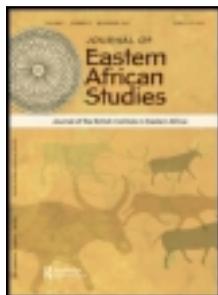


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Governing ethnicity after genocide: ethnic amnesia in Rwanda versus ethnic power-sharing in Burundi

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A remarkable process of ethnic engineering has been taking place in neighbouring Burundi and Rwanda. After a failed democratization attempt in the early 1990s, both countries experienced an extremely violent transition process. Despite the many similarities between the two countries, they have adopted radically different approaches to address long-standing ethnic divisions. While Rwanda has opted for a policy based on ethnic amnesia and an integrationist policy centred around civic identity, Burundi has institutionalized its societal segmentation through ethnic power-sharing along the lines of Lijphart's consociational model. This comparative analysis explains the differences from two perspectives. On the one hand, in line with historical antecedents, ethnicity is engineered in a way that serves political elite interests. On the other hand, path dependency, in particular the modality of political transition in both countries, explains the notably divergent policies on ethnicity.

Keywords: ethnicity; political transition; consociationalism; Burundi; Rwanda

A unique experiment of institutional engineering of ethnicity in the aftermath of violent conflict has been unfolding in Burundi and Rwanda. Both countries went through an extremely violent transition following the failure of an externally induced democratization process in the early 1990s. In both countries, political mobilization of ethnicity constituted a major driver of internal armed conflict. Both put forward unity, reconciliation, peace and security as policy objectives. Yet, the way in which ethnicity – and how it relates to unity, peace-building and state-building – is viewed and engineered, is fundamentally different in the two countries.

The experiment is of course not happening under perfect laboratory conditions, because of several important differences as well as interactions between the 'test group' and the 'control group'. After a brief presentation of the similarities and differences between neighbouring Burundi and Rwanda, this paper contrasts the constitutional and political approaches to ethnicity in both countries against the background of the political science literature on power-sharing and institutional design in divided or segmented societies. I then try to explain the so far divergent paths from a political and historical perspective. This article not only sheds light on the roads Burundi and Rwanda have walked in engineering their ethnic diversity and in (re) constructing socio-political identities; a comparative analysis of Burundi and Rwanda

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also offers important insights into the more general issue of governance of ethnicity after identity-based conflict.

This subject-matter is potentially vast and I therefore wish to highlight a number of aspects which – while they are certainly of relevance for our analysis, as will be illustrated below – this paper does not address in detail.

First, I do not address from a historical or anthropological perspective the nature of the divisions between what are commonly described as ethnic groups in the two countries. Suffice it to say that the views reflected in the literature vary importantly between two extremes, and that history narratives are systematically instrumentalized to ‘prove’ one is right and the other is wrong. At one end of the spectrum, there is the view that until the advent of colonialism Hutu, Tutsi and Twa were no more than flexible and harmonious social categories within one nation.¹ At the other end, the case is made that even in pre-colonial times they constituted ethnic identity groups with fundamentally different morphological features and historical roots, Tutsi dominating Hutu in a manner similar to feudalism.² Other authors position themselves between these poles, e.g. pointing to the existence of pre-colonial group identities and divisions but also to the racialization of the Hutu-Tutsi divide under colonial rule.³ Whichever view is historically most accurate, insofar as existence and membership of a particular ethnic group is based on the subjective criterion of self-identification by individuals,⁴ there is no doubt that ethnic groups exist in both countries. Also, it is undeniable that in both Rwanda and Burundi, divisions between ethnic group identities – whether they were primordial or socially constructed – were exacerbated during the armed conflict.

Second, I do not address the question to what extent conflict in Rwanda (in particular the civil war that started in October 1990 and the April–July 1994 genocide) and in Burundi (in particular the massacres and the civil war that followed the assassination of President Ndadaye in October 1993) was rooted in and driven by collective, ethnic grievances. Although both in Rwanda and Burundi there was an obvious link between ethnic group identities and elites’ (violent) accession to and control of political power, the literature is divided on the lines of causality and on the question of what motivated people to participate in mass violence along ethnic lines in both countries.⁵

Third, this paper does not seek to assess the success of both approaches in forging unity, peaceful cohabitation, inter-ethnic reconciliation or other public goods. Suffice it to note here that, in terms of peace (narrowly defined as the absence of armed hostilities or other large-scale political violence on their territories) and political stability (not to be confused with democracy), both countries have done remarkably better over the past decade than in the 1990s.

Two-egg twins

Both Burundi and Rwanda are small, densely populated, landlocked and poor. They were colonized by Germany and, after the First World War, administered as one territory, Ruanda-Urundi, by Belgium under a League of Nations mandate. Both acceded to independence on 1 July 1962. The main languages spoken (Kinyarwanda and Kirundi) are very similar. The countries share a similar geography, and climate and subsistence farming is the main economic activity in both countries. Although the importance of the Catholic Church is gradually declining, most people hold a Christian belief. Both are classified among the least developed countries by the United Nations (UN). Although exact figures are not available, the ethnic composition of the population is generally estimated to be very similar, with Hutu accounting for roughly 85% of the population,

Tutsi around 14% and Twa around 1%.⁶ After decades of single party rule, both countries introduced multipartyism in the early 1990s (Burundi in March 1992, Rwanda in May 1991), but political liberalization soon induced large-scale political violence in both countries. In Burundi (Pierre Nkurunziza) as well as Rwanda (Paul Kagame), the leaders of the former main rebel movements currently serve their second term as president of the republic. Neither of the two countries has ever been the scene of a constitutional transfer of power to a democratically elected successor president.

Despite these and other similarities, important differences characterize the two countries. Before introducing some of these differences, it is worth emphasizing that – unlike under single party rule (see below) – bilateral relations between the two neighbours have generally been very friendly during the past decade. This may well in part be due to a dynamic of regional integration, and, in particular, the fact that both states joined the East African Community in 2007.

