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# Arusha at 15: reflections on power-sharing, peace and transition in Burundi



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Stef **Vandeginste\***

February 2015

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## **ABSTRACT**

Fifteen years after the signature of the Arusha Peace and Reconciliation Agreement, this paper presents a state of the art of power-sharing in Burundi. Used both for the purpose of war termination and of constitutional transformation, power-sharing played a critical role in Burundi's transition from conflict to peace. With the benefit of hindsight, this paper, first of all, sheds some light on how Burundi managed to overcome the adoption problem. Next, it looks into the – so far – sustainable respect for power-sharing, in particular in its ethnic dimension. At the same time, some more light is shed on the impact of recent developments, including the 2010 general elections, on the erosion of one of the pillars of power-sharing in Burundi. In order to understand its dynamics, power-sharing must be placed in the context of stubborn, context specific historical political and institutional features. This paper explains recent developments of power-sharing in Burundi against the background of a tradition of single party rule, state centralism, militarism and neo-patrimonialism.

## 1. INTRODUCTION

On 28 August 2000, after approximately two years of international (initially Tanzanian, later South African) peace mediation, a Peace and Reconciliation Agreement for Burundi was signed in Arusha (Tanzania). Some fifteen years later, this paper reflects on the backbone of the Arusha Agreement that decisively shaped Burundi's early twenty-first century political institutions. More than anywhere else on the African continent, power-sharing played a central role in Burundi's political transition serving the dual purpose of war termination and of more inclusive political governance.

Before introducing the use, the merits and the limitations of power-sharing as a conflict resolution and state transformation mechanism in Burundi, two paradoxes of the Arusha Agreement are worth mentioning from the outset. First, at the time when the Arusha Agreement was signed, it was greeted with major skepticism by both policy-makers, academic Burundi-watchers and even some its signatory parties. References were made to the other Arusha peace agreement - for neighbouring Rwanda, signed one year before the 1994 genocide - and how it was treated as an insignificant piece of paper by its signatories. Given the doubts about its durability at the time of its signature, the current status of the Arusha Agreement, which is systematically referred to as Burundi's political bible, is quite remarkable. Secondly, unlike most other peace agreements, the Arusha Agreement had almost no short-term effect yet produced considerable longer term effects. In the short term, it failed to put an end to the civil war because the two main rebel movements did not sign the agreement. In fact, it was not until December 2008 that the last rebel movement agreed to lay down arms. In the meantime, however, the constitutional blueprint laid down in the Arusha Agreement had been adopted by referendum and a new constitution - with detailed and complex power-sharing provisions that were copied from the Agreement - was promulgated on 18 March 2005. Burundi thus is one of the few countries that experienced both a major peace agreement and far-reaching constitutional reform in close temporal association (Mehler 2013: 24).

For the analysis of the Burundian case, this paper draws upon two strands of scientific literature. On the one hand, we use insights from studies of power-sharing from a war termination perspective. On the other, we use the scholarly research that looks at power-sharing from the perspective of political institution-building in deeply divided societies. These two aspects are obviously interconnected, as Sisk demonstrates when pointing at two puzzling knowledge gaps that remain about the use of power-sharing for durable conflict resolution (Sisk 2013). Under what conditions do elites find it in their interests to share power with adversaries? How may war-ending elite-negotiated pacts evolve into more enduring social contracts? Sisk suggests that more contingent- and context-specific knowledge is needed to answer those questions. It is our hope that the analysis of the Burundi situation sheds light that is of wider relevance beyond the case addressed here. As our paper will demonstrate, the context-specific contingencies require a *longue durée* perspective which, in our view, is often overlooked in the scholarly literature on power-sharing. One of the important historical aspects this paper addresses is Burundi's tradition of single party rule and how this impacts upon the functioning of its power-sharing institutions.

The structure of the paper is as follows. First, we present a state of the art of power-sharing in Burundi, with particular attention to how evolutions in the political landscape have eroded one pillar of power-sharing without however, at this point, fundamentally undermining it. The next sections look at the miracle - an event that is not explicable by natural or scien-

tific laws, according to the Oxford Dictionary - of the adoption and survival of power-sharing in Burundi. Finally, we look at a number of historically rooted factors that help us understand the dynamics of power-sharing in Burundi over the past fifteen years.

## **2. POWER-SHARING IN BURUNDI: A STATE OF THE ART**

### **2.1. A post-colonial history marked by large-scale ethno-political violence**

After acceding to independence in 1962, Burundi became the scene of more than three decades of authoritarian one-party rule and a failed transition towards democracy (1988-1993) which unleashed a civil war that – as is stated in the Arusha Agreement - was “fundamentally political with extremely important ethnic dimensions” (article 4). It was fundamentally political because, above all, it was driven by a struggle among political elites for political power and for control over the state and its resources. This also remains the essence of non-violent (or rather, despite worrisome recent trends, much less violent) political competition in Burundi today. At the same time, the struggle was highly ethnic. Although the applicability of the notion of ethnicity has sometimes been disputed in the context of Burundi – its main identity groups Hutu (estimated around 85%), Tutsi (14%) and Twa (1%) (CIA World Factbook 2014) sharing the same territory, language and religion – the ethnic nature of the conflict stands beyond doubt. The civil war opposed a government army dominated by members of the Tutsi demographic minority against two Hutu-dominated rebel movements. Ethnically motivated persecution and massacres were rife. Ethnic massacres of Hutu in 1972 and of Tutsi in 1993 have been characterized as genocide in some UN reports (although this qualification was not the result of any international judicial inquiry). The latter wave of killings was sparked by the assassination, on 21 October 1993, after only 100 days in office of Melchior Ndadaye (FRODEBU party – Front for Democracy in Burundi), a Hutu and the first democratically elected president.

