2. Burundi

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INTRODUCTION

After years of military one-party rule, movement towards more democracy in the early 1990s led to a civil war in Burundi, including identity-based violence between a Tutsi-dominated regime and security forces and several Hutu rebel-movements. The war ended in a power-sharing deal that initially defused ethnic politics and elective victory by a former, predominantly Hutu rebel-movement. Since then the state has become increasingly authoritarian, while political pluralism has declined and violence resurfaced. This chapter highlights the important initial role of the international community, notably leaders from the region, in the transition process. It also brings out the failure of institutional engineering to move beyond ethno-political divides and addresses the more fundamental problems of neo-patrimonial, authoritarian and violent governance in Burundi. The question also remains to what extent substantial peacebuilding interventions have managed to deal with persistent problems and contestation at the local level, particularly the reintegration of returning refugees and displaced persons.

CONFLICT ANALYSIS

Burundi is known for its ethno-political conflicts between a Hutu majority and a Tutsi minority, respectively representing about 85 per cent and 14 per cent (Central Intelligence Agency [CIA] 2013) of its population of roughly 11.5 million (United Nations Department of Economic and Social Affairs [UN-DESA] 2016). Yet, ethnic violence is of relatively recent date, and authors disagree about the nature of the relationship between these groups in pre-colonial times. The two groups live interspersed, share the same language, religion, culture, and honoured the same king, the *Mwami*. Some authors describe the pre-colonial distinction between Hutu and Tutsi in terms of socially produced categories, or occupational groups, that evolved over time (Newbury 1988). Others instead emphasize the variety of social identities in

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pre-colonial Burundian society and underscore that other distinctions might have been more salient, such as between different patrilineal descent groups and clans, or between the Batutsi-Banyaruguru and Batutsi-Banyabururi. An important societal and political divide resulted from relations of clientelism, especially between cultivators and cattle holders (Laely 1997:702). It was through such relations of often exploitative clientelism that princely lineages, the so-called Baganwa, who were neither Tutsi nor Hutu (Uvin 2009:7), expanded their power in the region, granting cows or a hoe in exchange for labour, political support or military service. Even then, authors point out that the multi-layered patron–client networks that developed were not static and provided opportunities for upward social mobility (Lemarchand 1994; Mamdani 2001), and only later may have come to coalesce with ethnic identity. Violence did not occur so much between ethnically based groups, but rather between rival royal lineages, to retain loyalty and expand their power basis (Laely 1997; Daley 2008).

During the colonial period, the flexible and dynamic relations between ethnic groups were solidified, and differences were institutionalized. In Rwanda, the German and Belgian colonizers introduced a system of indirect rule in which the Tutsi minority ruled the Hutu majority, legitimizing this reorganization of society through questionable myths of traditional domination and racial superiority of the Tutsi over the Hutu (Reyntjens 1994; Malkki 1995; Prunier 1995/1997). Likewise, in Burundi, the colonial powers favoured the Tutsi and Ganwa in terms of access to resources of the state, land, higher education and political office (Daley 2008:50), while Hutu chiefs were dismissed from the administration (Uvin 2009:8). However, decolonization developed rather distinctively. The end of the colonial period in Rwanda was accompanied by a process of 'Hutu-emancipation' and the 1959 'Social Revolution' brought power to the Hutu majority, and the monarchy was abolished. In Burundi, relations between state and society became defined in terms of ethnic domination only *after* independence in 1962. During the colonial period, central power firmly remained in hands of the king and survived decolonization.

Crown-prince Louis Rwagasore was among the founders of UPRONA (*Union pour le Progrès National*), a nationalist multi-ethnic party that gained 80 per cent of votes just before independence. Rwagasore was a charismatic leader that united Burundians in their resistance against colonialism. However, after his assassination in 1961, ethnic polarization was also on the rise in Burundi, partly inspired by the events in Rwanda, and the main parties became divided internally (Uvin 2009). Initially the king tried to appease the situation by establishing an absolute monarchy,

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appointing governments with alternating Hutu and Tutsi prime ministers, and putting Baganwa at key positions in the bureaucracy (Daley 2008:64). But when the king refused to accept Hutu gains in legislative elections in 1965, a failed coup resulted in reprisals against Hutu politicians and intellectuals by the army, and a successful Tutsi-led coup within the army. This was the beginning of a pattern to be repeated in later years: Hutu resistance followed by army retaliations. The monarchy was abolished in 1966 and Burundi became a republic, led by the UPRONA, which had transformed into a Tutsi party (Daley 2008:66). Since then, three military regimes have been in power successively, led by Presidents Micombero (1966–76), Bagaza (1976–87) and Buyoya (1987–93), while the army and police developed into a key instrument of coercion and a bastion of Tutsi power. All three presidents were Tutsi-Hima and originated from Bururi in the southern part of the country, while the Tutsi-Banyaruguru from the north lost influence (Daley 2008:66).

