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Power-sharing in Peacebuilding in Burundi

Power-sharing Agreements, Negotiations and Peace Processes

Åshild Falch & Megan Becker

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Power-sharing and Peacebuilding in Burundi

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Åshild Falch
Center for the Study of Civil War
International Peace Research Institute, Oslo
afalch@prio.no

&

Megan Becker,
University of California, San Diego

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Executive Summary

An eleven-year civil war broke out in Burundi in June 1994 and concluded in August 2005. Between 1994 and 2005, numerous rounds of peace negotiations were initiated. Three major agreements including provisions for power-sharing were signed, but implemented with varying degrees of success.

Burundi's first attempt at introducing political power-sharing institutions in 1994 was a failure. The power-sharing agreement, known as the Convention of Government, introduced a coalition government based on power-sharing between the Hutu and Tutsi dominated political parties and opened for ethnic balance in the public sector. However, the provisions in the agreement failed to take into account the results from the democratic elections in 1993 and did not include any of the rebel groups in the emerging civil war. Clashes between the Tutsi-dominated army and pro-Hutu rebel groups continued unabated, and the government was ultimately brought down in a military coup in 1996.

The second attempt at institutionalizing power-sharing was the culmination of a lengthy negotiation process carried out under heavy regional and international pressure in Arusha between 1998 and 2000. The Arusha Peace and Reconciliation Agreement of 2000 was based upon a standard formula aimed to institutionalize a democratic system for power-sharing between the Hutu and Tutsi political parties, and initiated a three year transitional period with a grand coalition government. Although considered as an important step to bring peace to Burundi, the Arusha Agreement did not include cease-fire agreements with any of the major rebel groups, its implementation was delayed, and the civil war continued.

The most recent power-sharing agreement, the Burundi Power-sharing Agreement, was signed by the government and the main rebel group, the CNDD-FDD, in August 2004. The agreement reflected the spirit of the Arusha Agreement and is markedly consociational, with power-sharing arrangements such as a grand coalition, proportionality, minority overrepresentation and elite cooperation. These power-sharing provisions were included in the constitution that came into effect a few months later and were implemented through democratic elections in 2005. The elections gave a resounding victory for the CNDD-FDD, whose leader Pierre Nkurunziza now serves as the president and head of the coalition government.

Even though several positive developments have taken place since the installation of the democratic power-sharing institutions in 2005, peace remains elusive in Burundi. Since the summer of 2007, President Nkurunziza's government has been undergoing a major institutional crisis, and the implementation of a cease-fire signed with the last remaining rebel group, the Palipehutu-FNL, in September 2006 has continuously been postponed. A cessation of hostility agreement was signed with the rebel group in May 2008, and the security situation now seems to be improving. However, continued governance problems are still jeopardizing Burundi's prospects for sustainable peace and democracy.

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Map of Burundi



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List of Abbreviations

AU	African Union
CNDD	Conceil National pour la Défense de la Démocratie
CNDD-FDD	Conceil National pour la Défense de la Démocratie-Forces Pour la Défence de la Démocratie
DRC	Democratic Republic of Congo
FDD	Forces Pour la Défence de la Démocratie
FNL	Forces Nationales de Libération
FRODEBU	Le Front pour la Démocratie au Burundi
FROLINA	Front pour la Libération Nationale
ICG	The International Crisis Group
JVMM	The Joint Verification and Monitoring Mechanism
MP	Member of Parliament
MRC	Mouvement de réhabilitation du citoyen
PALIPEHUTU	Le Parti pour la Liberation du Peuple Hutu
PALIPEHUTU-FNL	Le Parti pour la Liberation du Peuple Hutu - Forces Nationales de Libération
PARENA	Parti pour le redressement national
UN	The United Nations
UPRONA	L'Union pour le Progrès National

1. Introduction

The aim of this report is to assess the nature and impact of institutions of power-sharing in the Burundian peace process. This case study forms part of the larger project, “Power Sharing Agreements, Negotiations and Peace Processes”, which in addition to a theoretical paper that assesses the merits and demerits of power-sharing in post-conflict societies, includes case studies of Burundi, Kenya, Liberia, Nigeria, and Sierra Leone.

To provide a meaningful background for the understanding of the context in which the Burundian power-sharing agreements were brokered and implemented, the paper starts with an explanation of the causes and context of the Burundian civil war. It then provides an overview of social, economic, and political factors relevant for the conflict in Burundi, before giving a more detailed description of the main rebel groups and an overview of the civil war. The focus of the second part of the report is more specifically on the characteristics and impact of three major efforts at peace-building in Burundi: the power-sharing agreements signed in 1994, 2000 and 2004. Towards the end of the paper, some elaboration of the current situation and the potential for future conflict is provided, before concluding with remarks about the lessons that can be learned from the experience with power-sharing in the Burundian context.

2. Context for the Burundian Peace Process

2.1 Causes and Context of the Burundian Civil War

A sociopolitical climate marked by chronic tension, with coup d'états, localized insurrections and military repression has dominated most of Burundian history since its independence from Belgium in 1962. Massacres in 1965, 1972, 1988, 1991 and 1993 led to the deaths of hundreds of thousands of Burundians, and hundreds of thousands more were internally displaced or fled to neighboring countries. In the literature, the main cause of the tension between the two major communities in Burundi, the Hutu and the Tutsi, is often described as ethnic (Daley 2007:338). However, the conflict should more appropriately be understood as a political struggle over maintaining or capturing of power. Being the main avenue for accretion and reproduction of a dominant class, control of the state is of vital importance in a poor and deprived country like Burundi (Ndikumana 2000:452; 2005:31; Reyntjens 1995:6; 2000:5). So although the names of the two communities figure prominently in this report, it should become clear that the tension that ultimately led to the outbreak of civil war in June 1994 was rooted rather in the unequal distribution of wealth and monopolization of power than in ethnic fractionalization in itself.

2.1.1 Imbalance in Power

Traditionally, the distinction between the Hutu and the Tutsi has its roots in a socio-economic power-relationship starting more than 700 years ago when Tutsi herders subjugated Hutu pastoralists (Daley 2006a:664). As a means to strengthen their control of the territory, German and later Belgian colonizers exploited this existing hierarchy. By offering privileges, like access to education and positions in the administration to the Tutsis, the colonial administration institutionalized the domination of the Tutsi over the Hutu, and thus played a fundamental role in fomenting ethnic polarization of politics in Burundi (Ndikumana 1998:32).

The imbalance in power between the Hutu and the Tutsi was perpetuated and further reinforced by post-colonial Tutsi-led regimes. Through military repression and exclusion of the Hutu majority from the military and the government, these regimes incited a spiral of frustration and struggle for social justice among the Hutu (Daley 2006a:666; Ndikumana 1998:30-31).

2.1.2 Accumulation of Grievances

The political tension that the power imbalance caused was materialized through a number of specific historical episodes, which have played a vital role in fomenting the circumstances that ultimately sparked the outbreak of a civil war in 1994. What follows is a brief overview of these major events.

The first incidence of ethnic crisis in Burundi occurred in 1965. Observing the 'Hutu revolution' in Rwanda, the nationalist party, l'Union pour le Progrès National (UPRONA), began a 'tutsification' process within its party ranks (Ould-Abdallah 2000:23). When the elections in 1965 turned out to be a victory for the Hutu, the Burundian king nullified the process and replaced the newly-elected Hutu president with a Tutsi (Ndikumana 1998:35; 2000:433). This episode sparked a revolt and an attempt to seize power by several Hutu military units. Their attempted coup failed, however, and was repressed with extreme violence by the regime. Practically the entire Hutu elite were massacred, along with thousands of rurally based Hutu who were suspected to have supported the revolt (Ndikumana 1998:35-36; Reyntjens 2000:7).

The already faltering democratic process was completely obliterated with the takeover by the military following the coup of Michel Micombero in 1966. Micombero became the first of a series of Tutsi military rulers¹ who used his position to abolish all other political parties than the now Tutsi-dominated UPRONA. By completing the cleansing of the Hutu in the military and political bodies that had started in 1965, Micombero further consolidated state power in the hands of the Tutsi (Ndikumana 1998:36-37; 2005:22).

Events taking place in 1972 stand out as a major watershed in Burundian contemporary history (Ndikumana 2000:434). In April 1972, exiled Hutu rebel groups carried out a violent coup attempt, during which 2000-3000 Tutsi were killed. This prompted retaliation by the Tutsi-controlled military, which carried out a massacre of "unprecedented magnitude and brutality" (Reyntjens 2000:7). An estimated 200,000 Hutu were killed in the massacre, and at least 300,000 more fled to neighboring Zaire, Tanzania and Rwanda (Lemarchand 1974). This event is seen as a turning point in the struggle between the two groups and remains an important part of Burundian political consciousness. Following the 1972 events, the Hutu community became even more politically marginalized and relations between Hutu and Tutsi remained tense. Furthermore, the military regime of President Bagaza, who came to power in 1976, refused to redress the wrongs of what many called a genocide, and no one was ever prosecuted or punished for the massive human rights violations in 1972 (Lemarchand 1994:74-105; Reyntjens 2000:7).

Between 1972 and 1988 Burundi saw a period of relative calm, for the most part absent of violent conflict (Ndikumana 2005:23). However, rumors and fears of a new bloodbath comparable to that of 1972 led to new eruption of violence in 1988 (Sullivan 2005:77). Hutu rebels killed hundreds of Tutsi, and many more fled the country. In an operation aimed at 'restoring order,' government troops responded by randomly killing around 20,000 unarmed Hutu civilians in the Northern provinces (Ndikumana 2000:434;

¹ The military leaders Michel Michombero (1966-1976), Jean-Baptiste Bagaza (1976-1987) and Pierre Buyoya (1987-1993 and 1996-2000) were all Tutsi coming from the Bururi province (Daley 2006a:667).

Reyntjens 2000:8). Yet another state-sponsored massacre followed in 1991, when security forces again retaliated against the Hutu population following an insurgency by the Hutu rebel movement, Le Parti pour la Liberation du Peuple Hutu (Palipehutu) (Daley 2006a:670).

2.1.3 The Failed Democratic Transition in 1993

Ultimately, the consequences of the failed democratic transition in 1993 must be seen as a key reference point for understanding the outbreak of civil war in Burundi (Lemarchand 2006b:6). Following the violence that erupted in 1988, President Pierre Buyoya (UPRONA) responded to pressure from international donors and initiated an extensive reform process that eventually culminated in the transition to democracy in 1993 (Reyntjens 2000:8-9; Sullivan 2005:77).

The 1993 elections gave a surprisingly resounding victory to the Hutu-dominated party, Le Front pour la Démocratie au Burundi (FRODEBU), who gained 80 % of the seats in the National Assembly, and whose presidential candidate, Melchior Ndadaye, won with 65% of the vote (Daley 2006a:670). The results of the election were such that the make-up of the National Assembly became comparable to the ethnic make-up of the country. Buyoya and UPRONA accepted the election results and there was a peaceful transfer of power (Sullivan 2005:77).

After taking office, president Ndadaye set up a consociational government with representation of Tutsi and UPRONA in high posts, including the position of Prime Minister. However, although cooperation at high levels was initiated, it remained an informal and thus, somewhat tenuous, arrangement. The lower level posts underwent a period of 'FRODEBUzation,' something which was highly unpopular with the Tutsi. Several reforms increasing the opportunities for Hutu involvement in the economic and political life of the state were also introduced. These reforms were, however, considered as too far-reaching by the urban-based Tutsi elite, who had grown used to their privileged access to government resources (Ould-Abdallah 2000:35; Sullivan 2005:77). Only a few months later, on 21 October 1993, the military staged a putsch, assassinating President Ndadaye, along with several members of his cabinet. The coup attempt sparked a new round of large-scale ethnically motivated violence all over the country, in which about 50.000 people (more or less as many Hutu as Tutsi) were killed and 700.000 more (mainly Hutu) fled to neighboring countries (Reyntjens 1995:15; Lemarchand 2006:4). This became the prelude to the civil war, which broke out in June 1994.

