



Timing and Sequencing of
Post-Conflict Reconstruction and
Peacebuilding in Burundi

Janvier D. Nkurunziza

October 2015

WORKINGPAPER SERIES

Number 406

**POLITICAL ECONOMY
RESEARCH INSTITUTE**

Timing and Sequencing of Post-Conflict Reconstruction and Peacebuilding in Burundi¹

Janvier D. Nkurunziza²

October 2015

Abstract:

In Burundi, post-conflict reconstruction and peacebuilding policies have not led to sustainable peace. In all five episodes of civil war, state institutions and representatives were the main actors of the conflict either by initiating the killings as in 1993 or by transforming geographically localized rebellions into all out civil wars, as in 1972, through brutal country-wide repressions. The analysis of timing and sequencing of post-conflict policies is centered on the Arusha peace negotiations for Burundi and the implementation of the Arusha Peace and Reconciliation Agreement for Burundi, the cornerstone of peacebuilding in Burundi. The timing of the Arusha negotiations seems to have been prompted by unexpected specific events while the design of the negotiations was strongly influenced by the personal preferences of the mediator. Timing and sequencing of reconstruction and peacebuilding policies tended to prioritize the measures that could offer immediate benefits to the political elite. As a result, the Truth and Reconciliation Commission (TRC), one of the key measures that could have provided the foundation for long term stability has never been allowed to operate. Current and past political elites in the post-Arusha period have shied away from implementing this important agreement probably fearing to confront the truths it might bring up. The leadership has tended to perpetuate 'historical silences' over Burundi's tragic past. Economic recovery that generally supports peacebuilding has not taken place as it does not seem to have been considered as a priority.

¹ This paper is forthcoming as a chapter in *Building Sustainable Peace: Timing and Prioritization of Post-Conflict Reconstruction and Peacebuilding*, edited by Arnim Langer and Graham Brown, Oxford University Press, 2016

² Janvier D. Nkurunziza is Chief, Commodity Research and Analysis Section Special Unit on Commodities, UNCTAD

1. Introduction

Burundi has been torn by extreme political violence since its independence in 1962. Through five episodes of civil war, the country has lost more than 500,000 people, mostly civilians, and generated more than one million refugees. Politicians in the country's two main groups, Hutu and Tutsi,³ have had a conflicting interpretation of the conflict blaming each other and doing little to address its root causes. In all five episodes of civil war, state institutions and representatives were the major actors of the conflict either by initiating the killings as in 1993 or by transforming geographically localized rebellions into all out civil wars, as in 1972, through country-wide brutal repressions. Even the transfer of power in 2005 to the democratically-elected Hutu elite from the group of Tutsi who had dominated Burundi's political life since the mid-1960s does not seem to have fundamentally changed political governance. Extrajudicial killings, endemic corruption and brutal repression of the opposition and civil society members characterize the current leadership, more than 10 years after the civil war officially ended (Nkurunziza, 2015). As a result, for political expediency, instead of confronting the past in order to address the root causes of conflict, current and past political elites have preferred to impose 'historical silences' (Lemarchand, 2002) over Burundi's tragic events. This has not helped peacebuilding.

Important issues which have to be addressed in order to allow genuine peacebuilding to take hold such as establishing responsibilities for past crimes, identifying and compensating the victims, and allowing the victims to seek justice have never been part of the peacebuilding process. The Truth and Reconciliation Commission (TRC), which is arguably the main institution that could have laid the foundation for genuine sustainable peacebuilding, has not been allowed to work. It is only in December 2014 that the TRC was formally established in controversial circumstances regarding its membership. As discussed later, observers have pointed out a number of elements suggesting that the TRC will not deliver what Burundians need and expect as provided for in the Arusha Peace and Reconciliation Agreement for Burundi—hereafter the Arusha Agreement--signed in 2000. As per Article 8 of Protocol I of the Arusha Agreement, carrying out investigations to establish the responsibilities, as well as the identity of the

³ Burundi's population is divided into four groups: the Hutu, Tutsi, Ganwa and Twa. Although there are no credible statistics providing the size of each group, it is largely accepted that the Hutu are the large majority group followed by the Tutsi group. The Ganwa are a relatively small group of descendants of the country's traditional monarchs. The Twa are also a small group poorly integrated with the other three groups. These are not ethnic groups in the empirical sense of the concept (e.g. Horowitz, 1985) as they have shared, over several centuries of peaceful coexistence, one single language, Kirundi, one culture, and live mixed in the same geographical areas. The history of the settlement of Hutu and Tutsi in the area now known as Burundi acknowledges that the latest movements of populations that came to populate Burundi took place between the 11th and 15th centuries (Chrétien, 2000). Hence, even if these groups came from different parts of Africa, hundreds of years of coexistence under a common value system must have forged a common identity. Therefore it is surprising how the difference between the Hutu and Tutsi has been emphasized in the past decades as an explanation of Burundi's political violence. Applying the concept of ethnicity to Burundi must keep this caveat in mind (Nkurunziza, 2012).

perpetrators and the victims of Burundi's cyclical conflicts was one of TRC's main responsibilities. TRC was also supposed "to re-write Burundi's history so that all Burundians can interpret it in the same way." The TRC could have been an emblematic symbol of the commitment of the post-Arusha leadership to find a lasting solution to the country's recurrent political problems.

This chapter analyses the pattern of post-conflict policy timing and sequencing in Burundi explaining why some policies were adopted before, or given more prominence than, others. The discussion is centered on the Arusha Agreement, the framework of peace building in Burundi. More specifically, the analysis critically reviews the timing and sequencing of Burundi's negotiations for peace, before reviewing the timing and sequencing during the implementation of post-conflict policies arising from the Arusha Agreement.

The analysis finds that the choice of the international community, through its appointed mediator, to postpone ceasefire negotiations with the armed rebellion until the end of negotiations with the civilian political parties was surprising and may have prolonged the civil war by several years. Moreover, the implementation of the Arusha Agreement seems to have prioritized the policies that were of direct benefit to the new ruling elite, relegating the implementation of other equally important policies to a later date. For example, the failure to establish the TRC early on in the period of implementation of the Arusha Agreement meant that despite all the commitments made, Burundian leaders preferred to maintain the 'historical silences' (Lemarchand, 2002) that the TRC was supposed to break. Moreover, it is striking how the Burundian leadership and the international community that helped Burundians to reach a consensus in Arusha failed to realize that strong economic measures to revamp the country's economy were needed to make peacebuilding viable.

The rest of the chapter is as follows. Section 2 provides background information on the conflict in Burundi with a focus on the latest episode of violence and the subsequent post-conflict period. Section 3 critically analyses the timing and sequencing of the Arusha negotiations before proceeding with the discussion of the timing and sequencing in the implementation of the main agreements in the Arusha accord. Section 4 concludes.

2. Overview of Burundi's Conflict and Post-Conflict Period

This Section draws from Ngaruko and Nkurunziza (2005) and Nkurunziza (2015). First, it describes Burundi's long conflict and its consequences. Second, the Section devotes some time to the discussion of the latest post-conflict period in order to highlight the recent political situation in Burundi.