Gradually, antagonisms that earlier arose in terms of economic disparity, social cleavages, and regional and clan origin were overshadowed by a polarization of ethnic identities. Emerging rebellion in the south met with harsh retaliations from the army, leading to a 'selective genocide' (Lemarchand 1994) in which maybe 200,000 Hutu elites and Tutsi opposition were killed, and with an equal number of Hutu fleeing to Tanzania in 1972. The international community did not respond to these killings, while the Organisation of African Unity (OAU) even declared its support, buying the government's argument that this was a legitimate response to genocide on the Tutsi (Daley 2008:72). In the following years, Micombero imposed a strong regime based on the repression of Hutu militarism, and the almost total exclusion of Hutu from government, army, and institutes of higher education, while prioritizing Bururi, his own province of origin (Nkurunziza and Ngaruko 2002). Bagaza initially promoted electoral reform and national reconciliation, notably through acknowledging the right to return and restitution of properties of 1972 refugees. This led to the rebuilding of a Hutu intelligentsia, which increasingly demanded power-sharing (Ndikumana 2005). After his election as head of state in 1984, Bagaza's regime turned repressive again, leading to heavy internal critique and protest in the military and resulting in a military coup. The regime of Buyoya that took over proclaimed to promote liberalization and ease relations between Hutu and Tutsi, but in practice remained oppressive.

Although it is evident that ethnic identity became a defining feature of Burundi's political landscape, ethnic differences hid other divides and it effectively served as a useful instrument in political competition and in

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the search for economic and political advantages (Ndikumana 2005). While Burundi developed into an ethnicitized state, it also developed into a strong military, one-party state. Again, to a certain extent, this was a legacy of the colonial period. The state introduced by the Belgian colonial authorities was a paternalistic and authoritarian law-and-order state, run by military and repressive means. Procedures for appointing administrators were formalized, putting an end to personalized selection of officials. Tributes to local power holders were standardized, and finally turned into taxes. Previously, parallel to the kingly bureaucracy of the *Mwami*, the *Bashingantahe* – or the respected elders on the hills comprising representatives from both Hutu and Tutsi – constituted a form of horizontal counter-authority at each level of the political administration (Laely 1997:706). With the appointment of colonial administrators, many of the former roles of the *Bashingantahe* were taken over and they became accountable to the state administration (Nindorera 1998). At the same time, all colonial officers since World War II became invested as *Bashingantahe* by the state, putting an end to this form of parallel authority and its capacity to serve as some sort of check and balance on centralized power.

From shortly after independence in 1962 until the 1990s, the state came to serve as a monolithic apparatus of power, dominated by one party, the UPRONA, with hardly any separation of powers between executive, legislature and judiciary. The local administration was well organized, and all local administrators came to belong to the state party UPRONA. The institution of the *Bashingantahe* was also merged into the party structure: all local UPRONA members were officially nominated as *Bashingantahe*, while those traditionally invested were denied recognition. There was little space for civil organization outside the state. Peasant unions or associations were absent, while rural cooperatives and the Catholic Church were under tight state control (Laely 1997:712). Civil society organizations were non-existent. It took until 1992 before legislation on multipartyism and the freedom to associate created space for both political organizations and non-commercial associations. The coup d'état of 1996 put a brake on the growth of associational life. During the crisis years, the Catholic Church firmly followed political hardliners by denouncing negotiation with armed groups, and legitimizing army retaliations against different Hutu insurgences (Ntsimbiyabandi and Ntakarutimana 2004:72).

Lastly, the colonial period resulted in the development of an exploitative, export-based agrarian economy. In the post-colonial period, the (military) elite maintained a firm grip of the state on the agricultural economy, the major source of revenue of the country, often through

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violence (see Oketch and Polzer 2002). Land became a key asset in patronage politics, while positions of power opened the way for land grabbing, depriving small holders of their land (International Crisis Group [ICG] 2003; CARE et al. 2004; Kamungi et al. 2005). Representatives of the state largely manipulated land ownership. A case in point are lands whose Hutu occupants fled in 1972, after which the land was given to mainly Tutsi migrants, and subsequently legalized (Daudelin 2003; ICG 2003:3–4; RCN Justice and Démocratie 2004).

ANALYSIS OF THE TRANSITION PROCESS

Over the period of 1966–83 Burundi was considered a 'model African country' having good relationships with donors, while donors largely ignored state repression (see Daley 2008:101). This changed towards the end of the 1980s when the Third Wave of Democratization rolled over Africa and donor governments started to request reform in Burundi. When skirmishes between Hutu and Tutsi in northern Burundi in 1988 resulted in a large-scale military operation and massive killing of Hutu, this hit international headlines (Ndikumana 2005; Uvin 2009). Under pressure from donors, Buyoya was forced to consider reform. He appointed a National Commission in Charge of Studying the Question of National Unity (comprising both Hutu and Tutsi) to investigate the causes of the unrest and to take first steps towards democratization. Meanwhile, Buyoya radically reshuffled his government, appointing equal numbers of Hutu and Tutsi in senior positions, although not key ministries, and the army remained mono-ethnic. In fact, Buyoya's reforms were the first in a series of efforts to transform the regime. However, even if Buyoya's policy of reconciliation was a necessary step to deal with past injustices, it was not a negotiated settlement – nor was it democratic because single party politics continued (Vandeginste 2009:67). Still, Hutu started to get better access to education and jobs, and a Hutu middle class began to develop while the first non-governmental organizations (NGOs) were established.