2.1.4 Regional Instability

The events that led to the outbreak of civil war in Burundi did not occur in a vacuum. The Great Lakes region of Africa, in which Burundi is situated, was a hot spot of instability during the 1990's (Daley 2006b). The similar ethnic make-up of neighboring Rwanda has intertwined the politics of the two countries, with conflict in one state often sparking violence in the other. After the 1994 genocide in Rwanda and the triumph of the Tutsi, Hutu rebels came pouring into Burundi from Rwanda to fight with the Burundian rebel groups, the Conseil National pour la Défense de la Democratie-Forces pour la Défense de la Democratie (CNDD-FDD) and the Parti pour la Liberation du Peuple Hutu Forces Nationales de Libération (Palipehutu-FNL). Burundi also became entangled in the civil war in Zaire/Democratic Republic of Congo (DRC). The government of Burundi was a member of the anti-Kabila alliance, while the CNDD-FDD was funded for a time by the Kabila government. The instability in the region through much of the 1990's, in conjunction with

porous borders, allowed for ease of movement of rebel groups, which often were based in one state and fighting in another (ICG 2002b; Reyntjens 2000:5).

2.2 National Social, Economic, and Political Factors

2.2.1 Social Groups

As mentioned, the tension and strife that have characterized the majority of Burundi's history since independence have often mistakenly been interpreted as purely 'ethnic', with a dominating Tutsi minority suppressing the Hutu majority. The composition of the Burundian society is much more complex, and other cross-cutting cleavages, based on region and urban/rural belonging, have been at least as relevant to the conflict as the division between Hutu and Tutsi (Reyntjens 2000:5).

Burundi's 8.7 million people are commonly divided into three groups, with the Hutu making up 85 % of the population, the Tutsi 14 %, and the Twa 1 % (Daley 2006a:662). Interestingly, however, the Hutu, Tutsi and Twa do actually not qualify as "ethnic groups" in the anthropological sense of the word: they have a very similar culture, speak the same language (Kirundi), practice the same monotheistic religion, belong to the same territory, and intermarriage is common (Reyntjens 2000:5). These apparent similarities between the groups notwithstanding, tensions camouflaged as 'ethnic' have been a prominent feature of Burundian society for most of its history.

A socio-political divide, in which the Tutsi had more economic privileges and political powers than the Hutu, existed in pre-colonial Burundi. Through support of a racist ideology and ethnic hierarchy clearly biased against the Hutu, the German and Belgian colonialist introduced a system that transformed this originally socio-political division into rigid ethnic identities (Daley 2006:664-5; Ngaruko and Nkurunziza 2005:4). Following independence, political power remained structured along these ethnic lines, with the Tutsi minority dominating politics, the army, the civil service, the judiciary, education and the economy. Since then, the ethnic 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 (Ndikumana 2005:7).

Another salient cleavage in the Burundian society relates to regionalism, a divide which is apparent both between and within the Hutu and Tutsi communities. The Bururi province in the south of the country has been home to the majority of Burundi's Tutsi elite, and since the 1960s all of the Tutsi leaders have been from this particular province (Daley 2006a:667). As a result of the political dominance of Bururi, the people in Bururi have enjoyed special privileges, like better education, more public spending, and lower taxes vis-à-vis the other provinces (Ngaruko and Nkurunziza 2005). This regionalism has caused a lot of infighting among the Tutsi, and to some extent also amongst the Hutu leadership, as groups in the north have challenged the traditional dominance of the elites in Bururi (Ndikumana 2005:15).

The divide between people living in urban and rural parts of Burundi is another major social cleavage in the country. Policies and budgetary allocations have traditionally had a very strong urban bias, and although constituting over 90 % of the population, the people in rural areas have been heavily discriminated against, both in terms of standard of living, health services and education. During the civil war, most of the violence, both from the

rebels and the government army, was also directed towards the population in rural areas (Reyntjens 2000:19).

In addition to the ethnic, regional and urban-rural divides, gender is a conspicuous social cleavage in the Burundian society. Like in most other parts of Africa, women are a massively disadvantaged group, and are discriminated against in all spheres of society. Women were also by large the most disproportionately affected group during the conflict. Targeted for their role in reproducing their ethnic group, women and girls were subjected to rape and other forms of sexual abuse by government soldiers and rebels both during and after the war. Furthermore, as more men than women were killed, jailed or joined the rebel movements during the war, most single-parents are now women, who have been left with the responsibility to ensure their families' survival in extremely harsh socio-economic conditions (Reyntjens 2000:20; Daley 2007:342-3).

Numbering less than 1 % of the population, the Twa is another socially, culturally, economically and politically marginalized group in Burundi. The Twa are the earliest known inhabitants of Burundi, and although rarely mentioned in the literature about the conflict, the Twa is the group that was most severely affected by the conflict. Despised by Hutu and Tutsi alike, the Twa were forced to take sides in the conflict, and became victims of killings by both camps in the conflict. A high number of Twa have also been internally displaced due to the conflict (Reyntjens 2000:19-20).

As we will get back to later, the power-sharing agreement that was implemented in 2005 has taken major steps in trying to bridge some of the country's many cross-cutting cleavages. By implementing measures that take into account and incorporate both the ethnic, regional and gender dimensions into the structure of the political apparatus, the government has laid the ground for a more multipolar and inclusive political landscape in Burundi.

2.2.2 Economic situation

Burundi is a small, landlocked and resource-poor country located in the Great Lakes Region of Africa. Even before the civil war broke out in 1994, Burundi was one of the world's poorest countries, and the political instability and international economic embargo in the 1990s aggravated the country's economic situation further (Lemarchand 2006b:9). In 2007, Burundi was ranked as number 167 of 177 countries on the Human Development Indicator list, and with a population density of 206.1 per square kilometer, it is the second most densely populated country in continental Africa (UN 2007).

Burundi's economy is mainly agricultural, with more than 90 % of the population being reliant on subsistence agriculture. While the main subsistence crops are banana, beans, sorghum, maize, sweet potato and cassava, the main export products are coffee and tea. Coffee and tea exports make up over 80 % of Burundi's export earnings, making the country's economic situation very vulnerable to price variations at the international market. Burundi's industrial sector is small and underdeveloped, and constitutes only 21% of the country's GDP (CIA World Factbook 2008).

The combination of a peasant mode of production and a high population density implies that Burundi's most severe economic problem is pressure on land (Lemarchand 2006:25). Most farmers have less than 1 hectare of land, and much of the soil is deteriorating due to overexploitation (Reyntjens 2000:5). The problem of land scarcity is further exacerbated by the problem of hundreds of thousands of refugees and internally displaced persons who are waiting for resettlement and demand jobs and retribution of the land that they lost when they fled from violence and conflict. The question of how to

accommodate the returnees' demands for land, emergency aid, and jobs in a context of severe economic scarcity is one of the prominent challenges that currently is facing president Nkurunziza's government.

Burundi has a high trade deficit, large foreign debt, and is heavily dependent on assistance from bilateral and multilateral donors (Daley 2006a:673). Due to the civil war, insecurity and regional economic sanctions, foreign aid influx decreased dramatically in the last part of the 1990s (Reyntjens 2000:5). Although political stability and the end of the civil war have improved aid flows and increased economic activity somewhat (Daley 2006b:673), many underlying weaknesses, like low administrative capacity, a weak legal system, poor education rates, and a high poverty rate, put planned economic reforms at risk. In an attempt to stabilize the economy, Burundi joined the International Monetary Fund's Poverty Reduction Strategy program in 2003.

2.2.3 Political structure

Following its legacy from German and Belgian colonial rule, the Burundian law is based on German and Belgian civil codes and customary law. The present constitution was promulgated by the Parliament in October 2004 and approved by a national referendum in February 2005 (Daley 2007:347).

The Burundian government is divided into three branches: the legislative (the bicameral Parliament, which consists of the National Assembly and the Senate), the executive (the presidency, two vice-presidents and an appointed 20-member cabinet), and the judicial (the Supreme Court, Constitutional Court and Courts of Appeal). Both the president and the members of the legislative serve for five year terms. As provided for in the 2005 Constitution, the first and current post-transitional president, Pierre Nkurunziza (CNDD-FDD), was elected indirectly by a joint session of the parliament. In the future, the president is to be elected by popular vote (Reyntjens 2005:12). The president is both chief of state and head of government, and is accompanied by two vice-presidents, one Hutu from a mainly 'Hutu' party and one Tutsi from a mainly 'Tutsi' party. The National Assembly is directly elected, with a minimum of 100 seats to be composed of 60 % Hutu, 40 % Tutsi, and at least 30 % women, with additional seats to be appointed by a National Independent Electoral Commission to ensure ethnic representation. The Senate has 54 seats; 34 members are elected by indirect vote, while remaining seats are assigned to ethnic groups and former chiefs of state. The Senate is composed by an equal number of Hutu and Tutsi (Reyntjens 2005:13; Lemarchand 2006b:13).

In 1998, a multiparty system was introduced in Burundi. The country currently has 40 registered political parties, among which Le Conseil National pour la Défense de la Démocratie-Forces Pour la Défense de la Démocratie (CNDD-FDD), Le Front pour la Démocratie au Burundi (FRODEBU), and L'Union pour le Progrès National (UPRONA) are represented in the cabinet, and two smaller parties, Le Conseil National pour la Défense de la Démocratie (CNDD) and Mouvement de Réhabilitation du Citoyen (MRC), are represented in the Parliament as opposition parties (CIA World Factbook 2008).

2.3 Overview of the Civil War (1994-2005)

The prelude to the outbreak of the Burundian civil war was the assassination of President Ndadaye on 21 October 1993 (Lemarchand 2006b:4). Burundi expert Filip Reyntjens (2005) ascribes the coup attempt and the violence that followed to have had a dual effect on the further political developments in Burundi. On the one hand, it led to a radicalization of the

political landscape, with emergence of Hutu rebel groups and renewed actions of old ones, eventually leading the country into a civil war. On the other hand, the event led to the initiation of what has been called ‘a creeping coup,’ “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” (Reynjens 2005:1). Ultimately, the latter consequence culminated in a bloodless coup bringing former dictator Buyoya to power in 1996.²

As the news about the killing of President Ndadaye spread around the country, a wave of revenge killings erupted, first with killings of Tutsi civilians by Hutu rebels, followed by massacres of the Hutu population by government troops. Following a period of relative calm after the killings in October, new violence erupted in June of 1994. The newly formed CNDD, its armed wing FDD, and the two older Hutu-dominated resistance movements, Palipehutu-FNL and Front pour la Libération Nationale (FROLINA), stepped up their actions and entered into armed rebellion against the government (Ndikumana 2000:434-5; Reyntjens 2005:1). This was the start of the Burundian civil war.

In comparison to the crises of 1965, 1972, 1988, 1991 and 1993, the Burundian civil war (1994-2005) was different in the sense that it opposed armed factions. The war also lasted much longer than the former crises and affected the entire country. A reason for this is that the war was fought on several fronts and involved more than one rebel group, making it difficult to agree on the conditions of negotiations with the government (Ndikumana 2000:436; 2005:15). Frequent leadership disputes within the rebel groups made the war more complex and further handicapped the search for a peaceful solution.

The Burundian civil war had many of the classic characteristics of a guerrilla war. Most of the Hutu rebel groups used a strategy in which they fought against the government from rear bases in DRC, from which they frequently attacked military and strategic goals. On the government side of the conflict, the Tutsi-dominated military played a vital role in fomenting violence, recruiting and mobilizing young unemployed men into ethnic militias and other paramilitary groups (Daley 2006b:306). The civil population was used both as a target and a shield by the government army and the rebels (Ndikumana 2000:436), and the government’s failure to prosecute the human rights violations nurtured a culture of impunity, allowing both Hutu and Tutsi groups to commit crimes, which predominantly were directed towards the civilians (Daley 2006a: 669).