First, there is an important discrepancy in the historical developments around the time of independence. This is to a large extent related to the position of the monarchy in both countries (which, in turn, explains why the trust territory Ruanda-Urundi did not remain unified as one independent State as the UN General Assembly had proposed until shortly before independence day).⁷ In Rwanda, the Tutsi dominated monarchy was overthrown shortly before independence with the support of the Belgian tutelage authorities, during what some refer to as the 1959 so-called ‘social revolution’ of the Hutu,⁸ a label strongly contested by others.⁹ This caused tens of thousands of Tutsi refugees to cross the border into neighbouring Uganda, an event that lies at the root of the formation of the former rebel movement and current dominant political party, the Rwandan Patriotic Front (RPF). In Burundi, the transition towards independence was not characterized by Hutu–Tutsi strife, and the monarchy was not overthrown until November 1966, when the military installed a single party republic. In Burundi as well, however, the disappearance of the monarchy coincided with an increasing Hutu–Tutsi divide among the political elites.¹⁰

Second, for several decades, both countries were governed under authoritarian single-party rule. While regionalism was a common source of clashes between political elites, there was an importantly different ethno-political configuration in Burundi and Rwanda. In Burundi, between 1966 and 1993, during the presidencies of Micombero, Bagaza and Buyoya (all of them born in the same commune Rutovu) under single party Uprona (*Union et progrès national*) rule, political and military power was concentrated in the hands of Tutsi of the Hima clan from southern Bururi province. Hutu opposition was violently suppressed on several occasions. In particular after the 1972 massacres – qualified by some authors as a ‘selective genocide’¹¹ but justified by the government¹² as legitimate self-defence against insurgents – tens of thousands of Hutu refugees crossed the border, mainly into Tanzania. In Rwanda, however, Grégoire Kayibanda, a Hutu from central Gitarama province and leader of the Parmehutu (Party of the Hutu Emancipation Movement) was president until 1973, when he was ousted in a military coup and replaced by his minister of defence Juvénal Habyarimana, a Hutu from the northern Bakiga clan. As leader of the single party MRND (National Revolutionary Movement for Development), Habyarimana ruled the country until his assassination on 6 April 1994, the event which triggered the Rwandan genocide. As I will illustrate below, in both situations, the different ethno-political configuration in the neighbouring country was instrumentalized to serve purposes of political expediency (in particular to demonise internal opponents across the ethnic divide) by the single party government. This cross border dynamic is not all that surprising in light of the fact that part of the Tutsi opposition against President

Habyarimana and, more importantly, part of the Hutu opposition against President Buyoya, developed and campaigned on the territory of the neighbouring twin.

Third, there is an important difference in terms of the duration and termination of internal armed conflict in the two countries. Civil war in Rwanda started in October 1990 when the rebel movement RPF – which was established among the Tutsi diaspora in southern Uganda in 1987 – invaded northern Rwanda. The war ended in July 1994, when the RPF defeated the government forces and extremist Hutu militia, thus also stopping the genocide that cost the lives of hundreds of thousands of Tutsi and moderate Hutu in roughly three months. A peace agreement had been signed in August 1993 in Arusha (Tanzania) but was not implemented. Rather than transplacement¹³ (or negotiated settlement), replacement (or overthrow, i.e. the RPF's military victory) was the dominant modality of Rwanda's transition from conflict to peace. Burundi's transition from violence to peace took much longer, and was based on a negotiated compromise between opponents.

Civil war in Burundi started after the assassination, on 21 October 1993, of president Melchior Ndadaye, the leader of the predominantly Hutu Frodebu (*Front pour la démocratie au Burundi*) party who had defeated incumbent president Pierre Buyoya in the democratic multiparty elections four months earlier. In the immediate aftermath of the attempted military coup of 21 October 1993, there were widespread massacres of Tutsi – sometimes qualified as genocide¹⁴ – and of Hutu alike. From 1994 onwards, Burundi was the scene of a civil war that – with varying degrees of intensity – lasted nearly fifteen years. Hundreds of thousands of people were killed, some during clashes between Tutsi dominated government forces and Hutu dominated rebel movements (mainly the National Liberation Forces [FNL] of Agathon Rwasa and the National Council for the Defense of Democracy – Forces for the Defense of Democracy [CNDD-FDD] of Pierre Nkurunziza), the majority as a result of targeted killings, mostly along ethnic lines, of civilians. Successive peace agreements with detailed and complex power-sharing arrangements (see below) were signed between August 2000 and December 2008, when the last remaining rebel movement (FNL) agreed to lay down arms, hoping to win the 2010 elections which, in reality, consolidated the CNDD-FDD party's dominant position.¹⁵

Peace, stability and inclusive governance in divided societies

Although the said experiment – presented in more detail below – is unique in that it takes place in neighbouring two-egg twins, the question of how to build sustainable peace and how to promote political stability and inclusive (ideally democratic) governance in ethnically or otherwise divided societies is, of course, not new. It has been the subject of an extensive literature in comparative politics and in comparative constitutional law.¹⁶ Despite John Stuart Mill's scepticism, ethnic diversity does not necessarily lead to secession or armed conflict. Institutions can make a difference in preventing societal, identity-based divisions from turning violent and a recourse to institutional processes rather than to violence can be a way of resolving differences between societal groups. However, there is no general consensus about which institutional set-up is most effective, in particular in the context of post-conflict societies without a democratic tradition. For the purpose of this paper, I briefly¹⁷ introduce the two main schools of thought ('integration' versus 'accommodation') and arguments put forward by their advocates and opponents, in order to place the Burundian and Rwandan cases in a wider comparative international context.