The first democratic elections in 1993 were won by Melchior Ndadaye's FRODEBU (*Front pour la Démocratie au Burundi*), a pro-Hutu party. It might well be that Buyoya had miscalculated his chances to win the elections, believing that he had extended the number of people benefitting from state patronage, including some Hutu (Curtis 2012:80). However, a coup d'état and the assassination of President Ndadaye and other high ranking FRODEBU members by Tutsi soldiers brought the democratic experiment to an end. Several reasons may explain why the

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army intervened. Likely to appease Tutsi elites and military (Curtis 2012:82), Ndadaye appointed several Tutsi and ministers from UPRONA in his government. However, at lower levels, his electoral victory was seen to result in a *frodébisation* of government with massive replacement of UPRONA officials by FRODEBU members (Uvin 2009:13). Intentions to make the armed forces more multi-ethnic posed a major threat to the political power of the army and its protection of elites (Lemarchand 2007; Ndikumana 2005). At the local level, a massive return of refugees, demanding the restitution of their properties, endangered the land claims of the Tutsi now occupying these. Finally, the democratic transition took place in a context of growing (regional) tensions, with the Rwandan Patriotic Front recruiting people throughout the region and attacking Rwanda. Democratization therefore brought not just competition between Hutu and Tutsi, but triggered political rivalry and threatened the vested interests of the elite (Ndikumana 2005; Daley 2008:81–2; Vandeginste 2009:67).

The coup d'état was short-lived. Unanimous international rejection convinced the troops to return to the barracks, and hand back power to the civilians (Human Rights Watch [HRW] 1995; Daley 2008:81). However, Ndadaye's assassination sparked revenge killing by FRODEBU members on ordinary Tutsi and pro-UPRONA Hutu, which led to indiscriminate retaliation by the Tutsi military (Reyntjens 1994). These events resulted in full-blown civil war, which may have cost 300,000 lives. Several leaders of the FRODEBU fled abroad, and founded the rebel movement CNDD (*Conseil National Pour la Défense de la Démocratie*). Its armed wing, the FDD (*Forces pour la Défense de la Démocratie*), started incursions on Burundian soil. Another rebel group was the Palipehutu-FNL (*Forces Nationales de Libération*), which was the armed wing of the political party Palipehutu (*Parti pour la Liberation du Peuple Hutu*). It had been established in the Tanzanian refugee camps after the mass exodus of Hutu in 1972. Actions by youth militia supported by the army resulted in several quarters of Bujumbura becoming mono-ethnic while the city was shelled from the hills around by the FNL. In the central provinces, Tutsi fled to displacement camps around the administration offices while Hutu remained behind in the hills, resulting in an ethnically segregated landscape. Early 1997, the military displaced half a million mostly Hutu people to so-called 'zones de regroupement et protection', which amounted to forced villagization. Both CNDD-FDD and Palipehutu-FNL experienced considerable infighting and splits, and fought each other about negotiation settlements (Daley 2008; Uvin 2009).

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Different governments that followed Ndadaye's were incapable of stopping the fighting. In 1994, amid deep polarization between UPRONA and FRODEBU, a *Convention de Gouvernement* was concluded with the support of UN Special Representative Ould Abdallah, stipulating far-reaching political power-sharing, although no reform of the military. However, no agreement could be reached on emergency measures due to increasing extremism, with Tutsi hardliners disqualifying the Hutu political parties considering them responsible for the massacres of Tutsi, and FRODEBU internally splitting over the need to apply violence to bring about reform. In 1996, through a bloodless coup, former military President Buyoya returned to power and suspended the constitution. The civil war became less severe but continued nonetheless. The OAU condemned the imposition of military rule and installed economic sanctions. In contrast, many Western countries considered the coup inevitable and hoped Buyoya might bring stability (Curtis 2012; Daley 2008). Buyoya nonetheless started an internal process of negotiations and installed a government that included representatives of main parties and factions.

At an international level, there was strong determination to find a solution to the crisis after the negligence in the case of Rwanda and fear for regional stability (Daley 2008). Regional peace negotiations were initiated by the president of Tanzania, Julius Nyerere, in 1996 and after his death by Nelson Mandela. The ambition to enable a diversity of parties led to an enormous proliferation of participants in the negotiations, including several without a clear constituency, from four major ones to 17 in 2000. Although this resulted in constant strategic repositioning, fragmentation and back-tracking (Curtis, cited in Lemarchand 2007:10), the large number of recognized parties may have increased the effectiveness of the negotiations (Curtis 2012). The process eventually resulted in the signing of the *Arusha Peace and Reconciliation Agreement* of 2000. Several analysts point to the large role played by the international community in the design of power-sharing and in assuring third party enforcement (Vandeginste 2009:83). Mandela's involvement in the process may have been a key to its success, giving clout to the negotiations (Curtis 2012:83). An important role was also played by then ex-Deputy President Jacob Zuma in bringing dissident Hutu factions on board.