2.1. Burundi conflict from a Historical Perspective

Independent in 1962, Burundi has experienced five episodes of one long civil war. The first occurred in 1965 and the last from 1993 to 2003. Altogether, these conflicts have claimed more than 500000 lives and generated more than one million refugees (Table 1).

Table 1: Characteristics of Burundi Civil War

<i>Characteristic</i>	<i>1965</i>	<i>1972</i>	<i>1988</i>	<i>1991</i>	<i>1993-2003</i>
Duration (months)	2	4	2	1	120
Deaths (thousands)	5	200	15	1–3	300
Refugees (thousands) ^a	0	300	50	38	687
Ratio of deaths plus refugees over total population (%) ^b	0.2	14.0	1.3	0.7	17.1
Years from previous war	—	6	16	3	2
Provinces affected	Muramvya	Whole country	Ngozi, Kirundo	Cibitoke, Bubanza, Bujumbura	Whole country

Source: Ngaruko and Nkurunziza (2005).

^a Number of refugees from Burundi in DRC, Rwanda, and Tanzania due to a specific conflict (UNHCR data). It is the difference between the total number of refugees and the number one year before the violence (in 1965, there were displaced people within Burundi, but no refugees outside the country).

^b Population at the beginning of the war, except for the 1993 conflict, for which the population of reference is the mean of the 1993–2003 period.

The conflict had four root causes (Nkurunziza, 2012; 2015). First, the Belgian colonists “divide and rule” policy introduced animosity between the country's two major groups. The majority Hutu were treated as inferior to the Tutsi, the largest minority, who were favored. Several foiled attempts by the Hutu to change the status quo by force resulted in their repression and wide scale political violence. The Tutsi in turn felt they were in a permanent state of insecurity, prompting their leaders to marginalize the Hutu even further.

The second factor is the bloody Social Revolution in Rwanda through which political power was transferred from the traditional Tutsi monarchy to the Hutu in 1959. Hutu leaders in Burundi considered it

as the model to be replicated in Burundi whereas the Tutsi, who controlled political institutions, did everything in their power to prevent it from happening, by isolating even further the Hutu.

The third factor is what has been called “regionalism”. It refers to the introduction in 1966 of a neopatrimonial system that concentrated power in the hands of the small elite of Tutsi from the Southern province of Bururi. They instituted a pecking order that favored Tutsi from Bururi, followed by Tutsi from the rest of the country, then Hutu from Bururi and lastly Hutu from elsewhere (Nkurunziza, 2012). As expected, this system fed grievances from the excluded, particularly non-Bururi Hutu.

The fourth factor is the poor management of episodes of violence and post-conflict periods. Given the involvement of state actors in fuelling conflict, the perpetrators have been too powerful to be prosecuted, perpetuating injustices towards the victims and their survivors. State-sponsored violence is still prevailing and its victims, as in the past, are powerless and cannot seek justice.

These factors sowed the seeds of repetitive political violence in Burundi. Permanent tensions and long lasting grievances have always constituted a fertile ground for violence. In this environment of suspicion and deep-rooted grievances, acts which did not lead to civil war elsewhere precipitated the country into large-scale violence. A case in point was the assassination of the Hutu president by Tutsi soldiers in October 1993. Many Hutu throughout the country responded by killing their neighbor Tutsi civilians in order to "avenge" the assassination of the Hutu president (Ngaruko and Nkurunziza, 2005). Hence, whereas most casualties before 1993 were the result of state repressions of Hutu, the 1993 conflict was the first where the government's army failed to crush the rebellion. After ten years of fighting and a large number of civilian casualties, there was a stalemate. The government was forced to enter into serious negotiations the civilian political opposition, resulting in the “Arusha Peace and Reconciliation Agreement for Burundi”⁴ reached on 28 August 2000. Negotiations with the rebel movements were undertaken later, as the discussions below will show.

One immediate power sharing measure arising from the negotiations was to put in place a transitional government of national unity that would last 3 years. A Tutsi (the incumbent president) would head the country for the first 18 months seconded by a Hutu vice-president, while a Hutu president would be seconded by a Tutsi vice-president during the next 18 months.

⁴ <http://www.issafrica.org/AF/profiles/Burundi/arusha.pdf>

Fights for the control of political power were motivated by economic benefits accruing to the political elite. Politicians from the country's political spectrum have generally considered political power as a means of accessing economic benefits. In Burundi's neopatrimonial system, controlling political power means controlling economic power through various "rents to sovereignty" (Ngaruko and Nkurunziza, 2008). These are rents associated with the allocation of foreign aid, tax revenue, government employment, awarding of public contracts, and other benefits. For example, Ngaruko and Nkurunziza (2000) show that in 1996 a Burundian civil servant earned on average 15 times the country's annual income per capita, the highest figure among 26 African countries included in the sample. Moreover, Burundi had one of the smallest civil services in Africa relative to its population and the civil service represented 80 per cent of total formal employment. As a result, being part of the civil service, particularly when occupying positions of influence, has always been a privilege reserved for the country's elite. This has prompted analysts to conclude that the conflict in Burundi is distributional (Ndikumana, 2005; Ngaruko and Nkurunziza, 2000; 2008; Nkurunziza, 2012).

2.2. The Latest Post-Conflict Period

In order to bring the war to an end, the successive unity governments that were formed in the aftermath of the Arusha Agreement were tasked with negotiating a settlement with the two major rebel movements, the Hutu-dominated Conseil National pour la Défense de la Démocratie-Forces pour la Défense de la Démocratie (CNDD-FDD), and the Front National de Libération (FNL), another smaller Hutu-dominated rebel movement. The government and CNDD-FDD reached an agreement on 16 November 2003 and there was a drastic reduction in violence afterwards. With the FNL, it took the government until 4 December 2008 to secure a peace agreement (Nkurunziza, 2015). Between November 2003 and May 2008, there was sporadic violence caused by the FNL in some parts of the country, particularly the area around Bujumbura, the capital city. Hence, even though, strictly speaking, Burundi was still at war with the FNL until 2008, it is usually understood that the post-conflict period started after November 2003, when most of the violence stopped. The transitional period ended in the summer of 2005 when CNDD-FDD won national elections. Pierre Nkurunziza, its leader was sworn in as the new president on 26 August 2005. He ran for a second five-year term in 2010 and won.

The current political impasse in Burundi and the argument as to whether the president is legally entitled to run for another term do not seem to result from confusion over a legal interpretation of the constitution and the Arusha Accord; it is political rather than a legal issue. According to constitutional experts, the

country's constitution and the Arusha Agreement clearly allow for only two terms in office.⁵ In fact, current events in Burundi illustrate even strongly the point that political elites from both Tutsi and Hutu groups have been fighting to capture or conserve political power which they use to advance their personal or group interests (Nkurunziza and Ngaruko, 2008). This explains why the transfer of political and economic power from the Tutsi elite to the Hutu elite has not improved the conditions of the population nor has it brought an end to the cycle of violence. Once in power, the new elite perpetuated the old practices of ruling by fear and engaging in zero-sum political processes, excluding non-CNDD-FDD members and replacing them with party activists, irrespective of their level of competence. Burundi's low score for the quality of public administration (2.5 out of 6 compared with 3.5 for Rwanda) is, therefore, not surprising.

