CONSOCIATIONALISM AND POWER SHARING IN AFRICA: RWANDA, BURUNDI, AND THE DEMOCRATIC REPUBLIC OF THE CONGO

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ABSTRACT
Although there are obvious merits to the consociational argument, including the need to recognize the claims of minorities through power-sharing arrangements, translating theory into practice has generally failed in much of Africa. The reasons for this are many and are by no means reducible to single-factor explanations. Looking at the recent experiments in power sharing in former Belgian Africa, this article offers a comparative assessment of the radically different trajectories followed by Rwanda, Burundi, and the Democratic Republic of the Congo (DRC) in their efforts to regulate conflict through consociational formulas. Although Rwanda stands as a textbook example of failed power sharing, and the DRC as a less than successful experiment, Burundi, which comes nearest to institutionalizing the Lijphart model, offers grounds for cautious optimism about the merits of a consociational polity. On the strength of the evidence from Burundi, one might conceivably argue that the key to success lies in the extent to which the technicalities of power sharing tend to approximate the conditions spelled out by Lijphart, notably group autonomy, proportionality, and the minority veto. Closer scrutiny of the cases at hand suggests a somewhat different conclusion. Perhaps even more importantly than the mechanics of power sharing, the socio-political context is what spells the difference between success and failure.

SINCE ITS FORMULATION BY AREND LIJPHART IN THE 1970S, few theories have had a more enduring impact on the thinking of analysts and practitioners of democratic governance than the consociational model.1 Its underlying

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rationale can be simply stated. Rather than contemplate secession or partition, neither of which are without major drawbacks, or let conflicts burn themselves out, at great cost in human life, the aim is to bring about a major restructuring of power relations through a more inclusive participation in policy making, accompanied by corresponding spheres of autonomy for the groups concerned. Incorporation rather than exclusion is seen as the key to conflict resolution.

As exclusion, rather than greed alone, is the key factor behind most African conflicts, it is easy to see why power sharing should commend itself as a recipe for peaceful cohabitation. But if experience is any guide, there is every reason to entertain the strongest doubts about the virtues of a formula that proved sadly inadequate to prevent the eruption of violent conflicts in settings as diverse as Angola and Liberia, Somalia, and Ethiopia. That much of the continent has become a graveyard of consociational experiments is a point on which most observers would agree.2

Nonetheless, to dismiss all such efforts as doomed seems premature. As the case of former Belgian Africa suggests, a more nuanced assessment is in order. For if the fate of the Arusha accords in Rwanda (1993) provides a textbook example of failure, Burundi stands as a far more promising case, and while in the Democratic Republic of the Congo (DRC) the jury is still out, few would deny that the power-sharing agreement hammered out in Pretoria in 2002 has been instrumental in stitching together a compromise of sorts among warring factions, pending the holding of general elections in July 2006.

The argument, in brief, runs as follows. Although power-sharing experiments in Africa have generally failed, this does not necessarily invalidate the case for consociationalism. What it does is to bring to light the obstacles involved in the passage from theory to practice. If properly implemented, and given the ‘right’ conditions, the Lijphart formula could well provide the best chances for a successful sharing of power among competing groups. But even the most carefully calibrated constitutional engineering can do little to promote peace and stability where the necessary societal conditions are missing. As much as the technicalities of consociationalism, the context is crucial.

The aim, then, is to look at the divergent paths to democracy in former Belgian Africa as a vantage point for assessing the practical difficulties in implementing the Lijphart model in contexts characterized by ignominious failure (Rwanda), reasonable hopes of success (Burundi), and problematic outcomes (DRC). Before turning to a more sustained examination of the cases at hand, it will be useful to clarify the meaning of consociationalism as

distinct from its various and sundry avatars, which, for the purpose of this discussion, can best be described as power sharing.

Power sharing and consociationalism

For Lijphart, consociationalism has a very specific meaning. It means a great deal more than the mere inclusion of representatives of minority groups in institutions of government. There is, to be sure, the notion of elite cooperation through a grand coalition cabinet, where executive power is shared by opposition and majority parties. It also includes three other conditions: (i) group autonomy, meaning that while on issues of common interest decisions are made jointly by all members of the coalition cabinet, on all other issues autonomy is the rule, with each community free to attend to its own affairs as it wishes; (ii) proportionality as ‘the basic standard of political representation, public service appointments and allocation of public funds’, and as such it serves as ‘a guarantee for the fair representation of ethnic minorities’; and (iii) the minority veto, described as ‘the ultimate weapon that minorities need to protect their vital interests’ and which ‘works best when it is not used too often and only with regard to issues of fundamental importance’.3

Thus defined it is fair to say that nowhere in the continent has consociationalism been fully institutionalized. What we have instead are more or less inclusive modes of co-optation, whereby the groups in conflict are allowed a fixed number of seats in the government or the legislature or both, on the basis of varying standards of proportionality, and in widely different political contexts.

Although Lijphart takes power sharing and consociationalism as synonymous, for the purpose of this discussion, it is essential to draw a distinction. Although the latter refers to a fairly elaborate technique of constitutional engineering, power sharing can best be seen as involving ad hoc concessions intended to give opposition groups a stake in transitions to democracy. One is enshrined in a set of carefully calibrated constitutional norms; the other is more in the nature of an improvised bricolage, aimed at co-opting the bad guys. One underscores, among other characteristics, the importance of elite cooperation, proportionality, and minority veto; the other makes unduly short shrift of all three.