Integrationists seek to remove ethnicity, religion or other group identity markers as a source of political mobilization and as institutional foundations of the state. The rationale behind this is that ethnicity in politics inevitably leads to group based antagonism, and is therefore likely to provoke political instability and violence. What is needed, therefore, are institutions (constitutional provisions, electoral systems, etc.) that ban or strongly reduce the impact of such ethnic or other segmentation on politics. Integrationists advocate a political system based on citizenship, with constitutional guarantees for the protection of fundamental rights and freedoms of all individuals, whether they happen to belong to an ethnic or other minority or not.¹⁸ Rather than a polity based on continued dialogue and compromise between segmental elites, integrationism favours the use of constitutional separation of powers, checks and balances and bills of rights as mechanisms to deter the (violent) escalation of ethnic and other group identity related divisions.¹⁹

Models based on accommodation accept the reality of ethnic (and other) segmentation of a 'deeply divided' society, and the fact that such divisions are politically salient markers of individual and group identity. Rather than denying or banning the political relevance of this segmentation, accommodationists advocate an institutional framework that enables non-violent and democratic co-habitation of group identities in one, ethnically diverse state. A fundamental characteristic of the consociational power-sharing model developed by Lijphart and others is that political elites representing societal segments can – and can be made to – engage in a cooperative partnership when the institutional set-up guarantees a certain stake in the political process. In segmented societies, purely majoritarian rule is inherently unstable because it fails to guarantee political participation (and, as a result, even basic security) to demographic minorities. The consociational school therefore recommends four types of power-sharing arrangements: a grand coalition government; a broadly representative legislature based on proportional representation; segmental autonomy, e.g. through federalism or other types of (territorial or non-territorial) self-government; and a veto right enabling all partners in the consociation to oppose institutional reforms that threaten their fundamental interests.²⁰ Other accommodationists like Horowitz share the critique of the consociational model that it may institutionalize and exacerbate ethnic tensions and, therefore, in the end lead to increased antagonism and instability. They therefore advocate a more centripetal system, in particular through the design of an electoral system that rewards moderates rather than segmental extremists.²¹

Against this scholarly background, I will now present the current constitutional and broader political framework in Burundi and Rwanda which, contrary to classical cases like Belgium, Iraq, Northern Ireland, Fiji, Bosnia and Canada, are mostly overlooked in the literature.

Burundi

In its preamble, the Constitution of 18 March 2005 puts forward a number of foundations of the country's political order. These include the protection and inclusion of ethnic, cultural and religious minority groups, the restructuring of the country's security and justice system in order to safeguard the security of all Burundians, including those belonging to ethnic minorities, and the cooperation between ethnic groups in society. Article 1 confirms that Burundi is a democratic and unitary republic, with respect for its ethnic and religious diversity. While the element of religion is not further elaborated in the Constitution – not surprisingly in light of the fact that, unlike ethnicity, religion has

not been a driver of conflict in Burundi's post-colonial history – ethnic segmentation and the need for orderly ethnic cohabitation are dominant features of Burundi's complex institutional set-up. In the Constitution, provisions aimed at balancing ethnic representation at all levels in the public institutions abound. Before briefly introducing those ethnic power-sharing provisions, it is important to note that the ethnic affiliation of Burundians is not systemically registered, neither on their identity cards (as used to be the case – *horresco referens* – in Rwanda before the 1994 genocide) nor in the population register recently introduced at the local administrative level of the *collines* (hills). Ethnicity is not indicated on the voters' cards either, but it is explicitly mentioned on the list of electoral candidates.

At the level of the legislature, national assembly elections are held on the basis of regional and ethnic proportionality. Regionally proportionate representation results from the use of the 17 provinces as electoral circumscriptions and the number of seats reflecting the size of the population in the province. A fundamental, centripetal characteristic of Burundi's electoral system, political parties must present blocked lists (i.e. with candidates ranked in a fixed order) that respect a minimum degree of ethnic (and gender) balance. Of the top three candidates on the electoral list, only two can belong to the same ethnic group; of the top four candidates, at least one must be a woman. This 'corrected' proportionality, with an overrepresentation of the Tutsi minority group, is further entrenched through a sophisticated co-optation system. In case the outcome of the elections does not respect the constitutional quota that require a 60% Hutu and 40% Tutsi composition of the national assembly, the electoral commission shall co-opt additional MPs on top of the 100 elected members. In addition, up to three Twa MPs can be co-opted. This system obviously requires that candidates identify themselves as Hutu, Tutsi or Twa, a requirement that is simply unthinkable in Rwanda's current electoral system (see below). As a result, although most parties – also for obvious historical reasons – remain perceived as 'predominantly Hutu' (including the CNDD-FDD) or 'predominantly Tutsi' (including Uprona), this complex electoral engineering obliges parties to attract candidates and voters across the ethnic divide. There is general agreement among observers that, as a result, the 2010 Burundian elections were no longer a matter of primarily ethnic competition²² – which is quite an achievement in a country torn apart by politico-ethnic strife for decades. The Senate is indirectly elected by electoral colleges composed of locally elected officials. In addition to the heads of state (senators for life) and three senators representing the Twa minority, it is composed of two senators per province. These are from different ethnic groups and separate elections are held for a Hutu and a Tutsi senator. Among its duties, the Senate verifies the implementation of the constitutional requirements in terms of ethnic and gender representation in all of Burundi's public sector.

Ethnic power-sharing is also provided for at the level of the executive branch. A directly elected president is seconded by two appointed vice-presidents who are from different ethnic groups and different political parties. The Constitution requires that a Hutu vice-president should be a member of a predominantly Hutu party (and vice versa for the Tutsi vice-president). During the past decade, this constituted nothing less than a political life-insurance for the former (predominantly Tutsi) single party Uprona. Even if it loses the elections – which history suggests is very likely – the Constitution guarantees that the first vice-president will be a member of the Uprona party (unless another predominantly Tutsi party becomes more important, which has not happened yet). For the predominantly Tutsi parties, this was an essential precondition when signing the Arusha Peace and Reconciliation Agreement (see below). The Government is composed of no

more than 60% Hutu and no more than 40% Tutsi ministers. In addition, the Constitution provides for a coalition government composed of ministers representing all parties that have obtained at least five percent of the votes at the legislative elections.