With the official objective to protect the civilian population from the war, Buyoya’s government set up so called ‘regroupment camps,’ to which hundreds of thousands of people, the overwhelming majority of which were Hutu suspected to be siding with the rebellion, were brought to and kept in by force (Lemarchand 2006b:9-10). The living conditions in the ‘regroupment camps’ were reported to be deplorable. The death toll from dehydration, hunger and diseases was alarming and “summary executions, rape of women and girls, looting and the use of mass terror” further institutionalized the ethnic discrimination in the country (Ndikumana 2000:438-9).

Before the military coup in July 1996 that returned Buyoya to the presidency, no negotiations were held between the government and the rebel groups. Also during the Arusha talks (1998-2000), which were initiated under heavy international pressure to open negotiations with the opposition and the rebel groups, the government objected to the participation of the active rebel movements. Although eventually invited to join the talks after Nelson Mandela took over as mediator in 1999, both the CNDD-FDD and the

² Further elaboration on the political developments described as a ‘creeping coup’ is provided later in the report.

Palipehutu-FNL refused to sign the resulting Arusha Peace and Reconciliation Agreement in 2000 (ICG 2007:9).

Despite persistent violence, the efforts to include the rebel groups in the peace process continued. The negotiations rendered difficult due to splits in the movements, but two smaller factions of the CNDD-FDD and the Palipehutu-FNL eventually signed ceasefire agreements with the government in October 2002. Following strong pressure by the mediation team, the main faction of CNDD-FDD also followed and agreed to a ceasefire in 2003 (Daley 2007:346).

Between 2000 and 2003, all attempts at bringing the main faction of Palipehutu-FNL into the peace process were unsuccessful (ICG 2007:9). Moreover, the prospects of a peaceful solution to the conflict became even more far-fetched following the massacre of at least 152 Congolese Tutsi refugees at the Gatumba refugee camp in Western Burundi on 13 August 2004. Palipehutu-FNL claimed responsibility for the attack, and the Burundian government responded by declaring the movement a terrorist group (ICG 2007:9-10; Reyntjens 2005:4). This event notwithstanding, negotiations were initiated, and the Palipehutu-FNL finally agreed on a cease-fire with the government in May 2005. Fighting, however, continued, and although a new ceasefire agreement was signed in September 2006, also this agreement has not been effectively implemented.

In spite of the continuing clashes between the government army and the Palipehutu-FNL, the Burundian civil war was declared over with the implementation of the Burundi Power-sharing Agreement in 2005. The eleven-year civil war had devastating effects in Burundi. Due to strong media censorship, 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). In addition to huge toll in human lives, the war's consequences on the economy were dramatic. The agricultural production was virtually paralyzed in large sections of the country, and destruction of the physical infrastructure and curtailment of productive activities led the country to become increasingly dependent on external aid to buttress its economy (Daley 2006a:673; Lemarchand 2006a:11; Ndikumana 2000:441).

2.4 Profile of the Armed Groups of the Civil War

The Burundian conflict can in the most basic way be viewed as a Tutsi dominated military regime fighting Hutu rebel groups. However, the parties that took part in the civil war (1994-2005) are more diverse than this, and the actors on both sides have changed and developed considerably during the course of the conflict. The opposition side of the conflict is characterized by a history of factionalism (Daley 2006a:671), with various rebel groups, like the CNDD-FDD, FROLINA, Palipehutu, Palipehutu-FNL, and Ubumwé. Most of the rebel groups have their origin in one of two main Hutu factions, the CNDD and the Palipehutu. Historically, these two groups are rival armed rebel movements, both with support from the Hutu community, but with competing solutions to the conflict.

2.4.1 CNDD

The most significant rebel group active during the Burundi civil war was the Conseil National pour la Défense de la Démocratie (CNDD), which emerged as a result of the assassination of the first democratically elected president of Hutu origin, President Melchior

Ndadaye, in 1993. Through its armed wing, Forces pour la Défense de la Démocratie (FDD), the CNDD started an armed struggle to re-establish the democratic institutions of 1993 during the summer of 1994 (Reyntjens 2005:1). The political wing of the rebel group was dominated by Hutu intellectuals from the southern region of [Bururi](#), while the fighting wing was composed of troops drawn from various parts of the country.

During the civil war, the CNDD-FDD was the larger of the pro-Hutu rebel groups, but its fight against the government troops was not without problems. Most of the movement's base camps were in Tanzania and the eastern parts of the DRC, and this made their campaigns in Burundi proper a dangerous task. Difficulties in sustaining a campaign far from their bases of operations led to acts of banditry in Burundi, and the long distances involved in carrying out military campaigns also contributed to strain amongst the political leadership of the movement (ICG 2002b:5; Uppsala Conflict Database 2007).

In 1998, the CNDD-FDD split into two factions as a consequence of a leadership struggle. One faction, the CNDD led by Léonard Nyangoma, entered into negotiations with the government and signed the Arusha Peace and Reconciliation Agreement in 2000, whereas the other faction, the CNDD-FDD led by Jean Bosco Ndayingengurukiye, continued its armed struggle against the government. After the split, most of the fighters remained with the CNDD-FDD, and in 1998, the CNDD-FDD numbered around 15,000 troops.

Unlike the other main rebel movement, the Palipehutu-FNL, the CNDD-FDD signed a cease-fire agreement with the government on 8 October 2003, to which it has roughly held. At an official ceremony in January [2005](#), the group also registered as a legal political party, and it is now the leading political party in Burundi. The leader of CNDD-FDD, Pierre Nkurunziza, is currently serving as the democratically elected president of the country, and the party has a majority in the Parliament.

2.4.2 Palipehutu

The other main rebel group in the Burundian conflict, the Parti pour la Libération du Peuple Hutu (Palipehutu), was the first mass movement formed to defend the Hutu cause in Burundi. Established in 1980 in refugee camps in Tanzania by Hutu who had fled following persecution by the Tutsi-dominated government, the formation of Palipehutu came as a direct reaction to the genocide against the Hutu in 1972. The movement is strongly rooted in the western provinces of Burundi, and on its main agenda was to raise Hutu awareness about the 1972 tragedy, to obtain justice for the victims in the genocide, and ultimately to overthrow the Tutsi-dominated government. The military wing of Palipehutu, the Forces Nationales de Libération (FNL), was formed in 1985, but the launch of their insurgency did not happen before 1991 (ICG 2002b:6). FROLINA became the first movement to split from Palipehutu in 1990, and the armed wing Palipehutu-FNL then broke away from the political wing of Palipehutu in 1991. In 2002, Palipehutu-FNL split further into two factions, one led by Cossan Kabura and one by Agathon Rwaswa (ICG 2007:8-10; Uppsala Conflict Database 2007).

In contrast to the CNDD-FDD, which was a more national group, albeit weaker in the northwestern provinces of the country, the Palipehutu-FNL was a smaller, and more regionalized group in the conflict. Perhaps because of its roots outside of the mainstream of politics, the Palipehutu-FNL was never as coherent a group as the CNDD-FDD. However, because of the strategic location of their stronghold in the Bujumbura Rurale province, its 3,000 combatants were a highly relevant force. From its base, the group could exert pressure on the government in the nearby capital, Bujumbura. But this somewhat ideal

location also put the rebel group in a precarious position at times, as Burundian army troops were always close by (ICG 2002b:5).

Classified as a “negative force,” the Palipehutu-FNL has been marginalized during much of the negotiations for peace in Burundi. In the Arusha peace negotiations (1998-2000), the movement was at first excluded from the talks by mediator Julius Nyerere, but was later invited to the negotiating table as Nelson Mandela took over as main facilitator in late 1999. However, the Palipehutu-FNL disputed the principles and logic of the Arusha Peace and Reconciliation Agreement, and demonstrated preference to military action and little interest in the offered inclusion in the peace talks (ICG 2007:8; Uppsala Conflict Database 2007). After heavy international pressure, the Palipehutu-FNL and the government finally signed a cease-fire in September 2006. Due to different interpretations of the agreement and lack of interest and trust among the two parties, however, the implementation of the agreement has been delayed considerably.³ In May 2008, a new cease-fire agreement was signed, and the Palipehutu-FNL and the government are currently in negotiations about a possible integration of the movement in the political system and the security forces.

3. Power-sharing in the Burundian Context

Numerous attempts at gathering the contending parties for peace negotiations were made during the civil war in Burundi. Several of these efforts included bargaining and implementation of institutions of power-sharing.

Power-sharing institutions are commonly introduced in societies that have experienced or are threatened by severe social conflict. The purpose of such institutions is to foster social inclusion and to provide security and policy guarantees to all parties that might act as spoilers. A power-sharing agreement constrains the set of decision-making agents and guarantees the actors a position where they will be able to influence decision-making processes in the future. However, not all constraints on political agency are power-sharing institutions. The constraints should rather be divided into two categories: power-sharing and power-dividing institutions. While power-sharing institutions *mandate* the participation of particular groups in particular offices, power-dividing institutions are designed to *prohibit* the representation of any group in particular offices⁴ (Gates & Strøm 2007).

This section examines three of the efforts at putting an end to the long-lasting Burundian conflict, which in retrospect can be considered as the most inclusive in their approach: the negotiations and implementation of the Convention of Government of 1994, the Arusha Peace and Reconciliation Agreement of 2000, and the Burundi Power-Sharing Agreement of 2004. Common for the three agreements is that they all opted for arrangements that can be described as *power-sharing*, mandating the representation from

³ Author interviews with political party and international community representatives, Bujumbura, October 2008.

⁴ Examples of power-sharing provisions are grand coalitions of government, mutual veto arrangements, reserved executive offices, proportional civil service distribution, and proportionally representative electoral systems. Power-dividing arrangements, on the other hand, can be constraints such as rules prohibiting certain groups from holding offices in the judicial institutions, electoral commissions in which representatives with party affiliations are prohibited to serve, autonomous sub-national institutions (federalism), and separation of church and state.

both the Hutu and the Tutsi communities.⁵ The nature of inclusiveness of the agreements and the success of their implementation, however, differ dramatically. The discussion of each of the three power-sharing agreements starts with a brief overview of the context in which the negotiations took place and a description of the bargaining back and forth regarding the content of the agreements. An elaboration of the specific power-sharing mechanisms agreed upon then follows, before the implementation and aftermath of the agreements are discussed more in detail.

3.1 The 1994 Convention of Government

The first formal attempt at introducing power-sharing to the political structure in Burundi was carried out in a context of a radicalized and violent political environment. Following the coup attempt and assassination of President Ndadaye by the Tutsi-dominated army in October 1993, massive violence erupted in several parts of the country. Both army-supported Tutsi groups and Hutu rebel groups soon engaged in an armed rebellion, which as explained in the previous section ultimately led to the start of an eleven-year civil war (Lemarchand 2006b:6-7). It was in this tense context that negotiations for a power-sharing agreement were initiated in January 1994.

3.1.1 Bargaining over Power-sharing

The signing of the Convention of Government in September 1994 was the outcome of several rounds of negotiations between pro-Hutu FRODEBU and pro-Tutsi UPRONA between January and September of 1994 (Reyntjens 2000:15). In response to the outbreak of violence in the aftermath of the coup attempt, the United Nations (UN) sent a special envoy, Ahmedou Ould-Abdallah, to engineer a power-sharing agreement in November 1993 (Cervenka & Legum 1994:7). The expectations were that a power-sharing agreement would alleviate the tensions between the two groups and that it hence would contribute to bring stability to the country (Ould-Abdallah 2000:71-72).

It is important to note that the following negotiations were exclusively between the political parties, and at an elite level. The rebel groups in the emerging civil war were not invited to the talks, and the negotiations did not address the grievances that led to the civil war. As such, the resulting agreement is better described as a political agreement than a peace agreement.