### **2.2. Multi-pillar power-sharing**

Unlike the situation in neighbouring Rwanda, Burundi’s civil war came to an end through a negotiated settlement, not through military victory. This modality of its conflict to peace transition continues to dominate several aspects of Burundi’s post-conflict institutional set-up. The peace agreements for Burundi – the Arusha Agreement of 2000 supplemented by the 2003 Global Ceasefire Agreement with the rebel movement CNDD-FDD (National Council for the Defence of Democracy – Forces for the Defence of Democracy, originally an armed dissident group of FRODEBU members) and the 2006 Comprehensive Ceasefire Agreement with Palipehutu-FNL (Party for the Liberation of the Hutu People – National Liberation Forces) included a complex and multi-pillar power-sharing arrangement.<sup>1</sup> The pillars of this arrangement (P1 to P4) can be summarized as follows:

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[1] These peace agreements are available in full version on the website ‘Law, Power and Peace in Burundi’: [www.uantwerpen.be/burundi](http://www.uantwerpen.be/burundi) (Section Paix-Peace).

<b>power-sharing dimensions</b>	<b>political power-sharing</b>	<b>military power-sharing</b>
<b>ethnic</b>	P <sub>1</sub>	P <sub>2</sub>
<b>between (former) opponents</b>	P <sub>3</sub>	P <sub>4</sub>

Of the four ‘classical’ – political, military, territorial and economic - power-sharing dimensions (Hartzell and Hoddie 2007), Burundi does not have any territorial power-sharing (nor any other non-territorial form of segmental autonomy). Because of the specific features of its ethnic divisions mentioned above, territorial power-sharing or other forms of self-government were never on the table of the peace negotiations. It would therefore hard to draw conclusions from the case of Burundi for the use of territorial power-sharing and its impact on the success or failure of negotiated peace settlements (Hartmann 2013; Zanker et al. 2015). Furthermore, except for one provision, neither the peace agreements nor the Constitution explicitly provide for economic power-sharing. However, it is important to note that the beneficiaries of political and military power-sharing automatically also benefit economically and financially from their guaranteed stake of political and military power. In Burundi, prosperity, wealth and social status are hard to imagine without (at least partial) control over the political and military institutions of the central state (Ndikumana 2005). This implicit economic dimension of power-sharing is made explicit in one constitutional provision which states that state-owned companies will be administered in accordance with the ethnic quota that are also used for the ethnic cohabitation within the National Assembly and Government: 60% Hutu and 40% Tutsi (article 143 of the Constitution of 18 March 2005).

Cross-cutting the political and military dimension, Burundi’s power-sharing arrangement builds on two other dimensions. On the one hand, as presented in more detail below, power-sharing entails a complex set of quota-based provisions guaranteeing ethnic cohabitation in the state’s political and military institutions. This has led some observers to consider Burundi the most consociational polity in Africa (Lemarchand 2007). On the other, power-sharing in Burundi amounts to a ‘classical’ pact between (former) opponent elites, with incumbent and insurgent leaders agreeing to lay down arms and share the cake. While these two dimensions overlap to some extent – which is not surprising in a country where political and ethnic competition largely coincided for several decades – it is important to note from the outset that the overlap between the ethnic and the non-ethnic dimension is far from complete. For instance, political parties and their electoral lists are legally required to be multi-ethnic. This has two important consequences, as we will explain in further detail below. One is that Burundi has not been caught in the trap of ethnocracy (Howard 2012). The other is that although power-sharing in Burundi has, in recent years, been under considerable pressure in its non-ethnic dimension, this has – so far - not undermined the stability of ethnic power-sharing. Before analysing those recent developments, we will now briefly introduce the four pillars of power-sharing in Burundi in somewhat more detail.

### **2.3. A closer look at Burundi’s power-sharing pillars**

Ethnic power-sharing at the level of political institutions (P<sub>1</sub>) is constitutionally engineered through a system of guaranteed representation of ethnic segments in the national assembly, the senate and the municipal councils, as well as, as far as the executive branch is concerned, in the government, the presidency (with two vice-presidents of different ethnic groups)



and local administrators. This is achieved on the basis of ethnic quota and, in case the composition of elected bodies is not in accordance with the constitutional quota, by the co-optation of additional members. Because of the overwhelming demographic majority of Hutu, proportionality is not strictly applied but, rather, combined with an overrepresentation of the Tutsi and Twa minorities. Guaranteed representation of Tutsi ranges from 1/3 (local municipality administrators) to 40% (the government and the national assembly) and 50% (the senate). In combination with qualified majority requirements (either two thirds or three quarters) that apply to the enactment of legislation and to other powers of the legislature (e.g. the election of members of the national electoral commission) this grants a *de facto* veto right to Tutsi members of parliament. More details on these highly complex and typically consociational institutional arrangements and how they are put into practice – which, it is worth stressing, they have been over the past decade - can be found in my earlier publications (Vandeginste 2009 and 2014).

Military ethnic power-sharing (P<sub>2</sub>) is also codified in the 2005 Constitution. For a period to be determined by the Senate, no more than 50% of the national defence and security forces (the army, the police and the intelligence service) can be staffed by one ethnic group. In addition, the government minister in charge of the armed forces cannot be of the same ethnic group as the minister in charge of the police force. The Senate – itself composed on the basis of Hutu/Tutsi parity and a guaranteed co-opted representation of the Twa minority - is charged with monitoring the implementation of these constitutional quota requirements. Although, in the absence of ethnic identity cards, the application of these military ethnic power-sharing quota is more difficult than in the case of elected assemblies (where the ethnic affiliation of candidates is stated on the electoral lists), implementation of these provisions has, quite remarkably, not given rise to any serious controversy over the past decade.