Measured by the extent to which it approximates Lijphart’s consociational formula, Burundi today stands as a unique case. No other state anywhere in the continent offers a more faithful image of the ideal consociational polity. By contrast, neither Rwanda nor the DRC comes anywhere near a comparable achievement. Whatever moves were made in

the direction of power sharing can best be seen as efforts at co-optation, dictated by expediency. The risks involved in such a situation are correctly emphasized by Denis Tull and Andreas Mehler in a recent contribution to this journal, where they seriously question the presumed benefits of power sharing. The title of their article sums up in a nutshell the thrust of their argument, ‘The hidden costs of power-sharing: reproducing insurgent violence in Africa’.4 That power sharing may indeed stimulate rather than abate violence is a point that deserves closer scrutiny: is the reason to be found in the flawed logic of power sharing, in the choice of the candidates for inclusion, or in the fact that too few have been included and too many left out, as often happens when rapid changes occur in the context of insurgencies?

Before examining what theoretical lessons can be learned from their contrasting itineraries, let us take a close look at the cases at hand.

Some test cases: Rwanda, Burundi, and the DRC

Once described as ‘the false twins’, Rwanda and Burundi have travelled along radically divergent paths in dealing with ethnic conflict. No other two states in the continent are more alike in their ethnic map, and none are more unlike each other from the standpoint of their emergent polities after a decade of bitter civil strife (Burundi) and one of the most appalling bloodbaths of the last century (Rwanda). One is a full-fledged Tutsi-dominated dictatorship, which denies altogether the existence of ethnic identities; the other is a multiparty democracy based on the explicit recognition of ethnic differences. The key to this anomaly lies in part in their strikingly dissimilar experiences in power sharing.

Rwanda: In Rwanda, the limits of power sharing found their most dramatic illustration in the collapse of the Arusha agreement (1993) in the wake of the shooting down of President Juvénal Habyarimana’s plane on 6 April 1994 and the ensuing carnage of Tutsi civilians. The aim of the accords, it will be recalled, was to bring an end to the civil war and reach agreement on a transitional constitutional framework and a broadly based transitional government (BBTG), pending the holding of legislative and presidential elections three years down the road.

The power-sharing formula agreed upon at Arusha would have given the ruling pro-Hutu Mouvement révolutionnaire national pour le développement et la Démocratie (MRNDD) and the Tutsi-dominated Rwanda Patriotic Front (RPF) five cabinet positions each, the Mouvement démocratique républicain (MDR) four, the Parti social démocrate (PSD) and the Parti libéral (PL)

three each, and the *Parti démocrate chrétien* (PDC) one. Excluded from the BBTG — and indeed from the negotiations — was the pro-Hutu extremist *Convention pour la défense de la république* (CDR). The armed forces were to be divided on a fifty-fifty basis for the troops, with Hutu elements retaining a slight edge in the upper ranks (60 percent). As it happened, the Arusha compromise collapsed before it even got off the ground.5

For the failure of Arusha, various explanations have been set forth. One draws attention to the exclusion of the CDR extremists from the negotiating process, which made recourse to wanton violence a foregone conclusion. As one diplomat close to the negotiations argued, ‘the 1993 Arusha Accords were the perfect example of the failure of power-sharing because of a basic decision to exclude a group of people’, in this case the CDR.6 Others, however, might point out that after the killing of Melchior Ndadaye in Burundi — the first Hutu to be elected to the presidency of the republic — the rise of Hutu Power effectively pulled the rug from under the feet of the moderates, leaving only radicals at the negotiating table. Yet another explanation is that the ‘heavy hitters’, i.e. the MRNDD and the RPF, never trusted each other long enough to negotiate in good faith; all they wanted was to buy time and position themselves for the next step, when the full force of their troops and militias could be turned against each other and their local supporters. All the above are compelling explanations, even though the second and third make the most sense.

The fourth and most obvious reason for the collapse of Arusha is the civil war context in which the Accords were negotiated. It is hard to over-emphasize the intense fears and anxieties felt by most Hutu in the face of the RPF invasion, the mutual hatreds born of atrocities committed by invaders and defenders, and the climate of all-pervasive suspicion surrounding the Arusha talks. In such circumstances, ‘elite cooperation’ is a very long shot. Taking a leaf from Lijphart, Ian Spears reminds us that elite cooperation is ‘most likely when there is the perception of an external threat to the country’. Given that the RPF posed a clear and present danger not just to the Habyarimana government but to virtually every other

5. It is worth noting that beginning in 1992, President Juvenal Habyarimana reluctantly accepted to share power with opposition parties. Included in the coalition were, in addition to the ruling MRNDD, representatives of the MDR, PSD, and PL. The experiment turned into a near disaster when bitter quarrels erupted within the MDR between the two rival leaders, Dismas Nsengyemeye and Faustin Twagiramungu, over who should be appointed the prime minister. With the assassination of two well-known moderate opposition personalities, Emmanuel Gapsijyi (MDR) and Félicien Gatabazi (PSD), in 1992 and 1993, the rift between moderates and radicals deepened. It is widely assumed, although not proven, that the RPF was behind the assassinations, in hopes that the crimes would be imputed to the CDR and thus drive another wedge within the ruling coalition. Another key MDR figure, Agathe Uwilingiyimana, served as the prime minister when the genocide got under way. She was one of the first victims of the carnage. For an excellent discussion, see James Gasana, *Rwanda: Du parti-état à l'état garnison* (L'Harmattan, Paris, 2002).

party at the negotiating table, it is easy to see why cooperation never materialized beyond a pro forma agreement known as the Arusha accords, signed under considerable external pressure.

Reversing the Clausewitzian aphorism, the Arusha negotiations can best be thought of as the continuation of civil war by other means. As the talks were going on, the participants were constantly reassessing their relative strategic positions on the battlefield, making every effort to improve their military posture to negotiate from a position of maximum strength. As Colin Waugh reports, throughout the marathon sessions of the Arusha peace process, both sides carried on rearming heavily, with the RPF and Forces armées rwandaises (FAR) using their different international connections to procure the materiel they needed. A December 1993 CIA study estimated that some 40 million tons (sic!) of small arms originating from Poland reached Rwanda through Belgium in the 1991–1993 period . . . The rebels developed their own military supply lines, too, and both sides continued the recruitment process into their respective armies.