The failed or non-attempts to implement several agreements that were made between UPRONA and FRODEBU during the spring of 1994 clearly reflected the desire that both parties had to bide their time in the negotiation process. The inexperienced FRODEBU leadership was unsure about how to divide power and was interested in seeing how events unfolded in the ongoing conflict in neighboring Rwanda, where they hoped for a government victory over the Tutsi-dominated Rwandan Patriotic Front (Ould-Adallah 2000:67-8). Furthermore, FRODEBU's Hutu constituency regarded their party as being far too eager to compromise with UPRONA, and expected more in the way of benefits from their party being in power. These expectations did not mesh well with negotiation. Members of UPRONA also hoped to stall. Under constant pressure from Tutsi hard-liners and a military apparatus looking for another opportunity to stage a coup, UPRONA viewed additional time as a way to demonstrate their resoluteness and to weaken their opponent.

⁵ In the 1994 and 2000 agreements, the power-sharing arrangements were based on the representation of candidates from typically Hutu- and Tutsi-dominated political parties. The 2004 agreement, on the other hand, included a requirement of multi-ethnic political parties, and its power-sharing provisions do hence refer to the ethnic belonging (Hutu, Tutsi or Twa) of the representatives from the elected political parties.

Despite the incentives for foot-dragging, negotiations did take place. During the talks, it was obvious that UPRONA intended to use the negotiations to challenge the power of FRODEBU by seeking further concessions from the majority. This became particularly clear as Charles Mukasi, the Secretary-General of UPRONA, initiated the negotiations following President Ntaryamira's death in April 1994⁶ by demanding that as many as 60 % of ministerial portfolios be allotted to his party (Reyntjens 2000:15). Taking into account that UPRONA had received only 30 % of the votes in the previous presidential elections and 22 % in the legislative, Mukasi justified his demands by contending that "FRODEBU has by now shown proof of its incompetence and technical incapacity to manage the crisis" (cited in Prunier 1995).

Although Mukasi did not get his wish of the majority of government positions to be allocated to UPRONA fulfilled, the negotiations over a new agreement did not occur without a considerable degree of compromise from FRODEBU. The first formal Burundian power-sharing agreement, the Convention of Government, was finally signed on the 10th of September 1994. Nine of 13 legal parties signed the agreement the first day, and three more parties signed within the following 48 hours. Only a small fringe party, Parti pour le Redressement National (PARENA), refused to sign (Ould-Abdallah 2000:73). The agreement was given a supra-constitutional status, implying that the Constitution should remain in force except for provisions contradicting the Convention of Government (Article 6), and was extremely far-reaching in that it suspended the 1992 Constitution and replaced it by mechanisms annihilating FRODEBU's electoral victory and altering the power-sharing formula to the advantage of the Tutsi (Reyntjens 2000:15).

3.1.2 Power-Sharing Provisions within the Convention of Government

In addition to its aspiration to restore and foster peace, stability and reconciliation in Burundi (Ould-Abdallah 2000:73), a major contribution with the Convention of Government was its commitment to implement a set of arrangements providing for political power-sharing between the Hutu- and Tutsi-dominated political parties.

Through the formation of a grand coalition government, the Convention of Government opened for inclusive decision-making bodies with representatives from all major political parties. According to the agreement, the opposition parties (Tutsi) would get 45 % of ministerial posts in the government, including the post of Prime Minister. In the same proportion, the opposition would fill the posts of governors of provinces, local administrators and ambassadors of Burundi to foreign countries (Convention of Government Art. 24 and 27). In this manner, the power-sharing agreement brought the Hutu and Tutsi political parties together in decision-making institutions both at the local and national levels, and carried the principle of parity to what Burundi scholar René Lemarchand calls "an extreme" (Lemarchand 2006b:13)

Another key element of the Convention of Government was its call for the establishment of a consultative body, the National Security Council, as an instrument for regulating the political system. The ten member National Security Council was composed of members of the government, and party and civil society representatives. According to the Convention of Government, there were a number of important decisions that could not be made without the National Security Council's approval: the council was invested with the power to amend the constitution, over-ride decisions of the National Assembly, and could

⁶ President Ntaryamira died in the attack against the Rwandan presidential plane, which was shot down over Kigali on 7 April 1994, and triggered the genocide of Tutsi in Rwanda and brought the Rwandan Patriotic Front to power.

in practice also block any move made by the president. The National Security Council became the most powerful of the governmental institutions, and as the majority of the members of the council came from the of the pro-Tutsi opposition, this made it serve as a minority veto for the Tutsi (Reyntjens 1995:19).

A more general, yet salient feature with the Convention of Government was its emphasis on basing future political decision making on consensus among the political parties that were represented in the government (Convention of Government, Art. 3). The agreement also called for a national debate to address the peaceful coexistence of the communities in Burundi, and set up a 55 member National Commission composed by representatives of each party (but mainly from FRODEBU and UPRONA). The National Commission would produce a draft of a new constitution and a new electoral system that would safeguard the rights of both the minority and the majority. The hope was that this national debate would serve to create a basis for reconciliation among the Hutu and Tutsi communities (Ould-Abdallah 2000:74).

A 'sunset clause,' implying that there is an agreement on when the provisions shall be fulfilled or finished, is often considered relevant for the successful implementation of a power-sharing agreement. The Convention of Government had a clear timeframe, stipulating that its provisions were to remain in effect until the end of the mandates of the National Assembly and the president on the 9th of June 1998. This provision would guarantee that FRODEBU's victory from the 1993 elections at least would be reflected through holding of the presidential candidate during this period.

3.1.3 Implementation and Aftermath

The signing of the Convention was perceived to represent considerable progress towards restoration of peace in Burundi (Cervenka and Legum 1994:8), and according to UN special envoy Ould-Abdallah, the event was received with great relief and joy by all segments of the civil society (Ould-Abdallah 2000:73). Widespread optimism both from within and outside Burundi notwithstanding, the Convention of Government never came anywhere near its stated objectives of creating a basis of compromise between the contending parties (Lemarchand 2006b:13). Although the new government was based upon principles meant to accommodate the political parties, it could simply not function, as will be demonstrated, and was ultimately brought down in a bloodless coup in July 1996 (Reyntjens 2005:1-2). During all this time, the civil war between the Tutsi-dominated government army and the Hutu rebel groups continued unabated by the political play at the national level.

When President Sylvestre Ntibantunganya (FRODEBU) and his government were sworn in 20 days after the signing of the Convention of Government, the expectations of a resumption of normality were high (Ould-Abdallah 2000:73-74). However, shortly after the formation of the government it became clear that the concessions made by FRODEBU in the Convention of Government had not satisfied the opposition. This discontent was confirmed by a conflict that broke out over the question of who was to succeed President Ntibantunganya as speaker of the National Assembly. The election of Jean Minani (FRODEBU) was immediately challenged by the chair of UPRONA, who claimed that Minani had made remarks in support of the genocide in Rwanda and had encouraged its spread onto Burundian territory. Strategically, UPRONA also feared that Minani would challenge the dominance of the Tutsi-controlled National Security Council in decision-making and establish a tribunal to investigate the putsch that led to former Ndadaye's assassination (Prunier 1995). The chair of UPRONA thus ordered Prime Minister Kanyenkiko (UPRONA) and the other UPRONA ministers to leave the government if Minani remained. FRODEBU

was again forced to back down: Minani's name was withdrawn from consideration, and the former Secretary General of FRODEBU became the new speaker of the National Assembly (Reyntjens 1995:19-20).

However, the political crisis in Burundi was far from over. UPRONA leaders expressed discontent with what they viewed as Prime Minister Kanyenkiko's pandering to FRODEBU, and attempted to force him to step down, so that a new cabinet with a stronger UPRONA presence could be formed. When the Prime Minister refused to give in to demands of his party members, he was expelled from the party, leading to further political crisis.

As the crisis continued, the President succumbed to pressure from the opposition and asked for the Prime Minister's resignation. The politician selected to be the new Prime Minister, Antoine Nduwayo, did not act in the spirit of compromise that was envisioned in the Convention of Government. This was not surprising, as Nduwayo was chosen for the position by a block of small extremist opposition parties who had strong-armed the UPRONA candidate out of the running. Extremist politics had clearly come to the forefront in Burundian politics, and on July 25, 1996, the Minister of Defense, representing the army, announced that Pierre Buyoya would be the new president of Burundi (Reyntjens 2005:2). The National Assembly was dissolved, all political parties were banned, and the constitution was suspended. With these events, the culmination of what Reyntjens (2000) identifies as a 'creeping coup,' occurring since the assassination of Ndadaye in October of 1993, brought about the end to the Convention de Government (Reyntjens 2000:16).

3.1.3.1 Why did the Convention of Government Fail?

A number of reasons may explain why the power-sharing agreement in the Convention of Government failed to bring stability to Burundi. First is the context in which the negotiations occurred. In general, the stakes for those wishing to gain political power was increasingly high. Already one of the world's poorest nations before 1993, Burundi experienced devastating economic decline during the mid-1990s. The only economic sector in which there was growth was freight handling, which was due to increased aid inflows (Prunier 1996). The tenuous security situation across the country made farming difficult, consequently causing the deaths of many of the country's subsistence farmers. As such, control of the state apparatus was considered as the only salvation in the plight of the Burundian citizens. As politics became a matter of survival, the opposing groups became more and more polarized and less willing to compromise. These circumstances, combined with a history of violence and high numbers of weapons circulating throughout the country did not provide a promising context for peace (Ould-Abdallah 2000).

Secondly, the institutions provided for in the Convention of Government may have contributed to the agreement's ultimate failure. Despite the appearance of power-sharing, the political balance still remained in favor of the Tutsi. The National Assembly and the President were subject to the whims of the Tutsi-dominated National Security Council, and the military remained entirely in the hands of the Tutsi. In other areas of the government, the desperate attempts to create parity brought about dysfunction at all levels of government (Lemarchand 2006b:13).

Thirdly, the process of institutional reform was stunted by an uncooperative judicial system. The Tutsi-dominated Constitutional Court did all in its power to block many of the reforms, a situation which was unlikely to change, as the ethnic balance in the judicial system was a product of years of prejudicial treatment of Hutus in the Burundian education system (Reyntjens 1995:17).

Fourth, and beyond the more substantive issues, the failure of the power-sharing agreement may have its roots in the negotiation process itself. There were 13 political parties involved in the negotiations, each of them competing for political power. UN special representative to Burundi at the time, Ould-Abdallah (2000), notes that much of the negotiation between the parties focused more on who would get control of what ministry or what municipality, than the over-arching political issues that needed to be addressed (2000:70). This caused the stakes of the negotiations to be much higher. Parties that did not get a share of the power as a part of the agreement expected to be locked out of government and those that did were eager to get as much power as possible so as to gain some advantage in future political endeavors.

Finally, and perhaps the most obvious issue plaguing the power-sharing agreement signed in 1994 was the fact that several groups with a stake in the outcome were excluded from participation in the negotiations. Most importantly, the rebel groups (CNDD-FDD, Palipehutu-FNL and FROLINA) in the ongoing civil war were totally left out of the talks. The Convention of Government mainly dealt with political institutions, but in a country wracked by civil war, consideration of potential spoilers is crucial when any sort of agreement is to be reached (Gates and Strøm 2007:3). By avoiding the issue of the integration of rebels into the political sphere, it became increasingly unlikely that the Convention of Government would be able to ease the tension between Hutu and Tutsi in Burundi in any meaningful way. The failure of the political process also contributed to popular disillusionment with the more moderate, main-stream parties. Not only was the Convention of Government a failure, it also had the effect of increasing public support for the extremists, in particular the Hutu rebel groups (Reyntjens 1995:20).

3.2 The 2000 Arusha Peace and Reconciliation Agreement

The second formal effort at introducing power-sharing in Burundi was marked with the signing of the *Arusha Peace and Reconciliation Agreement* in August 2000. The agreement was the culmination of a long and difficult negotiation process taking place in Arusha between 1998 and 2000, and it would take almost five years to implement all of its provisions.