Political power-sharing between former opponents (P<sub>3</sub>) was a crucial aspect in the Arusha Agreement, in the 2003 Global Ceasefire Agreement and to a lesser extent – due to the by then significantly weakened position of Palipehutu-FNL (International Crisis Group 2007) - in the 2006 Comprehensive Ceasefire Agreement. The Arusha Agreement was signed by a ('G7') coalition of predominantly Hutu parties led by FRODEBU and a ('G10') coalition of predominantly Tutsi parties led by former single party UPRONA (Unity and National Progress), as well as by the National Assembly (dominated by FRODEBU) and the Government (dominated by UPRONA). The Agreement provided for a broad-based transitional government of national unity, originally for 36 months, in which between 50 and 60% of the ministerial portfolios were allocated to the G7 group of predominantly Hutu parties, the other ministries going to UPRONA and other G10 parties. For the post-transition period as well, a coalition government model was put forward (and codified in the 2005 Constitution), with each party obtaining 5% of the votes at the legislative elections being entitled to a proportionate number of ministerial positions. This 'grand coalition' arrangement was even extended to the presidency, as the two vice-presidents represent different political parties (as well as ethnic groups, as mentioned above). This was essentially and above all a political life-insurance for the UPRONA party. No matter how poor its electoral performance, UPRONA was assured of positions at the level of the vice-presidency and in government, assuming that it obtained 5% of the votes cast (which was, given the result of the 1993 elections, a very realistic threshold). Through the General Ceasefire Agreement of November 2003, the CNDD-FDD obtained, for the remainder of the transition leading up to the 2005 general elections, a considerable number of positions (four ministers in government, fifteen members of parliament, three provincial governors, two ambassadors, thirty local government administrators and 20% of state owned companies CEOs). After the 2005 elections (which

were generally perceived as free and fair), the CNDD-FDD became the most powerful political party. It reinforced its position in the 2010 elections, which were largely boycotted by the political opposition and which constituted a first blow to this P3 pillar of Burundi's power-sharing (Vandeginste 2011). We will return to more recent developments in this pillar below.

Military power-sharing between former opponents (P4) was laid down as a general principle in the Arusha Agreement which stated that combatants of political movements were to be included in the restructured army and police force. This P4 pillar was the most crucial aspect of the 2003 and, again to a lesser extent, the 2006 peace agreements. A Forces Technical Agreement Protocol of the 2003 peace agreement spelled out in detail the military power-sharing in the new defence and security forces, with 60% of positions remaining in the hands of the government forces and 40% taken up by the CNDD-FDD. From a historical perspective, the transformation of Burundi's security forces on the basis of power-sharing was highly remarkable. For decades after independence, they had been the strong arm of the successive Tutsi dominated UPRONA governments. Furthermore, they were considered to be the 'life insurance' of Tutsi civilians, the importance of which became all the more clear after the genocide against Tutsi in neighbouring Rwanda in 1994. In addition, the army was also responsible for the assassination of Hutu President Ndadaye (FRODEBU) in October 1993 – which Sullivan (2005) accurately described as the use of its (military) veto right by Tutsi elites – the event that gave rise to the establishment of the CNDD-FDD. In light of all these historical antecedents and given the extreme cruelty of Burundi's civil war, restructuring the defence and security forces on the basis of power-sharing – between Tutsi and Hutu and between incumbents and insurgents – seemed extremely unrealistic at the time of the peace negotiations process. For Tutsi elites in particular, this was a major gamble with a highly uncertain outcome. Nevertheless, this pillar turned out to be an essential and – so far – durable cornerstone of Burundi's transition to peace.

Before addressing the miraculous adoption and survival of power-sharing in Burundi, let us take a look at the current state of power-sharing in Burundi, as of early 2015.

#### **2.4. Recent developments**

First of all, it is worth recalling that power-sharing in Burundi – in all four pillars – has not remained a rhetorical commitment but has been implemented for more than a decade now. Nevertheless, doubts have arisen as to whether power-sharing in Burundi will stand the test of time much longer, leading some observers to announce a "bye-bye to Arusha" (International Crisis Group 2012). While we do not fully share that analysis, it is clear that Burundi's power-sharing arrangement has been under pressure due to a number of recent developments. This section briefly addresses the gradual erosion of one of the pillars (P3) of power-sharing following the disputed 2010 general elections. Next, we address the prospects for power-sharing in Burundi in light of the government's 2014 failed attempt at amending the Constitution.

Political power-sharing between former enemies CNDD-FDD and UPRONA went remarkably well until the 2010 general elections. As we explained in more detail elsewhere, the 2010 elections constituted a first important blow (Vandeginste 2011). The 2005–2010 coalition government's dominant party CNDD-FDD led by President Pierre Nkurunziza gained an overwhelming victory at these elections which, after a first round of disputed local elections, were boycotted by most of the opposition parties (but not by UPRONA). CNDD-FDD obtained 81% of the votes at the National Assembly elections and a three quarter majority in the Senate. Following the withdrawal of other presidential candidates, Pierre Nkurunziza was re-elected with 91% of the votes cast. This allowed the CNDD-FDD to extend its control over most of the

state apparatus. However, much to the frustration of some of its militants, the party was constitutionally required to share power in a coalition government despite its electoral triumph. UPRONA, which obtained 11% of the votes at the National Assembly elections, obtained the first vice-presidency and three ministerial posts. Contradicting the optimism of Norris (2009) about the democratizing effect of power-sharing elections, the 2010 Burundi elections served autocratisation rather than democratisation (Lindberg 2009). Domestic and international watchdogs denounce the shrinking of political space and, in particular, the increasing restrictions on the functioning of civil society, media and opposition parties (Amnesty International 2014). Like it managed to do with other opposition parties, the CNDD-FDD has been extremely efficient in exacerbating and exploiting internal divisions within UPRONA. As a result of a carefully orchestrated judicial saga which came to an end in February 2014, the UPRONA party is now formally in the hands of a CNDD-FDD-friendly dissident wing which is not recognised by most of the historical leadership nor, presumably, by the UPRONA electorate (see, in more detail, Vandeginste 2014b). In other words, although formally speaking Burundi still has a coalition government, it is in reality a CNDD-FDD single party government in disguise. This erosion of the third pillar (P<sub>3</sub>) of power-sharing in Burundi has, however, so far not undermined ethnic (political and/or military) power-sharing and has not fundamentally destabilized Burundi's state institutions. General elections are scheduled for 2015. Although at the time of writing of this paper, it would be premature to anticipate on their consequences for power-sharing in Burundi, the election preparation and the pre-electoral context are not promising at all for a resurrection of P<sub>3</sub>.