The Arusha Peace Agreement provided for the establishment of a transitional government, in which ministerial posts were divided among Hutu and Tutsi parties that had taken part in the negotiations, and which would govern over an interim period until 2005. President Buyoya became president for the first half of the interim period, while Domitien

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Ndayizeye from FRODEBU was president for the second half. The transitional period also created civic space, and the number of civil associations increased to more than 1,400 by the end of 2003 (Ntsimbiyabandi and Ntakarutimana 2004:3ff). The transitional national assembly included 28 members representing civil society, and the Arusha Peace Agreement foresaw a role for civil society in the national truth and reconciliation commission. However, civil society largely remained an urban affair. Many organizations were rather mono-ethnic, predominantly Tutsi, likely because Hutu organizations initially experienced difficulties to get registered. Rumours abounded about organizations being supported by politicians.

The main rebel groups CNDD-FDD and Palipehutu-FNL were not included in the Arusha Peace Agreement and the interim government was established in the absence of a ceasefire (Lemarchand 2007:10). Fighting continued, including a major assault by both groups on Bujumbura in July 2003 and an attack on Gatumba transit-camp in the summer of 2004. It was only during the second half of the interim period, and due to the efforts of South African mediators (Lemarchand 2007:10), that a Global Ceasefire Agreement was reached in November 2003 between the transitional government and the CNDD-FDD. FDD-leader Pierre Nkurunziza and other prominent FDD members were given some ministerial posts. Further negotiations resulted in the integration of the defence force and a new constitution. A disarmament and demobilization programme started, and a new national army was formed, incorporating both former government soldiers and former fighters of the CNDD-FDD.

The 2005 election that brought a formal end to the transition period resulted in a CNDD-FDD majority in parliament, and Nkurunziza elected as president. The parties in power during the war suffered dramatic losses. While FRODEBU and UPRONA contributed ministers to government, most minister posts were fulfilled by CNDD-FDD. Nkurunziza had an agenda of unity and reconciliation, and promoted the return of refugees from exile. He also started negotiations with Palipehutu-FNL, which resulted in a Comprehensive Ceasefire Agreement in the end of 2006. Although violence continued for some time (there were clashes between rival FNL factions in Bujumbura as well as raids in the north-western part of the country), in 2008 a peace agreement was signed. The Palipehutu-FNL leader returned from Tanzania and the movement was transformed into a political party. This period also witnessed the liberation of political prisoners and prisoners of war. In January 2009, the end of civil war was officially declared.

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IMPLICATIONS OF THE TRANSITION

Shortly after the 2005 elections, international observers' impressions of Nkurunziza's government were positive. President Nkurunziza carefully adhered to the constitutional principles of ethnic and gender balance and seemed to present an alternative to conventional policy making in Burundi. Consider, for instance, Uvin's observations: 'the government clearly sees itself as a fresh break in Burundi's history: a government representing the majority of the people, inclusive and negotiated, and connected to the ordinary people in ways in which no previous government was' (Uvin 2009:21). Nkurunziza gained popularity by his decisions for free elementary schooling and free health care for pregnant women. Large numbers of refugees came back home. Space for civil society opened up: the media became much stronger, including two important independent radio stations – RPA and Isanganero, and a vibrant civil society developed, even if it remained strongly Bujumbura-based. Ethnicity was more openly discussed within society, and extremists on all sides lost their influence (Uvin 2009).

The Successes of Power-Sharing

The power-sharing arrangements that resulted from the Arusha negotiations have been considered by many as a very successful example of institutional engineering, carefully calibrating the distribution of ethnic identity and party affiliation (Lemarchand 2007). Key stipulations in the post-transition 2005 constitution included that the president is assisted by two vice-presidents, from different political parties and ethnic groups; that the government as well as the National Assembly has to include 60 per cent Hutu and 40 per cent Tutsi (as well as at least 30 per cent women); that the Senate has to include two representatives from each province and belonging to different ethnic groups; and that at the communal level no group can provide more than 67 per cent of community administrators. If polls fail to produce the required quota, a co-optation process should rectify the imbalances. In these calculations of quota, party affiliations are not taken into account, urging parties to include deputies from both ethnic groups. Even if a party wins the elections, it may have to develop alliances with other parties across ethnic lines to acquire a majority – as happened to CNDD-FDD in the first parliamentary elections (Lemarchand 2007:9). As such, the Burundi model may come close to realizing Lijphart's consociational model of group autonomy, proportionality and the minority veto (Lemarchand 2007; Vandeginste 2009).

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Many observers consider the most successful result of the power-sharing deal was that political competition no longer coincides with ethnic divides. Although during the violent crisis political elites consistently referred to and instrumentalized ethnic differences, since Arusha there has been growing inter-elite trust, which has spread beyond formal state institutions (Vandeginste 2015:632). In contrast to the expectation that consociationalism would freeze peoples' identities and so deepen divisions, the institutionalization of politically relevant divides may have been a first step to de-ethnicize political competition (Vandeginste 2009:82). Lemarchand (2007) underscores that the success of the transition in Burundi was not only in the institutional engineering. Although the proliferation of participants in the Arusha process made the process difficult, it also resulted in pluralization and depolarization of the political arena. Elite cooperation emerged not only between political parties, but also within ethnically diverse political parties (Lemarchand 2007:16).

