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Burundi: Building Democracy on an "Ethnically" Divided Society

Abstract

Pre-colonial Burundi was a homogeneous society: Burundians shared the same language, culture, religion, history, etc. and lived harmoniously on the same hills. This population was made up of a multitude of clans and Hutu, Tutsi, Ganwa and Twa social components of very secondary social importance. Even the monarchy reflected the various segments of such a nation.

It was this harmony that Belgian colonisation definitively ruined, with the policy of divide et impera. By claiming that the Ganwa and the Tutsi were the superior races and the Hutu and Twa the inferior ones, a whole process of political and administrative manipulation ended up constructing a highly polemical ethnic identity, which fuelled the bloody conflicts of 1965, 1972, 1988, 1993-2000, etc.

It was to put an end to this cycle of ethno-political violence that the Arusha Accords signed in 2000 instituted consociational democracy (on which the 2005 and 2018 constitutions were based), with ethnic quotas: 60% Hutu and 40% Tutsi for institutions such as the Government, parity of 50% for the Senate and the Defence and Security Bodies (Army and Police), etc.

After showing how Belgian colonisation constructed these 'ethnic identities' and how this ethnicisation of society actually underpinned fratricidal wars, this paper analyses how democracy built on an 'ethnically' divided society still has its work cut out for it. While it seems to ensure the hoped-for appeasement in normal times, the demon of ethnic violence is no less resurgent in times of political mobilisation.

Keywords

Burundi, colonisation, ethnicity, violence, consociationalism

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Burundi: Building Democracy on an "Ethnically" Divided Society

Elias SENTAMBA and Pacifique NIYONIZIGIYE

Introduction

As a Western-made "cultural product", "liberal democracy" was imported into Burundi on the eve of independence without any "seedbed". This took place at a time when social homogeneity had given way to a society cleaved into "ethnic groups" on the one hand, and at a time when the authoritarianism of the Belgian colonial administration was seen as the "normal" model of political management on the other. In such a context, it was highly likely that this democratic model would not produce the expected results. Instead, authoritarianism mixed with cyclical ethno-political conflicts was the rule of the game for decades after independence, before the "consociative democracy" model brought appreciable peace following the signing of the Arusha Accords in 2000. This model still needs to be appropriated by both the political class and Burundian society as a whole. In this way, a «Burundian democracy» could emerge, which would be able to ward off the cycles of political violence from which the Burundians have suffered so much.

There are two main points to this paper. In the first, we show how the ethnic character of Burundian society is not a natural reality but a socio-historical construction of reality. Secondly, we show that it is not easy for the consociative democracy initiated in Burundi to take root so easily. For, the reflexes of political violence and ethnicity still underpin the political behaviour of many political leaders and of society as a whole.

1. The construction of "ethnicity" at the heart of Burundian society

Burundian society was homogeneous during the pre-colonial period, according to the work of historians, but today it is divided into Hutu, Tutsi, Twa and Ganwa 'ethnic groups', a situation resulting from the colonial and post-colonial administrations. But in the process of underpinning the recurrent fratricidal political violence, these 'constructed ethnic groups' have come to acquire an undeniable socio-historical consistency. It is therefore necessary to show the process of their socio-political construction on the one hand, and to analyse the extent to which they have continued to serve as a springboard for political violence on the other.

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1.1.From a nation to an 'ethnically' divided society

Before it was colonised by Germany (1898-1916) and Belgium (1916-1962), Burundi had a very homogenous society. Unlike most African countries, which had several ethnic groups, its population spoke the same language (Kirundi), shared the same culture, worshipped the *Imana* (God) through the cult of *kubandwa*, lived indiscriminately on the same hills, and so on. In short, it was a mono-ethnic population in the strict sense. It simply comprised a multitude of *miryango* (Nyagahene, 1997) scattered throughout the territory, some of whom were more influential than others depending on their responsibilities at the royal court. The Bajiji clan, for example, recruited the Banyamabanga ritualists whose role was to organise the *umuganuro* sowing festival (Bahenduzi, 1991). And when someone was asked to state their identity, they would spontaneously put forward their clan: "I am Muhanza, Mwengwe, Musapfu, Muhondogo, etc." .It should be pointed out that all the clans participated in the life of the kingdom to varying degrees.