In November 2013, without any prior consultation or even public announcement, the Burundian government initiated a constitutional amendment process. The initial secrecy of this initiative fuelled a public perception and fear that this was a unilateral CNDD-FDD attempt at doing away with the Arusha Agreement. Others viewed it as an attempt to circumvent presidential term limits showing President Nkurunziza's – so far not publicly stated – intention to run for a third term in 2015. During the parliamentary debate on the new constitutional draft, however, government officials merely referred to certain constitutional implications of Burundi's integration into the East African Community and to the need to 'simplify' certain complexities of Burundi's legislative process. At no point it was stated that time had come to end the power-sharing arrangements agreed upon in Arusha. The Arusha Agreement continued to be mentioned in the preamble. Yet, while most of the arrangement presented above remained unaltered, in the bill submitted to parliament, two proposed amendments did affect power-sharing. First, it was proposed to replace the two vice-presidents by one – largely ceremonial – vice-president (of another ethnic group and political party than the president) and a prime minister. Secondly, it was proposed that parliament enact legislation with a simple majority instead of a two thirds majority, which *de facto* annulled the Tutsi minority veto. Considerable national and diplomatic pressure was exerted on Burundi's members of parliament in order to safeguard the merits of the Arusha Agreement. For an amendment of the Constitution, a majority of two thirds (in the Senate) and four fifths (in the National Assembly) is required. Against all odds, and because nearly all UPRONA MP's no longer supported the coalition government after the developments referred to above, the proposal was rejected in parliament by one vote in March 2014. In a reaction, President Nkurunziza announced that the constitutional amendment would in all likelihood be reinitiated after the 2015 elections, either through parliament or through a popular referendum. If CNDD-FDD again achieves an overwhelming electoral victory – be it after free or after fraudulent elections – what will remain of Arusha-style power-sharing?

### **3. A MIRACULOUS ADOPTION OF POWER-SHARING?**

After this state of the art of power-sharing in Burundi, we now return to what Horowitz (2014) refers to as the adoption problem. What are the factors that explain why Burundi did adopt power-sharing, unlike several other ethnic conflict ridden societies that could theoretically also benefit from introducing consociational or other accommodating institutions but fail to do so? Can scientific laws explain the introduction of power-sharing in Burundi or did it require some kind of divine intervention?

#### **3.1. Lijphart's favourable conditions**

One of Arend Lijphart's major contributions to our understanding of democracy and institutions was his identification and refining of conditions that are favourable (or unfavourable) for introducing consociational power-sharing. Some of them challenging Lijphart's initial insights, other scholars have also addressed this crucial question (e.g. Boogaards 1998, Schneckener 2002). Without going into detail here, it is clear that, at the time of the Arusha peace negotiations, several presumably favourable conditions were not present in the case of Burundi: there was a demographic majority segment (Hutu); the size of ethnic segments was very unequal; there was no common external threat; despite the political relevance of regional divisions, there were no sufficiently significant crosscutting cleavages softening the ethnic identity divide; there was no geographical concentration of segments, and there was no tradition of inter-ethnic accommodation and compromise. Others factors were favourable: the small number of ethnic segments, the small population size and the overarching loyalty to the one Burundian nation. On balance, these domestic context factors do not explain the introduction of power-sharing in Burundi. Let us therefore take a look at two other factors that have recently gained more attention in the literature: elite choices and the role of external actors. Both of them are particularly relevant in the context of internationally mediated peace negotiations between segmental elites, a context that is notably different from the one that Lijphart studied in his earlier work.

#### **3.2. Elite behaviour**

Horowitz refers to asymmetric preferences as one of the obstacles for introducing ethnic power-sharing (2014: 8). Applied to the case of Burundi, this means that elites representing the demographic Hutu majority are likely to oppose consociational power-sharing and to prefer bare majority rule, while elites representing the demographic Tutsi minority may prefer a consociation. Horowitz argues that a consociational regime can therefore be adopted only when the majority is momentarily weak. This was indeed the case in Burundi in the late 1990s. FRODEBU's 1993 electoral victory had *de facto* been annulled through violence, in particular the assassination of President Ndadaye and other officials in October 1993 and a creeping coup d'Etat (Reyntjens 2009) which to a large extent restored UPRONA rule, President Buyoya (Tutsi) returning to power in July 1996. This levelled the – demographically speaking – unequal playing field and turned power-sharing into a potentially interesting option for both segmental elites, which also realized that military victory was close to impossible. Powers-sharing was particularly attractive for FRODEBU which, given its internal split and the creation of the CNDD-FDD rebel movement, did not have a military support base. After the signature of the Arusha Agreement as well, an armed victory of the CNDD-FDD rebellion was highly unlikely, despite its military nuisance capacity. But, as the literature indicates, more than a levelling of preferences is needed for elites to engage in cooperative power-sharing behaviour.