The key dividend gained by the RPF at Arusha was the authorization to move 600 troops into Kigali’s parliament building, the Conseil National de Développement (CND), presumably to ensure the security of the RPF representatives in the BBTG. As has now become clear, the SA-16 missiles that brought down Habyarimana’s plane were transported from Mulindi, the RPF headquarters, to the CND shortly before the scheduled landing of the presidential aircraft. The men in charge of the operation were part of the third RPF battalion stationed at the CND.

That the RPF was directly implicated in the event that touched off the genocide is hard to deny in the light of the crushing circumstantial evidence revealed by a former RPA officer, Abdul Ruzibiza, but as the author’s narrative plainly suggests this should not obscure the fact that Hutu extremists in the MRNDD had already planned genocide as a solution of last resort against their ethnic enemy. Which fully corroborates Waugh’s retrospective assessment of the Arusha process that ‘despite the outward show of diplomacy and commitment to peace negotiations, the internal reality was one of preparation for war. Cynicism about the prospects and distrust of each side’s respective motives marked the entire process’. In few other states has a power-sharing experiment been conducted under less auspicious auguries.

10. Waugh, Paul Kagame and Rwanda, p. 61.
The same can be said of the post-genocide efforts to build a broadly based coalition, with the RPF as the senior partner. What few hopes could have been entertained for a genuine reconciliation were quickly dispelled when in August 1995, three leading Hutu members of the coalition were forced to resign: Prime Minister Faustin Twagiramungu, Interior Minister Seth Sendashonga, and Justice Minister Alphonse Nkubito. Other resignations followed in early 2000, involving the speaker of parliament (Joseph Sebarenzi), the prime minister (Célestin Rwigema), and the president (Pasteur Bizimungu). With the banning of the MDR on 15 April, on the eve of the legislative and presidential elections, on grounds of ‘divisionism’, Rwanda had become for all intents and purposes a single-party state. In 2000 as in 1994, mutual fears and distrust were all-pervasive, making mockery of pro-forma gestures towards national reconciliation.

Burundi: Burundi, by contrast, exemplifies a highly promising effort to share power among a large number of parties, whose membership is sometimes mixed. Unlike Rwanda, where the existence of separate ethnic identities is officially denied — and where denying their non-existence involves severe penal sanctions — Burundi explicitly recognizes ethnic differences as a necessary condition to reconcile minority rights with the claims of the majority. The aim is to strike an appropriate balance between Hutu and Tutsi in the executive and legislative organs of government and in the communal councils. This is as close as any African state has come to implementing Lijphart’s consociational formula.

12. Reyntjens (2005: 18) emphasizes the parallel between the months preceding the genocide and the 2000 crisis, quoting the words of Joseph Sebarenzi (a Tutsi): ‘The situation is becoming uncontrolable, there are deep divisions today particularly among Tutsi and these tendencies could lead to a catastrophe . . . There are many similarities with the period which preceded the 1994 genocide’. Contrary to a widespread belief, scores of Tutsi, once members of the RPF, have gone into exile, the most notorious being Abdul Ruzibiza, whose recent blockbuster (see footnote 8) got scathing reviews in Kigali. For a selective listing of RPF opponents who have gone into exile since its foundation, see International Crisis Group, Rwanda at the End of the Transition: A necessary political liberalization (International Crisis Group, Brussels and Nairobi, 2002).
The key elements are spelled out in the post-transition constitution. The president is to be assisted by two vice-presidents, a Hutu and a Tutsi, and the government will include 60 percent Hutu and 40 percent Tutsi. The same proportion will hold in the National Assembly, whereas the Senate will have an equal number of Hutu and Tutsi. The security forces, likewise, will include as many Hutu as Tutsi. At the communal level, no more than 67 percent of the mayors are to belong to either group. Women are expected to represent at least 30 percent of the members of the National Assembly. Should the poll fail to produce the required quota of 60/40, the constitution allows ‘the rectification of the imbalances through the co-optation mechanism provided by the electoral code’ (Article 164).

Although the principle of minority overrepresentation met with broad agreement, the critical issue during the constitutional debates hinged around the political affiliation of Tutsi representatives. Could any Tutsi candidate qualify, irrespective of party affiliations, or only those Tutsi who belonged to all-Tutsi parties (known as the G-10 parties during the Arusha talks)? After much wrangling, it was agreed that Tutsi members of predominantly Hutu parties could qualify as representatives of the Tutsi community, contrary to what Tutsi hardliners advocated. The result, according to one observer, is that ‘the former G-10 parties only have about 10 to 12 percent of political representation (in the institutions of government)’.14

Following the four rounds of elections held in 2005, the Hutu-led Conseil national pour la démocratie/Forces pour la défense de la démocratie (CNDD-FDD) of President Pierre Nkurunziza emerged as the uncontested winner at the local and national levels. In the communal elections, it received 62.6 percent of the votes, against 20.9 percent for its nearest competitor, the predominantly Hutu Front pour la démocratie au Burundi (Frodebu). The CNDD kept its lead in the legislative elections, with 58.23 percent of the votes against 22.33 percent for the Frodebu, thus winning 59 seats in the National Assembly against 41 for its rival. But as fewer than the constitutionally prescribed number of Tutsi deputies won seats in the National Assembly (35 Tutsi and 65 Hutu), Article 164 immediately came into effect to authorize the Electoral Commission to co-opt 18 deputies, four Hutu, 11 Tutsi, and three Twa.15

As Table 1 summarizes, thanks in part to many Tutsi supporters who at the last minute switched from the notoriously pro-Tutsi Union pour le progrès national (Uprona) to join the Nkurunziza bandwagon, the CNDD-FDD, a predominantly Hutu party, claims the largest number of Tutsi deputies. Even more to the point, with 54 percent of the seats, the CNDD-FDD lacks the two-thirds majority required to pass legislation. ‘The CNDD-FDD’,

Reyntjens concludes, ‘will therefore need to develop partnerships across ethnic lines, which is exactly what a consociational dispensation is all about’.16

What does this tell us about the viability of power sharing in Burundi?