Likewise, a key element of the peaceful outcome of the transition was power-sharing in the security sector. The 2003 Global Ceasefire Agreement stipulated ethnic parity in the defence forces, police and intelligence services, and the integration of Burundian armed forces with CNDD-FDD on a 60/40 per cent basis. A Hutu General was appointed chief of general staff. A certain *esprit de corps* and collaboration developed within the army (Uvin 2009). Although restructuring of the army took place, it effectively posed no threat to the Tutsi minority veto – after all, the upper ranks of the army remained Tutsi, and Tutsi hardliners felt protected by this (Lemarchand 2007:15). In this way, the situation was very different from the democratization process in 1993 when elites feared the end of Tutsi hegemony in the army.

In addition, success of the transition has been attributed to the fact that many Burundian were tired of war and realized that ethnicitized discourses did not serve them (Uvin 2009). Ex-combatants of CNDD-FDD had the feeling that the goals they had been fighting for had been achieved (Willems et al. 2010:13). Finally, the international community played an important role in guarding security in the capital, first through a South Africa protection force, and then through an African Union Peacekeeping Mission (AMIB), which was eventually replaced by a UN peacekeeping force in 2004. Moreover, the international community generously provided funding for reconstruction efforts (Nindorera 2008:118; Uvin 2009:24) and was willing to support sensitive projects, such as the cantonment of ex-rebels, and fund the equipment of the police.

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The Post-Transition Government Turning Authoritarian

Since his second term in power, however, Nkurunziza's government has been accused of turning increasingly authoritarian and less inclusive (ICG 2006). Through patronage politics, the CNDD-FDD managed to entice local voters and establish itself firmly in local communities outside Bujumbura, most visibly through the building of numerous party offices in rural areas. In Bujumbura town it had far less support, and protest has concentrated there. Some authors explain the widespread support for CNDD-FDD in terms of people's desperate desire for peace and an expectation that CNDD-FDD were safest bet to bring an end to violence (Daley 2008).

Burundi witnessed a series of political crises, starting in early 2007 when the former head of CNDD-FDD, Hussein Radjabu, was accused of plotting a rebellion, insulting President Nkurunziza and was imprisoned. For the larger part of 2007, parliament was paralysed due to a boycott from a faction within the CNDD-FDD and the opposition parties. President Nkurunziza further strengthened his power by replacing Radjabu's associates by his own supporters. Civil and political liberties increasingly reduced. New media laws forbade reporting on matters that might undermine national security, public order and the economy. When, in summer 2010, presidential and parliamentary elections were organized, opposition candidates boycotted these, complaining about fraud in the communal elections. This resulted in an enormous victory for Nkurunziza and the CNDD, which was the only candidate, and received 80 per cent of seats in parliament, effectively wiping out the opposition. Its dominant position enabled CNDD to further repress and meddle in the internal administration of opposition parties, establish an electoral commission that lacked legitimacy in 2015, and further reduce space to civil society and the media. Although the equilibrium in the army was maintained, the CNDD-FDD gained increasing control over the police (Vandeginste 2009:79). Over this period, a number of small armed movements emerged and there were reports of armament and military training of a CNDD-FDD militia.

Early in 2015, Burundi experienced its worst political crisis since the end of the civil war, when President Nkurunziza announced his candidature for a third term. This resulted in massive protests. Although the opposition claimed his candidature was unconstitutional, it was approved by the Constitutional Court on the basis of an ambiguity in the Arusha Agreements. Protests were declared 'illegal', and protestors were labelled as 'criminals, terrorists, enemies of the state',[1] thereby justifying violence against them. When President Nkurunziza was attending a Summit of the

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East African Community Heads of State to discuss the situation in Burundi, army generals attempted a coup. Since then, the situation has remained tense. In the run up to the elections there were grenade attacks in the capital and other towns, and further repression and increasing control over the media. As many as 3,400 people were arrested, while police raids and executions resulted in the deaths of 430 people.[2] Like in 2010, due to the boycott by civil society organizations and the opposition parties, Nkurunziza easily won the elections; however, repression of the protests continued. In December 2015, fighting reached the streets of Bujumbura. A notorious role in the violence was played by youth militia of the *Imbonerakure*. Violence was directed at civil society in particular because civil society leaders had played a key role in instigating the anti-third-term campaign. NGOs were put under surveillance, their bank accounts frozen, media were shut down and more than 100 journalists fled abroad. Although the protests and killings concentrated in the outskirts of Bujumbura, groups of policemen from the city went on missions to the interior to effectuate arrests and cause instability. International organizations faced new legislation asking them to give insight in the ethnic background of their staff members.[3]

Some international observers rung the alarm bell, fearing the situation might end in inter-ethnic violence. However, it is clear that opposition against the third term started multi-ethnic in nature, while the coup plotters involved both Hutu and Tutsi military. Even if protests took place in predominantly Tutsi neighbourhoods, they included protestors from both sides. Fatalities of the police raids also included members of the Hutu political party FNL. It is not unlikely that the chaos in Burundian suburbs was used opportunistically by policemen to settle scores from the ethnic fighting in the 1990s and in retaliation for properties lost at that time – but that does not make it ethnically based. Nonetheless, political leaders have tried to portray the killings as ethnic violence. Consider, for instance, the President of the Senate who, on 29 October, spoke about 'gikora' ('to start the job'), resonating the hate speech to entice inter-ethnic violence in the 1990s. The crisis may better be framed as a political one, involving incumbent elites afraid to lose profitable positions, and as a reminder that identity politics remain part of political elites' repertoire.