In a secondary sense, there were Hutu, Tutsi, Ganwa and Twa "social components", which could be found in the same clans. For example, the Bajiji clan included both Hutu and Tutsi, while the Banyakarama clan included Tutsi and Twa. One point needs to be made about the latter: specialisation in socio-economic terms. The Ganwa were descendants of the royal family and it was from among them that the great chiefs were recruited. However, once they lost their positions, they merged with the peasantry in the same way as the Hutu and Tutsi, a phenomenon known as *gutahiira* in traditional Kirundi. As for the Hutu, they practised farming and livestock production (key activities in the kingdom's economy), with greater emphasis on agriculture. The Tutsi practised the same activities, but placed greater emphasis on livestock rearing (Cochet, 2001). Finally, the Twa were a more or less separate group, involved in hunting and pottery, whose social exclusion by the Hutu and Tutsi increased as their activities became less important: hunting lost importance with the shrinking of the forests, and pottery with the introduction of modern metal cooking utensils.

Finally, the different clans were represented in various monarchical services. Let's take territorial administration, jurisdictions and the armies as an example (Mworoha, 1977; Gahama, 1983). Territorial administration was carried out through a pyramid composed as follows: at the base, around some three or four hills, and at regional level, there were the *Bashingantahe* notables, the Batware sub-chiefs and the Baganwa grand chiefs respectively. And, of course, the *mwami* was at the top of all this administration. And while most of the chiefs and sub-chiefs were princes of royal blood, the Hutu and Tutsi also governed vast chiefdoms, particularly in

the west (Kumoso and Buyogoma) and east (the Imbo plain) of the country. To these were added the managers of the royal domains (*abishikira*) scattered throughout the kingdom: these reported directly to the royal authority on the one hand, and served (for the *mwami*) as an eye and ear on the administration of the chiefdoms (a kind of intelligence service) a on the other. It should be noted that in the sacred domain, the *Banyamabanga* ritualists were great chiefs who managed their territories (such as Nkoma, in the east of the country) autonomously.

As far as justice was concerned, there were courts at hill level, at the court of the chiefs and of the king (Delcaw, 1936, Hakizimana, 1976). At hill level, there was intahe yo ku mugina, where the *bashingantahe* from all the clans sat: the only selection criterion was someone's ability to incarnate the moral values of society, such as telling the truth, upholding the law irrespective of the interests of the parties involved, settling conflicts within the community, etc. The chiefs' courts sat the best *bashingantahe* selected from among the notables from the hills, even those from the chiefs' court. The chiefs' courts were made up of the best *bashingantahe* selected from among the notables of the hills, just as the king's court, the *ururimbi*, was made up of the best judges chosen from the chiefs' courts.

As for armies, each great chief had his own army (*urutorere*) drawn from all the clans, to defend his chiefdom against any external aggression, while awaiting reinforcements from his colleagues or the king. At the highest level of the monarchy, the royal army (*intore z'umwami*) was made up of the best warriors from all over the kingdom, and therefore from all the clans.

In short, practically all the clans were involved in the central services from the hill, the sub-chiefdom, the chiefdom and the royal court. Even the Twa, who were to some extent socially excluded, played the important role of king's hunter in pre-colonial times, when hunting was a genuine national sport. So, before the arrival of the Europeans, we were dealing with a real national melting pot, a nation in the deepest sense of the term. And this is what colonisation in general, and the Belgian administration in particular, gradually undermined.