Following the military coup that in July of 1996 returned Buyoya to the presidency, heavy economic sanctions were placed on Burundi (Ould-Abdallah 2000:102), and the government came under international pressure to reopen its negotiations with the opposition and the rebel groups. Just before Buyoya seized power, Julius Nyerere, former president of Tanzania, was endorsed by regional leaders to act as a mediator in Burundi, and under these auspices the government started to move slowly towards inter-party negotiations in fall 1996 (Ndikumana 2000:435; Reyntjens 2005:2).

However, over the backdrop of a tense security situation with ongoing violence between rebel groups and the army, the process of making the contending parties come to the negotiating table was not easy. Throughout 1997, a number of efforts were made to bring the parties to the conflict together to discuss the future of the country. Discrete meetings between the government and the CNDD-FDD were held in Rome, a new Peace Process Minister was appointed, and a plan to re-launch the peace process was presented by the Prime Minister to the National Assembly (Reyntjens 2000:16). The following year, in June 1998, the government and the opposition dominated National Assembly finally came to an agreement about a framework for ensuing talks. The signing of the *Acte Constitutionnel de Transition* created a transitional government that would be in place until a new constitution was written. A few days after its passing, Buyoya was formally sworn in as President, a new government was installed, and multi-party talks could begin.

3.2.1 Bargaining over power-sharing

Between June 1998 and January 2000, the parties to the Burundian peace negotiations met 13 times (ICG 2000:2). The first round of negotiations brought together 19 interest groups from Burundi, and was held on 15-21 June 1998 in Arusha, Tanzania. The talks included representatives from the government, the National Assembly and from 17 political parties. The government representatives comprised members from the main Tutsi party (UPRONA) and from the military. All the parties grouped themselves into two factions; the G7, consisting of seven Hutu-dominated parties, and the G10, made up of ten Tutsi-dominated parties (Daley 2006a:674). At this time, CNDD-FDD and Palipehutu-FNL were not invited to the negotiating table.

After a week of talks, the parties signed a joint declaration identifying the issues that were to form the subject of negotiations, and created five committees in the substantive areas of the negotiation. These areas were: the nature of the conflict, democracy and good governance, peace and security, reconstruction and development, and guarantees of implementation of the agreement (Daley 2007:343).

Although the first round of negotiations demonstrated the parties' willingness to meet and their potential commitment to the peace process, it also identified two issues that would need to be addressed, at least in the short-term. The first issue was the status of the on-going economic sanctions against Burundi. The implementation of economic sanctions had driven representatives of the Burundian government away from the bargaining table in 1997, and even though the government finally agreed to come to Arusha in the summer of 1998, the lifting of the sanctions remained a serious concern. Secondly, although an agreement calling for the cessation of hostilities was signed at the end of the first round of talks, the implementation of this agreement seemed unlikely. The government did not consider itself as a 'party to the hostilities' and therefore refused to demobilize government forces. Given the history of the state military as perpetrators of genocide, this troubled the rebels greatly. The FDD announced that they would not demobilize unless the government did. Palipehutu-FNL and FROLINA expressed similar sentiments, stating that they would not stand down without a security guarantee (ICG 1998:3-5).

Stunted on the security side, the Burundian government enjoyed an important economic victory when the sanctions posed by its neighbors were lifted in January 1999 (ICG 2000:13). However, throughout the spring of 1999, the progress in the negotiations was extremely slow-going. This is somewhat understandable, as the negotiations brought together 92 representatives from 19 groups, many of whom had views that were seemingly incompatible. The structure of the negotiations was another complicating factor. The work of the five committees was based upon consensus, a configuration that added a level of complexity to the negotiations, and made the process more cumbersome. Furthermore, divergence of opinion over basic issues, such as who should participate and where negotiations should take place, created a stumbling block for further and more substantive negotiations.

After Nyerere's death in October 1999, Nelson Mandela reluctantly accepted his appointment by regional leaders to take over as the new facilitator in Burundi. Mandela's arrival heralded major changes in the process and tenor of negotiations. Entering into a situation with a less-than-ideal state of affairs, Mandela was determined to bring the negotiations to a quick conclusion. He used a much more direct approach than his predecessor, was not afraid of chastising the Burundian leaders for their reluctance to

negotiate, and used international pressure to make the parties accept concessions (ICG 2000:23-24; Ndikumana 2000:435; Reyntjens 2000:17).

A number of issues related to the restoration of democracy were brought up under the following rounds of talks. The parties knew that some sort of transitional phase with an interim government would be necessary, but there was no consensus on whether this transition would take one year or five or ten. Another matter of contention was the selection of the executive. A presidential system would favor the Hutu majority, while a parliamentary system would empower the Tutsi minority, making the choice of institutions a rather salient issue. It seemed that the parties to the talks, especially the Tutsi representatives, assumed that the Hutu and Tutsi communities would ultimately vote as a block and the parties thus positioned themselves accordingly. Whether the country would follow a system of 'one man, one vote' or utilize a more indirect electoral system was another debated issue.

Other governance issues discussed during the Arusha talks included what role the parties should play in the political system and whether a new chamber should be added in the legislature. FRODEBU wanted to see the role of political parties continue, while the Tutsi parties preferred to have their role diminish, claiming that political parties were responsible for the ethnic polarization in the Burundian society. A compromise was made, in which political parties would be recognized as influential, but had to promise to renounce ethnic ideologies, lest they be excluded from the transitional government. The parties were also at odds over the notion of a second chamber in the legislature. The Buyoya government proposed to create a Senate "as a way of channeling and containing people's ambition or ability to create problems within an institutional framework, while also giving status to former dignitaries" (ICG 2000a:5). This would provide a minority veto for the Tutsi, which would please certain parties, but FRODEBU and a few of the other Hutu parties did not want an additional body, as this would diminish the power of the National Assembly (ICG 2000a:4-6; Daley 2008:219).

Even though negotiations initially did not involve the rebel groups, CNDD-FDD and Palipehutu-FNL, Mandela invited them to join the talks in the spring of 2000. At first, the rebels refused the invitation, but then decided to relent slightly and give preconditions for their participation⁷. The groups were hesitant to participate at all because the Arusha negotiations did not address the issue of military reform, which was the most important concern of both groups (ICG 2002b:2). In the end, the rebel groups withdrew from the Arusha talks, but certain progress was made on the security front. The negotiators had in mind that a comprehensive cease-fire with the armed groups would follow at some point in the future, and that this was a contingency for which they had to prepare. The parties thus agreed that the armed forces should be politically neutral and that discrimination in recruitment should end. A new army, of undetermined size, would be formed and remaining soldiers demobilized.

In the summer of 2000, a series of closed door talks with representatives of the rebel groups and the government were held (Daley 2006b:311), and on 28 August 2000, the Arusha Peace and Reconciliation Agreement was signed by the 19 parties that had been present in the Arusha negotiations (ICG 2000b:i). The agreement was signed under heavy international pressure, and several of the signatories claimed that their consent was given with reservation. The rebel movements, CNDD-FDD and Palipehutu-FNL, refused to sign (Daley 2007:345), leaving it to become a peace agreement without a cease-fire.

⁷ Their preconditions included the release of political prisoners, demobilization of the Burundian army, and political recognition of their movements.

However, despite its incompleteness due to the absence of the main rebel groups, the Arusha Peace and Reconciliation Agreement was a far reaching document that made a significant attempt to provide a sustainable solution to the events that had torn the country apart since independence. Consisting of five protocols, five annexes and two appendices, the agreement⁸ outlined a precise action program for how to lead Burundi towards reconciliation, democracy and reconstruction.

3.2.2 Power-sharing Provisions in the Arusha Agreement

The Arusha Peace and Reconciliation Agreement was based upon a standard formula aimed to institutionalize a system for power-sharing between the political parties, at the same time as ensuring the presence of ethnic and gender plurality within the political structures. The signing of the agreement marked the initiation of a transitional period that was scheduled to last for three years (Lemarchand 2006b:11). Among the provisions to secure power-sharing during this period were the formation of a new grand coalition government, overrepresentation of the Tutsi minority in the political institutions and ethnic balancing of the traditionally Tutsi-dominated military.

The main tenets of the Arusha Agreement focused on the establishment of a transitional grand coalition government. The transitional government would consist of 26 members nominated by the political parties and chosen by the Head of State in consultation with the Vice-President. The agreement stipulated that the government should have a composition of 40 % Tutsi and 60 % Hutu. While the Tutsi G10 party group would receive 40 % and the Hutu G7 party group 60 % of economic ministries, social ministers should be divided evenly between the two party groups. A power-dividing mechanism also required that the Tutsi G10 would receive the ministries of defense and foreign affairs, whereas the Hutu G7 would obtain the ministries of interior and justice. Two additional government posts would be reserved for representatives of CNDD-FDD and Palipehutu-FNL, to be opened when the rebel groups signed cease-fires.

The agreement included a sunset date, stating that the transitional government was to serve for a 36 months period, which was to be divided into two halves. The president was to be drawn from the Tutsi G10 party group for the first 18 months, and the Hutu G7 party group was to provide the president for the second 18 months. During this three-year period, a new constitution was to be developed and approved by the Parliament, and an independent electoral commission should be established to organize elections (Reyntjens 2005:2; Daley 2007:345).

Also the composition of the Parliament was to be subject to ethnic balancing. The legislative power was to be exercised by the National Assembly and a newly established Senate. The composition of the National Assembly was intended to mirror the political order following the democratic elections in 1993, but would ensure inclusion of all the G7 and G10 parties that had been represented in the Arusha negotiations, and at the same time assure that no group would have more than 2/3 of the seats (ICG 2000b:11). The Senate, which was given extended powers to control all nominations to senior civil service positions and to posts in the judicial institutions and the security forces, would be balanced equally

⁸ The Arusha Peace and Reconciliation Agreement is accessible at the website of the United States Institute of Peace at http://www.usip.org/library/pa/burundi/pa_burundi_08282000_toc.html (accessed 19 September 2008). 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.

between Hutu and Tutsi representatives. Its composition would consist of two delegates (one Tutsi and one Hutu) from each province (Daley 2007:345), and it thus became an institution representing the interests of the regions. Furthermore, minority veto was ensured through a form of decision-making that required agreement of 3/4 of the government, 2/3 of the National Assembly, and 4/5 of the Senate (Sullivan 2005:92-3).

Through the political overrepresentation of the Tutsi minority within the transitional institutions, the Arusha Agreement entitled the Tutsi to a share of power that almost tripled their demographic weight. Along with a stipulation by the electoral commission that all parties must be multi-ethnic, forcing the parties to recruit members from other ethnic groups, the Arusha Agreement seriously institutionalized ethnicity as a criterion for political participation in Burundi (Daley 2007:345).

Power-sharing was also opened for in the military, which traditionally had been a Tutsi stronghold (Lemarchand 2006a:10-11). In the negotiations, the Hutu G7 parties initially demanded a representation proportional to the demographic size of the two ethnic communities. This was vociferously opposed by the Tutsi G10 parties, who forced the G7 to accept an equal ethnical split (Daley 2006a:675). The agreement further stipulated that the military should be politically neutral and that soldiers should be recruited on a non-discriminatory basis (ICG 2000b:12).

3.2.3 Implementation and Aftermath

Just like with the process of the negotiations, the progress of the implementation of the provisions in the Arusha Agreement was slow-going. It would take more than one year after the signing before the transitional government was constituted, and another four years before a democratically elected government was in place.