More than the technicalities of constitutional provisions, contextual factors are the key to an understanding of what the future may hold in store. A backward glance at the two previous consociational experiments, the 1994 Convention de gouvernement (CG) and the Arusha Accords of August 2000, brings out the critical importance of the socio-political context as a conditioning variable. Especially revealing in this regard is the CG, concluded in the wake of Ndadaye’s assassination at a time when the country was in the throes of mounting ethnic strife, and when the political arena was deeply polarized, with the Frodebu and the Uprona facing each other across the ethnic divide. Although hailed as a major achievement by its promoter, the UN Special Representative Mohammed Ould Abdallah, the CG carried the logic of power sharing to an extreme (to the point where even the embassies’ personnel was divided between Frodebistes and Upronistes), and with extremely dysfunctional consequences. Rather than creating cohesion, the result had been to foster paralysis at every level of government. Long before the army coup of 25 July 1996, which brought former President Pierre Buyoya back to power, the CG had ceased to exist.

The Arusha process, beginning in June 1998 and culminating with the Peace and Reconciliation Agreement of 28 August 2000, had too many flaws to be called a success; yet, the present power sharing compromise would not have materialized without the long-drawn-out preliminary negotiations

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16. Ibid., p. 128.

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CNDD, Conseil national pour la démocratie; FDD, Forces pour la défense de la démocratie; Frodebu, Front pour la démocratie au Burundi; MRC, Mouvement de réhabilitation du citoyen; Uprona, Union pour le progrès national.

that went on in Arusha from 1998 to 2000. The aim, briefly stated, was to find a lasting solution to the civil war and lay the foundation for a transi- tional government that would incorporate representatives of the principal parties and factions.\textsuperscript{17} From the outset, however, the negotiations were plagued by serious difficulties.\textsuperscript{18} For one thing, the unrestrictive application of power sharing led to a phenomenal proliferation of parties: from four major parties in 1996 no fewer than 17 had emerged by 2000, of which 10 were pro-Tutsi (G-10) and seven pro-Hutu (G-7). Most of these newcomers had no constituencies to speak of beyond a handful of relatives and friends, their primary concern being to cash in on per diems and perquisites and position themselves for access to government positions. Furthermore, although the talks were going on, so was the fighting in the countryside. The exclusion of key military actors meant that ‘by the end of 2001 Burundi was in the somewhat contradictory position of having a peace agreement and interim government institutions without having peace’.\textsuperscript{19} Not until November 2003 would the principal military faction, the Hutu-led CNDD-FDD, join the peace process, thanks to the relentless efforts of South African mediators. The role of external mediators points to yet another source of problems: not only did major disagreements emerge among facilitators and mediators on a range of substantive and procedural issues, but between them and the participants in the peace process. As Devon Curtis puts it, ‘the Arusha negotiations were characterized by constant strategic re-positioning, fragmentation of political parties and back-tracking’.\textsuperscript{20}

Even more worthy of attention are the positive aspects of the Arusha talks. To begin with, the key features of the consociational compromise included in the post-transition constitution (adopted by referendum in February 2005) were worked out in Protocol II of the Arusha agreement, with only minor changes. Furthermore, and of crucial significance, it was during the Arusha negotiations that the first steps were taken towards a mixed security force, as well as the decision to reach ethnic parity in the

\textsuperscript{17} As has been emphasized by Stef Vandeginste and Devon Curtis, the really important decisions regarding the transition were made after the signature of the Accords: the all-important Global Cease-fire Agreement was signed in Dar-es-Salam, on 16 November 2003; it includes the Pretoria protocol of 8 October 2003 on the sharing of power, the Pretoria protocol of 2 November 2003 on the questions left pending regarding power sharing among political and security forces, and the so-called Technical Forces Accord (TFA) on issues of demobilization and reinsertion of former rebel forces and the sharing of power within the Burundi army, renamed \textit{Forces de défense nationale} (FDN). See Vandeginste, ‘Théorie consociative et partage du pouvoir en Afrique’, and Devon Curtis, ‘Interim Governments: Institutional Bridges to Peace and Democracy? Burundi and the Democratic Republic of the Congo’, unpublished paper, 2005, pp. 11–3.


\textsuperscript{19} Curtis, \textit{Interim governments}, p. 8.

\textsuperscript{20} \textit{Ibid.}, p. 7.
composition of the armed forces. Moreover, despite all the problems posed by the sheer number of political groups at the negotiating table, the result has been an unprecedented de-polarization of the political arena, a radical departure from the situation existing in 1994, during the CG. Not just the pluralization of political actors but the emergence of ethnically mixed parties was a highly significant factor behind Burundi’s successful transition to multiparty democracy. Last but not least, the international community played a major role in ensuring a modicum of security in the capital city, first through the South African protection force, and beginning in June 2003, through the African Union (AU) peace-keeping mission, the African Mission in Burundi (AMIB). Although the European Union made the largest financial contribution to the Arusha process, in the end much of the credit for bringing the dissident Hutu factions on board goes to the South African facilitator, ex-Deputy President Jacob Zuma.

Over a two-year period, Arusha talks radically transformed the context of Burundian politics. As I noted elsewhere, ‘the Arusha accords can best be seen as a process, partly debate, partly behind-the-scenes diplomatic horse-trading, partly exercise in communication, extending over a lengthy time frame’. This process has had a profound impact on the texture of Burundian politics, far beyond the negotiating table. There is little question that the vast majority of the people were tired of the war, but war fatigue alone could not have led to a solution. Arusha created the conditions for a power sharing compromise that successfully brought to a close one of the longest civil wars in the Great Lakes region.

