

CHAPTER 2

---

Burundi: Institutionalizing Ethnicity  
to Bridge the Ethnic Divide

Filip Reyntjens

This chapter examines how changes in Burundi's constitutional design have helped buffer the shock of democratic elections, thereby contributing to a sharp reduction in ethnic violence. Inter-group conflict was the most important and lethal hallmark of Burundian politics starting at independence in 1962, and claimed hundreds of thousands of lives as recently as the 1990s, but has largely receded over the past decade. This chapter shows that constitutional engineering along consociational lines—explicitly accommodating ethnicity rather than attempting to suppress it—played a major part in reducing ethnic conflict and violence, in concert with other endogenous and exogenous factors. Only by looking at changes in constitutional design, together with these other factors, can we understand why the 1993 elections ended in disaster, while those of 2005 and 2010 were not followed by ethnic strife. Indeed, recognition and institutionalization of ethnicity have proved to be a powerful tool for pacification.

The rest of this chapter is organized as follows. After a brief historical outline, the chapter addresses the conditions under which the institutional recognition of the ethnic factor came about, after it had been neglected on purpose for nearly three decades. The next two sections examine the first attempt to bring peace through a consociational dispensation, its failure, and the negotiations that led to a second attempt a decade later. The following two sections analyze the implementation of the new arrangement, the reasons for its success in terms of ethnic pacification, and the consolidation of power by the winner of the 2005 elections. Lessons are drawn in the conclusion.

Methodologically, the chapter identifies ethnic conflict as the main dividing factor of Burundian politics, and explores how consociational mechanisms have been gradually introduced to tackle it. In terms of this book's analytical framework, the "shocks" in Burundi, from 1993 to the present, have been the democratic elections that confronted a society deeply divided between two ethnic groups. The chapter explores how constitutional design has mediated those shocks, contributing either to ethnic violence or to more peaceful outcomes. Additionally, the chapter illustrates how factors beyond constitutional design also have influenced the outcomes.

Because Burundi has been grossly under-researched, little literature is available on political developments during the last quarter of a century. I rely on Lemarchand for the period preceding the profound change that started at the end of the 1980s,<sup>1</sup> on Sullivan and Vandeginste for the application of power-sharing and other consociational mechanisms,<sup>2</sup> and on my own writings for most of the political transition in the 1990s and 2000s.

### Roots of Conflict

Just like its northern neighbor Rwanda, Burundi's main political problem and source of violence has been ethnic strife. Open conflict between elites of the Hutu majority (85 percent) and the Tutsi minority (15 percent) started just prior to independence, when Prime Minister Louis Rwagasore was assassinated in January 1962. Although a Tutsi, he was widely respected among Hutu too, and his death was to prove a crucial event in the subsequent tragic history of the country. His disappearance led to ethnic divisions within the dominant political party, Union pour le Progrès National (UPRONA), and to the violent spiraling of the Hutu-Tutsi divide. Tensions reached a climax after another prime minister, a Hutu, Pierre Ngendandumwe, was assassinated in January 1965. During the ensuing political crisis, a faction of the Hutu-dominated *gendarmérie* (national police) attempted to seize power in October the same year. The state's repression of this abortive coup was extremely violent: virtually the entire Hutu political elite was massacred, together with thousands of rural Hutu who had supported the revolt; hundreds of Tutsi were killed too. These events effectively ended any significant participation by the Hutu in political life for many years. The Tutsi-dominated UPRONA became the single party.

Captain (later Lieutenant General) Michel Micombero, a Tutsi-Hima<sup>3</sup> from Bururi, took power in November 1966. Subsequent purges of Hutu of-

fficers and politicians, but also of Tutsi opponents, consolidated the supremacy of a group of Tutsi-Hima from Bururi province. In 1972, following an uprising by Hutu rebels who killed nearly a thousand Tutsi, retaliatory massacres of unprecedented magnitude and brutality were carried out by the Tutsi-dominated army and the youth wing of UPRONA. It is estimated that, out of a total Hutu population of about three million, 100,000–200,000 were killed, and a further 300,000 fled the country, mainly to Zaire, Tanzania, and Rwanda. Virtually all Hutu were eliminated from the armed forces.<sup>4</sup> This 1972 genocide was a major watershed in contemporary Burundian history. In addition to radicalizing the ethnic divide, it heralded a culture of impunity, as no one was prosecuted for massive human rights violations. In November 1976, Colonel Jean-Baptiste Bagaza, like Micombero a Tutsi-Hima from Bururi, seized power. In September 1987, he was in turn deposed by Maj. Pierre Buyoya, another Tutsi-Hima from Bururi. Constitutions adopted in 1974 and 1981 did not address the ethnic issue, but rather chose to ignore it; indeed, it was forbidden to mention ethnicity. "Ethnic amnesia"<sup>5</sup> served to hide the fact that power was exercised by the elite of an ethnic minority.

### Acknowledging Ethnicity

Burundi only began to address the ethnic issue after new violence erupted in August 1988, less than a year after Buyoya came to power. During an operation aimed at "restoring order," following local confrontations between Hutu and Tutsi, the army randomly killed thousands of unarmed Hutu civilians in several northern municipalities, notably in Ntega and Marangara. The death toll may have been as high as 20,000, while another 60,000 Hutu fled to neighboring Rwanda.<sup>6</sup> Although initially the reactions of the authorities did not differ greatly from those of their predecessors, who routinely denied the occurrence of massacres and refused to draw lessons, these dramatic events helped trigger a new policy. Also influenced by considerable pressure from abroad, President Buyoya embarked on a program of reform aimed at breaking the cycle of violence. Without explicitly saying so, he introduced a quota system that enabled bringing the Hutu majority back onto the political scene. This was to be the beginning of the use of constitutional design to deal with the ethnic divide.

The first actions taken by Buyoya were of considerable psychological value. In October 1988 he set up a National Commission to Study the Question of

National Unity, comprising 12 Hutu and 12 Tutsi. He also appointed a Hutu, Adrien Sibomana, as prime minister, and put into place a cabinet with an equal number of Hutu and Tutsi. During the following years, this policy was further extended; by the end of 1990, a sizeable number of provincial governors and mayors, and even the general secretary of UPRONA, were Hutu. In addition, Hutu were increasingly represented equally with Tutsi in most bodies of the state. However, the armed forces and the police and intelligence services resisted change, remaining predominantly Tutsi.

Initiated in a single-party context, the process of reform was to continue in a more pluralistic environment in the early 1990s. After the Cold War, Western pressure on Africa eventually forced Buyoya to accept the introduction of multiparty democracy, with all the dangers it entailed for his efforts at ethnic reconciliation. Many Tutsi feared that ethnic voting in a competitive system would transform the Hutu demographic majority into a permanent political majority. When a constitutional commission started its work in April 1991, this concern was ever present in the proceedings. As a result, the report published by the commission in August 1991, and the constitution approved by referendum in March 1992, called repeatedly for broadly inclusive power-sharing. For example, the new constitution's Article 84 mandated that "the government be composed in a spirit of national unity, taking into account the diverse component parts of the Burundian population"—a reference mainly to the ethnic groups and to a lesser extent the regions.<sup>7</sup> Likewise, Article 101 mandated that each party's list of candidates for the parliamentary elections "shall be composed in a spirit of national unity." Such inclusivity requirements were incorporated in 12 of the 189 articles of the constitution.