The 'Third Term' Controversy: The Weaknesses of the Arusha Agreement?

The crisis that evolved since Nkurunziza's decision to run for a third term underscores that the process of transition in Burundi is a bumpy ride,

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with rusty brakes and back-sliding. Although the Arusha Agreement has been praised as a successful example of statebuilding, a number of problems remain unresolved, as laid bare by current events. Ethnicity was a crucial element of the violent conflict from 1993 onwards, and the Arusha Agreement assures inclusion of ethnic minorities and prevents ethnicitized political competition. However, the concern about ethnicity in the negotiations has deflected attention away from other key problems and fault lines in Burundi politics: the violent and authoritarian nature of the state and the continued importance of clientelism, patronage and rent-seeking. Even if identity politics remain important, political partisanship is more important than ethnic ties in defining fault lines (Vandeginste 2015:632). After the 2010 elections, the main dividing lines were between adherence or opposition to the CNDD-FDD 'system', and in the run up to the 2015 elections it was support or opposition to the third term (Vandeginste 2015:632–3).

Although the Arusha Agreement may have terminated the war, it has not fundamentally altered the ways in which politics are practiced in Burundi – it has not brought democracy, rule of law, and effective and accountable government (Vandeginste 2009:63). Even if the political and security structures are inhabited by new people, the nature of the state remains the same, including the central role of violence to exercise authority, its military style and authoritarian control (Vandeginste 2009, 2015; Curtis 2012). Since 2010, the authoritarian practices of the current CNDD-FDD government, the endurance of militarism and extrajudicial use of force, the overlapping authority between party and state, and the highly neo-patrimonial style of governance are strongly reminiscent of the era of single party military rule preceding the civil war (Vandeginste 2015:633, van Acker 2015:5). Youth groups have been mobilized in quasi-military style, tolerated or even encouraged by party officials and the government (Curtis 2012:87). Political violence has been on the rise again since the 2010 elections: political parties use violence to settle scores, and representatives of civil society and media have fled (HRW 2012). Ongoing militarization is not linked to the army, but finds its roots in 'old-boy' networks originating in the former rebel movements (van Acker 2015:7).

Moreover, Arusha has not reduced the capture of the state by elites (van Acker 2015). Past initiatives by Buyoya and Ndadaye to include both Hutu and Tutsi in their governments were for pragmatic reasons: to maintain power and strengthen their vulnerable position vis-à-vis the other group; not to break with neo-patrimonial logics (Curtis 2012). Even if participants in the Arusha negotiations may have sincerely wished to arrive at balanced ethnic and regional representation and so redress

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horizontal inequalities, at the same time, power-sharing always involved a 'classic' deal between sitting and insurgent elites. In its latter form, power-sharing was about 'dividing the cake' between competing elites and their networks, and securing positions in the patronage system, involving the distribution of lucrative political, military, administrative, diplomatic and economic posts. Although international negotiators had the ambition that power-sharing would eventually result in more liberal forms of governance and counter popular grievances, in practice the distribution of positions was rather a matter of elite office trading, often even between people that had been responsible for violence in the first place (Curtis 2012:85). These two ambitions were at times difficult to combine, especially when new deals had to be reached with the Hutu rebel movements, who after all had not participated in Arusha and had challenged or even rejected the consociational principles of the Arusha Agreement (Vandeginste 2009:71–2). Over the last few years, CNDD-FDD has managed to establish a 'quasi-monopoly over the state and its resources' (van Acker 2015:6).

As Vandeginste (2015) argues, the resort to power-sharing in different negotiation processes over the past 20 years may have resulted in both incumbent powerholders and their opponents coming to consider these negotiations as an alternative to gaining control of the state via the electoral process. To political actors in Burundi, peace has come to mean a balanced allocation of power, state resources and privileges. Power-sharing negotiations became the preferred option, as elections were seen as almost inevitably destabilizing the equilibrium (Vandeginste 2015:635). The repeated resort to power-sharing may, however, contribute to violence, as Burundian politicians have learnt that armed violence might reserve them a place at the negotiation table or influence their bargaining position in later negotiations. Moreover, impunity for abuses could be guaranteed by negotiating a share in power (Vandeginste 2009:83, 2015:635; Curtis 2012:86). Such strategic use of power-sharing by negotiating parties might well be the reason that CNDD-FDD won the elections because it joined the peace process *after* Arusha and the population was disillusioned by such opportunism (Curtis 2012:86).