As the Belgian colonial administration had found a kingdom with a hierarchical administration, it was quick to apply the race hierarchy theory inspired by the work of Arthur Gobineau (Gobineau, 1967), a paradigm that had previously prevailed in Europe. They considered the Ganwa and Tutsi (whom they confused) as a superior race, and the Hutu and Twa as inferior races (Chrétien, 1984). It was with this in mind that, with the law of 25 August 1925, the colonial power dismissed almost all the Hutu chiefs and sub-chiefs. What is worse, the *Banyamabanga* ritualists were systematically dismissed in the name of the fight against

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"obscurantism", as were the managers of the royal estates (*abishikira*) in the name of rationalising administrative space. In so doing, the colonial power further undermined the legitimacy of the monarchy, as even the Ganwa and Tutsi chiefs were appointed by the colonial power without the slightest consultation with the monarch, the criteria of openness to Western culture through conversion to the Catholic religion and literacy having become the essential rule (Gahama, 1983).

The setting up of the Astrida School Group (in Butare, Rwanda) in 1929 made the situation even worse: only the sons of serving chiefs (with rare exceptions) were admitted to the "Administration" section, from which the future chiefs and main auxiliaries of colonial power would emerge. As a result, the rare Hutu children like Joseph Cimpaye were only admitted to this section because their "identity" had been manipulated (his Hutu father had been kept on as sub-chief for the simple reason that the chief, Karabona, had informed the ruling Belgians that he was a Tutsi so that they could keep him on as he was very competent). It is therefore understandable that throughout the period of Belgian colonisation, the elites were predominantly Ganwa and Tutsi, while the Hutu had the demographic majority. And as these elites were demanding independence, as in other African countries, the Belgian administration quickly turned around and presented the Ganwa and Tutsi as having enslaved the Hutu for a long time.

However, by the time of independence, the 'ethnic' dimension had become a firmly entrenched reality, as it is experienced on a daily basis, opening up or hindering, depending on the case, opportunities for social advancement. And it is here that, far from being "natural" realities, socio-political identities turn out to be "social constructions" that have come to be regarded as real. So when political parties were created on the eve of independence, the inclination to exploit such an "ethnicity" was all the more real because in neighbouring Rwanda, the so-called 1959 "social revolution" had just led to horrific massacres of Tutsi throughout the country and columns of refugees heading for neighbouring countries, including Burundi, with such an ethnic "virus" (Chrétien, 2003).

1.2. Cyclical ethno-political violence

Ever since its political independence in 1962, Burundi has been plunged cyclically into deadly political violence, precisely on an "ethnic" basis. This violence initially targeted the elite at the top of the State. Later, it became a veritable scourge that mowed down the humble peasants in

the hills, a sinister process that ended up building a lasting "ethnic conscience" in the hearts and minds of Burundians.

As far as violence against the elite is concerned, two crucial periods can be cited by way of illustration: the aftermath of independence on the one hand, and 1993 on the other. During the first period, several leading political figures were physically eliminated. After his UPRONA party won the legislative elections in 1961, Prince Louis Rwagasore was assassinated by the Greek Jean Kageorgis. An internal struggle for succession to the leadership of the party ensued. Paul Mirerekano, a Hutu very close to Rwagasore, was excluded from the competition solely on the grounds of his ethnicity. The so-called Rwandan "social revolution" of 1959 deeply struck fear into the hearts of Tutsi political leaders, while it encouraged Hutu leaders in the same direction, since in both cases the same ethno-political apprehension was prevalent. This led to a spiral of assassinations: Prime Minister Pierre Ngendandumwe, the King's brother Ignace Kamatari, Bishop Gabriel Gihimbare, Paul Mirerekano, Minister Gervais Nyangoma, Prime Minister Joseph Bamina, etc. between 1964 and 1965, in retaliation for the coup d'état allegedly undertaken by a group of Hutu officers led by Secretary of State for the Gendarmerie Antoine Serukwavu. At the same time, a number of political figures, including members of parliament, senators and senior political, administrative and military figures, were mowed down in cold blood, largely because of their political or ethno-political affiliation (Lemarchand, 1996; Mariro, 2005; Ntibantunganya, 1999; Manirakiza, 2002) !