3. Timing and sequencing of peacebuilding reforms and interventions

Discussion in this section is centered on the timing and sequencing of the Arusha Peace and Reconciliation Agreement for Burundi, the cornerstone of all subsequent peacebuilding policies, including the country's constitution. First, the Section critically discusses the timing and architecture of the negotiations initiated in 1998 to put an end to the conflict. Second, it analyses the sequencing of peacebuilding policies and measures arising from the Arusha Agreement. Two lessons relevant for timing and sequencing may be learned from this analysis. In the case of Burundi, the personality and character of the main facilitator in the negotiations had an important impact on the timing and sequencing of peacebuilding interventions. The second lesson is that Burundian leaders and their partners did not necessarily implement peacebuilding measures and policies according to their priority, raising the question of what factors motivate political leaders' choices?

3.1. Timing and sequencing of the Arusha negotiations

The convening of the Arusha Negotiations was the first time that the international community seriously attempted to find a long lasting solution to Burundi's recurrent conflict. During the previously four episodes of the civil war, interventions had been limited to verbal condemnations of the violence without taking any strong action against the perpetrators of crimes. This culture of impunity both within Burundi and at the international level could help to explain why the conflict has been recurring. Had the international community stood against the Burundian leaders who orchestrated the violence in 1972, for example, maybe the country would not have experienced other violent episodes of war. Even during the

⁵ <http://www.iwacu-burundi.org/analyse-scenarios-pour-le-burundi/>

1993-2003 episode, one key event and one individual seem to have been instrumental in the timing of the decisive intervention of the international community: the coup d'état of former President Pierre Buyoya in July 1996 and the perception of this coup as a personal affront to Julius Nyerere, former president of Tanzania, a highly respected international figure.

After the civil war started following the assassination of the democratically elected and first Hutu president in October 1993, many people were killed in the months that followed. As the crisis dragged on, leaders in the region tried to initiate discussions among the different parties to the conflict in Burundi, with Julius Nyerere as the main facilitator. This was a delicate time in the region as the genocide was unfolding in neighbouring Rwanda. With the failure of the international community to act in Rwanda fresh in memories, there was an urge to intervene in Burundi.

In Burundi, interventions were in the beginning limited to diplomatic discussions, but apparently, some thought was given to the possibility of a military intervention. Had not there been the coup d'état by Major Pierre Buyoya in July 1996, discussions would probably have continued for a long time while the internal situation was becoming untenable for the population. Nyerere was particularly incensed by the coup as he considered it as a way of undermining his ongoing diplomatic efforts. He reacted to the coup by requesting countries in the region and the then Organization of African Unity (now the African Union), headed by a former prime minister in Nyerere's government, to condemn the coup and impose an economic embargo on Burundi until the country returned to constitutional order. The countries complied and one week after the coup, Burundi, a landlocked country, became totally isolated.

The embargo created a difficult situation in Burundi but President Buyoya tried to resist. After two years, international pressure was so strong that Buyoya reluctantly accepted to negotiate with his opposition; this was the condition that regional leaders imposed before the sanctions could be eased and then lifted. The Arusha negotiations for peace started in June 1998 under the facilitation of Nyerere, who had been endorsed by the international community at large. Nyerere exerted so much pressure on Buyoya, a leader of the old Burundi Tutsi elite, that he was perceived as being one-sided. This arose suspicions in some circles in Burundi that Nyerere was pro-Hutu, hence not a neutral facilitator (Boshoff, 2010).

The sequencing of the negotiations surprised many observers. Whereas in cases of civil war the first priority is generally to reach a ceasefire before embarking on political negotiations, Nyerere chose to keep rebel groups out of the negotiations, a decision that has been criticized as having probably prolonged the war (Sculier, 2008). Keeping out the actors who together with the government's army were responsible

for most of the violence in the country did not make sense to many. Instead, the mediator invited to the negotiations the government of Burundi, the parliament and 17 political parties. Most of these parties were so small that they had very limited political influence inside Burundi. In fact, the negotiations gave a boost to these small parties' leaders who were offered a platform to defend their vested interests. They transformed what should have been negotiations between belligerents in order to come up with a new social contract for Burundi, into political struggles among actors, many of them marginal. Their main objective was to ensure that they would eventually be included in a power sharing arrangement following an eventual agreement (Daley, 2007). The "passive approach" of the negotiator (Rautenbach and Vrey, 2010) contributed to lengthening the discussions; the negotiations lasted for 26 months. Nyerere passed away in 1999 before the end of the negotiations. He was replaced by the retired South African President Nelson Mandela, another highly regarded personality but with a different character.

Mandela's strategy was different from Nyerere's. He chose to continue from where Nyerere had left the negotiations but made overtures to the rebel groups to include them in the negotiation process (Cunningham, 2011). He was more direct, addressing participants in public, "almost as if a father was talking to his children" (Rautenbach and Vrey, 2010, p. 16). His attempts to include the two rebel groups in the negotiations failed as they probably considered it was too late to influence the outcome. Eventually, as a result of pressure from Mandela and the international community, the Peace Agreement was signed in 2000 in Arusha but without delivering peace in Burundi. Nevertheless, despite its shortcomings, the Arusha Agreement provided the contours of the first ever credible framework for an inclusive political system in Burundi.

For most Burundians, the negotiations in Arusha were so removed from the realities within Burundi where the war was raging that few believed they would bring an end to the civil war. Even regional participants in the negotiations acknowledged that progress in Arusha did not reflect progress on the ground in Burundi (Rautenbach and Vrey, 2010). How could these negotiations end the war when the rebel groups, the main belligerents, were not involved? As discussed earlier, serious negotiations with the rebel groups only started after the signing of the Arusha Agreement. It took about eight additional years after the Arusha Agreement to finally reach an agreement with the two major rebel groups, bringing an end to the war. Wouldn't it have been more logical to negotiate first with the rebel groups or bring all the parties together from the beginning? Some parties to the negotiations, including the government of Burundi were of the view that peace negotiations begin with a ceasefire and that negotiating while hostilities were continuing was "nonsensical... Nyerere has so far resisted including the main armed rebel

group, Forces de défense pour la démocratie (FDD), in the talks... what possible reason can there be for rejecting one party or another?”⁶

Personal judgment weighted on the mediator’s decision to exclude these rebel groups from the negotiations. Nyerere apparently considered the CNDD-FDD and PALIPEHUTU-FNL, the two major combatant groups, to be illegitimate as they were splinter factions of CNDD and PALIPEHUTU which were already in the negotiations as non-armed political groups. But this could have been said of many other invited negotiators. Strictly speaking, even the government of the time was illegitimate as it was the result of a coup d’état. Furthermore, most of the 17 parties participating in the negotiations were splinter groups of the oldest two parties, the old UPRONA party which had been a single party since the mid-1960s and from which most Tutsi-dominated parties originated; and the clandestine PALIPEHUTU movement which could be considered as the ancestor to FRODEBU, CNDD and other Hutu-dominated parties. Moreover, CNDD-FDD and PALIPEHUTU-FNL were the main fighting forces on the ground facing the government’s army. Therefore, whether they were illegitimate or not, excluding these two groups from the negotiations unnecessarily prolonged the war. Jan van Eck, a close observer of the negotiation process at the time, characterized the exclusion of these major combatants as the “fatal flaw of the process” (Cunningham, 2011, p. 160).