Fourteen months after the signing of the Arusha Agreement, on 1 November 2001, the transitional government was formally sworn in in the presence of the leaders of Nigeria, Tanzania, Malawi, Rwanda and Zambia, Nelson Mandela and a number of other African and international delegations (ICG 2002a:1; Reyntjens 2005:2). UPRONA's Buyoya was selected as Transitional President accompanied by a Hutu vice-minister for the first 18 months, and FRODEBU's Ndayizeye, accompanied by a Tutsi vice-minister, was to assume the post eighteen months later. The transitional government had 26 posts, and as stipulated in the agreement, the Hutu G7 party group got 14 of the posts and the Tutsi G10 party group received 10. Four women party members were included as ministers in the government (Daley 2007:346).

It took another three months to install the National Assembly and the Senate, which were inaugurated on 4 January and 4 February 2002, respectively. The provisioned minority overrepresentation was ensured by giving the Tutsi G10 party group 40 % of the deputies in the National Assembly and 50 % of the Senate (Sullivan 2005:92). However, the first session of the Parliament, which lasted until April of 2002, was less successful than hoped. The National Assembly failed to pass three laws crucial to the implementation of the Arusha Agreement: the granting of temporary immunity for political leaders returning from exile, the establishment of punishments for genocide and crimes against humanity, and the creation of a body to oversee the repatriation of refugees (ICG 2002a:1).

The application of other provisions of the Arusha Agreement was also slow-going. A national campaign, initially intended to explain the provisions of the agreement to the general public, was limited to a discussion amongst political elites in the capital. This left the population, who were mostly interested in policies like refugee repatriation and security reform, in the dark. Furthermore, despite rhetoric about national unity, there was not much

integration outside of the cabinet, and certainly not below the national level. This was especially worrisome in the security sector, as military integration was one of the biggest issues between the opposing groups. Buyoya and other UPRONA representatives were adamant that any set-backs were due to the continuing war, not a lack of political will on their part. South African troops were sent to Burundi under the auspices of the African Union (AU) to help with this process, but overseeing a peace agreement without real peace is a difficult proposition at best.

The absence of a cease-fire with the main rebel groups, the CNDD-FDD and the Palipehutu-FNL, seriously jeopardized the Arusha Agreement's ability to bring lasting peace to Burundi (ICG 2002b:2). Even though two smaller rebel movements (Palipehutu and FROLINA) had been represented at the negotiations, it seemed unlikely that sustainable peace would be brokered in the process without the inclusion of all participants in the conflict. This was soon also confirmed by a dramatic escalation in fighting between the CNDD-FDD and the Burundian army during the fall of 2000 (ICG 2000b:27). Although the Arusha Agreement did represent an important step in bringing peace to Burundi, it remained a peace agreement without a cease-fire. After the signing of the Arusha Agreement, Burundi still found itself in a situation of war, and in order to bring lasting peace to the country, brokering of cease-fires with the rebel groups and negotiating a more inclusive peace agreement was essential.

3.3 The 2004 Burundi Power-Sharing Agreement

The third and most recent attempt at integrating power-sharing provisions into the political structure in Burundi, was initiated with the signing of the the Pretoria Protocol on Political, Defence and Security Power Sharing in Burundi in October 2003, formalized with the Burundi Power-Sharing Agreement in August 2004, and finally incorporated into the new Post-Transitional Constitution of 2005. The major concern in the peace process leading up to the signing of the Burundi Power-Sharing Agreement was for the transitional government to find a way to include the two major rebel groups in the Burundian civil war, the CNDD-FDD and the Palipehutu-FNL.

Following the signing of the Arusha Agreement, Burundi had become entangled in the civil war in the DRC, and negotiations between the government and the rebel groups thus proved difficult. The CNDD-FDD and the Palipehutu-FNL both had bases in the eastern part of the DRC and were supported financially by the Kabila government, which was eager to punish the Burundian government for its support of Rwanda in its efforts against the DRC.

Furthermore, the negotiations between the rebels and the government were certain to be problematic because all of the groups involved had different expectations of what would come out of the process. As Transitional President, Buyoya had shown his intentions by restarting military engagement with the rebels. He hoped to crush the threat posed in such a way as to avoid security reform (ICG 2001). FRODEBU, on the other side, preferred a technical ceasefire and swift integration of the rebels into the state armed forces, so that no rebel leaders would emerge to challenge their hold on the Hutu constituency. Other signatories of Arusha looked to ally themselves with the rebel groups, so as to gain leverage to negotiate a more favorable distribution of political posts. Thus, the transitional government was divided as to whether to initiate negotiations with the rebels at all. The rebel groups themselves, at least to some extent, were in favor of negotiation. Because they were not parties to the Arusha Agreement, they saw a settlement with the state as a way to

re-open the standing power-sharing arrangement and bargain for power within the government.

3.3.1 Bargaining over Power-sharing: Negotiating with the Rebels

Throughout 2002, the transitional government succeeded in negotiating cease-fire agreements with several factions of the two rebel movements. In October 2002, the government signed a ceasefire with two small factions of the main rebel groups.⁹ This agreement was taken to be as an addendum to the Arusha agreement, thus binding the new signatories to abide by the provisions set forth in Arusha. In December the same year, the main faction of the CNDD-FDD and the government signed a ceasefire (Daley 2007:346). However, the implementation of the agreement proved unsuccessful. Representatives of the regional governments pressured the two sides to recommit to the peace process during meetings in January and February of 2003, but the two sides were deeply divided over how to proceed. The CNDD-FDD contended that Arusha needed to be renegotiated, while Transitional President Ndayizeye, who had just recently come into power, was adamant that the provisions of the Arusha Agreement remain unchanged.

After considerable pressure from regional powers, new talks between the government and the CNDD-FDD began in the summer of 2003. In August 2003, consultative talks took place under the leadership of South African Vice President Jacob Zuma. The CNDD-FDD demanded that its leader Nkurunziza be appointed Second Vice-President and Commander of Burundi's armed forces. The rebel group also required that a member of their movement be named Speaker of the National Assembly. Neither of these demands was welcomed by the members of the transitional government, who felt that the requests were not in the spirit of the Arusha Agreement. Some progress was made in the military arena, however. Effective immediately, the government agreed to concede command of 16 of the existing 60 battalions to Hutu leadership, including six intended for the CNDD-FDD.

A regional summit was held in mid-September of 2003. The mediators proposed a deal in which the CNDD-FDD would be given 40 % of the seats in the parliament and the army, and that Nkurunziza be appointed Prime Minister. President Ndayizeye, however rejected the offer, and walked out of the negotiations, leaving the peace process at a standstill. Fortunately for the peace process, however, circumstances began to change soon after this standstill. Progress made in the ongoing peace processes in Rwanda and the DRC (former supporters of the Burundian rebel groups) constrained the military options available to the CNDD-FDD. The international community also signaled its support of the peace process in Burundi by making active commitments of support. For example, the International Monetary Fund released much-needed funds to Burundi at this time.

With this new set of circumstances, CNDD-FDD leader Nkurunziza relaxed some of his demands. The CNDD-FDD accepted the Minister of State position instead of holding out for a Second Vice President. They also abandoned their demand for a speakership in the National Assembly and guaranteed levels of representation in the parliament and military. On 8 October 2003, the government and the CNDD-FDD finally signed a cease-fire agreement in Pretoria, known as the The Pretoria Protocol on Political, Defence and Security Power Sharing in Burundi (Reyntjens 2005:2).¹⁰ The agreement included provisions for the political, economic, and military integration of the CNDD-FDD. The rebels would

⁹ Jean Bosco Ndayikengurukiye's faction of the CNDD-FDD and Alain Mugbarabona's section of the FNL.

¹⁰ The cease-fire agreement is available at http://www.usip.org/library/pa/burundi/burundi_10082003.html (last accessed 19 September 2008).

be given four ministerial positions, including a Minister for Good Governance, who would be the number three in command behind the President and Vice President. They would also be given 15 seats in the National Assembly, three provincial governorships, two ambassadorships, and 30 local government administrator positions. Economic provisions included control of 20 % of public enterprises. All CNDD-FDD leaders and combatants were also given provisional immunity from imprisonment.

With the success of the negotiations with the CNDD-FDD, the Burundian transitional government faced pressure to also integrate the Palipehutu-FNL into the government. The Palipehutu-FNL had increased their activity in the weeks following the signing of the Pretoria Protocol, making the need for a cease-fire agreement ever more pressing. The leaders of the Palipehutu-FNL had stated previously that they would only negotiate with the Tutsi leaders of the military, but representatives of the group agreed to meet with members of the Burundian transitional government in January of 2004. Unfortunately, however, little common ground was found, and it would take almost two more years before the two sides would sign a cease-fire.

Under considerable pressure from regional leaders and the South African Vice-President Jacob Zuma, several meetings about how the political power was to be distributed following the transitional period were held between the government and the CNDD-FDD in July and August of 2004. These meetings led to the signing of the Burundi Power-sharing Agreement¹¹ on 6 August 2004. This was a peace agreement that reflected the spirit of the Arusha Agreement (2000) and the The Pretoria Protocol on Political, Defence and Security Power Sharing in Burundi (2003), and that contained an outline of a post-transitional dispensation. Subsequently, the agreement was translated into a draft constitution by the transitional government (Reyntjens 2005:3).

3.3.2 Power-sharing Provisions within the Burundi Power-Sharing Agreement

The Burundi Power-Sharing Agreement was largely based on a consociational form of government, and included provisions such as a grand coalition, minority overrepresentation, proportionality, and elite cooperation (Vandeginste 2006:4). According to the agreement, these arrangements were to be implemented at all levels and in all sectors of government, and were soon also included in the new constitution that was promulgated in October 2004, and approved by referendum in February 2005. This section describes the arrangements as they were stipulated in the 2005 Constitution.¹²

A preliminary note must be made, however. The power-sharing provisions that were agreed upon in 2004 had a two-dimensional nature, with requirements of proportional representation both for the ethnic groups (Hutu, Tutsi and Twa) and the political parties. The proportion that each of the ethnic groups would get was fixed, whereas the representation of the political parties would depend upon the outcome of the scheduled democratic elections. In the following description of the composition of the various governmental institutions, it is thus important to keep in mind that the terms Hutu and Tutsi refer to the ethnicity of individuals, and not to allocations made for specific ethnically aligned parties.

¹¹ The Burundi Power-sharing Agreement is available at: <http://www.notes.reliefweb.int/w/RWB.NSF/8b7d095431371f6e852567cb008396bb/59f5b3be5fd1eca3c1256eeb00360cc7?OpenDocument> (in French. Last accessed 19 September 2008).

¹² The Post-transitional Constitution of Burundi is available at: <http://www.reliefweb.int/rw/RWB.NSF/db900SID/EVIU-64ZFM?OpenDocument> (in French. Last accessed 19 September 2008).

One of the main power-sharing characteristics of the Burundi Power-Sharing Agreement was its call for inclusiveness in the composition of the executive. In order to achieve ethnic balance, the president would be charged with appointing two vice presidents, one Hutu and one Tutsi, each preferably from parties historically associated with their group. The allocation of the cabinet's twenty ministerial portfolios would be a somewhat more complicated matter. All political parties that receive more than 5 % of the vote in the National Assembly elections are to be granted portfolios commensurate with their vote share (Daley 2006a:675). At the same time, the composition of the cabinet is required to be 60 % Hutu, 40 % Tutsi, and 30 % women (Lemarchand 2006b:13). An additional power-dividing provision requires that the Minister of Defense may not be of the same group (Hutu or Tutsi) as the Minister of the Interior, who is in charge of the national police (2005 Constitution, Article 129, 130). This is an important provision, given Burundi's history of ethnic violence involving state forces.

The legislative branch is also under a set of guidelines for ethnic representation guaranteeing minority overrepresentation. According to the Constitution, the National Assembly is to be elected through direct universal suffrage, through an electoral system of proportional representation (d'Hondt's method) with a 2 % threshold (Reyntjens 2005:9). The Constitution requires that the National Assembly should have a 60 % Hutu and 40 % Tutsi ethnic composition and again, 30 % women. 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. For instance, three Twa, taken from lists of eligible representatives, should always be co-opted for the National Assembly. The Senate, on the other hand, should be indirectly elected by the municipal councilors, and should be divided evenly between Hutu and Tutsi (Reyntjens 2005:3; Lemarchand 2006b:13). It should also be noted that decision-making is dependent on agreement between 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. This secures the Tutsi a minority veto.