Furthermore, ethnic criteria are imposed at other levels. Most importantly, as far as the security sector is concerned, the Constitution requires ethnic parity within the army, the police and the intelligence service during a number of years to be determined by the Senate. Also, the minister of defence and the minister of public security must be of different ethnic origin. For the appointment of diplomats, public administration officials and state owned company managers as well as for the justice sector, the Constitution requires ethnically proportionate representation.

Finally, it is important to note that before and after the 2005 and 2010 elections, these constitutional requirements have also been respected in actual practice.

Rwanda

The preamble of Rwanda's Constitution of 4 June 2003 (as amended) notes that Rwandans 'enjoy the privilege of having one country, a common language, a common culture and a long shared history which ought to lead to a common vision of our destiny.' The eradication of ethnic, regional and other divisions features prominently throughout the Constitution. A National Unity and Reconciliation Commission (NURC) actively promotes the ideal of national unity. Revisionism, negationism and trivialization of genocide as well as propagation of ethnic, regional or racial discrimination or any other form of division are punishable by law. Vaguely worded, these criminal law provisions have been strongly criticized by human rights watchdogs.²³ Compared with Burundi, Rwanda opts for a policy of national unity based on ethnic amnesia and the promotion of citizenship referred to as 'Rwandan-ness'. Senior RPF member and Ministry of Defence official Frank Rusagara is one of the founding fathers of the ideology of 'Rwandanicity,' which he sees as 'a vehicle for reconstruction of post genocide Rwanda' and which he connects to the historical and inherently symbiotic relationship between the people, its leadership and the military (*The New Times Rwanda*, 21–22 February 2005). Under this ideology, ethnicity is nothing but a divisive colonial construct.

The difference between the approach adopted in Rwanda and in Burundi is, *inter alia*, reflected in the constitutional provisions on the composition of the public administration. Burundi's Constitution (article 143) provides that the administration must be largely representative of the Burundian nation and reflect the diversity of its component parts; recruitment must be based on the need to redress historical imbalances and to ensure a representation of ethnic, regional and gender groups in society. Rwanda's Constitution (article 126), however, notes that public servants shall be recruited and promoted on the basis of competence, merit and integrity. More generally, constitutional provisions on the composition of the legislature, the executive, the judiciary, the diplomatic corps or other public sector institutions do not contain any reference to ethnic criteria. Contrary to the Burundian situation, where the Senate makes active use of its constitutional powers to monitor ethnic composition of the public sector, in the case of Rwanda it is – at least officially – impossible to assess to what extent, in reality, ethnic amnesia and meritocracy amount to Tutsi domination in the political, military and administrative spheres²⁴ or whether, despite the absence of ethnic quota provisions, an ethnically balanced composition emerges. In fact, openly addressing this taboo question would, in all likelihood, amount to a criminal offence. According to Buckley-Zistel, this top-down banning of the ethnic question from public life also trickles down to the local level,

people dealing with pre-genocide social cleavages through a coping mechanism she refers to as ‘chosen amnesia.’²⁵

Although this may seem surprising at first sight, some of the institutional features mentioned above in relation to Burundi (proportionality, quota and a power-sharing coalition government) also apply to the case of Rwanda. However, these institutions have a radically different meaning in Rwanda, in particular when considered from the perspective of ethnic cohabitation. Like in Burundi, Rwanda’s legislative elections are based on proportionality. However, in the Rwandan context, proportionality refers to the electoral system in which the number of seats of a particular party reflects the number of votes won by that party.²⁶ In other words, proportionality here is a matter of distribution of seats between the various electoral lists and parties. It does not refer to ethnic or regional representation. In fact Rwanda’s electoral system does not take into account the ethnic identity of candidates. Furthermore, because there is only one electoral circumscription, regional origin and representativeness are considered electorally irrelevant as well.²⁷

Second, as in Burundi, Rwanda’s Constitution provides for quota as far as the composition of parliament is concerned. Twenty-four (out of 80) MPs must be women, two are elected by the national youth council and one is elected by the national council of persons with disabilities. No reference is made to ethnic groups. In the Senate, 12 out of 26 senators are indirectly elected by local administrative councils. Others are appointed by the consultative forum of political organizations and the universities. In addition, eight senators are appointed by the president, who shall particularly consider the principle of national unity among Rwandans and other national public interests but also ‘the representation of historically marginalized communities’ (art. 82). The latter provision has sometimes been interpreted as covering the grievances of the Twa minority.²⁸ While the government rejects an ethnic interpretation of this constitutional provision, the representative of Rwanda declared, before the UN Human Rights Committee, that one Twa senator had been appointed to the Senate on the basis of this provision.²⁹

Third, Rwanda prides itself on rejecting a ‘winner takes all’ system and instead favouring equitable power-sharing and the constant quest for solutions through dialogue and consensus. Again, power-sharing has a particular meaning here that has nothing to do with Lijphart’s consociational theory nor with Burundi’s policy of ethnic power-sharing. Article 58 (‘Power-sharing’) of the Constitution provides that the president and the speaker of the Chamber of Deputies shall not belong to the same political party. Furthermore, one political party, even when it obtains a majority of seats in the chamber of deputies, cannot claim more than half of the cabinet ministers in the coalition government. A 2010 Senate report summarizes the findings of a survey conducted to gather opinions of Rwandans on political pluralism and power-sharing.³⁰ It is worth noting that this survey took place after the main opposition party MDR (*Mouvement démocratique républicain*) – which was historically associated with the moderate Hutu opposition against President Habyarimana – was banned in 2003 and after former President Pasteur Bizimungu, who held office from July 1994 until March 2000, was prevented from establishing a new party and sentenced to 15 years’ imprisonment. Both parties were outlawed on charges of divisionism.³¹ Nevertheless, the Senate report found what needed to be demonstrated: a large majority of respondents confirmed that power-sharing is a reality in Rwanda, and are satisfied with how it is practised. It goes without saying that the survey did not ask questions about ethnic or regional quota or power-sharing.