3.2. Sequencing in the implementation of the Arusha Agreement

The Arusha Accord has 5 protocols, five annexes and two appendices. The sequencing of policies in the implementation of the provisions of these agreements sheds light on the policy preferences of the leadership which arose from the Arusha Agreement. A brief analysis of the status of implementation of the major agreements suggests that either by design or coincidence, the leadership prioritized the implementation of policies that served their group’s interests even when logically, sequencing could have been different.

Leading the country to reconciliation by establishing the truth about the origins and nature of the conflict

National reconciliation was considered to be the cornerstone of peacebuilding in Burundi.⁷ Article 8 of Protocol I stipulates that “a national commission known as the National Truth and Reconciliation, shall be

⁶ IRIN-CEA Update No. 720 for Central and Eastern Africa (22 July 1999); <http://www.africa.upenn.edu/Hornet/irin720.html>

⁷ In its opening paragraphs, the Arusha Agreement notes that its signatories are “Aware of the fact that peace, stability, justice, the rule of law, national reconciliation, unity and development are the major aspirations of the people of Burundi” and that they are “Determined to put aside our differences in all their manifestations in order to promote the factors that are common to us and which unite us, and to work together for the realization of the higher

established” to fulfill the following main functions: (i) investigation of the killings and all human rights abuses committed; (ii) arbitration and reconciliation; (iii) clarification of history to offer one reading of Burundi’s history. In the spirit of the Arusha Agreement, the National Truth and Reconciliation Commission was expected to be created without delay. Article 8, Section 2 (b) states that “Members of the Commission shall be appointed by the transitional Government in consultation with the Bureau of the transitional National Assembly.” As discussed in Section 2, transitional institutions were expected to last three years. So, it was expected that the TRC would be created within three years following the beginning of the transitional period which started about one year after the signing of the Arusha Agreement. However, to date, the TRC has not started its work. Moreover, in addition to the problems associated with its creation⁸ it is highly likely that the current political upheaval in Burundi will not permit the TRC to start its work in its current composition. If the current conflict opposing the president with the catholic church, civil society, the opposition and a segment of the population is not resolved quickly, members of the TRC will most probably resign or be changed; alternatively, if the conflict persists, the country will be dealing with another crisis and the conditions will not be conducive for truth telling and reconciliation.

In terms of policy sequencing, the establishment of the TRC should have been among the first institutions created to lay the ground for a genuine process of reconciliation so as to find a lasting solution to the recurring civil war. Why has it taken so long to create the TRC? Did the leadership really want a TRC as described in the Arusha Agreement? While answers to these questions could only be speculative, it is inconceivable that the ruling party would allow that some of its prominent leaders be investigated for crimes they might have committed during the civil war. In this sense, the recent establishment of TRC could have been just a political act to appease the population and the international community

interests of the people of Burundi.” The current instability in Burundi associated with the attempt by the current president to contest a third five-year term, which most observers consider illegal, illustrates that those aspirations seem to still elude the people of Burundi fifteen years after the adoption of the Arusha Agreement

⁸ Some elements cast doubt as to whether the TRC will meet the expectations of the population (Impunity Watch, 2014). First, the law does not provide for the creation of a special tribunal to deal with serious crimes the country has experienced over the period covered by the law. This is despite that fact that the population through national consultations, the United Nations and national as well as international civil society had requested the establishment of the tribunal. Second, the selection of the Commission’s members should have been made by a group representing the United Nations, Burundian civil society and the government, a wish that had been expressed by the population. Only the ruling party seems to have played a major role in the selection process although for its credibility, the Commission must be seen as being independent of political forces. It should be recalled that CNDD-FDD overwhelmingly controls both the national assembly and the senate. Hence, in a context of strong political polarization between the ruling party and the opposition, the process risks being perceived as a law put in place and controlled by CNDD-FDD rather than the result of a national consensus. Third, the wish expressed by the population to have a minimum number of politicians among the commissioners but instead have the civil society as well as a foreign presence among them was ignored. Even the Arusha Agreement suggests that the names of potential commissioners be put forward by civil society organizations, political parties, religious denominations, women’s organizations, or individual candidates.

(Vandeginste, 2012). Indeed, the period to be covered by the Commission (Article 6), from independence on 1 July 1962 to 4 December 2008, comprises not only a time when CNDD-FDD was in power but also a period when it was engaged in a civil war and might have been involved in acts falling under the jurisdiction of the Commission. It is likely that fearing a backlash from the process the ruling party might have avoided creating this commission and, later, under pressure, decided to create it but impairing it from its inception.⁹ Therefore, it appears that the ruling elite has chosen to continue with the old policy of protecting suspected criminals from within its ranks, a practice that started in 1965.

Judging by the way other recent commissions established to probe cases of extrajudicial killings have been conducted, there is reason to doubt that the TRC will meet the expectations of the public, particularly those who have lost loved ones during Burundi's past conflicts.¹⁰ In all recent commissions established by the government to bring to light circumstances surrounding some major crimes, the fact that government agents were among the main suspects meant that the commissions either never ended their work or were carried out in a way that covered rather than uncovered the suspected criminals. This, again, is the continuation of a practice that started well before the current leaders came to power. Presidents Pierre Buyoya who was in power when the Arusha Agreement was signed until 2003 and Domitien Ndayizeye who was president from 2003 to 2005 could have created the TRC.

Proposing an institutional framework for transition that would bring about the conditions for democratic renewal through equitable power sharing

Measures under this rubric were evidently in favor of the former Hutu rebels as they were the ones who had been politically sidelined by previous regimes. These arrangements were immediately implemented in the aftermath of the Arusha Agreement with the formation of transitional governments that were required to include a specific number of representatives from the two main groups (Protocol II, Chapter II, Article 15). For example, the first transitional government was formally inaugurated on 1 November

⁹ Fourteen out of 17 members of parliament of UPRONA opposition party boycotted the vote of the TRC alleging that the wishes of the population had been ignored even though Article 10 of the 14 May 2014 TRC law rightly states that the Commission "should be credible in the eyes of the population." This law is so important to the country that it should have been adopted by consensus. Even the voting process in the national assembly seems to have been irregular (Impunity Watch, 2014). Moreover, the dominance of religious figures in the list of commissioners (6 out of 11) has been interpreted as a signal that the architects of the TRC are in favor of pardon and forgiveness at the expense of truth-telling and justice. This will deprive the victims of their right to seek justice, perpetuating the tradition of impunity that has characterized the country over the last 50 years. It is feared that a transitional justice process not perceived to be credible by the victims will not have the moral authority to call for reconciliation.

¹⁰ Examples include the enquiries about the assassination of Ernest Manirumva, a prominent anti-corruption campaigner; the killing of dozens of people in Gatumba, near Bujumbura; the assassination of dozens of people in Muyinga; the recent assassination of three Italian nuns; etc. There has been speculation that the state never carry out genuine enquiries given that these killings were committed under the orders of powerful state agents.

2001. It had 14 Hutu ministers and 12 Tutsi ministers.¹¹ This measure was relatively easy to implement as the practice of including ministers from the two groups had started even before the 1993 civil war. The only difference was that following the Arusha negotiations, the quota system was codified and even included in the country's constitution.