Trust has been studied extensively as a driving factor for the introduction and functioning of power-sharing in multi-ethnic societies (see, e.g., Karmis and Rocher 2012) and there is a general scholarly recognition of its importance. In the 1990s, Burundi was characterized by a very low degree of trust at all levels of society, including among political elites. Cheeseman (2011: 343) rightly characterizes the 1994 situation in Burundi as a case of “politics of distrust”. The deliberate undermining of earlier attempts at inter-ethnic political accommodation, the extreme level of ethnic violence and the regional context (in particular the 1994 genocide in Rwanda) quite understandably had a devastating impact on inter-ethnic trust. Nevertheless, power-sharing was accepted by those mutually distrustful elites. Two factors are helpful in shedding light on this puzzle. First, in line with peace negotiation theory about the ripeness of a conflict situation (Zartman 1989), Burundi’s segmental elites found themselves deadlocked in a mutually hurting stalemate, also facing increasing levels of war wariness among all segments in society. Both parties had come to realize that negotiating a way-out might lead to a non-zero sum outcome and be beneficial to both sides. This perception had, in part, come about as a result of international sanctions imposed by Burundi’s neighbours after the July 1996 coup d’Etat and of the reduction of aid volumes by Burundi’s international partner countries and institutions. Secondly, the power-sharing arrangement negotiated in Arusha was not at all completely new to the parties around the table. While international actors played an important role in putting it on the agenda (see below), Burundi had experienced a decade of trial and error with ethnic power-sharing, as I have documented in detail elsewhere (Vandeginste 2009). The (limited) successes and (major) failures of these earlier experiences constituted an important learning process for negotiating parties in Arusha, almost all of them politicians that were actively involved in the earlier trial and error process. Compared to earlier attempts, power-sharing as negotiated in Arusha was much more complex: more quota, more minority guarantees, more timing modalities, more oversight mechanisms, etcetera. In summary, and a major lesson to be learned from the Burundian case, the Arusha talks (and the subsequent steps taken in the peace process) managed to engineer mutually acceptable fear reducing institutions, which in essence compensated the lack of trust among parties.

### **3-3. International engagement with Burundi**

In addition to these domestic factors, a strong and lasting international involvement with the conflict in Burundi has important explanatory value. Between early 1998 and August 2000, the Arusha peace negotiations process was led by two mediators: initially former President Nyerere of Tanzania and, after his death, former President Mandela of South Africa. In particular Mandela’s moral authority came close to the ‘divine’ intervention that was required for the miracle of power-sharing in Burundi to become reality. In short, while Nyerere - and Tanzania’s lead in imposing regional sanctions on Burundi - created the situation that gave rise to the mutually hurting stalemate, Mandela – and South Africa’s experience with post-apartheid power-sharing – was instrumental in forcing the negotiating parties to accept a power-sharing way-out. Inspired by South Africa’s legacy and at some point heavily criticized by Tutsi negotiators for considering Hutu as victims of Burundi-style apartheid, Mandela viewed both the causes of the Burundian conflict and the solution in highly ethnic terms (Bentley and Southall 2005: 75). While finding inspiration in the South African precedent, Mandela was also flexible enough not to merely copy-paste his country’s model. Several power-sharing modalities both for the interim and the post-transition period, including Mandela’s suggestion for a revolving presidency between Hutu and Tutsi, were put on the table until Mandela reached what he considered to be

a 'sufficient consensus'. Despite important reservations (in particular from extremist Tutsi side, which had a proven spoiler capacity) and important international critiques (in particular for not associating the two main Hutu rebel movements), Mandela pushed through and even arranged a last minute flight for U.S. President Bill Clinton to attend the signing ceremony so as to step up the pressure and to make it virtually impossible for Burundi's negotiating parties to reject the power-sharing deal. While this confirms Mehler's (2013) finding that norm-diffusing external actors play a crucial role in the adoption of power-sharing based constitutional reforms in divided societies, it does not in itself explain the durability of power-sharing in Burundi, which this paper addresses next.

#### **4. A MIRACULOUS SURVIVAL OF POWER-SHARING?**

Doubts have been expressed concerning the added value and the durability of formal power-sharing institutions that are established in the context of largely externally driven negotiation processes, in particular on the African continent. According to Spears, formal inclusion through power-sharing generally proves to be short-lived in countries characterized by weak, dysfunctional or non-existent states. In his view, Burundi is the exception that proves the rule that peace in Africa continues to revolve around issues of resources and patronage rather than institutions (Spears 2013: 49). The impact of neo-patrimonial politics on power-sharing in Burundi is referred to below and is indeed key to understanding recent dynamics. At the same time, the contribution of the re-engineering of formal political and military institutions to a decade of peace and stability in Burundi stands beyond doubt. This begs the question why, in the particular (and according to Spears exceptional) case of Burundi, formal power-sharing so far stood the test of time. Here again, several factors come to mind which, taken together, hopefully offer some better insight.

First, unlike in other cases (including South Africa) where power-sharing is deliberately meant to be transitional and short-lived, Burundi's peace agreements did not contain any sunset clause. Quite to the contrary, as described above, all pillars of power-sharing have been 'written into stone' in a post-transition constitution that can only be altered with a four fifths majority in parliament. Aware of their weak electoral base, the Tutsi signatories of the Arusha Agreement would never have accepted such sunset clauses.

Secondly, power-sharing has been criticized by several scholars for creating undesirable incentives, for rewarding non-institutional and violent political competition and, as a result, for providing inspiration to conflict entrepreneurs and politicians who may conclude that there is always a way to negotiate their way to power (LeVan 2011; Tull and Mehler 2005). Given the antecedents Burundi lived through, there was reason to fear that Arusha might not be the last power-sharing deal in a row. When, after the municipal elections of May 2010, the opposition boycotted the remainder of the 2010 general elections, this was certainly part of their strategy. Recent history (Burundi in 1993, but surely also Kenya and Zimbabwe in 2008) taught the opposition that an electoral defeat can be negotiated away. However, history also tells us that the use of armed violence is an essential precondition for successfully implementing this strategy. Largely caught by surprise and faced with an international approval of the local election process, Burundi's opposition parties – also struggling with a considerable lack of internal cohesion – did not mobilize violence, did not jeopardize peace and failed to renegotiate the 2010 electoral results. One should not entirely rule out the possibility that elites defeated in the forthcoming 2015 elections have learned that lesson and have designed a remedial strategy that

includes the use of post-election violence.