Explaining the difference

As noted in the introduction, this paper does not try to assess the Burundian and Rwandan approach from a normative perspective. My objective rather is to contextualize, analyse and explain the use of the different approaches. Before proceeding with this last part of our analysis, it is worth mentioning, however, that the Rwandan government's policy of ethnic amnesia has been evaluated from a normative, human rights angle before several international fora. A 2011 report by the UN Independent Expert on Minority Issues praises the efforts on the part of the government to forge unity and social cohesion behind a Rwandan national identity and to diminish ethnicity as a destructive force in society, but also insists that candid discussions of ethnic issues should not be considered taboo: 'A process of promoting national unity is not incompatible with the rights of individuals and communities to freedom of expression and to freely identify as belonging to an ethnic group.'³²

Three possible explanations for the different approaches adopted in Rwanda and Burundi come to mind. First, I will briefly consider whether favourable conditions for ethnic power-sharing are more present in Burundi than in Rwanda. Second, I will explain the difference as resulting from an interest-based rational choice by political elites. Third, I will analyse the difference from a historical, path dependency perspective.

Lijphart's generally favourable conditions

Lijphart has identified a number of generally favourable conditions under which the introduction (and maintenance) of consociational power-sharing is more likely. These include: a territorial concentration of segments, a relatively small number of segments of roughly equal size (and none of which has a demographic majority), a small population size, overarching loyalties, crosscutting cleavages, an external threat common to all segments, and a tradition of elite compromise and accommodation.³³ Without going into detail here,³⁴ it is clear that in both countries most of the favourable conditions are not present. Therefore, this does not explain the difference between Rwanda and Burundi. What this may indicate, however, is that the sustainability of Burundi's ethnic power-sharing is questionable. Recent developments, including the announcement of a constitutional reform process, may indeed signal the intention on behalf of the dominant party CNDD-FDD to reduce the consociational nature of Burundi's political institutions.³⁵

Elites interests and choices

The literature on both Rwanda and Burundi shows that throughout the post-colonial history of both countries – and in line with the political instrumentalization of ethnicity under colonial rule – ethnicity and ethnic divisions have been mobilized to serve the interests of political elites in their struggle for control of the state. The 'ethnicization' – alongside other important dimensions such as social class and region – of this political struggle under predominantly Hutu rule in Rwanda, which culminated in the 1994 genocide, has been widely documented.³⁶ As far as Burundi is concerned, under single party Uprona rule, the politicization of ethnicity was equally real, but in a radically different manner that, one might argue, is strikingly similar to Rwanda's current approach. Daley notes that '[s]uccessive Tutsi dominated governments, under the guise of promoting national unity, have denied the existence of ethnic difference [...] To deny ethnicity protects the well-positioned Tutsi minority while to assert ethnicity is to

promote the impoverished, powerless Hutu majority.³⁷ Lemarchand's 1994 analysis of ethnic amnesia under President Bagaza (1976–87) is even more striking:

To prevent charges of ethnic discrimination in the recruitment of party cadres and civil servants, the Second Republic found an imaginative solution: it officially banned all references to ethnic identities, with the additional provision that all such public or private references could be grounds for charges of incitement of racial hatred.³⁸

In both countries, political mobilization of ethnicity happened even cross-border, as when Rwandan President Kayibanda in his 1973 New Year address fulminated against the lies – allegedly 'normal for a Tutsi regime'³⁹ – by the Burundian government about the 1972 massacres of Hutu in Burundi.

In addition to these historical antecedents, there is another good reason to expect that elites' interest based choices account for the different ethnic engineering approaches in Rwanda and Burundi. If indeed, as Collier argues,⁴⁰ electoral democracy in developing countries amounts to ethnic identity based voting, then one might expect the leadership of predominantly Tutsi parties (with a demographic minority constituency) to advocate consociationalism. They can logically be expected to do so in order to ensure their own political survival as well as the political representation and protection of their segment despite their – reasonably to be expected – loss at the (supposedly free and fair) elections. On the flipside, one might expect predominantly Hutu parties to comfortably rely on the force of numbers to translate their demographic majority into a political majority in a winner-takes-all system and, therefore, to oppose consociational power-sharing. And yet, this is not exactly what we see on the ground. Rwanda's predominantly Tutsi ruling RPF opposes consociationalism while Burundi's predominantly Hutu ruling CNDD-FDD – so far – embraces it. Furthermore, Tutsi politicians in Burundi strongly adhere to consociationalism as a way of protecting the vital interests of their demographic minority group and of guaranteeing their political relevance. The very existence of the Burundian website <http://www.tutsi.org> – the creation of which would most probably be a criminal offence in Rwanda – is quite telling. The website was launched by the movement *Survit-Banguka* in 2004 to inform Burundians 'of the permanent risks of exclusion of a minority group by a majority group in contradiction with the principle of consociational democracy which promotes pacific coexistence of communities.'⁴¹

In part, the paradox is due to the fact that Collier's argument applies in a scenario of free and fair elections. Without going into detail here, it is highly questionable whether there is such a level playing field given the political dominance and hegemony of two quasi-single parties (RPF and CNDD-FDD). Furthermore, unlike Tutsi elites within Burundi's *Uprona* party, Tutsi elites within the RPF are opposed to consociationalism for the simple reason that, for the time being, they do not need it in order to maintain a grip on political power, nor did they need it to accede to power. So while elite choices and elite interests are clearly important in understanding the different approaches adopted in Rwanda and Burundi, an additional explanatory factor is needed. Indeed, successor elite choices are, to an important extent, determined by context and by path dependency.

Political trajectories

This leads us to the main explanation accounting for the difference: the modality of political transition in the two countries. As explained above, both countries experienced

civil war, and for both a peace agreement was signed in Arusha (in August 1993 for Rwanda, in August 2000 for Burundi). Both agreements involved power-sharing as part of the solution. But both substantively as well as in terms of their impact on the post-conflict situation, important differences between the two agreements need to be highlighted.