Reform of security and police forces as a security guarantee for all citizens

The reform of security institutions was expected to be the most difficult among all the reforms provided for in the Arusha Agreement. Discussions in Arusha brought to the fore the fact that the control of security institutions by one ethnic group, the Tutsi, was one of the most important determinants of the unending civil war. As a result, the meaning of the phrase 'reform of security and police forces for all citizens' was that more Hutus needed to be included into these institutions. This was expected to be resisted by the incumbents as it was clear that Burundi could not afford to include Hutu in the army just by adding to what already existed. While the Hutu considered this as a very important development in their favor, a number of government soldiers feared losing their jobs to leave room for Hutu entrants. Hence, it was in the interest of the new Hutu leaders to implement this part of the Accord as quickly as possible.

After the signing of a peace agreement between the government of Burundi and CNDD-FDD on 16 November 2003, the DDR process started in 2004. Its plan was to reintegrate about 55000 ex-combatants. A large number of ex-combatants were integrated into the national army and police forces in compliance with the provisions of the Arusha Agreement which required that there be 50 per cent Hutu and 50 per cent Tutsi in these security institutions. The merging of the traditional army with former rebels was probably the first big opportunity the new Hutu ruling elite used to pay members of the party for their loyalty. A large number of former combatants suddenly became very senior members of the army, without considering their age or level of training. People in their 30s entered in the national army as generals, an age at which those in the regular government army would still be lieutenants or captains. Moreover, other than having fought in the rebellion, most of the new officers had little formal military training.¹² Some had even very limited general training.¹³ This policy caused some frictions but they were

¹¹ <https://peaceaccords.nd.edu/provision/powersharing-transitional-government-arusha-peace-and-reconciliation-agreement-burundi>

¹² In Burundi, the normal formal training to become an officer (from the grade of lieutenant up) requires successful completion of high school, sitting for a competitive exam to enter into the military academy where training lasts for four years. After completion of the training, each successful officer has a university degree (in economics, law, etc) in addition to the military training.

¹³ A very notorious general who headed one of the country's major security institutions had, apparently, just completed two years of high school.

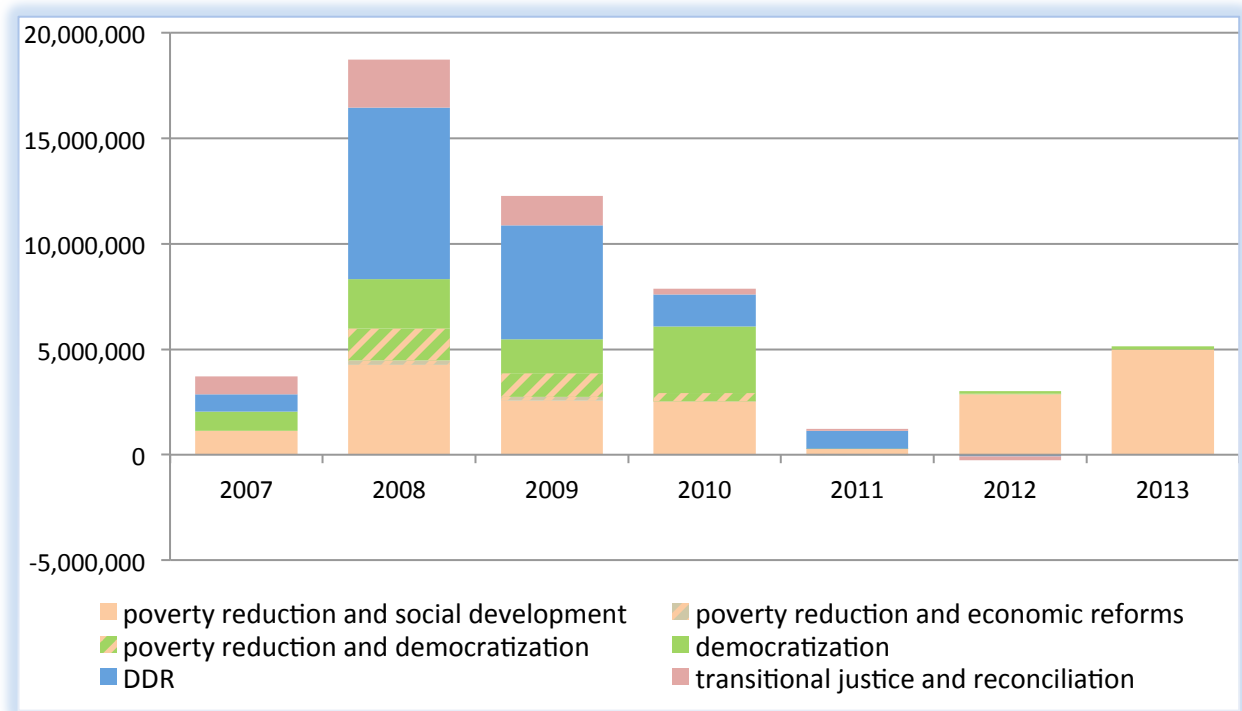
not as serious as it had been feared; the integration process went relatively smoothly. Even with a large number of soldiers put on early retirement the army held together. This success was noticed outside Burundi. The country started to receive solicitations to participate in peacekeeping missions where Burundian soldiers have been found to be disciplined.¹⁴ With the participation in peacekeeping missions came training opportunities mostly by American and French instructors, reinforcing the army's professionalism.

The reform of the national police was less successful. Unlike the army where reform meant that former rebels be absorbed in an already existing structure with a tested command structure in place, a totally new police force had to be created. As almost all ex-combatants were Hutu, the police force became dominated by former Hutu rebels. As they did not benefit from the same rigorous training the army was enjoying, important financial resources were spent on them to upgrade their policing skills on issues such as law enforcement and professional policing. For example, the Peacebuilding Fund allocated most of its resources in 2008 and 2009 to these activities (Figure 1). One of the end objectives was to build trust between the population and security institutions, a relationship that had always been conflictual.

Recent events show that the police force has not achieved the level of professionalism that would inspire trust with the population. In dealing with the April-May 2015 demonstrations against the president's decision to run for a third term the police has become notorious for its brutality (Human Rights Watch, 2015a). It appears that the police and to some extent the army are being used by politicians to strengthen their control of power rather than serving the population. From the perspective of the ruling elite, consolidation rather than peacebuilding might have been the primary objective of their support to the reform of security institutions. The brutality of the police over the last two months has prompted most donors to suspend their assistance to Burundi's security institutions, particularly the police.¹⁵

¹⁴ Within Burundi, the behavior of the army has not been as commendable. When the army and police were called to deal with an armed group of about 100 men who had crossed into Burundi from the Democratic of Congo, they engaged in a fight which lasted for about five days, from 30 December 2014 to 3 January 2015. Several eyewitnesses noted that government forces made no effort to capture the armed rebels even after they had laid down their weapons. There are reports that at least 47 of the armed men who had surrendered were summarily executed (Human Rights Watch, 2015b). A Western diplomat noted that these incidents could seriously affect his country's cooperation with Burundi's military jeopardizing Burundi's engagement in regional peacekeeping missions.