According to the Constitution, power-sharing should not be limited to the national level, but should also occur at the local and party level. 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 (2005 Constitution, Art. 164). No more than 67 % of mayors in the country are allowed to be from the same ethnic group (2005 Constitution, Art. 266). In order to encourage inter-ethnic cooperation also on a party level, the Constitution includes special provisions regarding party lists for elections (2005 Constitution, Art. 168). If two consecutive names on a party list are of the same ethnic group, the following name must be of a different ethnic group (Reyntjens 2005:9).

Another prominent power-sharing characteristic in the Constitution is its call for inclusiveness in the Burundian state forces, which traditionally had been a heavily Tutsi-dominated terrain. It was determined that all state forces, including the army, police, and intelligence services, would have equal representation of Hutu and Tutsi. A dramatic change in the makeup of the military would also take place. A new army would be formed, taking 60 % of its officers from the existing army and 40 % from the CNDD-FDD, with a 50/50 ethnic balance in the officer corps as a goal (Lemarchand 2006b:14). Furthermore, the agreement called for the creation of a new police force that would consist of 65 % government forces and 35 % CNDD-FDD (again with a 50/50 ethnic split). A similar makeup would also be implemented in a new Ministry of Intelligence.

In contrast to the Convention of Government and the Arusha Peace and Reconciliation Agreement, the Burundi Power-Sharing Agreement did not include any sunset

date for the termination of its power-sharing arrangements, which instead were built into the new Constitution and intended to direct future composition of the political institutions.

3.3.3 Implementation and aftermath

According to Lemarchand (2006a), the latest Burundian power-sharing agreement exemplifies a “highly promising effort to share power among a large number of parties” (2006a:7), which “measured by the extent to which it approximates Lijphart’s consociational formula” stands out as a unique case offering a “faithful image of the ideal consociational polity” (2006a:3). On the paper, the attempt at integrating power-sharing mechanisms into the recent Burundian peace agreement is indeed promisingly comprehensive and inclusive. But given the developments following its implementation, how well has the power-sharing agreement worked to fulfill its aspiration of building lasting peace and promote good governance in Burundi?

As Burundi prepared to move out of the post-Arusha transitional phase following the signing of the Burundi Power-sharing Agreement in August 2004, there were many reasons for optimism about the country’s future. In February 2005, a referendum on the Constitution that had been promulgated in October 2004 was approved by 91.2 % of the voters, and in April 2005, the Palipehutu-FNL agreed to join ceasefire talks (Daley 2007:347). Reyntjens (2005) also notes several other positive developments in the political and security climate prior to the implementation of the Burundi Power-Sharing Agreement: the political landscape became more multi-polar, with the parties shying away from radicalism; the civil society was given a larger role in politics and Burundi saw the growth of independent media; the new army was depoliticized and former members of the CNDD-FDD became fully integrated into the forces; and the positive security situation was further reinforced by the presence of UN peacekeepers arriving at the end of 2004 (Reyntjens 2005:15). In all, the political situation prior to the implementation of the power-sharing agreement seemed to be promising.

During the summer of 2005, Burundi held four rounds of elections,¹³ their first democratic elections in over a decade. Although not free from violence, international observers reported that the electoral process generally was free and fair (Reyntjens 2005:9; Lemarchand 2006b:15). The elections were a resounding success for the CNDD-FDD, who received 54 % of the seats in parliament and 62,6 % of the vote in the communal elections (Lemarchand 2006a:8).

As the head of the largest elected party, CNDD-FDD leader Pierre Nkurunziza was chosen as President by the National Assembly and the Senate in joint congress, and took the oath of office on 26 August 2005 (Reyntjens 2005:13). Four days later, Nkurunziza announced the ministers of his twenty member grand coalition government. The ethnic and gender composition of the new government was largely in conformity with the constitutional requirements, with 55 % Hutu, 45 % Tutsi, and 35 % women representatives. The *political* composition of the cabinet, on the other hand, appeared to be quite remote from the given stipulations. According to the power-sharing arrangements in the 2005 Constitution, the allocation of ministerial portfolios was supposed to reflect the distribution of votes, in addition to the prescribed ethnic and gender balance. According to the election results, this would mean that FRODEBU should hold five ministerial posts and UPRONA two. In the new government, FRODEBU was given only two posts and UPRONA one. Both

¹³ 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 2006b:14).

parties objected to the formation of the cabinet, requiring more ministerial post, but as they did not really press their issue forward, nothing was done to accommodate their requests (Reyntjens 2005:13-14).

With Nkurunziza as President, and with a majority in the parliament, the CNDD-FDD established itself as the ruling party in Burundi. However, the transition from rebel movement to legitimate political party has not been a smooth one. Pressure from the Palipehutu-FNL and from within the party itself, along with a failure to reach compromises with the other political parties, have plagued the first three years of the government. In its efforts to deal with these cross-cutting forces, the government has exhibited what some observers refer to as an 'authoritarian drift,' with a move away from the provisioned elite cooperation.¹⁴

The rule of the CNDD-FDD seriously started to come into question in early 2007. Rifts had developed within the CNDD-FDD, and most notably, the expulsion of the long-time party leader Hussein Rujaburwa due to allegations of a coup plot in February 2007 compromised the party's ability to rule. Following the removal of Rujaburwa, 30 pro-Rujaburwa MPs from CNDD-FDD defected and began to work with opposition leaders, thus leaving the party without a majority in the Parliament and making the passing of laws a difficult task. The opposition parties, for their part, objected to the composition of the government itself, and started voting with the Rujaburwa group to block the passing of laws, and refused to attend plenaries in order to deprive the Assembly of the quorum necessary for considering legislation (ICG 2008:3-4; Reyntjens 2008:9-10).

In July 2007, Nkurunziza reshuffled the cabinet, but the opposition still refused to join. Many members of the opposition parties also refused to attend the swearing-in of the new cabinet, noting that it was just a reshuffling of the same list of characters (ICG 2007:12; Swiss Peace 2007, no.3). In November 2007, Nkurunziza made a new reshuffling of the cabinet, which gave FRODEBU and UPRONA the representation that they were entitled to according to Article 129 of the Constitution. However, although the appointment of the new government was unanimously welcomed, wrangling over representation of the different parties in Ministries and senior positions in the civil service continued. This led to a new parliamentary crisis, with FRODEBU and UPRONA again opting for boycott of plenary sessions, leading to a deadlock lasting until June 2008 (ICG 2008:5-6).

The Burundi Power-sharing Agreement was not signed by the second largest rebel group during the civil war, the Palipehutu-FNL. As such, the peace agreement was also this time an agreement without a cease-fire, and after its implementation, a solution to the armed conflict remained to be found. A ceasefire between the government and the Palipehutu-FNL, the Comprehensive Ceasefire Agreement¹⁵, was signed in September 2006. However, the agreement was implemented somewhat haphazardly and under massive pressure and threat of international sanctions (van Eck 2007:114), and in July 2007, the leaders of the Palipehutu-FNL left the negotiating table and returned to the bush. In the context of the abovementioned political crisis, the government's negotiations with the Palipehutu-FNL proved difficult after the rebel group withdrew from the talks.¹⁶ It is only since the summer of 2008 that there seems to be hope for a settlement of the conflict.

¹⁴ Author interviews with political party and civil society representatives, Bujumbura, October 2008.

¹⁵ The Comprehensive Ceasefire Agreement can be accessed through the Uppsala Conflict Database website: <http://www.pcr.uu.se/gpdatabase/peace/Bur%2020060907.pdf> (last accessed 26 October 2008).

¹⁶ Author interviews with Burundian academics, diplomats and civil society representatives, Bujumbura, October 2008.

4. Potential for Future Conflict and the Current Situation

Even though certain positive developments have taken place since the installation of the democratically elected government in 2005, peace remains elusive in Burundi. Delays in the negotiations with the Palipehutu-FNL, lack of political dialogue between the CNDD-FDD and opposition parties, problems with repatriating refugees and demobilization of ex-combatants, along with reluctance to deal with the issue of impunity are some of the main challenges that currently put the Burundian peace process at risk.

From July 2007 to April 2008, the security situation in Burundi deteriorated significantly. Following a long-lasting deadlock in the talks between the Palipehutu-FNL and the government after the rebel group left the negotiating table in July 2007, negotiations under mediation by South Africa resumed in February 2008. However, the negotiations were again followed by a dramatic increase in violent confrontations between the Palipehutu-FNL and the government army in mid-April 2008. On the verge of defeat after the same clashes, the rebel group agreed to a declaration on the cessation of hostilities on 26 May. Four days later, the Palipehutu-FNL leader was forced by the region to return from Tanzania to resume discussions with the government, and on 10 June 2008, the Magaliesburg Declaration was signed between the government and the Palipehutu-FNL in South Africa. In the declaration, 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). The Palipehutu-FNL started the process of assembling its combatants in July. Although this brings hope for the peace process, the consolidation of peace is dependent on the successful outcome of the still ongoing negotiations about integration of the Palipehutu-FNL in the security forces and the political system.¹⁷

On the governance side, Burundi's prospects are still uncertain. In order for Burundi to consolidate its young and fragile democracy, political dialogue between the CNDD-FDD and the opposition must resume. Meanwhile, what is beginning to look like a one-party state is developing, as CNDD-FDD is attempting to avoid sharing power.¹⁸ In June 2008, the CNDD-FDD pressured the Constitutional Court to authorize the replacement of 22 dissident MPs (Radjabu supporters) with loyal supporters of the party. The CNDD-FDD-led government thus regained the 2/3 majority, which is required to pass laws in the National Assembly. Although this has led to a temporary end of the paralysis of parliament, it 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 run (ICG 2008:10, Vandeginste 2008b). New elections are scheduled for 2010, and many observers are afraid that the CNDD-FDD will use all possible means to win, and that if it loses, it is unclear whether it will accept defeat.¹⁹

Further criticism against the government is based on the revelation of numerous corruption scandals, violations of human rights, intimidation of opposition politicians and the media, and the poor success in the government's programs to demobilize former

¹⁷ Among the issues that are causing the delay in the talks about integration of the Palipehutu-FNL as a political party are the ethnic connotations of the name of the rebel group and its insistence on keeping an armed wing. It is also proving difficult to find an agreement about how the integration of the Palipehutu-FNL combatants into the security forces should be carried out, given the 50/50 Hutu/Tutsi quota. Both the government and the Palipehutu-FNL seem to be showing little will of compromise in the talks. Author interviews with Palipehutu-FNL leader Agathon Rwaso, political party representatives, the South African Ambassador to Burundi, and representatives of the Joint Verification and Monitoring Mechanism (JVMM), Bujumbura, October 2008.

¹⁸ Author interviews with FRODEBU, UPRONA and CNDD politicians, Bujumbura, October 2008.

¹⁹ Author interviews with civil society and political party leaders, Bujumbura, October 2008.

combatants and to repatriate refugees.²⁰ The impunity of crimes committed since independence is another issue that must be dealt with in order for Burundi to achieve the national reconciliation necessary for just and durable peace. The atrocities committed during the conflict have still not been investigated, and the establishment of a Truth and Reconciliation Commission and Special Tribunal as stipulated in the Arusha Agreement of 2000 is yet to be carried out.

Currently, the future of Burundi seems uncertain. Although Palipehutu-FNL has stopped fighting and resumed negotiations with the government, efforts by the ruling party to monopolize power are occurring on a backdrop of a highly militarized and grossly underdeveloped state. Certain steps to strengthen the coordination and dialogue between the stakeholders in the peace process have taken place since the UN Peace Building Commission initiated its work in Burundi in 2006, but the prospects for the country to move out of the current precarious situation seems to hinge fully on the will from all the parties to promote good governance, and for all actors to commit to peace.

