also be offered to the government to support a legal environment conducive to a free and independent media.
3. **Support political capacity building:** In order to strengthen the competitiveness of the party system for all parties, international partners should assist the internal organizational development of political parties and orient support towards Parliament's interaction with citizens. The donor community should also pursue mobilization of funds for a strengthening of the administration's capabilities, and offer tangible, technical and logistical support to ensure that the institutions operate in a transparent, accountable, independent and participatory fashion.
4. **Assist in the preparations for the 2010 elections.** Regional and international actors should strongly encourage the CNDD-FDD to engage in inclusive preparations for 2010 elections. Dual priority should be placed on support to the government's preparations of a new legal electoral framework and provision of technical assistance to the rebel-to-party transformation of the FNL. A successful conversion of the FNL from rebel group into political party requires that the former rebel group develop an accountable party organization and a viable political program. International actors could support this process by organizing a party assistance program aimed at enhancing the FNL's commitment to its new democratic responsibilities as a political party. Given the increased risk of violence surrounding election periods, it is important that the international community is ready to assist with international observers and potentially security forces.

### ***The UN Peacebuilding Commission***

Aimed at bridging the gap between post-conflict situations and long-term reconstruction, 'good governance' has been identified as one of eight priority areas for the PBC's

work in Burundi.<sup>55</sup> Several projects to promote good governance have been initiated, and a Monitoring and Tracking Mechanism has been set up to evaluate progress. In order for these efforts to have a significant impact on the sustainability of the Burundian democracy, the PBC should:

1. **Ensure sustainable impact of the projects:** The improved mobilization and coordination of donor support brought about by the PBC should be used strategically to raise funds for long-term programs for democracy assistance. For instance, the 'Cadre de Dialogue et Concertation,' which stands out as the PBF project with the highest potential to have a significant impact on the democratic process, only has funding from the PBF for one year. Changing the mentality of stakeholders in the political process takes time, and in order to achieve its goal of creating a political environment conducive to peaceful resolution of governance problems, the PBC should press for projects like this to be integrated into long-term governance and development programs.
2. **Ensure effective use of the Monitoring and Tracking Mechanism:**<sup>56</sup> Effective use of the Monitoring and Tracking Mechanism is essential for the longer-term impact of the PBC's work to promote good governance, but this will require strategic and technical follow-through. The PBC should use the recommendations from this mechanism tactically to sustain its pressure on the government, the political parties and other stakeholders to comply with their commitments to promote democracy and good governance.

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<sup>55</sup> The other seven priority areas, as identified in the *Strategic Framework for Peacebuilding in Burundi* (June 2007), are: completion of the implementation of the cease fire agreement between the Government of Burundi and the Palipehutu-FNL; reform of the security sector; equitable access to justice, promotion of human rights and the fight against impunity; find a solution to the land issue and to socio-economic recovery of populations affected by the war and conflicts; mobilization and coordination of international assistance; integration of subregional dimension in peacebuilding, and mainstreaming gender (UN PBC 2007a).

<sup>56</sup> The Monitoring and Tracking Mechanism (UN PBC 2007b) is available at: <http://www.peacebuildingcommission.org/files/uploads/Burundi%20MTM%2027%20NOV%202007.pdf> (accessed 28 March 2009).