¹⁵ <http://larepubliqueduburundi.nlambassade.org/actualites/2015/05/les-pays-bas-ont-partiellement-suspendu-l%E2%80%99aide-au-burundi.html>

Figure 1: Allocation of PBF Funds by Sector

Former combatants who were not absorbed in these corps were demobilized and reintegrated through a two-step process: first they spent about 18 months in cantonment camps with a salary (about the equivalent of \$500 in installments) as a transitional subsistence allowance. Next, at the reintegration stage, candidates could choose to: (i) return to their former employment (re-employment); (ii) go back to formal education; (iii) engage in vocational training; (iv) receive entrepreneurial support; and (v) receive income-generating activities support. The vast majority of reintegrated candidates opted for the last option (Douma and Gasana, 2008). Eventually, certified demobilized candidates were re-integrated into the population and given \$600 in-kind to start an economic activity during their reintegration phase (Fuhlrott, 2007).

The reintegration process fell short of expectations for many reasons. The procedures were highly inefficient. For example, most of the candidates selected for reintegration had to wait for one year before they could get the reintegration package after leaving the cantonment camps. Moreover, other than giving them the \$600 package and some very basic training, the reintegration program did not have any medium-term plan to help these candidates to succeed in their reintegration. In fact, particularly in urban centers, many candidates sold their package for cash, used the money and quickly became destitute. Furthermore, it was naïve to assume that by just giving them some aid the demobilized would turn into entrepreneurs.

Also, the assumption that the candidates would seek and obtain employment overlooked the fact that the economy had been destroyed and Burundi did not have the capacity to absorb 55000 demobilized combatants, tens of thousands of returnees from exile in addition to youths leaving school every year to look for jobs. In addition, most ex-combatants were unemployable. They almost had no education, no relevant experience and many did not have the discipline to keep a job.

The leadership seems to have narrowly focused on short-term peacebuilding measures. More structural policies, for example the strengthening of a private sector capable of creating jobs to absorb the large number of jobless, were neglected. The modest sums of money provided to ex-combatants were just expected to help them in a relatively short transitional phase towards a more stable income generating activity, either as employees or through starting small businesses. Social reintegration should have been associated with economic reintegration--and reconciliation. In other words, a successful long-term social reintegration program in Burundi required an economic system which could create opportunities for all (Willems and Leeuwen, 2014).¹⁶ In the long term, there was likelihood that the lack of opportunities for a large section of the population could have destabilizing effects particularly in a context of widespread corruption (ICG, 2012).

Laying the ground for economic and social reconstruction

It has been argued that economic development in Burundi cannot succeed in the absence of political transformation (Ngaruko and Nkurunziza, 2008). The country's recent political experience also appears to show that political transformation succeeds where the economy can sustain a reasonable level of growth to generate opportunities for the population. Hence, in terms of sequencing, political and economic reforms must go hand in hand. Burundi's long-term stability depends on the country's ability to grow its economy, create enough jobs to reinsert its large number of ex-combatants and returnees from exile, and offer jobs to its youth. Most particularly, ex-combatants needed economic opportunity in order to help them pursue a peaceful path. Indeed, economic development has been found to reduce the risk of conflict during the post-conflict period (Collier et al., 2008). In addition, the country needed to generate domestic resources in order to reduce its dependence on external funding. Hence, economic development and economic reconstruction in particular needed to be a priority if Burundi was to achieve its peacebuilding objectives.

Burundi did not achieve a rate of economic growth that was commensurate with its post-conflict economic needs. One reason could be that the country's leadership was more interested in political

¹⁶ Section 4 discusses the issue of reconciliation and economic recovery in some detail.

reforms which were not only necessary but also offered them immediate benefits in terms of institutional controls; pursuing economic transformation policies was viewed to be less rewarding as the benefits would only be felt in the medium and long terms. Hence, economic reconstruction did not take place because it was not a priority. Burundi's economic priorities were spelt out in PRSP-I and PRSP-II. PRSP-I states that "The government's objective is to achieve real GDP growth of 6 percent to 7 percent. Such rapid growth is possible only if substantial investments are made to transform the rural sector and measures are taken to ensure that underprivileged groups are able to participate in boosting production" (Republic of Burundi, 2006, 37-38). Was this objective achieved? Did the country put in place the required mechanisms to reach this growth rate?

The evaluation of PRSP-I (Republic of Burundi, 2012) notes the following. GDP growth averaged 3 per cent over the PRSP-I period, barely half of the objective set in PRSP-I. Income poverty did not improve, at best stabilizing at 67 per cent of the population. The evaluation also shows that agricultural production did not increase (page 28), an indication that the promised transformation of the rural sector did not take place. There was a lack of opportunities for stable long-term employment (page 33). One of the major reasons for these failures identified in the evaluation is the country's "inefficient public spending" due to "rampant corruption" (page 29). But it should be noted that Burundi's failure to generate higher rates of economic growth reflects to some extent the failure of its influential partners who finance a large share of its budget.

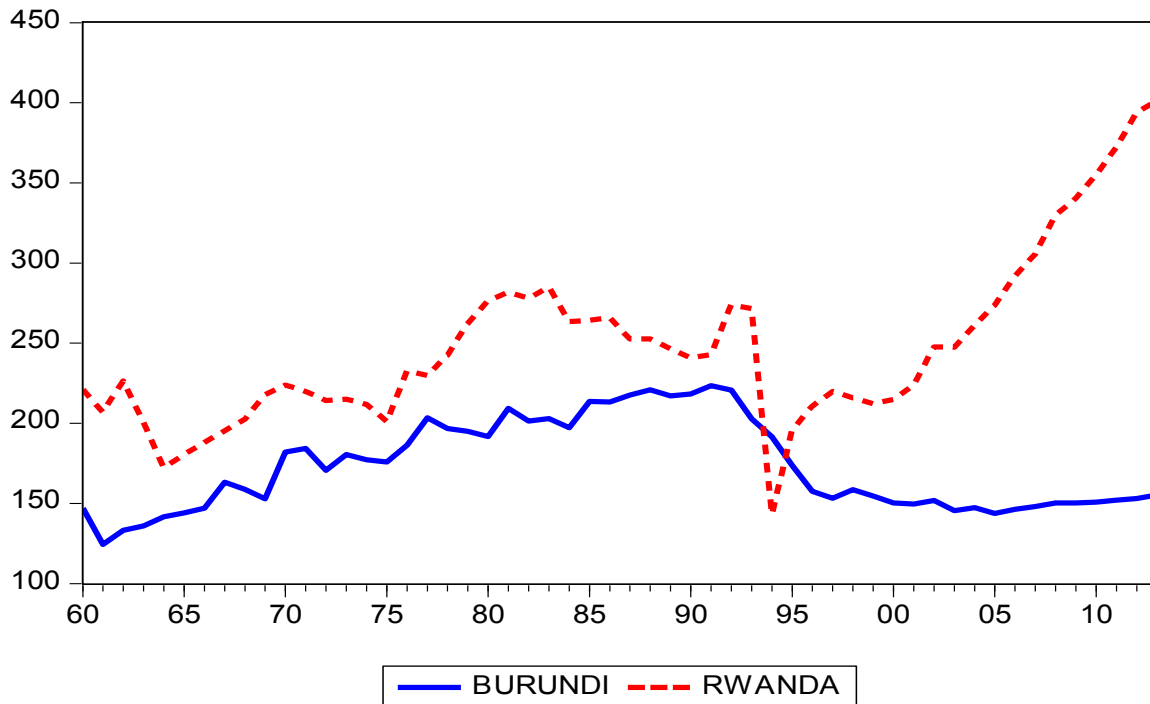
As a result Burundi has failed to reap the "peace dividend" generally observed in other post-conflict economies. Elsewhere, countries arising from conflict record some of their highest economic growth rates in the post-conflict period. The average annual rate of economic growth in Burundi between 2004 and 2013 was 4.1 per cent. It is much lower than the rate of 7.4 per cent achieved in Mozambique between 1993 and 2013; 9.8 per cent in Rwanda from 1995 to 2013 and 7.5 per cent in Sierra Leone between 2002 and 2013.¹⁷ All these economies were able to generate and sustain high post-conflict rates of economic growth, creating new economic opportunities for their populations.