Power-sharing techniques were particularly striking in the provisions on parliamentary elections. The requirement that party lists were to reflect the population's "component parts" was coupled with a closed-list voting system, which meant that a voter could choose only among parties, not their individual candidates. Nor could voters alter the proposed order of candidates on each party list, which had to include a sufficient number of Tutsi near the top. This power-sharing strategy aimed to avert the prospect of ethnic voting by Hutu at the expense of Tutsi, while also guaranteeing a sizeable representation of the latter in parliament. Also aiming to protect the minority, the constitution imposed obstacles to amendments, requiring an 80 percent parliamentary supermajority.

Although the terms Hutu and Tutsi were not used in the constitution, the above provisions clearly were consociational mechanisms aimed at reassuring the minority Tutsi by offering them over-representation. The effectiveness of this constitutional design was put to the test in the elections of June 1993, Burundi's first competitive ones since 1965. During the run-up, two realities soon emerged. First, the contest was a two-party affair. UPRONA was seriously challenged only by the Front pour la Démocratie au Burundi (FRODEBU), which had organizational ability, committed militants, successful campaign strategies, and a charismatic leader, Melchior Ndadaye. The second reality was the mounting salience of ethnicity in the electoral contest. Seeing the new party gaining ground, UPRONA embarked on a campaign that attempted to discredit FRODEBU by claiming that it was an ethnic organization of the Hutu. This tactic backfired by reinforcing the view that UPRONA was a party of the Tutsi minority, which, given the relative demographic weights of the ethnic groups, could only play into the hands of FRODEBU.

The Hutu candidate, Melchior Ndadaye, won the presidential election of 1 June 1993, with 65 percent of the vote, while the Tutsi incumbent, Pierre Buyoya, managed only 32 percent. The turnout was a massive 97 percent of registered voters, a clear indication of Burundians' interest in their first ever opportunity to determine who should be their head of state by means of a competitive election.<sup>8</sup> The outcome showed that voting was not merely along ethnic lines, as Ndadaye received significantly less support than the Hutu share of the population, while Buyoya obtained over double the Tutsi share.

By contrast, the parliamentary elections at the end of June 1993 were ethnically more polarized. Even though both parties had multiethnic party lists, FRODEBU was dominated by Hutu and UPRONA by Tutsi. FRODEBU won 71 percent (6 points more than Ndadaye) against 21 percent for UPRONA (11 points less than Buyoya). In terms of parliamentary seats, FRODEBU secured 65 of the 81 total. This was just above the 80 percent threshold required for amending the constitution. In ethnic terms, the membership of the Assembly was as follows: 69 Hutu (about 85 percent) and 12 Tutsi (about 15 percent). Of the Tutsi members, eight were FRODEBU and four were UPRONA, so ironically most of the elected Tutsi were from the "Hutu" party. This ethnic breakdown of parliament matched nearly perfectly the demographic composition of the population, confirming Tutsi fears that democracy would transform the Hutu demographic majority into ethnic political domination. It also meant that even across party lines the Tutsi members did not

have a blocking minority of 20 percent should they feel that a constitutional amendment were to threaten their vital interests, so the consociational objective of reassuring the minority was not achieved.<sup>9</sup>

### Civil War

After having ruled Burundi since 1965, UPRONA was significantly weakened by losing the presidency and obtaining only a politically useless minority of less than one-fifth in the national assembly. Such an end to one-party rule had transpired peacefully in other African countries, so there might have been a similarly benign outcome if not for Burundi's particular history of ethnic conflict and minority rule. Although some leading figures in UPRONA and FRODEBU crossed ethnic lines, the former was perceived as a Tutsi party and the latter as Hutu. The victory of FRODEBU was thus seen as the end of a long period of domination by the minority Tutsi, based on their control of both the former single party and the army. For many among the Tutsi elite, the long-feared specter of the Hutu demographic majority turning into a political majority had become reality. These concerns were openly expressed by Tutsi students who demonstrated in Bujumbura on 4 June 1993, proclaiming that the presidential election had become an "ethnic inventory of Burundi." Another of their slogans declared, "Yes to democracy, no to the ethnicization of power." A few days later, a Tutsi youth organization claimed that the "pseudo-democracy put in place automatically excludes the ethnic minority."<sup>10</sup>

A more serious threat came from the army, where Tutsi comprised most troops and nearly all officers. Two unsuccessful coups d'état were launched on 16–17 June and 2–3 July 1993. Although the number of military involved was small, and the attempts were unable to muster wider support, these incidents reflected the discontent felt by some members of the ousted politico-military elite. President Ndadaye understood this well and so took immediate steps to reassure the minority. For example, although FRODEBU enjoyed an 80 percent majority in parliament, the party took only 13 of 23 cabinet portfolios (57 percent), while UPRONA was given six ministries, including the post of prime minister. Looking at the cabinet from an ethnic standpoint, over one-third of its members were Tutsi. On the other hand, Ndadaye also engaged in housecleaning of the former elite, as no member of the outgoing cabinet was reappointed. All provincial governors also were replaced, with FRODEBU taking 14 of those 16 positions, as well as the chiefs of staff of the

army and *gendarmerie*, and most ambassador slots. The party's members also filled many intermediate and lower positions in the civil service and local administration. Critics expressed fears of the "Frodebization" of the entire system.

For the new regime, the honeymoon was very brief. Ndadaye immediately faced considerable problems: the massive return of refugees and resulting land conflicts; the delicate process of making the civil service more inclusive of Hutu; the domination by UPRONA of the bureaucracy and the judiciary; the inertia of, and even sabotage by, the Tutsi-dominated army; the control of most of the economy by the ousted elite; and the hostility of a private-sector press corps that was generally very close to the former incumbents. A new recruiting system for the national police school, which capped the number of candidates from each province, caused anxiety among Tutsi, because it was viewed as a precedent for the recruitment of army troops scheduled for November 1993. In addition to diluting the power of the traditionally dominant Bururi province, the reform raised the fear that the provincial quota would soon be followed by ethnic ones. The government had a legitimate agenda, including some affirmative action to address past underrepresentation of Hutu, but it provoked great resistance. Things came to a head at the end of October 1993.

During the night of 20–21 October 1993, Bujumbura-based army units carried out a coup without encountering resistance in the capital. They assassinated President Ndadaye and some of his close associates, and drove others into hiding. As the coup unfolded in Bujumbura, violence erupted in the provinces. In many places Hutu residents, spontaneously or organized by local Hutu officials, resisted the army and perpetrated reprisals against Tutsi (and even Hutu) members of UPRONA. Elsewhere, the army and local Tutsi attacked FRODEBU members and Hutu generally. By the end of December, the death toll approached 50,000, divided roughly equally between Hutu and Tutsi victims. In the meantime, the coup collapsed after it was firmly condemned by the international community and local civil society. Political authority became vacant. The momentarily ousted, FRODEBU-led government went "into exile" in the French embassy, declaring that it did not trust the army and that its security could only be ensured by an international military force. Thus commenced a ten-year civil war—not detailed here for reasons of space—which killed thousands and sparked a humanitarian disaster with 650,000 Burundians internally displaced (see Figure 2.1) and hundreds of thousands more seeking refuge in neighboring states.<sup>11</sup>