Despite its auspicious beginnings, there are few reliable clues to the future of the Burundi experiment. The challenges ahead are daunting. Although civil violence has taken a huge toll in human lives (estimated at 300,000 since 1993), no less devastating have been its consequences on the economy. Eighty percent of the rural population lives in conditions of absolute poverty. In the words of an official report, ‘almost a decade of civil

21. As stipulated by the TFA, 60 percent of the officers’ corps will consist of former elements of the Burundi Armed Forces (BAF) and 40 percent of CNDD–FDD elements. For an excellent discussion of the constitutional and extra-constitutional aspects of power sharing in Burundi, including the role of the armed forces, see Vandeginste, ‘Théorie consociative et partage du pouvoir en Afrique’.

22. The South African contribution is well summed up by Devon Curtis: ‘It was Mandela who brokered the agreement on transitional leadership, and South African Deputy-President Zuma who negotiated an end to the deadlock over security sector reform and the ceasefires. When the transitional institutions were established, South Africa sent a protection force to encourage Burundian politicians to return from exile and take part in the transitional institutions. Without this force, it is unlikely that many of the politicians would have returned, thus retaining an incentive for continued conflict. Furthermore, South Africa provided the backbone of the AU peace-keeping force, when the UN did not want to get involved due to the lack of a comprehensive cease-fire’. Curtis, Interim governments, p. 10.

war has destroyed much of Burundi’s administrative capacity, basic infrastructure and manufacturing base. As a result growth has been either low or negative, with real GDP growth averaging 1.3 per cent in 1998–2001. Meeting the challenge of economic recovery is further complicated by the continued threat posed to civilians by the *Forces nationales de libération* (FNL), a radical Hutu fringe group operating in Bujumbura Rural province. Even though the FNL is not in a position where it can destabilize the government, its capacity to re-awaken ethnic enmities cannot be underestimated — as shown by the Gatumba massacre of August 2004. Potentially more serious, as Reyntjens notes, is the possibility of a ‘backlash’ from those elements in society, mainly Tutsi, who stood as a privileged group in the past but today feel that their interests are directly threatened by the new regime. Ultimately, however, the political fortunes of the country may well be determined by the wider regional environment. Nothing would be more disastrous for Burundi’s fragile democracy than a failed transition in the DRC, or for that matter a growing perception in Kigali that the Burundi model constitutes a potential threat to its domestic and international legitimacy and should therefore be dealt with accordingly.

The DRC: Of the three states under consideration, the DRC is where power sharing departs most conspicuously from Lijphart’s consociational model. Enshrined in the December 2002 All-Inclusive Agreement on the Transition in the DRC (hereafter referred to as the 2002 Agreement), following a seemingly endless Inter-Congolese Dialogue (ICD), the formula adopted for putting in place a transitional government can best be described as a more or less improvised form of co-optation that left out of the accounting some key political actors (including the politically significant *Union démocratique pour le progrès social* (UDPS) of Etienne

25. An estimated 150 Congolese refugees, mostly of Banyamulenge origins, were slaughtered in the refugee camp of Gatumba, in Burundi, on 13 August 2004, by FNL elements, probably assisted by a mix of Mai-Mai and *interahamwe* militias. The victims had fled the revenge killings inspired by the short-lived seizure of Bukavu, by Laurent Nkunda, a Tutsi from North Kivu, and Mutsebutsi, a Munyamulenge from South Kivu, in May 2004, during which scores of ‘native’ Congolese had been killed, and their property looted.
27. The fragility of the present government, and indeed of the existing constitutional arrangement, is nowhere more painfully evident than in the crisis unleashed by rumours of an impending coup: scores of politicians, Hutu and Tutsi, including the former president of the transitional government, Domitien Ndayizeye, have been arrested, on what appears to be the flimsiest grounds. Meanwhile, the country’s second vice-president, Alice Nzomukunda, handed in her resignation in early September 2006, in protest against the unwarranted intervention of the ruling party’s chairman, Hussein Radjabu, in the political life of the country. Several human rights organizations, including Human Rights Watch, have accused the government of serious human rights violations. At stake here is not only the survival of the government but the survival of the power-sharing compromise that led to its election. For further details, see René Lemarchand, ‘Burundi’s endangered transition’ (Working Paper, Swiss Peace Foundation, Bern, Switzerland, 2006).
The most widely publicized aspect of the agreement concerns the sharing of executive power among the three major belligerents and one representative of the unarmed opposition. The result was a transitional government headed by President Joseph Kabila and consisting of four vice-presidents: Jean-Pierre Bemba representing the Mouvement pour la libération du Congo (MLC); Abdoulaye Yerodia Ndombasi, the Parti du peuple pour la reconstruction et la démocratie (PPRD); Azarias Ruberwa, the Rassemblement congolais pour la démocratie/Goma (RCD-G); and Zahidi Ngoma, the unarmed opposition. Cabinet positions are divided among each of the above, plus representatives of the RCD-Kisangani-Mouvement de libération (RCD-K-ML), the Mai-Mai, and civil society. Although denied a vice-presidency, civil society received two ministerial positions, three assistant minister positions, and the chair of the five institutions dedicated to the democratization of the country: the National Electoral Commission, the Higher Authority on the Media, the Truth and Reconciliation Commission, the National Human Rights Commission, and the Commission on Ethics and the Fight Against Corruption. The transitional government was formally installed on 30 June 2003.

That in spite of this broadly based political compromise violence has gone unabated would seem to substantiate the Tull–Mehler thesis that power sharing creates incentives for aspiring politicians to ignite insurrections, thus resulting in ‘the reproduction of insurgent violence’. So, also, the fact that many armed groups, mostly Mai-Mai, used the threat of further violence to gain admission to the ICD.