It is always difficult to know what an economy would have looked like had certain policies been different. In the case of Burundi, Rwanda is a good counterfactual. It illustrates the growth trajectory Burundi could have taken had the country promoted an environment favorable for sustainable development as noted in

¹⁷ Data on economic growth rates is from World Bank (2014). Information on the year when the post-conflict period started is from Nkurunziza (2010).

PRSP-I.¹⁸ Figure 2, from Nkurunziza (2015) compares Burundi and Rwanda's GDP per capita over a period that captures economic performance before and after the major crises that affected both countries. GDP per capita not only captures economic performance but also, indirectly, institutional stability.

Figure 2: Average GDP per capita in Burundi and Rwanda (constant 2005 US\$)



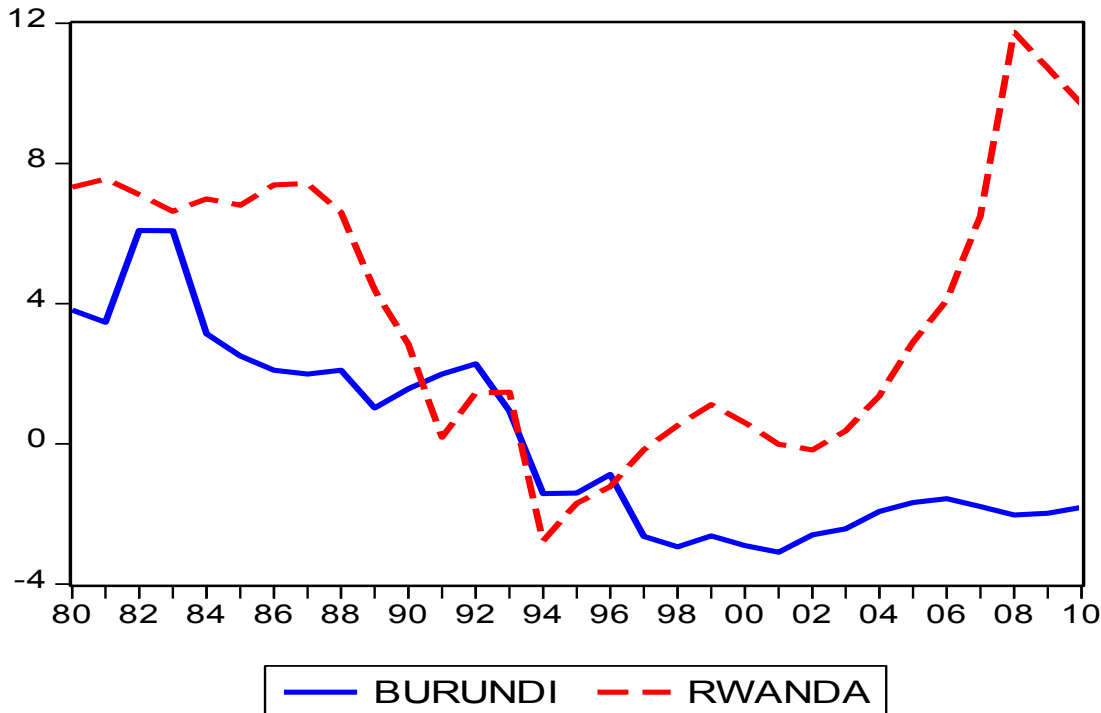
Source: Data from World Bank (2014)

Before 1993, GDP per capita in Burundi and Rwanda followed a similar trend. After the genocide in 1994, Rwanda recovered quickly, setting on a high long-term growth path. In contrast, Burundi's income per capita never recovered from its decline since the eruption of the civil war in the early 1990s. GDP per capita in constant 2005 dollars in 2013 was at the level it was in 1968, a major regression after reaching the highest level of \$223 in 1991. In Rwanda, GDP per capita in 2013 was \$401, almost three times the level in 1994, the year of the genocide.

The rate of capital accumulation illustrates even better the process of economic reconstruction. Using data on the stock of capital computed on the basis of the perpetual inventory method (Nkurunziza, 2014), Figure 3 shows that Burundi has continued to destroy its capital during the war and even during the post-conflict period. Rwanda, in contrast has accelerated the accumulation of its stock of capital.

¹⁸ The choice of Rwanda is motivated by the country's similarity with Burundi in terms of "initial conditions" as well as its economic, historical, cultural and institutional characteristics.

Figure 3: Annual Growth rates of Capital Stock (percentage, 1980-2010)



Source: Data from Nkurunziza (2014).

The negative rate of capital accumulation in Burundi implies that the country has not been able to undertake the minimal investment required to account for the depreciation of its stock of capital. Burundi in the post-conflict period has been characterized by persistent political instability, arbitrariness of the legal system, and endemic corruption, which discourage investment and are incompatible with long-term economic growth. Burundi's indicators of economic governance are systematically lower than Sub-Saharan African averages. In 2013, Burundi scored 2 out of 6 on the transparency and corruption index; and 2.5 out of 6 on property rights and rule-based governance (Nkurunziza, 2015). In 2005, Burundi ranked 130th out of 159 countries in terms of the gravity of corruption. Eight years later, in 2013, the ranking increased to 159 out of 174 countries surveyed.¹⁹ These scores illustrate that the investment climate in Burundi is very poor, hampering economic growth.

As discussed earlier, sequencing political and economic reforms was done in such a way that they favored the ruling elite probably as a result of the time inconsistency between political and economic dividends of the reforms. It is also worth noting that in Burundi's neopatrimonial regime, the ruling elite might not have an incentive to adopt policies that lead to economic growth as they are able to satisfy their

¹⁹ Information from Transparency International at <http://www.transparency.org>

reservation utilities even without economic growth. Capturing the existing rents to sovereignty can be sufficient (Ngaruko and Nkurunziza, 2008). Therefore, with their short time horizon, political elites in Burundi are similar to the “roving bandit” characterization of leaders who have little incentive for investment and production (Olson, 1993). This might help to understand the sequencing of political and economic policies in post-conflict Burundi.