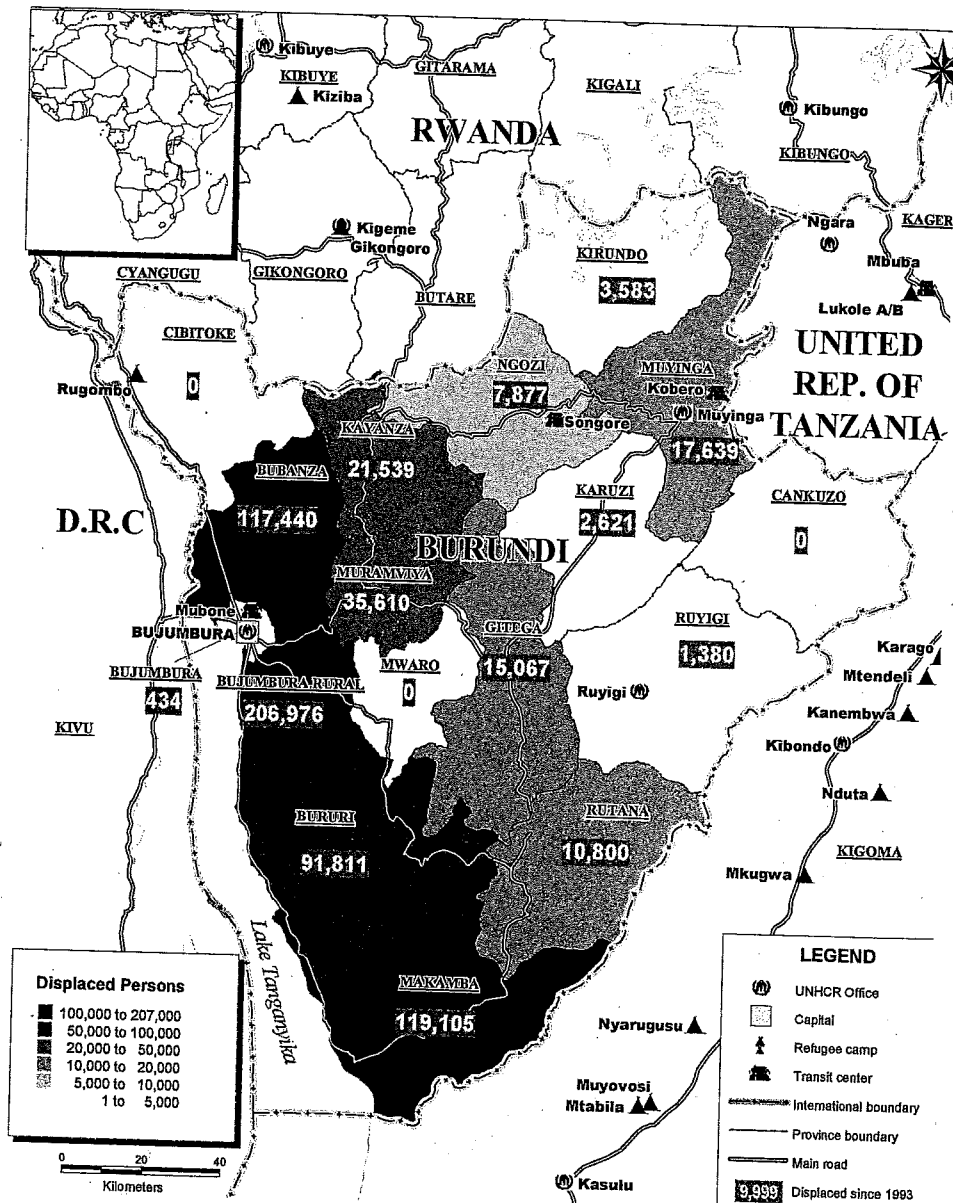


Figure 2.1. Failed accommodation of 1993 triggers civil war, prolonged displacement of 650,000. Note: numbers indicate Burundians still displaced in each province in June 2000. Source: UNHCR, 27 June 2000. <http://www.unhcr.org/3ae6baf80.html>.



Why did constitutional engineering fail to buffer the shock of the 1993 elections and avert the resulting ethnic violence? Buyoya's policy of "reconciliation"—meaning to get the Hutu into the system—was well-intentioned and a real break with the past, in that it effectively recognized ethnicity, even if not spelled out as such. But international events—mainly the end of the Cold War and the ensuing Western demand for political liberalization across Africa—forced Buyoya to accelerate into "democratization," resulting in an abrupt switch from minority Tutsi to majority Hutu rule. This transition was too sudden to permit the establishment of confidence between the elites of the two ethnic groups. Many Tutsi in the military and beyond were not yet ready to face the loss of power and privilege that likely would follow, considering Burundi's neo-patrimonial tradition. This explains the violent reaction, starting with the coup d'état of October 1993, and followed by the mutual ethnic massacres. Many Tutsi feared for their physical survival, while many Hutu were deeply frustrated by the erasure of their electoral gains. As civil war persisted, ethnic polarization and radicalization became rampant, blocking any prospect of negotiated settlement for many years.

### Peace Negotiations

While some FRODEBU leaders engaged in peace talks in early 1994, others embraced armed rebellion. In June 1994, Léonard Nyangoma, until then minister of the interior, created the Conseil National pour la Défense de la Démocratie (CNDD) and its armed wing, the Forces pour la Défense de la Démocratie (FDD). Two older rebel movements—the Front pour la Libération Nationale (FROLINA), and the Forces Nationales de Libération (FNL), which was an armed faction of the Parti pour la Libération du Peuple Hutu (Palipehutu)—stepped up their actions. In September 1994, FRODEBU and UPRONA forged an agreement known as the "government convention," but it quickly broke down. The president and the national assembly were impotent, the cabinet was divided and unable to formulate or implement coherent policies, and the army effectively controlled what little state power remained. Then, on 25 July 1996, the army staged a new coup, restoring former president Buyoya to power.

Neighboring countries reacted by imposing an embargo on Burundi. So, Buyoya moved cautiously toward negotiations with the opposition that eventually started in June 1998, in Arusha, Tanzania, under the mediation of

former Tanzanian president Julius Nyerere. The process was extremely difficult and slow, and the risk of failure ever present. After Nyerere's death in October 1999, former South African president Nelson Mandela reluctantly took over as mediator, but with a different style. More direct and impatient than his predecessor, Mandela insisted on the involvement of the rebel movements in the talks, and he challenged the Burundian political class to overcome its "inflexibility." Pressure from him and regional leaders eventually produced results in August 2000, when the Arusha Accord was signed. Its main provisions called for a consociational form of power-sharing and international security forces to alleviate the "physical" fears of both ethnic groups. Some "Tutsi" parties among the 19 signatories agreed only reluctantly and expressed reservations about key provisions. They signed the accord, but did not embrace it sincerely. The rebel movements, all of which were predominantly Hutu, did not take part in the talks and rejected the accord outright.

Implementation of this weakly supported accord took another three years. Nelson Mandela needed all his charisma and skills, as well as the support of the region, to avoid total breakdown. During a meeting of the regional initiative that brought together a number of neighboring countries under the leadership of Ugandan president Yoweri Museveni, in Arusha, on 23 July 2001, it was agreed that the transition would last for 36 months, with Buyoya (UPRONA) remaining as president for 18 months and Domitien Ndayizeye (FRODEBU) presiding over the second half. The summit also decided that army reform would start immediately and that an African peacekeeping force would be deployed—initiatives that previously had been resisted by Burundi's army and many of the country's Tutsi elites. After promulgation of a new, transitional constitution along the lines of the Arusha Accord, on 28 October, Buyoya took the oath of office on 1 November 2001, two days after the first South African peacekeeping contingent arrived in Bujumbura.

Although the transition remained very fragile, and stalemate was a constant threat, implementation did proceed, under heavy pressure of the regional leaders. In October 2002, two wings of the rebel movements signed cease-fire accords, and some of their leaders entered the government in early 2003. After a great deal of hesitation, Buyoya stepped down on 30 April 2003, in favor of Ndayizeye. This succeeded in attracting the most important rebel movement, the CNDD-FDD, into the peace process. After intense efforts by South African vice president Jacob Zuma, who replaced Mandela as the facilitator, the rebel CNDD-FDD and the government signed a Protocol on Po-

litical Power-Sharing, Defense and Security, on 8 October 2003, in Pretoria, South Africa. Pierre Nkurunziza, a Hutu of the CNDD-FDD, became minister of state in charge of good governance and the general inspection of the state.