Others, however, might argue that what lies at the root of violence in DRC has little to do with the negative incentives of co-optation. The problem, rather, stems from the failure of power-sharing strategies to include potential spoilers. This, in essence, is the point made by François Grignon when he writes that ‘all non-signatories to the Lusaka agreement and all non-participants to the ICD are potential spoilers of both the transition and its peace-building initiatives on account of both economic and security...’

28. Hammered out after months of inconclusive discussions, better known as the Inter-Congolese Dialogue (ICD), the 2002 Agreement has its origins in the Lusaka accords of 1999, aimed at creating the conditions of a durable peace, i.e. an immediate ceasefire, the withdrawal of all foreign forces from the DRC, the disarmament and repatriation of all ‘negative forces’ (i.e. local militias, ex-FAR, and interahamwe), and the deployment of a UN peace-keeping force. It also called upon all key actors — the Kabila government, the unarmed opposition, armed groups, and the civil society — to engage in an ICD. This led to the Sun City (South Africa) talks in February 2002 and ultimately to the transitional power-sharing government headed by President Joseph Kabila. For an excellent discussion of what he calls, appropriately enough, ‘heurts et malheurs du dialogue intercongolais’, see Olivier Lanotte, République Démocratique du Congo: Guerres sans frontières (Editions du Groupe de Recherches et d’Information sur la Paix et la Sécurité [GRIP], Brussels, 2003), p. 154 ff.


What makes the DRC so potentially unstable, in other words, is that the distribution of power formalized by the 2002 Agreement reflects a particular moment in the play of forces on the ground, leaving out some critically important players.

Although neither argument is entirely convincing, if only because neither can be proven nor can be falsified, the Tull–Mehler thesis seems particularly vulnerable, on logical and empirical grounds. Although the logic of the argument is straightforward — bringing violent factions into a power-sharing arrangement sets a bad example for others who will want to emulate their evil ways — it leaves unanswered the more fundamental question: who can say whether ignoring altogether the demands of specific rebel groups would not have ushered considerably more violence?

For all its flaws, the transition government can claim some notable achievements. A new constitution has been adopted by parliament, which led to a referendum on 18 December 2005, described by one observer as 'not so much a huge step as a giant step in the right direction'. The registration process has proceeded relatively smoothly, for which the Electoral Commission deserves credit. Even though violence seemed to get worse as the elections proceeded, there is still some hope — a glimmer of hope — that the transition could, with additional external assistance, usher in an era of greater stability. There are of course ample grounds for questioning the merits of a power-sharing formula that leaves out of the coalition some key actors while including others whose loyalty to the regime is at best questionable. Some indeed wonder whether the team in charge of guiding the DRC through the transition would not qualify, in French legal terminology, as an *association de malfaiteurs*, and whether, in these conditions, the forthcoming elections stand any chance of being minimally free and fair.

**Implications for theory**

What light does the foregoing shed on the controversies surrounding the pros and cons of consociationalism and the conditions under which it can best be put into practice?

As a point of entry, let us return to the three necessary conditions identified by Lijphart: elite cooperation, proportionality, and minority veto. It takes

33. The phrase has been suggested by Filip Reyntjens.
34. A full discussion is beyond the scope of this discussion. For a brilliant, wide-ranging examination of the arguments set forth by advocates and critics of consociationalism, see Brendan O’Leary, ‘Debating consociational politics: normative and consociational arguments’, in Sidney Noel (ed.), *From Power-Sharing to Democracy* (McGill University Press, Montreal, 2005), pp. 3–43.
no special gift of insight to realize that neither Rwanda nor the DRC have come anywhere near meeting such conditions. The case of Burundi is where some interesting questions arise about the relationship of theory to practice.

The lessons of Burundi: In a brilliant piece of analysis, Daniel Sullivan argues that on the eve of the Tutsi-instigated 1993 coup that led to the murder of President Ndadaye Burundi ranked relatively high on the criteria of elite cooperation (through a grand coalition government), proportionality (in that the Tutsi minority received a larger share of governmental positions than warranted by its demographic strength), and minority veto (through its control of the army). Why, then, did the army intervene? The crucial factor, Sullivan argues, lies in the challenge posed to the Tutsi control of the army by Ndadaye’s government. The army seized power to neutralize the threat to its minority veto. Quoting from Reyntjens, he sees the origins of the coup in ‘the real or imaginary prospect of an imminent reform of the armed forces (which) increasingly upset the groups privileged under the former regimes, who, although they were a small minority, did have the monopoly of armed force’.35

If so, why is it that the restructuring of the army under Nkurunziza, involving a similar challenge to the Tutsi minority veto, failed to produce the same outcome? The answer, according to a seasoned observer of the Burundi scene, is that as long as the upper ranks are in Tutsi hands the army can still exercise its minority veto, even though ethnic parity obtains among the troops. Now that Tutsi hardliners in the Uprona have lost out to the moderates in terms of ethnic representation, they view the army as ‘their final protector’.36 Maintaining ‘real and effective power’ in Tutsi hands in the officer corps ‘was the one issue on which the former Tutsi political establishment was unwilling to budge’.37 In the light of this analysis, a repeat of what happened in 1993 is not to be excluded. Short of a major threat to Tutsi interests within or outside the army, however, such an eventuality is most unlikely. What appeared both feasible and desirable in 1993, from the perspective of Tutsi interests, today seems so fraught with dangers as to be almost impossible to contemplate. The context of 2006 is radically different from that of 1993, the main difference — in addition to the Mission de l’ONU au Burundi (MONUB) peace-keeping force — being the 300,000 victims of an extremely bitter civil war.