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## 7. Appendix

### 7.1 Time line<sup>57</sup>

<b>1959</b>	Belgium grants Burundi internal autonomy.
<b>Sept 1961</b>	Parliamentary elections. Nationalist and ethnically mixed UPRONA wins with 82 % of the vote.
<b>Oct 1961</b>	UPRONA's leader and prime minister designate, Luis Rwagasore, is assassinated.
<b>July 1962</b>	Independence from Belgium rule. Burundi becomes a parliamentary monarchy under the rule of King Mwambutsa IV.
<b>1965</b>	Parliamentary elections give the Hutu 23 out of a total of 33 seats in the National Assembly. King Mwambutsa bypasses the results of the elections, and appoints his private secretary (a Tutsi) as Prime Minister. An attempted coup by Hutu army officers is brutally repressed, with an estimated 2,500-5,000 Hutus killed.
<b>1966</b>	Coup d'état by Michel Micombero, who orders the repression of Hutus, declares the monarchy abolished and pronounces himself president.
<b>1966-1993</b>	Tutsi military rule.
<b>1972</b>	After an attempted Hutu rebellion, the Tutsi-dominated army carries out a revenge massacre of between 125,000 and 150,000 mainly educated Hutus. An estimated 300,000 Hutus flee the country.
<b>1972-1993</b>	All political parties other than the Tutsi-dominated UPRONA are outlawed.
<b>1976</b>	Micombero is deposed in a military coup and is replaced by Jean-Baptiste Bagaza as President.
<b>1980</b>	The Hutu resistance movement, Palipehutu, is formed by Hutus in Tanzanian refugee camps.
<b>1981</b>	A new constitution, providing for a national assembly is adopted.
<b>1987</b>	Bagaza is deposed in a bloodless coup led by Pierre Buyoya.
<b>1988</b>	Hutu militias initiate a peasant uprising, killing hundreds of Tutsi families. In retaliation, the army assassinate between 5,000 and 20,000 Hutus. 60,000 refugees flee to Rwanda.
<b>1991</b>	The security forces retaliates against the Hutu population following an insurgency by the Hutu rebel movement, Palipehutu.
<b>March 1992</b>	A new constitution providing for a multi-party system is adopted in referendum. Ethnically based political movements are banned.
<b>June 1993</b>	Elections. FRODEBU gains 65 out of 81 seats in the National Assembly. Melchior Ndadaye (FRODEBU) becomes Burundi's first democratically elected Hutu president.
<b>Oct 1993</b>	Ndadaye is killed by a Tutsi pro-Bagaza army faction, together with other senior FRODEBU members. This provokes the massacre of tens of thousands of Tutsis by Hutu militias, and retaliatory killings of an even larger number of Hutus. An estimated 700,000 people is displaced, and 600,000 flee the country.
<b>Jan 1994</b>	FRODEBU member Cyprien Ntaryamira (Hutu) is appointed President.
<b>April 1994</b>	President Ntaryamira is killed in a plane crash with his Rwandan counterpart, Juvénal Habyarimana. Parliament speaker Sylvestre Ntibantunganya is appointed new President. Ethnic violence escalates.
<b>June 1994</b>	Several senior FRODEBU members leave Burundi to form the CNDD and its armed wing, FDD. Along with the Palipehutu-FNL, the CNDD starts an armed rebellion against the Tutsi-dominated army. The civil war starts.
<b>1994-2005</b>	Civil war.
<b>Nov 1994</b>	Inauguration of a new government of unity after many months of internal negotiations between FRODEBU and Tutsi parties.
<b>March 1996</b>	Julius Nyerere, former president of Tanzania, is appointed Burundi peace process

<sup>57</sup> Sources: Reyntjens (2005); Sullivan (2005); Wolpe & Brachet (2005); Lemarchand (2006); Daley (2008); and Falch & Becker (2008).