Such political opportunism around power-sharing may, in the end, both undercut and maintain Arusha. Although the 2003 Global Ceasefire Agreement stipulates it endorses the spirit of Arusha, fears are that some members of CNDD-FDD feel limited commitment to the Agreement: they regret that, as a result, they forfeited part of the gains from their enormous electoral victory in 2005. To them, the deal was made when the Hutu demographic majority had to make concessions to a powerful Tutsi minority, while the situation is now reversed. But it might also be

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that CNDD-FDD aims to return to a de facto one-party state in combination with ethnic power-sharing (Vandeginste 2009:73).

The Role of the International Community

Some critics argue that the international community is partially to blame for the authoritarian turn in Burundi. For the sake of general stability, funding agencies and donor governments showed too much leniency at critical moments regarding governance abuses, human rights violations, increasing state coercion and militarization (Curtis 2012:75). As long as the Burundi government contained insecurity and the region was not destabilized, international and regional actors were willing to tolerate authoritarian government. Cases in point are the debt cancelling by the International Monetary Fund (IMF) and World Bank in 2009, and the increase of EU funding in 2014 at a time when political dialogue had stalled and the electoral process was already becoming problematic. Perhaps, after the enormous inputs to the Arusha peace process, few donors were willing to acknowledge setbacks or failures. Donors also feared for the destabilizing effect of insisting on transitional justice (Curtis 2012:88–9). Political leaders in Burundi skilfully played on such reservations to voice critique and requested the (premature) departure of the United Nations Operation in Burundi (ONUB), and urged for development assistance rather than work on governance issues.

Regional leaders also refrained from critiquing the regime. Although in the past Nyerere, Mandela and Zuma played crucial roles in pushing Burundian politicians towards a negotiated solution to crises, South African and Tanzanian leaders were no longer interested to replay their role from the past. African leaders were more divided than before, while prominent players were maybe ‘too close for comfort’: for instance, Museveni was also running for a contested re-election. Plans in December 2015 to deploy African peacekeepers were not accepted by the Burundi government, and peace talks initiated by Tanzanian president Mpaka were not pursued.

In contrast, in December 2014 and January 2015, in response to extrajudicial killings in Cibitoke, the EU and the Dutch government decided to postpone aid, while the arrest of the former Radio Publique Africaine (RPA) director and leader of the *Mouvement pour la solidarité et la democratie* (MSD) also led to protest from Western governments. Moreover, in 2010 opposition parties failed to convince the international community that the elections had been rigged and donors withdrew their financial support for the elections in response to the 2015 protests. For

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instance, Belgium announced it would not recognize the results of the elections (Vandeginste 2015:63).

Limited Change for Common Citizens

Finally, changes at the institutional and elite level have been accompanied by only limited changes in everyday life at the local level. After the civil war, the national economy was destroyed and 80 per cent of the population lived in absolute poverty (World Bank 2014). According to 2010 United Nations World Food Programme (WFP) figures, only 28 per cent of the population was food-secure, while half of the population was chronically malnourished (WFP 2010).[4] Burundi ranks 184 out of 188 of the Human Development Index.[5] A major challenge is the return and reintegration of refugees and internally displaced people. In the first 10 years of the new millennium, about 500,000 refugees and numerous internally displaced people returned home.[6] Even if the protests were sparked by the third term, it was likely a persistent lack of economic development and employment also played a role.

Moreover, as a result of ethnicitized policies and war-related social and physical separation, ethnicity has acquired new meanings locally (Uvin 2009:17). This is particularly the case in those communities where violence was high during the civil war and where fear and distrust continue. Such fear and distrust account for the continued existence of several sites for displaced people. Although programmes for reintegration of former combatants have come to an end, the question remains to what extent their social reintegration has been successful (Willems and van Leeuwen 2014). Civil society organizations and local people consider that local initiatives can play significant roles in local reconciliation, but need to be accompanied by a national level process to be effective. Although the Arusha Agreement provided for the establishment of a Truth and Reconciliation Commission (TRC), its implementation was delayed as long as the government was negotiating with the Palipehutu-FNL, who wanted assurances that they would not be arrested or prosecuted. The context of increasing authoritarianism and insecurity since the end of the negotiations in 2008 was also not conducive for active public participation in the TRC (Reyntjens 2006; Vandeginste 2012).

An important source of local instability remains the return of former lands and properties to returning refugees and displaced. With 90 per cent of the population relying on subsistence agriculture to make a living, land tenure insecurity and conflicts around land pose an important challenge. Since 2005, there have been numerous local level disputes about land

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between returning refugees and on-staying population, or resulting from widespread grabbing of public land by military and state representatives (Oketch and Polzer 2002; van Leeuwen 2010). Contradictions in state legislation, a fledgling judicial system and the erosion of traditional land governing institutions pose challenges to the resolution of these disputes (Dexter and Ntahombaye 2005; Kamungi et al. 2005; van Leeuwen and Haartsen 2005; Kohlhagen 2010). Although the Arusha agreement has called for a revision of the Land Code, it is still in process. Rather than between ethnic groups, many of these land disputes take place within families or pitch local people against state representatives (CARE et al. 2004:30–1; van Leeuwen 2010).