4. Conclusion

This paper focused on the timing and sequencing of post-conflict reconstruction and peacebuilding in Burundi, using the framework of the Arusha Agreement as its basis. Starting with the architecture of the negotiation process, the paper highlighted a number of elements that influenced the timing of the negotiations between Burundian political parties and the government. One such element is the coup d'état staged by President Pierre Buyoya and its perception by Julius Nyerere, the mediator, as a personal affront. The genocide in Rwanda might also have prompted the international community to react in Burundi after its failure to act during the Rwandan genocide. With respect to the architecture of the Arusha negotiations, the paper highlighted the fact that the mediator's personal preferences, even when they seemed to depart from the norm, played a very important role in the way negotiations were designed. Carrying out political negotiations that excluded the two fighting groups explains why the Arusha negotiations did not end the war.

The sequencing of the implementation of the agreements arising from the negotiations reflects the preferences of the ruling elites which did not necessarily reflect post-conflict peacebuilding priorities. The leadership seems to have prioritized measures that were of direct benefit to them. For example, reforms of the security institutions were implemented immediately as they reassured the new ruling elite and allowed them to offer employment to the masses of combatants who had fought together with them. While these reforms were important, they were not necessarily more important, in terms of peacebuilding, than the establishment of the TRC which, in our view, would have been the single most important measure that could have laid the foundations for long term political stability. As provided for in the Arusha Agreement, a genuine process of transitional justice should have been an essential element preceding or at least accompanying other peacebuilding measures. Post-conflict leaders seem to have opted for the preservation of the policy of ‘historical silences’ pursued under the previous regimes. Moreover, it is inconceivable how peace could be consolidated without a credible process of post-conflict economic reconstruction and development. The government acknowledged that the failure to achieve the objective

of growing the economy by 6 percent to 7 percent per year in the post-conflict period (PRSP-I and PRSP-II) has been a major handicap to peacebuilding.

Developing an inclusive economy which benefits all will probably be as important as building an inclusive political system in the process of consolidating peace in Burundi. If the country has been trailing Rwanda and other economies in the region, it is not for lack of opportunities. The country has substantial deposits of gold, copper, cobalt, vanadium, and one of world's largest deposits of nickel (Government of Burundi, 2012). Oil exploration is promising. Burundi has also potential in agriculture and tourism. However, transforming these opportunities into economic goods and services that benefit the majority of Burundians will require political stability and a visionary leadership which is willing and capable of putting Burundi on a sustainable growth path.

References

- Boshoff, H (2010). "Historical Overview" in Boshoff, H, Vrey, W and Rautenbach, G (eds). *The Burundi peace process: from civil war to conditional peace*. Monograph 171, Institute for Security Studies, 3-9
- Chrétien, J-P (2000). *L'Afrique des Grands-Lacs. Deux Mille Ans d'Histoire*. Paris: Aubier.
- Collier, P., Hoeffler, A. and Söderbom, M (2008). "Post-Conflict Risks" *Journal of Peace Research* 45(4): 461-478.
- Cunningham, D (2011). *Barriers to peace in civil war*. Cambridge, Cambridge University Press.
- Daley, P (2007). "The Burundi Peace Negotiations: An African Experience of Peace-making" *Review of African Political Economy* 34 (112), 333-352
- Douma, P and Gasana, J M (2008). Reintegration in Burundi: between happy cows and lost investments. Conflict Research Unit of the Netherlands Institute of International Relations.
- Fuhlrott, F (2007). "Burundi after the civil war: demobilizing and reintegrating ex-combatants" *Afrika Spectrum* 42 (2), 323-333.
- Horowitz, D. L (1985). *Ethnic Groups in Conflict*. Berkeley, CA: University of California Press
- Human Rights Watch (2015a). *Burundi: Crackdown on protesters*. Nairobi, April 27, 2015.
- (2015b). *Burundi: Summary executions by army, police*. Nairobi, February 12, 2015
- Impunity Watch (2014). "Sincerity of Burundi's Commitment to TJ under Scrutiny as TRC Commissioners Sworn In; Four-Year TRC Mandate Officially Begins" *Policy Brief*. Burundi Country Program. Utrecht, The Netherlands. December 2014
- ICG--International Crisis Group (2012). *Burundi: A Deepening Corruption Crisis*. Africa Report N°185. Bujumbura/Nairobi/Brussels.
- Lemarchand, R (2002). "Le génocide de 1972 au Burundi : les silences de l'histoire" *Cahiers d'Études africaines* 167 (XLLII-3), 551-567
- Ndikumana, L (2005). "Distributional Conflict, the State and Peace Building in Burundi" *The Round Table*, 94, 413-427
- Ngaruko, F and Nkurunziza, J. D (2000). "An Economic Interpretation of Conflict in Burundi" *Journal of African Economies*, 9 (3), 370-409

----- (2005). "Civil War and Its Duration in Burundi" in Collier, P and Sambanis, N (eds). *Understanding Civil War: Evidence and Analysis*. Volume 1: Africa. The World Bank. Washington DC, 35-61

----- (2008). "Why Has Burundi Grown So Slowly? The Political Economy of Redistribution" in Ndulu, B. J; O'Connell, S. A; Azam, J. P; Bates, R. H; Fosu, A. K; Gunning, J. W; and Njinkeu, D. (eds). *The Political Economy of Economic Growth in Africa, 1960-2000: Country Case Studies*, Vol. 2, Chap. 2, Cambridge University Press, 51-85.

Nkurunziza, J (2012). "*Inequality and post-conflict fiscal policies in Burundi*" in Langer, A, Stewart, F and Venugopal, R (eds), *Horizontal Inequalities and Post-Conflict Development*, Palgrave Macmillan, 209-229.

----- (2014). "Capital Flight and Poverty Reduction in Africa" in Ajayi, I. and Ndikumana, L (eds). *Capital Flight from Africa: Causes, Effects and Policy Issues*. Oxford, Oxford University Press, 81-110

----- (2015). Post-conflict stabilization in Burundi. Paper presented at the workshop on "An analysis of post-conflict stabilization" Oxford University, 6 February 2015.

Olson, M (1993). "Dictatorship, democracy and development" *American Political Science Review* 87 (3), 567-576

Rautenbach, G and Very, W (2010). "South Africa's foreign policy and Africa: the case of Burundi" in Boshoff, H, Vrey, W and Rautenbach, G (eds). *The Burundi peace process: from civil war to conditional peace*. Monograph 171, Institute for Security Studies, 11-34

Republic of Burundi (2006). *Poverty Reduction Strategy Paper—PRSP-I*. Bujumbura, Burundi.

Republic of Burundi (2012). *Poverty Reduction Strategy Paper—PRSP-II*. Bujumbura, Burundi.

Sculier, C (2008). *Négociations de paix au Burundi: une justice encombrante mais incontournable*. May 2008 Report. Centre for Humanitarian Dialogue. Geneva.

Vandeginste S (2012). "Burundi's truth and reconciliation commission: how to shed light on the past while standing in the dark shadow of politics?" *International Journal of Transitional Justice* 6 (2), 355-365

Willems, R and van Leeuwen, M (2014). "Reconciling reintegration: the complexity of economic and social reintegration of ex-combatants in Burundi" *Disasters*. DOI: 10.1111/disa.12102

World Bank (2014). *World Development Indicators*. Online Database. Accessed in December 2014.