Thirdly, the architects of power-sharing at the same time cleverly designed an electoral system that smoothly matches with the compromise reached at Arusha and even fosters a process of socialization with the practice of ethnic power-sharing. This intelligent design can best be illustrated by referring to the electoral lists used at the National Assembly elections. The Electoral Code provides for a system of blocked lists, with candidates ranked in a fixed order and voters indicating a party (rather than an individual candidate) of their preference. Of the three top ranked candidates on the electoral list, one must be of another ethnic group than the other two. In practice, this means that predominantly Hutu parties (like CNDD-FDD) have one Tutsi candidate ranked in second or third position on the electoral list, and vice versa for predominantly Tutsi parties (like UPRONA). This has two important effects. First of all, the outcome of the elections is very likely to be more or less in line with the 60% Hutu / 40% Tutsi quota imposed by the Constitution. Corrections are carried out through co-optation by the Electoral Commission: in addition to the 100 elected MPs, 15 were co-opted in 2005, 6 in 2010. Secondly, this system adds an important centripetal dimension to ethnic power-sharing in Burundi. Parties need to attract candidates and voters across the ethnic divide and party officials are automatically involved in inter-ethnic exchange and dialogue. This illustrates the importance of harmonic electoral rules of the game for the sustainability of constitutional power-sharing arrangements. Although, as mentioned above, the 2010 elections had very serious negative consequences for one pillar (P<sub>3</sub>) of power-sharing and for political pluralism more generally, ethnic power-sharing – so far - survived the electoral earthquake. We can however not exclude, as Horowitz suggests, that over time, when the demographic majority regains its full strength, it sees no longer any interest in maintaining the consociation.

Fourthly, Burundi confirms the correlation which Hartzell and Hoddie (2007) found between the successful use of power-sharing and the presence of an international peacekeeping operation. The sustained international presence in Burundi had a military as well as a political dimension. An African Union operation (MIAB) was launched in February 2003 while peace negotiations with the CNDD-FDD rebel movement were ongoing. It was replaced by a UN peacekeeping operation (ONUB) in June 2004. The last troops of the South African peacekeeping contingent left Burundi in December 2009. This military operation went hand in hand with an important political presence to monitor and ensure the implementation of the peace accords. Each year, the presence of a UN political office in Burundi (BINUB, later BNUB) was prolonged by the UN Security Council, be it with an increasingly more limited mandate. BNUB headed by a Special Representative of the UN Secretary-General stayed in place until December 2014. For more than a decade, the implementation of the power-sharing arrangements in the Arusha Agreement and in the subsequent peace agreements stood at the heart of the mandate of the international peace-keeping and peace-building presence in Burundi. To potential spoilers of the peace process it was systematically made abundantly clear that there was no alternative to the settlement agreed at Arusha. Following the departure of BNUB, a UN Electoral Observation Mission (MENUB) launched its operations in January 2015. This downscaling of the UN's political presence in Burundi – which came about as a response to a longstanding request of the government – may create additional room for domestic elites calling into question the Arusha settlement.

What most national and international observers welcome as sustainability of power-sharing may be perceived by some (in particular Hutu) political actors as a problem of immobilism (Horowitz 2014, 11). Some CNDD-FDD members, albeit it in small numbers, have indeed

suggested that there is need for a renegotiation and a loosening of the consociational dispensation. Without requesting a full exit, national and international public opinion has been tested, for instance through messages on government-friendly websites, as to whether it would not be more democratic to adopt 'pure' proportionality instead of proportionality combined with the minority overrepresentation Burundi currently applies for the Tutsi minority segment. The practical consequences of this seemingly more democratic proposal, i.e. reducing the 40% or 50% guaranteed stake for Tutsi to 15%, would obviously be far-reaching and fundamentally undermine the meaning of ethnic power-sharing in Burundi. Other (again not yet widely shared) opinions have been voiced arguing that Burundi is now no longer ethnically divided – which is, for the time being, correct in that the main current political cleavages are no longer ethnic – and that, as a result, Burundian citizens and their political representation no longer need to be organized along ethnic categories. To make this argument, some CNDD-FDD members find inspiration in the approach Rwanda adopted after the genocide. In Rwanda, ethnicity was officially banned and ethnic divisions are 'wished away' (and 'legally engineered away') through a policy based on integration (rather than accommodation), unity and Rwandan citizenship (Vandeginste 2014a). Such an approach is however in reality rarely devoid of ethnic content and may well amount to a secularized version of the dominant group's rule (Mc Crudden and O'Leary 2013: 131). This is surely, and quite understandably, how the Tutsi minority in Burundi would perceive such a reform.

## **5. THE DYNAMICS OF POWER-SHARING IN BURUNDI SEEN FROM A POLITICAL LONGUE DUREE PERSPECTIVE**

Much of our scholarly thinking around power-sharing and, more generally, about conflict to peace processes in particular countries is event-centered. From a research perspective, in particular for the purpose of comparative case-study research, it is understandable to isolate certain transformative developments and periods in the history of a certain state and society. It allows us to code research objects and thus scientifically manage the chaos of transition processes. Two decades of research interest for Burundi have taught that there are certain inherent limitations and dangers in that approach. Even the most foundational or sovereign moments, such as the signing of the Arusha Agreement when fundamental rules and institutions were renegotiated, need to be understood as part of a historical continuum. A longer term perspective in the study of the – even recent or contemporary – history is extremely helpful to understand certain peculiarities of the context-driven development of power-sharing. As explained above, the introduction of power-sharing deeply affected Burundian politics, but, at the same time, Burundian politics deeply affected how its power-sharing 'model' (if that term is appropriate at all) took shape. Even after constitutional earthquakes, deep-rooted political structures are quite stubborn and evolve slowly. Long-standing attitudes, beliefs and orientations concerning the exercise of political authority are essential keys to understanding the reality of power-sharing in Burundi today.