The Arusha Accord and subsequent agreements provided for an end to the transition period on 1 November 2004, but this deadline was not met. Nevertheless, substantial progress was made throughout 2004. Pressure by regional heads of state and Zuma at a series of meetings led to the signing of the Pretoria Power Sharing Accord on 6 August 2004. It contained the outline of a post-transition political dispensation, which the transitional government translated into a new, draft constitution. The resulting constitution, described below, was adopted by parliament on 20 October 2004, but its approval by referendum was postponed on several occasions. Eventually, it was endorsed by over 90 percent of voters on 28 February 2005.

Tutsi-led parties, however, had opposed both the Pretoria Accord and the draft constitution. They feared that slots allotted to Tutsi in the cabinet and parliament would be filled all or mostly by Tutsi aligned with "Hutu" parties, and so insisted that party affiliation also be taken into account. In other words, they demanded that Tutsi in the legislature and executive must come from "Tutsi" parties. But the mediator generally resisted this demand—except regarding one vice-presidential slot—and he prevailed, with the support of regional leaders.

The new, post-transition constitution was markedly consociational,<sup>12</sup> attempting as it did to combine majority rule with minority protection. This was achieved by trademark instruments of consociationalism, such as quotas, minority over-representation, and minority veto. The president, likely to be a Hutu, was to be seconded by two vice presidents: one Hutu from a mainly "Hutu" party, and one Tutsi from a mainly "Tutsi" party. The cabinet was to contain 60 percent Hutu and 40 percent Tutsi, and 30 percent of its members were to be women. In light of Burundian history, the posts controlling defense and public order were particularly delicate. Therefore, the constitution required that the ministers for the army and the national police must be of different ethnic groups.

The national assembly was also to comprise 60 percent Hutu and 40 percent Tutsi. If this balance were not achieved as the result of the elections, the electoral commission would ensure it by creating additional parliamentary seats and filling them with members of the ethnic minority—a process known

as “co-optation.” In addition, a minimum of 30 percent of MPs were to be women, and three slots were reserved for Twa (a pygmoid group representing less than 1 percent of the population), both goals also to be ensured by co-optation if necessary. The senate was to be composed of an equal number of Hutu and Tutsi, as were the army and national police. At the local level, a maximum of 67 percent of mayors could belong to one ethnic group, presumably Hutu. Vandeginste points out that the notion of power-sharing negotiated in Arusha, and also in subsequent deals signed with rebel groups, “referred to the dividing of the cake between competing political elites and their networks, in particular the distribution of posts (at different political, military, senior administrative, diplomatic and economic levels)” between an incumbent government, the opposition, and eventually rebel groups.<sup>13</sup>

In contrast to Burundi’s initial tragic failure of power-sharing in 1993, this second effort featured four major differences. First, while the electoral process in 1993 was bipolar in two senses—pitting FRODEBU vs. UPRONA and Hutu vs. Tutsi—the 2004–2005 political landscape was more diversified. Second, in the latter time period, both the political class and civil society adopted more conciliatory approaches. Although inter-party relations were not exempt from conflict, the parties refrained from taking positions likely to result in violent deadlock, and they used language conducive to keeping communication channels open. Civil society, including the media, avoided extremism. Independent radio stations funded from abroad developed into peace media, as opposed to the hate media so prevalent in 1993–1994.

Third, the army’s role changed considerably. In the past, it was constantly lurking behind the scene, ready to intervene should the interest of Tutsi elites be threatened. This situation had now changed in two respects. The new Forces de Défense Nationale (FDN) stayed aloof from politics and overwhelmingly rejected the prospect of a return to war and instability. In addition, the army had successfully integrated the main rebel movement, CNDD-FDD. Command structures were unified, and former rebel units conducted joint patrols with their erstwhile enemies.

The final new element was a peacekeeping force led by capable South African troops, authorized initially in April 2003 by the African Union (a mission known as AMIB), and subsequently in May 2004 by the United Nations (known as ONUB), eventually growing to 5,500 troops. In the past, the Tutsi elite and the army had resisted such an international presence, but regional leaders now prevailed successfully on the government to accept it. This armed, international presence rendered a coup much less likely. Although the peace-

keeping force was not especially large for the size of the population, it was sufficient because the civil war had decreased considerably in intensity by that time, since all but one of the rebel movements had signed agreements with the government and effectively ceased fighting.

The peaceful outcome in 2005 demonstrates that the international community can in some cases, unlike 1993, exercise leverage to promote conflict management. The regional leaders and South Africa played a major role in forcing the Burundian political and military players into finding an accommodation. Indeed, on several occasions, the region put Burundi under a de facto trusteeship, using leverage and persuasion to impose solutions. In 2000, Mandela prevailed on the reluctant Tutsi to accept the Arusha peace accord. Several years later, neighboring states persuaded Burundi's army and Tutsi elite to accept peacekeepers. Regional leaders blocked attempts by Tutsi parties to reject the draft constitution and by President Ndayizeye to amend its text and postpone the electoral process, although they eventually accepted a limited delay. The wider international community supported the regional Burundi peace initiative—for example, by offering financial and diplomatic backing and by converting the AU peacekeepers into a UN mission—but preferred to subcontract leadership to the region. Despite setbacks and delays, the political calendar finally took shape in 2005. On 22 April, a regional minisummit in Entebbe set a final deadline for the transition. Four days later, President Ndayizeye announced the schedule for the vote, to be held in four stages: municipal elections on 3 June; elections for the national assembly on 4 July; indirect elections for the senate on 29 July; and, finally, the indirect election of the president by the national assembly and the senate on 19 August 2005.<sup>14</sup>

### Electoral Marathon

The initial round of elections, at the municipal level, also had major national significance for three reasons. First, the municipal elections were the first electoral exercise in twelve years and thus were seen as a major test for the entire transition. Second, Article 180 of the new constitution provided that the elected municipal councilors would in turn elect the members of the national Senate—two per province. Third, the municipal councils were also empowered to elect mayors, who in the past had been appointed by the national government.

The 2005 electoral competition differed markedly from the 1993 experience, as noted above. Rather than pitting one Hutu party vs. one Tutsi party, the 2005 elections featured two main "Hutu" parties (CNDD-FDD and FRODEBU), and UPRONA was now challenged by other Tutsi parties like Parti pour le Redressement National (Parena) and the Mouvement de Réhabilitation du Citoyen (MRC). The new constitution also required all parties to field both Hutu and Tutsi candidates, so purely ethnic voting was inhibited. In practice, the electoral campaign mainly pitted the CNDD-FDD vs. FRODEBU, both "Hutu" parties. Although the latter took heart from its victory during the elections of 1993, it worried about the rapid progress the CNDD-FDD had made since abandoning rebellion for the political game. An ominous sign for FRODEBU was the defection in the spring of 2004 of over 50 of its MPs to the CNDD-FDD, until then unrepresented in parliament. Other parties also lost some of their members to the CNDD-FDD, though to a lesser extent. FRODEBU, in a bid to discredit its rival, highlighted human rights abuses by the former rebel movement. In desperation, FRODEBU also dangerously played the ethnic card by suggesting that the CNDD-FDD was a traitor to the Hutu cause, given the many Tutsi in its ranks.<sup>15</sup> Both of these gambits failed, and the CNDD-FDD won the municipal elections convincingly, as detailed in Table 2.1.