The negotiated settlement between the incumbent regime and predominantly Hutu rebel movements was the dominant mode of transition to end the war in Burundi. Furthermore, the consociational foundations of today's political system in Burundi not only find their roots in the peace negotiations process, but also in a decade of trial and error of ethnic power-sharing prior to the August 2000 Arusha Agreement, as I have documented elsewhere.⁴² The ethno-political war in Burundi was not won by any of the opposing parties. The Arusha Agreement was signed between the government, the national assembly and two coalitions of predominantly Hutu and predominantly Tutsi parties. It laid down a new constitutional framework, both for the transitional period as well as for the post-transition era. For the Tutsi minority negotiators in particular, short and long term political and military representation of ethnic segments was crucial to protect vital security interests. South African peace mediator Nelson Mandela – who viewed the Burundian conflict in essentially ethnic terms – played a crucial role in both parties accepting ethnic parity in the army, a cornerstone of Burundi's stabilization even today.⁴³ With the benefit of hindsight we can now conclude that the peace process was a foundational moment at which ethnic power-sharing became a cornerstone of the Burundian state.

Rwanda's Arusha Agreement of August 1993 provided for political and military power-sharing between opponents during a transitional period prior to elections. The two main peace agreement protocols dealt with the return and resettlement of refugees and displaced persons, and with the integration of the government forces and the RPF into one national army. The agreement listed cabinet positions, ministerial portfolios, army command positions and parliamentary seats and allocated them to the signatory parties. Contrary to Burundi's peace agreement, the Arusha Agreement for Rwanda did not contain any consociational or other constitutional blueprint (apart from some rather vaguely worded general principles of national unity, democracy, human rights and rule of law). Regarding ethnicity, the Arusha Agreement stipulated that ethnic (or regional or other) forms of discrimination, political ideologies based on ethnicity and other obstacles to national unity were to be eradicated. While the existence of ethnic segmentation of society was not denied, its political relevance for the institutional set-up of the post-conflict state was. As has been suggested by several authors, none of the signatory parties may have taken the Arusha Accord very seriously. This may well explain why the RPF – clearly relying on its military strength as a negotiating strategy and, if need be, as a fallback option⁴⁴ – did not see the need to negotiate a longer term (i.e. after the elections supposed to mark the end of the transitional period) ethnic power-sharing deal the way Uprona did in Burundi. As is commonly known, the transitional government and parliament were never established. On 6 April 1994, the genocide started and the civil war resumed, both ending in July with the military victory by the RPF. Overthrow of the incumbent regime through military victory rather than negotiated settlement determined Rwanda's transition to peace. Although lip-service was initially paid to the Arusha peace agreement, it did only temporarily and superficially affect the new constitutional setting.

Concluding observations, including on the way forward

Despite major similarities between the two countries, Burundi and Rwanda have engineered their ethnic composition – which in both countries was an undeniable driving force of the armed conflict they experienced – in radically different ways. The Rwandan government opted for ethnic amnesia and a model of citizenship-based institutional integrationism – a model which, according to McCrudden and O’Leary, is rarely devoid of ethnic content and often a secularized version of the dominant group’s rule.⁴⁵ Burundi, on the other hand, comes closer than any other African country to putting in practice Lijphart’s model of consociational power-sharing.⁴⁶ More than ideological preferences – like unity, reconciliation and power-sharing, all of which are prominent in the official post-conflict discourse in both countries – political elite choices, in turn determined by the historical context and the politico-military balance of power at a critical juncture in the recent history of both countries, explain the divergent approaches.

Both approaches to ethnic engineering have now been operating for more than a decade, and it is of course impossible to tell how they will evolve. Several scholars have tried to predict Rwanda’s future, expressing a great variety of views.⁴⁷ As far as the political salience of ethnicity is concerned, roughly two possible scenarios come to mind. Either the integrationist approach leads to the desired assimilation and to the creation of one new national identity. Alternatively, the current system may lead to structural grievances and horizontal inequalities, thus contributing to renewed political violence along ethnic lines, echoing former President Bizimungu’s announcement in 2001: ‘If things continue, the Hutu will prepare for war.’⁴⁸ While the jury is still out, most scholars are sceptical about the success of the promotion of Rwandanicity, even among urban youth.⁴⁹

For Burundi, two scenarios seem possible as well. Either the accommodationist approach succeeds in gradually reducing the conflict potential of ethnicity, thereby paving the way for a more integrationist, citizenship oriented model, without the minority fearing for its own security. Alternatively, the political elite representing the demographic Hutu majority may decide to transform Burundi’s institutional set-up from consociational power-sharing to ‘bare majority’ rule with possibly dire consequences for (the political elites representing) the demographic Tutsi minority.

Notes

1. For example, [Chrétien](#), *L’invention de l’Afrique*; [Goyvaerts](#), *Conflict and Ethnicity*.
2. For example, [Newbury](#), *Cohesion of Oppression*; [Hiernaux](#), *Caractères physiques*.
3. For example, [Mamdani](#), *When Natives Becomes Killers*.
4. This is the approach adopted by the UN Committee on the Elimination of Racial Discrimination and by other intergovernmental human rights bodies.
5. [Uvin](#), “Ethnicity and Power in Burundi and Rwanda.” See also various contributions in [Guichaoua](#), *Crises politiques au Burundi et au Rwanda*.
6. For example, [CIA](#), *World Factbook*. Accessed December 18, 2013.
7. UN General Assembly Resolution 1743 (XVI) of February 23, 1962. Five months later, the UN GA noted that ‘efforts to maintain the unity of Ruanda-Urundi did not succeed’; Resolution 1746 (XVI) of June 27, 1962.
8. For example, [Harroy](#), *Rwanda*.
9. For example, [Sebasoni](#), *Origines du Rwanda*.
10. For example, [Nsanze](#), *Burundi contemporain*, pp. 115–49; [Lemarchand](#), *Rwanda and Burundi*, pp. 343–60.
11. [Lemarchand and Martin](#), *Selective Genocide in Burundi*.
12. [République du Burundi](#), *Livre blanc*.
13. [Huntington](#), *Third Wave*, pp. 124–5.