	facilitator by the UN and African Union.
<b>July 1996</b>	Pierre Buyoya returns to power in a second coup, deposing Ntibantunganya, and suspending the National Assembly and political parties. This is immediately followed by a regional embargo.
<b>June 1998</b>	Start of the Burundian negotiations process in Arusha, Tanzania, under mediation from Julius Nyere. FRODEBU and UPRONA agree to share power, and adopt an interim constitution legalizing Buyoya's rule.
<b>Oct-Nov 1999</b>	Julius Nyere dies, and former South African president Nelson Mandela takes over as Burundi peace process facilitator.
<b>Aug 2000</b>	The Arusha Peace and Reconciliation Agreement is signed by 19 delegations, including 17 political parties, the Government and the National Assembly. The CNDD-FDD and the Palipehutu-FNL reject the agreement. Agreement that a 36-months transitional period will be divided into two parts, the first to be led by a Tutsi (Buyoya), and the second by a Hutu (Domitien Ndayizeye). It is agreed that neither will stand for the presidency in the post-transition elections.
<b>28 Oct 2001</b>	Promulgation of a transitional constitution.
<b>1 Nov 2001</b>	Buyoya takes office as president for the first 18 months of the transitional period. CNDD-FDD and Palipehutu-FNL continue to reject a cease-fire and fighting intensifies.
<b>30 Apr 2003</b>	Ndayizeye takes office as second transitional president.
<b>9 Oct 2003</b>	A peace agreement, the Pretoria Protocol on Political, Defense and Security Power Sharing in Burundi, is signed by the Government and CNDD-FDD. Nkurunziza, the head of CNDD-FDD becomes Minister of State in charge of good governance. Palipehutu-FNL continues to launch attacks in Bujumbura Rurale and Bujumbura suburbs.
<b>6 Aug 2004</b>	Burundi Power-sharing Agreement is signed. The agreement contains similar provisions to those in the Arusha agreement, subsequently put into the new constitution.
<b>20 Oct 2004</b>	A draft post-transitional constitution is approved by 2/3 of the National Assembly and the Senate, despite a boycott by the Tutsi parties, who dispute the power-sharing arrangements.
<b>25 Feb 2005</b>	The post-transitional constitution is approved by referendum (91,2 % in favor). The constitution is markedly consociational, with ethnic and political power-sharing arrangements at national, local and party level.
<b>June-Aug 2005</b>	Four rounds of elections are organized: 3 June: municipal elections. 4 July: National Assembly elections. 29 July: Senatorial elections (indirect). 19 August: Presidential election (indirect). The elections give a landslide victory to the CNDD-FDD, who gains 62.8% of the vote in the municipal elections and 58.23% of the vote in the legislative elections. As leader of the largest party, Pierre Nkurunziza is elected new President by a joint congress.
<b>26 Aug 2005</b>	President Nkurunziza (CNDD-FDD) takes over as president. Four days later, he forms a coalition government. The government complies with the ethnic power-sharing arrangements, but not with the requirements of political representation. Complaints from FRODEBU and UPRONA are not addressed.
<b>March 2006</b>	FRODEBU leaves the government in protest at the CNDD-FDD's reluctance to include them in decision-making, the removal of its members from their post as local administrators, human rights violations and several corruption scandals.
<b>July 2006</b>	Rumors of a coup plot leads to the arrest of several leading opposition politicians. The suspected are released six months later, when there is not found enough evidence to convict them.
<b>7 Sept 2006</b>	The government signs a ceasefire with the Palipehutu-FNL.
<b>Feb 2007</b>	Hussein Radjabu is deposed as president of CNDD-FDD. His departure creates a rift in the party, ultimately leading to the defection of 21 pro-Radjabu MPs and the loss of the party's majority in the National Assembly. This paves the way for a major political crisis. FRODEBU, who objects the composition of the government, starts voting with the

	Radjabu supporters, and refuses to attend plenary sessions in the Parliament.
<b>13 July 2007</b>	The president reshuffles the cabinet. A majority of MPs boycotts the swearing-in ceremony of the new government.
<b>21 July 2007</b>	The Palipehutu-FNL withdraws from the Joint Verification and Monitoring Mechanism (JVMM). Fighting resumes.
<b>Aug 2007</b>	Grenade attacks at five opposition leaders houses.
<b>14 Nov 2007</b>	The president reshuffles the cabinet. FRODEBU and UPRONA get the number of Ministers that they are entitled to in accordance with the Constitution.
<b>Feb 2008</b>	Negotiations between the Palipehutu-FNL and the government resume under South African facilitation.
<b>March 2008</b>	Grenade attacks at another five opposition leaders houses.
<b>March 2008</b>	Nine MPs (led by Jean Minani) from FRODEBU withdraw from the party's parliamentary group, and start attending plenary sessions in the National Assembly.
<b>April 2008</b>	Resumption of hostilities between the Palipehutu-FNL and the Government Army.
<b>30 May 2008</b>	Palipehutu-FNL leader Agathon Rwaso returns from Tanzania to Bujumbura.
<b>5 June 2008</b>	The CNDD-FDD pressures the Constitutional Court to authorize the replacement of 22 dissident MPs with loyal supporters of the party. CNDD-FDD regains a 2/3 majority in the National Assembly.
<b>11 June 2008</b>	The Mageliesburg agreement is signed between the Palipehutu-FNL and the Government. Both parties commit to resolving their differences through dialogue, and reach an understanding on recognition of the Palipehutu-FNL as a political party.
<b>6 Oct 2008</b>	The Ministry of Interior issues an order that regulates meetings and demonstrations of political parties and other associations.
<b>Sept-Oct 2008</b>	At least 71 opposition members are arrested.
<b>9 Jan 2009</b>	The Palipehutu-FNL announces the removal of ethnic connotations from its name.
<b>13 Feb 2009</b>	A new Independent National Electoral Commission is approved in Parliament.



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