Three points must be highlighted. First, the handsome victory of the CNDD-FDD did not surprise close observers of Burundi. Although the party had not abandoned the military option and entered government institutions until the end of 2003, it derived a great deal of legitimacy from its years of armed struggle, its rejection of the ethnic discourse used by its main competitors, and its absence from the partnership between FRODEBU and

Table 2.1. Municipal Elections, 3 June 2005

<i>Party</i>	<i>Percent of votes</i>	<i>Percent of seats</i>
CNDD-FDD	63	55
FRODEBU	21	26
UPRONA	5	8
CNDD	4	4
MRC	2	3
Parena	1	2

Note: percentages do not total 100, due to rounding and exclusion of smaller parties.

UPRONA that had been at the helm during the preceding ten years of instability. These two establishment parties had become increasingly discredited and were seen by many Burundians as inept. The fact that the CNDD-FDD had succeeded, through its armed struggle, in compelling reform of the army and police, something FRODEBU had proved unable to achieve, further boosted its popularity with the Hutu electorate. For many Burundians, support for the CNDD-FDD also reflected their desire for peace, which they feared might be jeopardized if the party failed to win.

Second, only four parties achieved the two percent threshold of voter support that would be necessary to obtain seats in the forthcoming elections for the national assembly. Although some thirty parties participated in the municipal elections, the weakness of most was revealed.<sup>16</sup> A number of small Tutsi parties, which in the past had been able to impose their presence in government and at the Arusha talks on grounds that they were "protecting the Tutsi," also proved to have very little support—even among the Tutsi.<sup>17</sup>

Third, while the multiparty competition affected both main ethnic groups, it had more impact on the minority Tutsi, because dividing their smaller number of voters had more pronounced electoral consequences. Though "ethnic voting" was by no means universal, only about 9 percent of the electorate voted for "Tutsi" parties, and these votes were scattered over ten parties. As a consequence, only UPRONA crossed the 2 percent threshold, gaining support from a mere 5 percent of the voters, less than half the Tutsi share of the electorate.

Article 266 of the new constitution provided that no ethnic group was to have more than 67 percent of mayors, as already noted, so the Electoral Commission entered into consultations with the political parties.<sup>18</sup> In a remarkably smooth fashion, this led to two lists of communes: 86 to be headed by Hutu mayors, and 43 by Tutsi mayors. On 8 July, the municipal councils elected the mayors according to this ethnic distribution. In terms of political parties, the CNDD-FDD emerged as the big winner in mayoral representation, consistent with the results of the 3 June elections, obtaining 97 posts, while FRODEBU got 21 and the CNDD 5. Meanwhile, the "Tutsi" parties—UPRONA, MRC and Parena—gained only two mayoral seats each, totaling a mere six of 129 (less than 5 percent).

The electoral process was not wholly without controversy. FRODEBU, which was genuinely surprised by the scale of its defeat, proved a poor loser. On 7 June, it issued a statement accusing the CNDD-FDD of having used physical intimidation to coerce the electorate into voting for it and of victimizing those suspected of having voted for FRODEBU. It asked the electoral

commission to annul the elections and organize fresh ones. A smaller losing party also dominated by Hutu, the CNDD (not to be confused with the victorious CNDD-FDD), on the same day denounced "irregularities never seen in the electoral history of Burundi." This party asked for the disarmament of the population before proceeding any further with the electoral process and, like FRODEBU, demanded new elections. The "Tutsi" parties, by contrast, reacted in a resigned fashion. In an interview, UPRONA leader and former president Buyoya said that "in 1993, the Tutsi were surprised [by the election results], but today they expected this to happen. So there is no tension that could be transmitted to the army."<sup>19</sup>

FRODEBU, frustrated and rudderless in the run-up to the national assembly elections the following month, escalated its ethnically tinged campaign of demonizing the CNDD-FDD for its inclusion of Tutsi. The party also spread rumors of impending violence and threatened to deploy its youth across the country to "protect the population against the pressures and aggressions exercised by the CNDD-FDD."<sup>20</sup> But this blatant attempt to disrupt the electoral process failed. Despite scattered violence during the campaign for the assembly, particularly between supporters of the CNDD-FDD and FRODEBU, resulting in a dozen deaths, the parliamentary elections took place in calm on 4 July. Domestic and international observers agreed that the polls were, by and large, free and fair.<sup>21</sup> In the first stage, 100 MPs were elected by proportional representation within the 17 provinces that served as electoral constituencies. The results are summarized in Table 2.2.

In addition to being the clear victor, the CNDD-FDD, generally portrayed as a "Hutu" party, emerged as the most inter-ethnic, because over 30 percent of its elected MPs were Tutsi. By contrast, UPRONA and the MRC seemed to confirm their "Tutsi" nature, as no Hutu were elected on their lists.

Table 2.2. Elections for National Assembly, 4 July 2005

<i>Party</i>	<i>Seats</i>	<i>Seats by ethnicity</i>	
		<i>Hutu</i>	<i>Tutsi</i>
CNDD-FDD	59	41	18
FRODEBU	25	21	4
UPRONA	10	-	10
CNDD	4	3	1
MRC	2	-	2



But this apparent variation in the multiethnicity of the parties was actually a consequence of constitutional design. Article 168 of the constitution required that the lists of candidates proposed by the parties in each province “shall be multiethnic in nature and take into account gender balance. Of every three candidates proposed one after the other on a list, only two shall belong to the same ethnic group, and at least one out of every four shall be a woman.” Thus, while all parties proposed lists with a mixed ethnicity, it was the absolute number of seats they won per province that determined the ultimate ethnic distribution of their seats. Because UPRONA failed to secure more than one seat in any province, it only could elect the top person on any provincial list, always a Tutsi, at the expense of Hutu placed lower on the lists. The two large “Hutu” parties—CNDD-FDD and FRODEBU—likewise typically listed Hutu at the top of their provincial lists (although the CNDD-FDD placed a Tutsi on top of its list in one of 17 provinces). Had these Hutu parties garnered only one seat per province, their parliamentary representation would have been almost exclusively Hutu. But because they won more seats per province, they had to delve deeper into their lists, which as required by the constitution included Tutsi. Thus, CNDD-FDD’s parliamentary delegation emerged as the most multiethnic simply because the party gained the greatest electoral support. Its victory was by no means evidence that Burundians voted for a party that was inherently multiethnic. Indeed, the claim that Burundi’s election hailed the “disappearance of the ethnic factor” was premature at best.

Because the electoral results did not satisfy the constitutional quota in terms of ethnic and gender balance, the electoral commission applied “co-optation” under Article 164.<sup>22</sup> The constitution required a 60–40 ethnic ratio, but the elections yielded 65 Hutu and 35 Tutsi. The elected women numbered only 24 of 100, but the constitution required a minimum 30 percent. Accordingly, in mid-July, the Electoral Commission appointed another four Hutu and eleven Tutsi members of parliament, of whom three were men and twelve women. The expanded membership of 115 now fit the constitutional requirements: 69 Hutu (60 percent), 46 Tutsi (40 percent), and 36 women (31 percent). The commission also appointed three Twa, for a total of 118.<sup>23</sup> The fully constituted assembly is summarized in Table 2.3.