Although this would definitely require more in-depth analysis, there are four aspects of Burundi's 'political culture' (a contested notion which I use here in very general terms) I would like to connect with the specific dynamics of power-sharing in Burundi. This section will therefore hopefully enrich our understanding of the adoption and survival of power-sharing presented above. These aspects are: a tradition of single party rule, state centralism, militarism and neo-patrimonialism. Taken together, they are also helpful in understanding why introduc-



ing institutions that are commonly used in power-sharing *democracies* did not make Burundi more democratic.<sup>2</sup> Power-sharing stabilized Burundi's state institutions and brought peace but it would be erroneous to assume that, with the signing of the peace accords and the adoption of a new constitution, deep-rooted governance problems have automatically been put to a halt.

### 5.1. Ethnic power-sharing and single party rule

The overwhelming victory of the CNDD-FDD at the 2010 elections as well as the erosion of one of the pillars (P3) of power-sharing in Burundi described above have led to a situation of quasi-single party rule. Three months before the planned 2015 general elections, CNDD-FDD control over the entire state apparatus is such that the distinction between the party and the state has become a legal fiction rather than an empirical reality. This is strikingly reminiscent of the central role played by former single party UPRONA under the first republic. Under the Constitution of 11 July 1974, "The Party determines the general political orientation of the Nation and inspires the action taken by the State. It controls the Government and the judiciary" (art. 19); "The Party reflects the profound aspirations of the people. It educates and supports them; it guides them in the realization of their aspirations" (art. 20 - my translation). While it is unthinkable that these provisions be part of Burundi's constitutional law today, they are a remarkably accurate description of CNDD-FDD's current role in politics and society. There is every reason to believe that the 2015 elections will further consolidate CNDD-FDD hegemony. A major difference between close to mono-ethnic (Tutsi) UPRONA in the 1970s and CNDD-FDD today, however, is the multi-ethnic nature of the party leadership and of its elected officials. Without suggesting here that the CNDD-FDD is a 'consociational party' as defined by Boogaards (2014), it is worth noting that one third of its MP's, half of its senators, four of the party's government ministers and three of its provincial governors are Tutsi. While CNDD-FDD dominance over the state is in line with decades of UPRONA single party rule, the ethnic power-sharing dimension seems new. On closer inspection, however, there also is an important historical antecedent for this apparent novelty.

In 1988, following the government's army ruthless suppression of a Hutu uprising in the north of the country, president Buyoya launched a process of political liberation which, in his own words, "inaugurated a policy of power-sharing" (Buyoya 1997: 82). Buyoya created a commission in charge of studying the question of national unity and established a government of national unity, led by a Hutu prime minister and composed of an equal number of Hutu and Tutsi. Burundi's first and informal experiment with ethnic power-sharing was not linked to constitutional reform, neither to international mediation nor to multi-party democracy. (It was only after the end of the Cold War that Buyoya also embarked upon democratization, a process which collapsed in October 1993.) As of early 2015, Pierre Buyoya is the African Union High Representative for Mali and the Sahel. Behind the screens, he also remains influential in Burundian politics and is on good terms with - his former enemy - president Pierre Nkurunziza. Buyoya's model of ethnic power-sharing under a single party regime undoubtedly continues to provide inspiration to the current regime in Bujumbura. From a historical perspective, the case could be made that it is more home grown and indigenous than multi-party consociationalism.

This also begs another interesting counterfactual question, which we will not address in more detail here. When negotiating power-sharing in Arusha, some Tutsi party representatives proposed that only Tutsi parties should send Tutsi MP's to parliament, arguing that

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[2] Burundi's Freedom House Index score for 2000 was 6 (1 is the best score, 7 is the worst score). Burundi moved up to a 'partly free'-status in 2006 with a score of 4 (5 for civil liberties, 3 for political rights). Between 2007 and 2014, its score moved decreased to 5 (both for civil liberties and political rights).

Tutsi MP's who belong to predominantly Hutu parties are unlikely to defend Tutsi interests. This proposal was rejected. Leaving aside other aspects (including the more centrifugal nature of that kind of dispensation), it is worth asking whether, if that proposal had been adopted, multi-partyism would have fared better.

### 5.2. State centralism

Several authors have warned that, because local level dynamics are not taken into account, national elite power-sharing bargains risk having no effect at the local level (see, for instance, on neighbouring DRC, Autesserre 2010). Other scholars found that territorial power-sharing – a dimension which is absent in Burundi – offers the best probability of success to secure peace (Jarstadt and Nilsson 2008). In light of these scholarly insights, it may seem as a paradox that, although the local level did not play any role in its design or implementation, the power-sharing deal concluded at the national political and military level had an immediate and lasting effect all over Burundi (Simons et al. 2013). Apart from the small size of Burundi's territory, a long standing tradition of increasingly centralized pyramidal hierarchy characterizing the exercise of political authority is an important explanatory factor.