Disputes in the south-west of the country where land belonging to refugees from the 1972 crisis was redistributed to Tutsi migrants from central Burundi, and subsequently subject to several state development programmes, are very sensitive. Legislation in the 1970s and 1980s to give back these lands to returning refugees was ineffective and, in practice, legalized new occupants (Daudelin 2003; ICG 2003:3–4; CARE et al. 2004; RCN Justice and Démocratie 2004). Several analysts consider that the imminent massive reclamations of land by Hutu returnees after the 1993 elections threatened vested interests of Tutsi occupants and may have been a trigger for the civil war (e.g. Oketch and Polzer 2002; ICG 2003). The issue has again become urgent with the return of refugees since 2005. Under the second mandate of Nkurunziza, the National Commission to deal with civil-war related land and property issues (CNTB) came to play a particularly divisive role in dealing with these land disputes, and was seen as predisposed towards (mainly Hutu) returnees at the disadvantage of the on-staying population (Bigirimana 2013; ICG 2014). Even if tensions reduced again, the land question remains a structural problem that is difficult to solve.

Finally, an important question is to what extent governance practices have changed at the local level and how people experience the state in daily interaction. Until 1993, the Burundian local state bureaucracy was very strong and firmly embedded in the UPRONA. During the early 1990s, the emergence of other political parties led to the erosion of the local committees of UPRONA, and local service provision weakened (Laely 1997:715). Since the peace agreement, the government has been evolving from a former military movement, with little experience and little support among the sitting bureaucrats (Nindorera 2008; Uvin 2009:22). Local elections and significant efforts at decentralization may have improved service delivery and development. The question remains as to whether these changes have resulted in political emancipation from

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the central government. The decentralized state structures are increasingly used by the ruling party to serve as a control mechanism at the local level (Zanker et al. 2014:77). During the civil war and transition period, in many localities, the institution of the *Bashingantahe* played a moderating role in community relations and resolved local disputes, notably about land, functioning independently of the local chiefs and basing themselves on custom. Although their strengthening was explicitly mentioned in the Arusha Agreement, they were increasingly portrayed as affiliated to former (Tutsi) power-holders (Nindorera 1998; Deslaurier 2003) and corrupt (Dexter and Ntahombaye 2005). Due to 2005 legislation on the division of responsibilities between different juridical institutions, the institution of the *Bashingantahe* lost almost all its responsibilities.[7] However, the state judicial system is in poor condition and seen as corrupt and inaccessible to the larger part of rural community members (Dexter and Ntahombaye 2005). Local residents also regard the police with suspicion (Willems et al. 2014).

CONCLUSIONS

Sixteen years since the Arusha Agreement, and a decade since the first democratic elections, Burundi remains in a precarious situation. Regarding the nature of the Burundi conflict, the Arusha Agreement specifically pointed out that: 'The conflict is fundamentally political, with extremely important ethnic dimensions; it stems from a struggle by the political class to accede to and/or remain in power'.[8] Although the Agreement has resulted in an initially widely praised power-sharing arrangement that defused ethno-political tensions, the transition has not fundamentally altered the ways in which politics are practiced in Burundi. The authoritarian practices of the current CNDD-FDD government, the endurance of militarized politics and the strategic resort to violence are strongly reminiscent of the era of military rule preceding the civil war. This failure of the political transition might be attributed to limited interest of those involved in the process to go beyond an ambition to stabilize the country and transform elite politics. The outcome is that power-sharing effectively serves as just one of the tools for elites to maintain privileges, in addition to elections and violence. Changes at the institutional level have been accompanied to a limited extent only by changes in everyday life at the local level. The reintegration of refugees and internally displaced people and the retribution of their former lands remains an important area of conflict, as are the large numbers of unemployed youth.

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NOTES

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2. Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, on opening a Preliminary Examination into the situation in Burundi, 25 April 2016. Retrieved 13 May 2017 at https://www.icc-cpi.int/Pages/item.aspx?name=otp-stat-25-04-2016.
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4. World Food Programme (WFP) (n.d.) 'Burundi'. Retrieved 11 November 2016 at https://www.wfp.org/countries/burundi/overview.
5. See United Nations Development Programme (UNDP), Human Development Index. Retrieved 13 May 2017 at http://hdr.undp.org/en/countries/profiles/BDI.
6. In the peak-year 2000, the United Nations High Commissioner for Refugees (UNHCR) estimated the number of Burundian refugees at about 570,000, of which the majority were living in Tanzania (UNHCR 2005: 277). In 2010, there were still 84,000 refugees residing abroad (UNHCR 2010). Civil war violence further resulted in massive internal displacement, with about half a million displaced people halfway the 1990s (UNHCR 2005: 277). In 2010, UNHCR still assisted 157,167 internally displaced people (UNHCR 2010).
7. Loi No.1/08 du 17 Mars 2005 portant code de l'organisation et de la compétence judiciaires, Article 78.
8. Arusha Peace and Reconciliation Agreement for Burundi, Arusha 28 August 2000, Protocol I, Chapter I, Article 4.

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