14. For example, the report of the International Commission of Inquiry, established in accordance with UN Security Council resolution 1012 of August 28, 1995.
15. Vandeginste, "Power-Sharing as a Fragile Safety Valve."
16. For excellent overviews, see Basedau, *Managing Ethnic Conflict*; and the chapters by Wolff, Reilly and Roeder in Wolff and Yakinthou, *Conflict Management in Divided Societies*.
17. In more detail, see, for example, McGarry *et al.*, "Integration or Accommodation?" The division into two schools obviously oversimplifies the rich and more nuanced literature.
18. For example, Berry, *Culture and Equality*.
19. Roeder, "Power-Dividing as an Alternative."
20. Lijphart, *Thinking about Democracy*.
21. Horowitz, *Ethnic Groups in Conflict*. Also Reilly, *Democracy in Divided Societies*.
22. International Crisis Group (ICG), *Burundi: From Electoral Boycott to Political Impasse*.
23. Human Rights Watch, *Law and Reality*.
24. This is the conclusion of a Wikileaks cable of the US Embassy in Kigali dated August 2008; "Ethnicity in Rwanda – Who Governs the Country?" <http://rwandainfo.com/eng/ethnicity-in-rwanda-who-governs-the-country/>. Accessed December 18, 2013.
25. Buckley-Zistel, "Remembering to Forget."
26. Proportional representation systems are most often used in 'new democracies', whereas plurality systems (such as the first-past-the-post system) are, relatively speaking, more frequently used in 'established democracies'; Institute for Democracy and Electoral Assistance (IDEA), *Electoral System Design*, p. 30.
27. Stroh, "Electoral Rules of the Authoritarian Game."
28. Mukwiza Ndahinda, *Indigenouness in Africa*, p. 101.
29. United Nations Human Rights Committee (UN HRC), *Summary Record*, p. 3.
30. Republic of Rwanda, *The Senate, Political Pluralism and Power Sharing*.
31. In more detail, see Niesen, "Political Party Bans in Rwanda."
32. United Nations General Assembly (UN GA), *Report of the Independent Expert on Minority Issues*, p. 1.
33. Lijphart, *Democracy in Plural Societies*, pp. 53–103.
34. On Rwanda, see Vandeginste and Huyse, "Consociational Democracy for Rwanda," pp. 108–13.
35. ICG, *Burundi: Bye-Bye Arusha?*
36. For example, Newbury, "Ethnicity and the Politics of History."
37. Daley, "Ethnicity and Political Violence," p. 699.
38. Lemarchand, *Burundi*, p. 108.
39. *Allocution de Son Excellence le Docteur Grégoire Kayibanda, Président de la République Rwandaise prononcée à l'occasion du nouvel an 1973* (document on file with the author) (author's translation).
40. Collier, *Wars, Guns and Votes*, pp. 51–74.
41. See <http://www.tutsi.org/aboutus/>. Accessed December 18, 2013 (author's translation).
42. Vandeginste, "Power-Sharing, Conflict and Transition."
43. Bentley and Southall, *African Peace Process*, p. 75.
44. Jones, *Peacemaking in Rwanda*, p. 73.
45. McCrudden and O'Leary, *Courts and Consociations*, p. 131. Also Kiwuwa, *Ethnic Politics and Democratic Transition*, pp. 116–58.
46. Lemarchand, "Consociationalism and Power Sharing."
47. For an overview, see Hintjens, "Reconstructing Political Identities," pp. 95–6.
48. Interview in *Jeune Afrique*, no. 2112 (July 3–9, 2001) (author's translation).
49. McLean Hilker, "Everyday Ethnicities."

References

- Basedau, M. *Managing Ethnic Conflict: The Menu of Institutional Engineering*. Hamburg: German Institute of Global and Area Studies, 2011.
- Bentley, K., and R. Southall. *An African Peace Process: Mandela, South Africa and Burundi*. Cape Town: HSRC Press, 2005.
- Berry, B. *Culture and Equality: An Egalitarian Critique of Multiculturalism*. New York, NY: Harvard University Press, 2001.