Burundi is not a colonial artefact. The kingdom of Burundi, the borders of which correspond roughly to the current ones, was founded towards the end of the 17<sup>th</sup> century (Vansina 1972). According to Laely, throughout pre-colonial times, monarchical central power was responsible for the functional integration and remarkable cohesiveness of ethnic relations (1997: 699). In colonial times, the political administration became increasingly centralized and hierarchical (Lemarchand 1966: 432). Despite the apparent rupture that came with the replacement of the monarchy by the republic shortly after Burundi's accession to independence, there was in reality a high degree of continuity between the conception of the traditional monarch and the presidential head of state. In his analysis of the 2014 pre-electoral situation, Thibon repeatedly refers to Burundi's ongoing 'monarchical political culture' (2014). In line with these historical roots, it is worth noting that national elite consensus easily trickled down to the local level also because there are no local elites or, more correctly, local elites are political elites only if they are at the same time national elites. Vice versa, national elites who spend most of their time in the capital city Bujumbura are at the same time also very closely connected to their province and commune of origin and publicly identify themselves as such. Provincial electoral circumscriptions – notably different from Rwanda's one national circumscription (Stroh 2010) – also encourage the maintenance of local networks by national political elites.

### 5.3. Militarism

It might come as a surprise that ethnic power-sharing in Burundi did not collapse despite the undermining of its political, non-ethnic pillar (P3). The most reasonable explanation seems to be that *military* rather than *political* power-sharing was the key variable in Burundi's conflict to peace transition. As long as military power-sharing holds out - i.e. the defence and security forces do not fall apart into their old constituent parts (the former government forces and the former rebel movements) - power-sharing survives the political quarrels among civilian, non-military political forces. This, again, is in line with an age old tradition that military force and political authority inevitably go hand in hand. More accurately even, recent history taught Burundians that there cannot be any political authority without military force. For Hutu, the main lesson to be drawn from President Ndadaye's assassination in October 1993 was that a successful accession to political power – even if it is legitimized by the ballot box - is extremely fragile without military cover. During approximately three months, Ndadaye was the only Burundian

president after independence in 1962 who was not a military. A decade after his assassination, CNDD-FDD successfully negotiated its accession to power on the basis of its military nuisance capacity.

It is doubtful whether civil-military relations have fundamentally changed since the return of peace to Burundi. It is widely known that real power rests with a group of generals – some of them wearing civilian clothes – around President Nkurunziza. In the run-up to the 2015 elections, internal divisions among those CNDD-FDD generals are by far the most dominant political factor. Curtis (2013) argues that despite their rhetorical adherence to liberal governance, international peace-builders have contributed to an order where violence, coercion and militarism remain central.

#### **5-4- Neo-patrimonialism**

Underneath the surface of constitutional and other reforms of state structures, politics in Burundi are highly determined by a lack of separation between public and private spheres and by informal networks and relationships in which state resources serve the interests of competing ‘patron’ elite groups and their ‘client’ support groups. That was the case before Arusha and remains valid today. Here as well, there is a historical continuity between the post-conflict polity and the traditional patronage system which structured societal relations from the king down to the peasant. Viewed from this perspective, power-sharing was a successful conflict resolution tool insofar as it was a non-zero solution that catered to elite interests. It was therefore a rational politico-economic decision for elites on both sides of the ethnic and political divide to accept the internationally proposed power-sharing compromise and the aid carrot that came with it. According to Uvin and Bayer, what is being rebuilt in Burundi is a neo-patrimonial power structure that replicated the pre-war order, be it with additional elites that control power and resources for their own benefit (2013: 272). Seen from this perspective, the success of power-sharing in Burundi must be understood first and foremost as a function of its ability to reshuffle the stakes of competing political elites in Burundi’s neo-patrimonial political marketplace in a way that these elites are willing to abide by (De Waal 2009).

This offers a particularly relevant perspective from which to explain the sustainability of military power-sharing in Burundi. At the time of writing, more than 5,400 Burundian troops participate in the AU peacekeeping mission in Somalia (AMISOM), where they were deployed starting December 2007. Drawn from the new national defence force, these peacekeeping military include both Hutu and Tutsi, former government soldiers as well as former rebel fighters. In addition to its beneficial effects in terms of professionalization and socialization with inter-ethnic collaboration (Samii 2013), Burundi’s military presence in Somalia also offers major financial benefits, both to the individual military taking part in AMISOM as well as to the Burundian state – and the military and political elites with access to those state resources. Burundi’s leading role in AMISOM would not have been possible without the power-sharing based stabilization of its military institutions. And vice versa, the sustainability of its military power-sharing may, in part, be due to the material benefits AMISOM offers to Burundi’s elites across the ethnic and other divide.

## CONCLUSION

Burundi is a fascinating case for the study of power-sharing and its relation with conflict resolution and political transition in Africa. This paper addressed what, at first sight, seems to be the miracle of adoption and survival of Burundi's multi-pillar power-sharing arrangement. On closer inspection, however, there are several domestic and international factors which, taken together, explain the 'success' of power-sharing in Burundi. In general, the Burundi case shows that institutional engineering of ethnic peace through power-sharing is possible, even in situations of fragile statehood, in particular when there is sustained international involvement and when certain long-standing and 'stubborn' historical political features can be accommodated under the new institutional dispensation.

The prospects for power-sharing in Burundi are mixed. On the one hand, military power-sharing has proven to be very resilient and socialization of both political and military elites with inter-ethnic collaboration has been significant. Important centripetal elements were built in. Power-sharing has furthermore – so far – eliminated ethnic grievances, the main source of violent mobilization of the masses in the past. On the other, the introduction of power-sharing institutions is no guarantee for democratic post-conflict governance. In the run-up to the 2015 elections, the political struggle revolves around political pluralism, political party cohesion and individual ambitions, for which the Arusha Agreement does not offer any solution. In other words, while Arusha-style power-sharing remains a *necessary* condition, it is no longer a *sufficient* condition for Burundi's institutional stability. Burundi also illustrates the necessary but difficult match between power-sharing and elections. Elections have put Burundi on the road to *de facto* single party rule. While this has so far not had any negative impact on ethnic power-sharing, renewed premature attempts to revise the current constitutional framework and move away from the Arusha Agreement may have destabilizing effects on power-sharing.

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