5. Preliminary Conclusions

Lessons Learned About Power-sharing in the Burundian Case

The three attempts at introducing political institutions of power-sharing as a means to build peace and promote good governance during the eleven-year civil war in Burundi have had limited success. The country's first flirt with power-sharing in 1994 was little more than a failure. The Convention of Government introduced a coalition government based on power-sharing between the Hutu and Tutsi dominated political parties and created opportunities for greater ethnic balance in the public sector. However, the provisions in the agreement failed to take into account the results from the democratic elections in 1993, gave an overly non-proportional representation to the Tutsi party, and ignored the rebel groups in the emerging civil war. Clashes between the Tutsi-dominated army and pro-Hutu rebel groups continued unabated, and a "creeping coup" supported by the military ultimately brought about the end of the power-sharing agreement in 1996.

The second major power-sharing agreement, the Arusha Peace and Reconciliation Agreement of 2000, was based upon a standard formula aimed to institutionalize a democratic system for power-sharing between the Hutu and Tutsi political parties. The agreement initiated a three year transitional period with a grand coalition government. Although the Arusha Agreement is considered as an important step to bring peace to Burundi, cease-fire agreements with the rebel groups were also this time not achieved, its implementation was delayed, and the civil war continued.

The last power-sharing agreement, the Burundi Power-sharing Agreement, was signed between the government and the main rebel group, the CNDD-FDD, in August 2004. The agreement reflected the spirit of the Arusha Agreement and is markedly consociational, providing a framework that (ex-ante) assured the ethnic groups that they would get a proportional share of the political power following the scheduled democratic elections. These stipulations were implemented through democratic elections in 2005, elections that gave a resounding victory for the CNDD-FDD, whose leader Nkurunziza now serves as the president and head of the coalition government. Given the precarious nature of the current political situation in Burundi, it is difficult to call this most recent attempt at power-sharing a success. Although the implementation of the Burundi Power-sharing

²⁰ Author interviews with civil society leaders, political party representatives, and diplomats, Bujumbura, October 2008.

Agreement marked the transition from civil war to democracy, and the power-sharing agreement commonly is perceived as the most exemplary in Africa (Lemarchand 2006a:3), both peace and democracy remain elusive in Burundi.

What can explain this limited success in the attempts to introduce power-sharing to the political structure in Burundi? Why did all the agreements fail to promote the peace and stability that they envisioned?

The first and most obvious reason explaining the ineffectiveness of the three Burundian power-sharing agreements to promote sustainable peace is their exclusiveness. Although the two last power-sharing agreements were implemented mostly successfully at the elite level, the main rebel groups were not included in the peace negotiations, and their fight against the government army continued unabated by the peace talks. Given that one of the greatest risks to peace-building in post-conflict situations usually comes from potential spoilers (Stedman 1997; Newman & Richmond 2006; Gates & Strøm 2007:3), integration of the last remaining rebel group, the Palipehutu-FNL, in the political system and in the security forces is essential in order to succeed in the current peacebuilding efforts in Burundi.

Another reason for the confined success of the Burundian power-sharing agreements can be ascribed to their failure to move beyond the ethnic categorization, which was one of the factors that fueled the civil war in the first place. While the Burundi Power-Sharing Agreement has managed to correct for ethnic imbalance among the elite through power-sharing, it has also seriously institutionalized ethnicity as a criterion for participation in the state. The concessions giving an exceptional over-representation and minority veto to the Tutsi community in the political system have accommodated the Tutsi, but also encouraged the Palipehutu-FNL to continue its fight for a political system that in a more proportional manner mirrors the demographic representation of the different communities. The power-sharing arrangements in the new constitution have thus left the contradictions that fueled the civil war intact, undermining efforts to articulate more inclusive democratic participatory politics. In order for Burundi to achieve lasting peace and stability, a non-ethnicized vision of state power should eventually be attempted, one that is inclusive and opens for equal opportunities to participate in the state for all, not only based on the ethnicity of one. This would require setting a sunset date for the ethnic power-sharing stipulations in the Constitution.

A third lesson from the experience with power-sharing in the Burundian peace process is that constitutional stipulations meant to ensure power-sharing are not always enough to guarantee elite cooperation. The latest developments of Nkurunziza's government, which observers characterize as moving in an authoritarian direction, can be ascribed to the weakness of the institutions that were meant to provide a check on the executive. Although the constitution does include several prerogatives to ensure elite cooperation, the ruling party has shown proof of doing what it can to monopolize power, making it difficult for a weak and divided political opposition to control the executive. The prospects of the grand coalition government thus seem to rely increasingly on the political will and intent of the CNDD-FDD to initiate political dialogue and include the other parties in decision-making processes.

A final and more general lesson from the somewhat desultory implementation of the three power-sharing agreements in Burundi relates to the effect of the intense pressure and involvement by international and regional actors throughout the peace process. Even though the international pressure certainly has been instrumental in pushing the peace process forward, it has also to a considerable degree overshadowed the importance of finding homegrown solutions to the conflict. As van Eck (2007) notes, not a single of the peace agreements in the Burundian peace process were signed by the parties of their own free will

(van Eck 2007:117), and many of the decisions reached in the peace negotiations were made under considerable external pressure. The international involvement has undoubtedly been crucial for the progress of the peace process, but in order for all parties to fully commit to peace, local ownership to the process must be ensured.

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7. Appendix

7.1 Timeline of the Burundian Conflict and Power-sharing Agreements

Post Independence Events

- **1 Jul 1962:** Independence from Belgium rule.
- **1963-65:** The Tutsi king attempts to balance competing ethnic interests by dividing top government posts between Hutu and Tutsi.
- **May 1965:** Hutu victory in parliamentary elections is nullified when the king steps in and appoints a Tutsi as Prime Minister.
- **Oct 1965:** Attempts to transfer powers from the parliament to the king inspire a failed coup attempt and outbreak of ethnic violence.
- **Nov 1966:** Military coup. Military leader Michael Micombero proclaims Burundi a republic. All references to ethnicities are repressed.
- **1966-1993:** Tutsi military rule.
- **1972:** Hutu stage a coup and 2,000 Tutsis are killed in the south. Genocide of 200,000 educated Hutu. 300,000 Hutu flee the country.
- **1974-1993:** All political parties other than Tutsi-dominated UPRONA are outlawed.
- **1980:** The Hutu resistance movement, Palipehutu, is formed by Hutu in Tanzanian refugee camps.
- **1987:** Major Pierre Buyoya takes power.
- **1988:** A "new 1972." Hutu rebels kill several hundred Tutsi in Ngozi and Kirundo, Tutsi military responds by killing 20,000 Hutu. Afterwards, Buyoya introduces reforms to integrate more Hutu into the government.
- **Mar 1992:** New constitution adopted in referendum. Ethnically based political movements banned.
- **1 Jun 1993:** Melchior Ndadaye (FRODEBU) elected president.
- **29 Jul 1993:** Parliamentary elections a resounding success for pro-Hutu FRODEBU.
- **21 Oct 1993:** Failed coup attempt. Assassination of President Ndayaye. Increased interethnic violence. Hundreds of thousands of Hutu flee.
- **November 1993:** the UN sends a special envoy, Ahmedou Ould-Abdallah, to engineer a power-sharing agreement.
- **6 Apr 1994:** President Ntaryamira killed while traveling in an airplane with Rwandan President.
- **June 1994:** Nyangoma leaves FRODEBU and forms the CNDD and its armed wing, the FDD. Along with Palipehutu-FNL, the CNDD starts an armed rebellion against the Tutsi-dominated army. The civil war starts.

The 1994 Convention of Government and Aftermath

- **10 Sept 1994:** Convention of Government, based on power-sharing, is adopted. Hutu Sylvestre Ntibantuganya is appointed president.
- **Mar 1996:** Julius Nyerere, former president of Tanzania, is appointed UN facilitator for Burundi.
- **May 1996:** The UN notes the situation in Burundi is deteriorating.
- **10 Jul 1996:** The AU endorses dispatching a peacekeeping force.

- **25 Jul 1996:** Military coup returns Buyoya to power. Neighboring countries respond with economic sanctions.
- **Mar 1997:** Agreement between government and CNDD signed in Rome.

The 1998-2000 Arusha Negotiations and Aftermath

- **15 June 1998:** Arusha talks begin.
- **Jun 1998:** Internal power-sharing partnership is signed by the UPRONA government and the FRODEBU-dominated National Assembly.
- **Oct 1999:** Nyerere dies.
- **Nov 1999:** Indecision over who should replace Nyerere. Nelson Mandela reluctantly accepts the position.
- **28 Aug 2000:** Arusha Peace and Reconciliation Agreement signed.
- **28 Oct 2001:** Promulgation of a transitional constitution.
- **1 Nov 2001:** Buyoya takes office as president for the first 18 months of transitional period.
- **Oct 2002:** Ceasefire with smaller factions of CNDD-FDD and Palipehutu-FNL.
- **3 Dec 2002:** CNDD-FDD agrees to a ceasefire with the government.
- **30 Apr 2003:** Ndayizeye takes office as second transitional president.
- **8 Oct 2003:** The Pretoria Protocol on Political, Defense and Security Power Sharing in Burundi signed by government and CNDD-FDD. Nkurunziza, the head of CNDD-FDD becomes Minister of State in charge of good governance.

The 2004 Burundi Power-sharing Agreement and Aftermath

- **6 Aug 2004:** Burundi Power-sharing Agreement signed. Contained similar provisions to those described in Arusha, subsequently put into the new constitution.
- **20 Oct 2004:** Post-transitional constitution adopted by parliament.
- **28 Feb 2005:** Post-transitional constitution approved by referendum (91,2 % in favor).
- **Summer 2005:** Four stage elections take place:
 - **3 June:** Municipal
 - **4 July:** National assembly
 - **29 July:** Senate (indirect)
 - **19 Aug:** President (indirect).
- **26 Aug 2005:** President Nkurunziza (CNDD-FDD) takes over as president. Four days later, he forms a coalition government with representatives from CNDD-FDD, UPRONA and FRODEBU.
- **March 2006:** FRODEBU leaves the government in protest at the removal of its members from their post as local administrators, human rights violations and several corruption scandals.
- **7 Sept 2006:** Ceasefire with Palipehutu-FNL.
- **Feb 2007:** Hussein Radjabu is deposed as president of CNDD-FDD. His departure creates a rift in the party, ultimately leading to the defection of 30 MPs and the loss of the party's majority in the National Assembly. This paves the way for a major political crisis.
- **13 July 2007:** Cabinet reshuffle. A majority of MPs boycotts the swearing-in ceremony of the new government
- **21 July 2007:** The Palipehutu-FNL withdraws from the Joint Verification and Monitoring Mechanism (JVMM). Several of the group's leaders are rumored to have fled into the bush.

- **14 Nov 2007:** Cabinet reshuffle. FRODEBU and UPRONA get the number of Ministers that they are entitled to in accordance with Article 129 of the constitution.
- **Feb 2008:** Negotiations between the Palipehutu-FNL and the government resume under South African facilitation.
- **April 2008:** Resumption of hostilities between the Palipehutu-FNL and the Government Army.
- **26 May 2008:** The Palipehutu-FNL signs a declaration about cessation of hostilities.
- **30 May 2008:** Palipehutu-FNL leader Agathon Rwaso returns from Tanzania to Bujumbura.
- **5 June 2008:** 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.
- **11 June 2008:** Mageliesburg agreement 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.
- **21 July 2008:** Demobilization of Palipehutu-FNL combatants starts.



Centre for the Study of Civil War, PRIO

International Peace Research Institute, Oslo (PRIO)
Hausmanns gate 7
NO 0186 Oslo, Norway
E-mail: info@prio.no

www.prio.no/cscw