- Buckley-Zistel, S. "Remembering to Forget: Chosen Amnesia as a Strategy for Local Coexistence in Post-Genocide Rwanda." *Africa* 76, no. 2 (2006): 131–150. doi:10.3366/af.2006.76.2.131.
- Chrétien, J. P. *L'invention de l'Afrique des Grands Lacs. Une histoire du XXe siècle*. Paris: Karthala, 2010.
- CIA. *The World Factbook*. <https://www.cia.gov/library/publications/the-world-factbook/geos/rw.html/>.
- Collier, P. *Wars, Guns and Votes. Democracy in Dangerous Places*. New York, NY: Harper, 2009.
- Daley, P. "Ethnicity and Political Violence in Africa: The Challenge to the Burundi State." *Political Geography* 25 (2006): 657–679. doi:10.1016/j.polgeo.2006.05.007.
- Goyvaerts, D. *Conflict and Ethnicity in Central Africa*. Tokyo: University of Foreign Studies, 2000.
- Guichaoua A., ed. *Les crises politiques au Burundi et au Rwanda (1993–1994)*. Paris: Karthala, 1995.
- Harroy, J.-P. *Rwanda. De la féodalité à la démocratie 1955–1962*. Brussels: Hayez, 1984.
- Hiernaux, J. *Les caractères physiques des populations du Ruanda et de l'Urundi*. Brussels: Institut royal des sciences naturelles de Belgique, 1954.
- Hintjens, H. "Reconstructing Political Identities in Rwanda." In *After Genocide. Transitional Justice, Post-Conflict Reconstruction and Reconciliation in Rwanda and Beyond*, edited by P. Clark and Z. Kaufman, 77–100. New York, NY: Columbia University Press, 2009.
- Horowitz, D. *Ethnic Groups in Conflict*. Berkeley, CA: University of California Press, 2000.
- Human Rights Watch. *Law and Reality. Progress in Judicial Reform in Rwanda*. London: Human Rights Watch, 2008.
- Huntington, S. *The Third Wave: Democratization in the Late Twentieth Century*. Norman, OK: University of Oklahoma Press, 1992.
- Institute for Democracy and Electoral Assistance (IDEA). *Electoral System Design: The New International IDEA Handbook*. Stockholm: IDEA, 2005.
- International Crisis Group (ICG). *Burundi: Bye-Bye Arusha?* Brussels: ICG, 2012.
- International Crisis Group (ICG). *Burundi: From Electoral Boycott to Political Impasse*. Brussels: ICG, 2011.
- Jones, B. *Peacemaking in Rwanda. The Dynamics of Failure*. London: Lynne Rienner, 2001.
- Kiwuwa, D. *Ethnic Politics and Democratic Transition in Rwanda*. New York, NY: Routledge, 2012.
- Lemarchand, R. *Burundi. Ethnocide as Discourse and Practice*. Cambridge: Cambridge University Press, 1994.
- Lemarchand, R. "Consociationalism and Power Sharing in Africa: Rwanda, Burundi and the Democratic Republic of the Congo." *African Affairs* 106, no. 22 (2007): 1–20.
- Lemarchand, R. *Rwanda and Burundi*. London: Pall Mall, 1970.
- Lemarchand, R., and D. Martin. *Selective Genocide in Burundi*. London: Minority Rights Group, 1974.
- Lijphart, A. *Democracy in Plural Societies: A Comparative Exploration*. New Haven, CT: Yale University Press, 1977.
- Lijphart, A. *Thinking about Democracy. Power Sharing and Majority Rule in Theory and Practice*. Abingdon: Routledge, 2008.
- Mamdani, M. *When Victims Become Killers. Colonialism, Nativism and the Genocide in Rwanda*. Kampala: Fountain, 2001.
- McCrudden, C., and B. O'Leary. *Courts and Consociations. Human Rights versus Power-Sharing*. Oxford: Oxford University Press, 2013.
- McGarry, J., B. O'Leary and R. Simeon. "Integration or Accommodation? The Enduring Debate in Conflict Regulation." In *Constitutional Design for Divided Societies: Integration or Accommodation?*, edited by S. Choudry, 41–88. Oxford: Oxford University Press, 2008.
- McLean Hilker L. "Everyday Ethnicities: Identity and Reconciliation among Rwandan Youth." *Journal of Genocide Research* 11, no. 1 (2009): 81–100. doi:10.1080/14623520802703640.
- Mukwiza Ndahinda, F. *Indigenusness in Africa: A Contested Legal Framework for Empowerment of 'Marginalized' Communities*. Berlin: Springer, 2011.
- Newbury, C. "Ethnicity and the Politics of History in Rwanda." *Africa Today* 45 no. 1 (1998): 7–24.
- Newbury, C. *The Cohesion of Oppression: Clientship and Ethnicity in Rwanda 1860–1960*. New York, NY: Columbia University Press, 1988.
- Niesen, P. "Political Party Bans in Rwanda 1994–2003: Three Narratives of Justification." *Democratization* 17, no. 4 (2010): 709–729. doi:10.1080/13510347.2010.491196.

- Nsanze, A. *Le Burundi contemporain. L'Etat-nation en question (1956–2002)*. Paris: L'Harmattan, 2003.
- Reilly, B. *Democracy in Divided Societies: Electoral Engineering for Conflict Management*. Cambridge: Cambridge University Press, 2011.
- Republic of Rwanda, The Senate. *Political Pluralism and Power Sharing in Rwanda*. Kigali, 2010.
- République du Burundi. *Livre blanc sur les événements survenus aux mois d'avril et mai 1972*. Bujumbura: Ministère de l'Information, 1972.
- Roeder, P. "Power-Dividing as an Alternative to Ethnic Power Sharing." In *Sustainable Peace. Power and Democracy after Civil Wars*, edited by P. Roeder and D. Rothchild, 51–82. Ithaca, NY: Cornell University Press, 2005.
- Sebasoni, S. *Les origines du Rwanda*. Paris: L'Harmattan, 2000.
- Stroh, A. "Electoral Rules of the Authoritarian Game: Undemocratic Effects of Proportional Representation in Rwanda." *Journal of Eastern African Studies* 4, no. 1 (2010): 1–19. doi:[10.1080/17531050903550066](https://doi.org/10.1080/17531050903550066).
- United Nations General Assembly (UN GA). *Report of the Independent Expert on Minority Issues, Gay McDougall. Mission to Rwanda*. UN Doc. A/HRC/19/56/Add.1, 28 November 2011.
- United Nations Human Rights Committee (UN HRC). *Summary Record of the 2604th Meeting. Third Periodic Report of Rwanda*. UN Doc. CCPR/C/SR.2604, 9 April 2009.
- Uvin, P. "Ethnicity and Power in Burundi and Rwanda. Different Paths to Mass Violence." *Comparative Politics* 30, no. 3 (1999): 253–271. doi:[10.2307/422339](https://doi.org/10.2307/422339).
- Vandeginste, S. "Power-Sharing as a Fragile Safety Valve in Times of Electoral Turmoil: The Costs and Benefits of Burundi's 2010 Elections." *Journal of Modern African Studies* 49, no. 2 (2011): 315–335. doi:[10.1017/S0022278X11000061](https://doi.org/10.1017/S0022278X11000061).
- Vandeginste, S. "Power-Sharing, Conflict and Transition in Burundi: Twenty Years of Trial and Error." *Africa Spectrum* 44, no. 3 (2009): 63–85.
- Vandeginste, S., and L. Huyse. "Consociational Democracy for Rwanda." In *Political Economy of the Great Lakes Region of Africa: The Pitfalls of Enforced Democracy and Globalization*, edited by S. Marysse and F. Reyntjens, 101–122. Basingstoke: Palgrave Macmillan, 2005.
- Wolff, S., and C. Yakinthou. *Conflict Management in Divided Societies: Theories and Practice*. New York, NY: Routledge, 2011.