Overall, the CNDD-FDD secured 54 percent of the seats. While this was a clear majority, it was by no means a blank check. Under the new constitution, a two-thirds majority was needed to pass legislation in a number of important areas, such as defense and security. Amending the constitution

Table 2.3. Full Composition of 2005 National Assembly

<i>Party</i>	<i>Seats</i>	<i>Seats by ethnicity</i>		
		<i>Hutu</i>	<i>Tutsi</i>	<i>Twa</i>
CNDD-FDD	64	43	21	–
FRODEBU	30	23	7	–
UPRONA	15	–	15	–
CNDD	4	3	1	–
MRC	2	–	2	–
Twa	3	–	–	3
Total	118	69	46	3

required a four-fifths super-majority. The CNDD-FDD would therefore need to develop post-election alliances across political and ethnic lines—an explicit goal of consociational constitutional design. Of course, by guaranteeing dispensations to various groups, consociational institutions may inhibit political innovation or cross-group appeals prior to elections, but these potential drawbacks were accepted as *quid pro quo* for ethnic pacification.

Despite—or likely because of—its overwhelming victory in the parliamentary elections, the CNDD-FDD quickly sent signals aimed to reassure those who feared its dominance. On 5 July, when the scale of its triumph became apparent, the party's spokesman stated that the CNDD-FDD was “not to govern alone,” but rather would “open up to other political parties, except those that have indulged in blind militancy and division,” a clear allusion to FRODEBU. He also announced three priorities for the five-year parliamentary term: reinforcing security, including by conducting serious negotiations with the last remaining rebel movement, the FNL; implementing a genuine policy of national reconciliation; and reconstructing the economy. While FRODEBU once again, as after the municipal elections, claimed that the polls had been fraught with irregularities, its criticism was much more moderate, and its chairman, Jean Minani, congratulated the CNDD-FDD and stated that he accepted and respected the verdict. Likewise, former President Buyoya of UPRONA sounded reassuring: “One must accept the result of democratic elections, and avoid tolling the bells of fear, and place trust in those who have won.”<sup>24</sup>

The results of the municipal polls made the senatorial elections held on 29 July a foregone conclusion, because the senators were to be elected through

indirect suffrage by the municipal councilors. Only seven parties participated, fielding a total of 142 candidates for the 34 available seats. The new constitution required the senate to comprise an equal number of Hutu and Tutsi, so the members of the electoral college each had two votes, one for a Hutu and the other for a Tutsi. The CNDD-FDD won 30 seats, while FRODEBU obtained three and the CNDD one. In addition, nine women were co-opted to achieve the 30 percent minimum,<sup>25</sup> as well as three Twa. Finally, the four former presidents were ex officio members of the senate.<sup>26</sup>

The new constitution mandated that the first post-transition president was to be selected by the national assembly and the senate sitting in joint congress, so this election too became a mere formality. The CNDD-FDD held 96 of 166 seats (58 percent), just 15 votes short of the two-thirds majority needed to elect the president, so it was the only party to propose a candidate: Pierre Nkurunziza, its chairman. On 19 August, he was elected by 151 votes. Although the vote was secret, this overwhelming support, representing 90 percent of the Congress, revealed that some members of UPRONA and most or all those of FRODEBU and the CNDD had voted for him. Nkurunziza took the oath of office on 26 August, formally completing Burundi's long transition to democracy.

In his inaugural speech, Nkurunziza again sought to project reassurance: "Today's victory is that of all Burundians, the great and the little folk alike." He pledged to "defend peace, tranquility and development for all" and to "combat the ideologies of ethnic division and genocide." He also vowed to engage the FNL, the last holdout rebels, in negotiations aimed at definitively ending civil violence. His initial personnel appointments also conveyed a message of inclusiveness. On 29 August, he appointed the two vice presidents who, as required by the constitution, belonged to different ethnic groups and political parties. Dr. Martin Nduwimana, a Tutsi from UPRONA, became first vice president, while Alice Nzomukunda, a Hutu from the CNDD-FDD, was appointed second vice president. When Nkurunziza announced his 20-member cabinet on 30 August, its female and minority ethnic representation actually exceeded the dictates of the constitution by including nine Tutsi (45 percent) and seven women (35 percent). The new cabinet also confirmed a changing of the guard in the political class, as only one minister had previous experience in the executive branch, and even then only briefly in the transitional government. By appointing young technocrats, Nkurunziza sidelined the traditional "party bosses," including those from his own CNDD-FDD. Women were not mere window

...dressing to achieve a quota, but held important portfolios, including foreign affairs and justice.

### **Peace by Design?**

The peaceful nature of the 2005 transition, a stark contrast from the failed attempt of 1993, is explained by several factors. Constitutional design played a major role, as several political mechanisms alleviated fears among the Tutsi elites: quotas for minorities in the cabinet, in the municipalities, and in the two chambers of parliament; the closed-list proportional-representation voting system, requiring both Hutu and Tutsi to be near the top of each party's provincial candidate lists; and ethnic parity in the defense and national police forces. Partly as a result of these institutional guarantees, the Tutsi elites were now—in contrast to 1993—more reconciled to the victory of a “Hutu” party, in what was seen as a competition between the CNDD-FDD and FRODEBU. Indeed, as some Tutsi leaders told this author, the 2005 electoral contest “was not their concern, but that of the Hutu.” The fact that pre-election violence occurred mainly between these two “Hutu” parties demonstrates how constitutional design contributed to a marked decrease in the salience of ethnicity.

But additional factors beyond constitutional design also help explain the peaceful outcome of the 2005 elections. In contrast to 1993, most leaders of the political parties and civil society in 2005 knew first-hand the cost of civil war and so were willing to accept compromise to avoid its resumption. These leaders also learned during the transition period to work together and acknowledge the “other” ethnic group's concerns. Finally, regional leaders and the international community played crucial roles. In particular, the preventive deployment of peacekeepers helped integrate former Hutu rebels into Burundi's army, while greatly reducing the risk of a violent backlash from the army's traditionally Tutsi officers and soldiers, thereby paving the way for implementation of the peace agreement.

### **Remaining Challenges**

The CNDD-FDD consolidated its hold on power rapidly. Unfortunately, it did so by violating principles of good governance in ways that pervade Africa:

financial abuse, corruption, and suppressing the opposition, the press, and civil society.<sup>27</sup> Lacking experience in running a state, the party reflexively embraced such anti-democratic practices, despite and sometimes in response to criticism from Burundi's urban populace and the international community. Yet, the government retained popularity with its domestic rural constituents by providing social services, such as free primary education and health care for the needy. The former rebels' long experience in the bush had attuned them to the needs of ordinary Burundians.

Domestic politics became increasingly fragmented and partisan, often leading to institutional stalemate. The main schisms were not along ethnic lines, however, but between various Hutu factions, typically arising more from personal differences than from policy ones. Howard Wolpe, the late U.S. special envoy to the region, blamed all sides: "The CNDD-FDD never fully transitioned from its status as a rebel group to that of a democratic political party. It has therefore carried its historical paranoid and authoritarian tendencies into its style of governance—intimidating opponents, harassing opposition political parties, torturing its political enemies. At the same time, the opposition parties were simply unprepared to accept their electoral defeat, regardless of the broad international consensus that the elections were legitimate and an accurate reflection of popular sentiment."<sup>28</sup> Despite these stumbles in establishing a culture of democracy, Burundi's last rebel movement, the FNL, did register as a political party on 22 April 2009, belatedly formalizing the end of a civil war after more than fifteen years.

Political activities during the remainder of 2009, and the first half of 2010, focused on Burundi's forthcoming second round of post-Arusha elections—municipal, parliamentary, and presidential—slated for mid-2010. The results of those elections, peaceful but banal perpetuation of one-party dominance, highlighted again both the capabilities and limits of constitutional engineering. Consociational guarantees had successfully diminished ethnicity as an electoral issue—no small achievement in light of Burundi's genocidal history—but failed to produce better governance than in most African countries.