36. Which is why during the ceasefire negotiations with the FNL in Dar-es-Salaam, in June 2006, the government categorically rejected the FNL delegation’s demand that the army be drastically restructured to accommodate a larger proportion of Hutu and Twa elements at all levels. The prospects of continued civil violence will most probably translate into further human rights violations by the security forces, thus making the government increasingly vulnerable to criticisms from the opposition, including the Frodebu, that the new army is just as violent and repressive as its predecessor, the Forces armées du Burundi (FAB).
37. Van Eck, personal communication.
Although the army remains the ultimate repository of a Tutsi minority veto, on the dimensions of proportionality and elite cooperation significant changes have occurred. Taking a leaf from Lijphart, the framers of the Burundian constitution were keenly aware of the need to institutionalize the overrepresentation of the Tutsi minority beyond the proportions achieved in 1993, both in the central institutions of government and at the communal level. Perhaps even more significant, today elite cooperation takes place not just between parties but, as far as the ruling CNDD-FDD and Frodebu parties are concerned, within ethnically diverse political parties. As noted earlier, ethnic depolarization is one of the most striking characteristics of the emergent polity. Finally, whereas in 1993 the Tutsi fell short of the 20 percent control of the National Assembly to block a constitutional amendment, today no constitutional change can take place without substantial Tutsi support. It is worth noting in this connection that among the many motives that might explain the decision of the RPF to bring down Habyarimana’s plane, its minority position in the BBTG is sometimes cited as a prime factor.

On the strength of the evidence from Burundi, the case for consociationalism seems difficult to challenge. And yet, ironically, it also provides substantial ammunition on the side of its critics, most notably Don Horowitz. There is, to begin with, the argument that ‘only rarely does any single set of leaders speak for an entire ethnic group . . . In short, a principal limitation on inter-ethnic cooperation is the configuration of intra-ethnic competition, both present and anticipated’. At a time when the most serious challenge to Nkurunziza’s grand coalition comes from the predominantly Hutu Frodebu, Horowitz’s critique is particularly relevant. But so, also, is his observation that there is a ‘circularity of cause and effect in consociational theory’. This circularity, he writes, ‘shows up in the enumeration of conditions favorable for the emergence and maintenance of consociational theory’. In the case at hand, one may indeed wonder whether the relative stability so far achieved is the result of consociational engineering or a reflection of the generally favourable societal circumstances brought into existence by the Arusha process and the presence on the ground of a UN peace-keeping force. Context, from this perspective, is the critical factor.

The RCD — power sharing and the instrumentalization of violence: Although the DRC is hardly the most suitable case for testing
Lijphart’s theory, it invites a brief reconsideration of the thesis set forth by Mehler and Tull about ‘the hidden costs of power-sharing’. That such costs exist, mainly in the form of creating a justification for the instrumentalization of violence, is undeniable. What is equally plain, as noted earlier, is that ignoring the claims of certain key actors could create the conditions of an even more violent insurgency.

Quite aside from the ambivalent logic of their argument, on two specific points doubts arise as to its persuasiveness. One has to do with the role of Western donors in encouraging recourse to what they describe as pay-offs to insurgencies. To quote,\(^\text{41}\)

> We argue that the institutionalization of this practice demonstrates Western willingness to provide political pay-offs for insurgent violence and thereby creates incentive structures which turn the rebel path into an appealing option in the pursuit of otherwise blocked political aspirations . . . Western buy-in tactics to engage militarily effective insurgencies and to accommodate their demands by advocating their incorporation into national governments for the sake of ‘peace’ amount to an incentive to have recourse to violence to conquer state power, or at least to receive a seat at the bargaining table.

Although the argument may hold for some specific cases, it has no relevance whatsoever to the power sharing deal reached at Sun City. To detect a ‘Western willingness to provide political pay-offs’ behind the 2002 Agreement makes little sense. If anything, the many false starts, incessant horse-trading and palaverizing that went on behind the scenes bears testimony to the utter impotence of Western donors in seeing the negotiations through.

The next point, related to the foregoing, is that the authors make relatively short shrift of the internal dynamics at work in eastern Congo. The proliferation of factions is not so much a commentary on the perverse effects of incorporating rebel movements as it is the result of the internal splits born of intra- and inter-ethnic competition. Furthermore, by resting their case on the notoriously pro-Rwanda RCD, they raise additional hackles. One wonders, for example, whether it is safe to generalize on the basis of a client faction so overwhelmingly dependent on its external patron and whether the RCD is the best example in support of their contention that it is motivated neither by greed nor by ideology but by its determination to use violence as a tool to gain admission to the transitional government. It was Rwanda, they write, ‘that provided the RCD leaders with an opportunity to conquer state power’.\(^\text{42}\) The reverse is even closer to the mark. The circumstances leading to the birth of the RCD-G bring into focus the critical role played by Rwanda in manipulating its client faction to gain a

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42. Ibid., p. 378.
political and military foothold in the DRC, and ultimately to seize power in Kinshasa. In August 1998, when the decision was made in Kigali to create the RCD, the immediate objective was nothing less than the overthrow of the Kabila regime, under the thinly veiled pretence of an authentic Congolese insurrection against Kinshasa. When this proved unfeasible, the RCD stood as Kigali’s strongest ally in its systematic attempt to loot the mineral wealth of eastern Congo, and the RCD, in turn, could count on Kigali’s assistance to carve out a sphere of influence in North Kivu. The same is true of those rogue military elements in the RCD who conveniently used the accusations of genocide against the Banyamulenge to seize power in Bukavu in May 2004.43

To dismiss greed and ideology as irrelevant to an understanding of the true nature of the RCD is unconvincing. Its pro-Rwandan sympathies, as well as its enduring identification with the fate of the Banyamulenge, not to mention its strong regionalist aura, are all part of its ideological baggage. As for greed, there is little doubt that its partnership with Kigali involved handsome material benefits.44 Although the exact share of the loot that went to the party blowhards is impossible to tell, there is plenty of anecdotal evidence to suggest that many of the defections suffered by the RDC since its foundation had to do with discords over the sharing of benefits, or disillusion about the ethnic favouritism displayed by its key Banyamulenge personality (Bizama Karaha) and ethnic kinsmen. This is not to imply that the author’s thesis is wrong, only that to cite the RCD as a prime example of the ‘violence as a bargaining chip’ argument seems singularly unpersuasive.