In the municipal elections of 24 May 2010, the CNDD-FDD received 64 percent support, with voter turnout at 91 percent. Although international and national observer missions noted a number of irregularities, they found the polls, by and large, to be free and fair. The CNDD-FDD had won just two percent more of the vote than in 2005, rather than a huge margin of victory that would have signaled manipulation. The geographic distribution of reported votes also was plausible, as other parties won strong support among

disgruntled residents of Bujumbura, while the CNDD-FDD enjoyed a landslide in the rural areas that were its base. Nevertheless, the losing parties claimed that the municipal elections were riddled with massive fraud, and a dozen of them established an opposition front called ADC-Ikibiri, which boycotted the subsequent legislative and presidential elections.

Nkurunziza was thus the only candidate in the presidential poll of 28 June, a direct election by universal suffrage, unlike the indirect election by parliament in 2005. Nkurunziza won 92 percent of the vote, but the boycott suppressed turnout to only 77 percent, a sharp decline from the municipal elections. Voter apathy and perhaps the boycott grew even stronger during the parliamentary elections, on 23 July, when turnout fell to 67 percent, and the CNDD-FDD garnered 81 percent of the vote. Two of the other parties that had not boycotted also received nontrivial support: 11 percent for UPRONA, and 6 percent for FRODEBU-Nyakuri, a splinter from FRODEBU that was actually closer to the CNDD-FDD.<sup>29</sup> To satisfy constitutional quotas for Tutsi and women, additional appointments were made by co-optation, resulting in 81 seats for the CNDD-FDD, 17 for UPRONA, 5 for FRODEBU-Nyakuri, and 3 for Twa, totaling 106 seats.<sup>30</sup> Thanks to the boycott, the CNDD-FDD obtained 76 percent of the seats, exceeding the two-thirds super-majority needed for parliamentary votes on important issues of state. Even more significant, by teaming with the allied FRODEBU-Nyakuri, the dominant party could surpass the 80 percent threshold required for amending the constitution. Thus, the government now had the power to abolish legally the consociational guarantees for minority ethnic and political groups that were the basis of the Arusha peace accord. The electoral boycott had thus weakened the balances enshrined in the constitution, backfiring on the opposition.<sup>31</sup> Fortunately, the CNDD-FDD is unlikely to tamper with the constitution's essential guarantees, even though the party did not participate at the Arusha talks that produced the document. Indeed, the ruling party's own Tutsi MPs and senators would oppose any such change that could reignite ethnic tensions and end their political careers.

### Surprising Lessons

A previous comparative study of constitutional design, by Basedau, expresses caution about generalizing any lessons:

Empirical results are mostly inconclusive. . . . Often there are no robust results, or findings are confined to certain geographically or politically defined groups of countries. . . . [The effectiveness of institutional measures depends on] the exact nature of the institutional arrangement . . . in relation to the ethnic context of the country . . . and the [non-ethnic and non-institutional] surrounding conditions.<sup>32</sup>

Yet, with regard to Burundi's most important and lethal historical problem, the ethnic divide, constitutional engineering has been hugely effective. The situation since 2005 is a marked improvement over 1993 in many ways: the political landscape is no longer polarized into two opposing, ethnically based parties; the Tutsi minority is reconciled to its loss of political control;<sup>33</sup> the army's ethnic composition and attitude have been liberalized; and across ethnic lines civil society by and large supports democracy. This transition was facilitated by skillful constitutional design, regional pressure, an international security force, and the remarkable restraint of key domestic Hutu and Tutsi political leaders, who marginalized the more extremist forces on both sides of the ethnic divide. Successful ethnic pacification can thus be attributed both to endogenous factors—such as constitutional engineering and the moderation of elites—and exogenous factors, including pressure from regional leaders and deployment of peacekeepers. In light of Burundi's long history of ethnic violence, it seemed unlikely in 2005 that the fear and distrust accumulated over decades of conflict really had disappeared relatively quickly. Yet, subsequent events suggest that ethnicity indeed has been dramatically reduced as a defining factor of the country's politics.

Burundi's main divide is now between parties rather than ethnic groups, and when violence occurs it is political rather than ethnic. For instance, security forces controlled by the CNDD-FDD have killed members of the FNL, which is now the most significant opposition party but boycotted the 2010 elections, and FNL militants in turn have targeted local CNDD-FDD officials. Yet, both parties emerged from Hutu rebel groups. Similarly, the Hutu leaders of two parties, Léonard Nyangoma of the CNDD and Agathon Rwaso of the FNL, both went underground following the elections, citing fear for their lives from the Hutu-led, ruling CNDD-FDD. These dynamics reveal that while constitutional engineering has virtually eliminated Burundi's inter-ethnic violence, it has not brought liberal democracy, good governance, or respect for human rights, and it has actually increased intra-ethnic tensions.

Insight also is offered by comparison to neighboring Rwanda, which has a similar demographic composition and history of ethnic violence, but a starkly different approach to ethnicity. The current Rwandan regime, born out of a Tutsi-led rebel victory in 1994, and still heavily dominated by Tutsi elites, imposes a policy of ethnic amnesia, outlawing any reference to ethnicity as "divisionism." But this Rwandan policy of officially ignoring ethnicity has failed to reduce ethnic tensions, and ironically has exacerbated them. By contrast, Burundi's consociational mechanisms that institutionalize the ethnic factor have paradoxically reduced ethnic fear and tension.

The two neighbors' differing ethnic strategies and degrees of ethnic tension also stem partly from the divergent nature of their most recent political transitions: unilateral seizure of power in Rwanda; political negotiations in Burundi.<sup>34</sup> Intuitively, Burundi's policy of institutionalizing ethnicity might be expected to rigidify the ethnic divide,<sup>35</sup> but the opposite appears to have happened. Indeed, Burundi's strategy appears to have dealt much more effectively with ethnicity, paving the way for a political system where more productive debates and less lethal divides can come to the fore.

This does not necessarily mean that Burundi's progress can be emulated in other divided societies. Burundi's engineering of relative ethnic peace occurred in a particular setting and under contingent circumstances, and could have failed, and indeed potentially still could. Bipolar ethnic divisions are especially difficult to manage over the long term, particularly if one group is substantially larger than the other, as in Burundi.<sup>36</sup> Consociational mechanisms have sometimes failed elsewhere, as in Lebanon and Cyprus, and they may be failing in Belgium today. Finally, despite the apparent success of constitutional design in ending Burundi's violent ethnic conflict, the question remains whether such constitutionally mandated power-sharing, with its inherent rigidities and less than fully democratic features, can or should be more than a temporary solution. When and if ethnic peace is ever confidently ensured in Burundi, the question must arise whether the country's power-sharing constitution should be replaced by majoritarianism—in the name of fairness, flexibility, efficiency, and democracy.



Chapter 2. Burundi: Institutionalizing Ethnicity  
to Bridge the Ethnic Divide

1. René Lemarchand and David Martin, *Selective Genocide in Burundi* (London: Minority Rights Group, 1974); René Lemarchand, "Burundi: The Politics of Ethnic Amnesia," in *Genocide Watch*, ed. Helen Fein (New Haven, Conn.: Yale University Press, 1992): 70–86; René Lemarchand, *Burundi: Ethnocide as Discourse and Practice* (Washington, D.C.: Woodrow Wilson Center Press, 1994).
2. Stefaan Vandeginste, "Power-Sharing, Conflict and Transition in Burundi: Twenty Years of Trial and Error," *Africa Spectrum* (2009): 63–86; Stefaan Vandeginste, "Chronique politique du Burundi," in *L'Afrique des grands lacs: Annuaire 2010–2011*, ed. Stefaan Marysse, Filip Reyntjens, and Stefaan Vandeginste (Paris: L'Harmattan, 2011), 1–22; D. P. Sullivan, "The Missing Pillars: A Look at the Failure of Peace in Burundi Through the Lens of Arend Lijphart's Theory of Consociational Democracy," *Journal of Modern African Studies* (2005): 75–95.
3. The other Tutsi group is the Banyaruguru. The Hima were considered "lower class," but they had a strong presence in the army.

4. On this episode, see Lemarchand and Martin, *Selective Genocide in Burundi*; Jean-Pierre Chrétien and Jean-François Dupaquier, *Burundi 1972: Au bord des génocides* (Paris: Karthala, 2007).
5. Term coined in Lemarchand, “Burundi: The Politics of Ethnic Amnesia.”
6. Amnesty International, *Burundi: Killings of Children by Government Troops* (London: Amnesty International, 1988); Jean-Pierre Chrétien, André Guichaoua, and Gabriel Le Jeune, *La crise d’août 1988 au Burundi* (Paris: Karthala, 1989); Lemarchand, *Burundi: Ethnocide as Discourse*, 118–30.
7. More information on these provisions and the problems of implementation can be found in Filip Reyntjens, “L’ingénierie de l’unité nationale: Quelques singularités de la constitution burundaise de 1992,” *Politique Africaine* (October 1992): 141–46.
8. The 1961 and 1965 multiparty elections were for parliament but not a president. Subsequently, presidential elections were conducted in a single-party context.
9. On the elections, see Filip Reyntjens, “The Proof of the Pudding Is in the Eating: The June 1993 Elections in Burundi,” *Journal of Modern African Studies* (1993): 563–83.
10. Filip Reyntjens, *Burundi: Prospects for Peace* (London: Minority Rights Group, 2000), 12.
11. For a discussion of the coup and its immediate aftermath see Filip Reyntjens, *Burundi: Breaking the Cycle of Violence* (London: Minority Rights Group, 1995). Subsequent events are discussed in Reyntjens, *Burundi: Prospects for Peace*.
12. On the difficulties of putting such a system into place in Burundi, see Sullivan, “The Missing Pillars.” See also Vandeginste, “Power-Sharing,” on the application in Burundi of two typical consociational elements: a grand coalition, and proportionality combined with minority over-representation.
13. Vandeginste, “Power-Sharing,” 71–72.
14. An excellent inside story of the transition, and of the role played by the international community and the regional initiative, can be found in Howard Wolpe, *Making Peace After Genocide: Anatomy of the Burundi Process* (Washington, D.C.: U.S. Institute of Peace, 2011).
15. For reasons of political opportunism rather than political conviction, many Tutsi voted for the CNDD-FDD. They anticipated its victory and hoped to capture positions thanks to the ethnic quota. They realized they stood a better chance in a winning “Hutu” party than a losing “Tutsi” party such as UPRONA.
16. Six signatory parties of the Arusha Accord each obtained less than 0.1 percent of the vote, and three others did not even bother to run. These results confirm what was widely suspected—that these parties held the political process for ransom, in order to enjoy the spoils as long they could.
17. On both sides of the ethnic divide, the elections resulted in the “weeding out” of parties without a real base and left only a few in a position to claim a stake in power. This phenomenon has been seen elsewhere in Africa on the occasion of (post-)transition elections.

18. On this and later occasions, the Commission Électorale Nationale Indépendante (CENI) played a crucial role. It was given considerable powers, which it exercised skillfully. Although some of its decisions were far-reaching, they were by and large uncontested. Nevertheless, the vague legal framework forced the CENI to take actions with political consequences, thus exposing it to pressures from many interest groups.

19. "Un plébiscite pour le CNDD-FDD," *Libre Belgique*, 8 June 2005.

20. Twice during the campaign, the army chief of staff intervened in the media to warn politicians against derailing the process. In line with the apolitical stance of the army, he insisted that politicians respect the outcome of the polls and not jeopardize the transition efforts undertaken so far. In addition, he told members of the armed forces to abstain from "militantism" or involvement in political activities. Likewise, the special representative of the UN secretary general, Carolyn McAskie, warned politicians to stop acts of violence, stating that "any use of violence will also affect you and maintain Burundians in poverty." "Burundi: Stop Acts of Violence, UN Envoy Tells Politicians," *IRIN*, 22 June 2005.

21. Union Européenne, Mission d'Observation Électorale, Élections Législatives, Burundi 2005, "Déclaration préliminaire," Bujumbura, 2005.

22. "In case the results of the vote do not reflect the above-mentioned percentages, there shall be a rectification of the imbalances through the co-optation mechanism provided by the electoral code."

23. Twa representation is not taken into account for implementation of Hutu-Tutsi ethnic or gender quotas.

24. "Un ancien président burundais appelle à ne pas avoir 'peur' des FDD," *AFP*, 5 July 2005. Strangely, Buyoya also emphasized the ethnic nature of his party: "UPRONA comes out of the vote as the first party of the Tutsi minority." This is contrary to the party's own official credo, and indeed to Buyoya's previous public statements.

25. This allowed the entry of UPRONA into the upper house, with two senators. After the co-optation exercise, the final numbers for the other parties were 32 CNDD-FDD, 5 FRODEBU, and 3 CNDD.

26. This brought Parena into parliament via former president Jean-Baptiste Bagaza. Of the three other former presidents, two are from FRODEBU and one is from UPRONA.

27. Human Rights Watch, "Pursuit of Power: Political Violence and Repression in Burundi" (New York, May 2009); Human Rights Watch, "Closing Doors? The Narrowing of Democratic Space in Burundi" (New York, November 2010).

28. Wolpe, *Making Peace After Genocide*, 62.

29. The result shows that ADC-Ikibiri made a strategic error by boycotting the parliamentary elections, in which opposition parties otherwise probably would have secured about a third of the vote, making parliament less monolithic and denying the government the ability to amend the constitution.

30. On the 2010 elections, see Vandeginste, "Chronique politique du Burundi."

31. But the consociational mechanisms, including proportional representation, did maintain some political pluralism in parliament, in addition to seats for minorities and women. Without these mechanisms, the CNDD-FDD likely would have captured all elected seats in the National Assembly and the Senate. See Vandeginste, "Chronique politique du Burundi," 11.

32. Matthias Basedau, "Managing Ethnic Conflict: The Menu of Institutional Engineering," Hamburg, GIGA Working Paper 171, June 2011, 22.

33. In 1993, both UPRONA and the Tutsi elites were surprised by the outcome of the elections, while in 2005 they anticipated it and were therefore better prepared to accept it. If someone was taken by surprise in 2005, it was the FRODEBU leadership, but their ability to derail the process was limited.

34. Pippa Norris, *Driving Democracy: Do Power-Sharing Institutions Work?* (London: Cambridge University Press, 2008), 30, draws attention to "how power-sharing arrangements are brokered, and in particular whether they arise from negotiated pacts among all major parties, from one side achieving a decisive victory and seizing control of the state following an armed struggle, or from a peace settlement generated by the international community and external forces."

35. Norris, *Driving Democracy*, 28, notes that "power-sharing regimes based on formal recognition of linguistic or religious groups may magnify the political salience of communal identities, by institutionalizing these cleavages and by providing electoral incentives for politicians and parties to heighten appeals based on distinct ethnic identities." The opposite appears true in Burundi.

36. This explains why vote-pooling arrangements proposed by Donald L. Horowitz, "Constitutional Design: Proposals Versus Processes," in *The Architecture of Democracy: Constitutional Design, Conflict Management, and Democracy*, ed. Andrew Reynolds (London: Oxford University Press, 2002), 23, are more likely to work in multipolar than in bipolar ethnic configurations.