What the complicated history of the RCD reveals is the central importance of the point made by Horowitz about the dangers inherent in intra-ethnic competition — in this case further aggravated by chronic inter-ethnic tensions. The phenomenon is nowhere more dramatically illustrated than in the deep fissures that have plagued the RCD after the Gatumba massacre of Banyamulenge refugees in Burundi, causing many RCD members of Parliament (MPs) to break away from the party, and prompting Ruberwa to threaten to resign as one of the four vice-presidents. Again, ethnic rivalries fuelled by greed, rather than strategic positioning through instrumentalization of violence, were largely responsible for the break-up of the original RCD into rival factions — RCD-G (Ruberwa), RCD-K (Wamba dia Wamba), RCD-ML (Bemba), RCD-K-ML (Mbusa

43. Renegade DRC general Laurent Nkunda, known to have close ties with Kigali, played a major role in the temporary capture of Bukavu in 2003. It is the same Nkunda who attacked loyalist Congolese troops in North Kivu in early February 2006, causing an estimated 37,000 civilians to flee their rural homelands, near Rutshuru. Nothing has been done so far to put into effect the international arrest warrant issued against Nkunda for war crimes and crimes against humanity.

Nyamwesi), and RCD-National (Roger Lumbala). This is hardly the place for a lengthy discussion of faction politics in the DRC. Suffice it to note that contrary to what Tull and Mehler argue, greed has had a powerful multiplier effect on intra-ethnic as well as inter-ethnic enmities, and so, also, the intervention of external patrons — Uganda and Rwanda — on behalf of their preferred clients.

Conclusion

Beyond what they tell us about their radically different paths to democracy, the cases above bring into clearer focus the potentialities and limitations inherent in different forms of power sharing. One of the more obvious conclusions is that the technicalities and mode of implementation of the formula do make a difference. Much depends on the extent to which the sharing of power approximates the characteristics of Lijphart’s consociational model. The case of Burundi is instructive in this respect. As we tried to demonstrate, if the Burundi experiment holds any promise, this is in large part because of the carefully calibrated distribution of ethnic identities and party affiliations in the government, the National Assembly, the Senate, the communal councils, and, most importantly, the army. This is in striking contrast with the far more fragile coalition stitched together at Sun City, or the hasty bricolage, not to mention the decidedly unauspicious political climate, that has presided over the unfolding of the Arusha process in Rwanda.

The identity of the parties involved is another key element to consider. This is where the ‘hidden costs’ of power sharing can be fatal. Where opportunism is the main reason for sharing power and amounts to a mere tactical retreat from the battlefield, the chances of success are virtually nil. Although Rwanda may well be an extreme case, other examples could be cited where ‘power-sharing formulas allow many rebel leaders to behave in office much as in wartime’.45 The cases of Charles Taylor in Liberia and Sankoh in Sierra Leone immediately come to mind. There are compelling reasons therefore to agree that ‘external brokers need to raise the threshold which grants insurgents a place at the negotiating table’ and that ‘armed groups preying on local communities and committing serious rights abuses should be disqualified as negotiating partners’.46 The question that needs to be asked, however, is whether insurgents should be left out altogether, at perhaps even greater cost in human rights abuses, or whether including them in a coalition government might lead to a more accommodating posture. The dilemma is nowhere more excruciating than in Palestine in the

46. Ibid., p. 395.
wake of Hamas’ victory. But this was also the central issue faced by external facilitators in dealing with Nkurunziza’s CNDD-FDD when the latter stood as the main vehicle of the Hutu insurgency — and, by a twist of poetic justice, it is now Nkurunziza’s problem in dealing with the FNL.

But perhaps the critical variable has to do with the context of power sharing. What might be called the ‘political conjuncture’ or combination of forces prevailing at any given time can spell the difference between success and failure. The prospects for failure or success may thus vary considerably over time. A power-sharing solution to the Burundi crisis proved utterly unworkable in 1994 but reasonably promising in 2005. Rwanda travelled in the opposite direction: what seemed like a feasible experiment during the Arusha talks (1992–93) was blown to bits on 6 April 1994, like the plane carrying President Habyarimana from Dar-es-Salaam to Kigali. Although conflict is the *raison d’être* of power sharing, the intensity and scope of civil conflict runs a wide gamut, from the least favourable conditions (Rwanda in 1992–93) to the reasonably auspicious (Burundi 1998–2000).

The geopolitical dimension — a key conditioning variable mentioned by Lijphart — is no less important. The DRC is a prime example of a situation where the room for manoeuvre available to a coalition government is severely constrained by the size of the country but also by multiple ethno-regional identities, factional divisions, and the ever present threat of interference by neighbouring states. The DRC is more than 80 times the size of Rwanda or Burundi, its infrastructures have been shot to bits by years of violence, and the huge void left by the collapse of the Mobutist state made the intrusion of foreign forces a foregone conclusion. Implementing a viable power-sharing formula, let alone a consociational system, in such conditions is a Sysiphean job. Even more so where the state is non-functional. When the state no longer has the capacity to protect the lives of its citizens, when the security forces unravel under the weight of factional rivalries, when the judicial system collapses, and when the civil service becomes a seedbed of corruption, the prospects for peace through power sharing are all the more problematic.

There is no little irony in the fact that although power sharing is unlikely to produce miracles absent a coherent, functioning state system, it is this very state of affairs that justifies recourse to Lijphart’s seminal and widely misapplied recipe for reconciliation.