During the second period, ethno-political violence targeted the leaders of the ruling FRODEBU party. Some three months after his swearing-in as President of the Republic (succeeding Major Pierre Buyoya), President Melchior Ndadaye was assassinated on 21 October 1993 in a coup plotted by elements of a predominantly Tutsi army. Meanwhile, his close collaborators were assassinated, including Pontien Karibwami (Hutu, President of the National Assembly) and Gilles Bimazute (Tutsi, Vice-President of the National Assembly). High-ranking government officials were also targeted: several members of parliament, ministers, provincial governors, senior executives and local administrators, etc. In short, whether they were Tutsi or Hutu, political and administrative figures at the top of the State were eliminated indiscriminately for the simple reason that they belonged to the FRODEBU party or to political groupings within it, and therefore embodied the FRODEBU ideology, which was perceived as pro-Hutu throughout the 1993 electoral campaign.

As for the widespread violence that engulfed the entire population, right down to the hills, there were three crucial periods: the Bugarama-Busangana massacres of 1965, the

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"scourge" of 1972 and the civil war of 1993. In the unfortunate events of Bugarama-Busangana (Muramvya province), Tutsi peasants were confronted by machete and club-wielding killers who were none other than their Hutu neighbours. At the instigation of Hutu politicians, human lives were snuffed out, huts were set on fire and livestock were despoiled. It was the first time in Burundi's history that violence had engulfed the humble peasants in the hills, where ordinary citizens were systematically killed simply for their ethnicity (Ngayimpenda, 2004).

As for the *'ikiza*' or scourge of 1972, the violence engulfed the population following a Hutu insurrection in the south-west of the country, in the Nyanza-Lac region to be precise. And the pity is that, instead of targeting identifiable perpetrators individually, the fury of the Micombero regime fell on the entire Hutu elite (civil servants in the public and private sectors, businessmen, etc.) or those who represented their potential (secondary and higher education students, in particular). Worse still, far from affecting only the South-West zone affected by the attacks of 29 April 1972, the military and administrative reprisals covered the entire country, to the extent that all the provinces were plunged into mourning (Chrétien and Dupaquier, 2007). This violence eventually inoculated the whole of society with an ethno-political poison, to the extent that the political discourse presenting all the Hutu as executioners to be eliminated and all the Tutsi as victims to be protected became painfully ingrained in the population's consciousness, especially as it was materialised by the actual massacre of identifiable human lives in every corner of the country (Laroque, 2004).

It has to be said that the absence of a remembrance process has not enabled Burundian society to heal its gaping wounds. Confusion reigns over the past, making all the Tutsi appear as executioners and all the Hutu as victims, and vice versa, depending on the events in question. So when, in the Hutu collective consciousness, the unfortunate events of 1965, 1969 and especially 1972 are mentioned, the shortcut is to victimise the Hutu as a whole. Conversely, when we talk about the long civil war of 1993, the Tutsi collective consciousness refers, in the same way, to the victimisation of the Tutsi. As a result, even the events themselves are no longer perceived in the same way, which fosters resentments that are difficult to heal. Today and tomorrow, it is the orphans of these tragic events who are coming to power, in sectors as diverse as they are varied. Unfortunately, these leaders, men and women, still carry deep wounds. And while it is true that after the events of Ntega-Marangara (1988), the Buyoya government attempted to address the issue of national unity with the work of the *ad hoc* Commission, and that even a national unity memorial was erected, the work of remembrance has proved incomplete. Because we have not identified who did what, where, and in what

circumstances... so that responsibility is still individual! As a result, the ethno-political confusion has remained virtually intact, resulting in an unspeakable persistence. Similarly, although the Truth and Reconciliation Commission (TRC) was set up in May 2014, it still has a long way to go. For a start, the period it covers poses a problem: while 1885 is justified by the German colonial intrusion, the most recent date, 2020 for example, which corresponds to the last electoral process, would be more justifiable than 2008 insofar as the TRC would have a better chance of covering as many conflictual events as possible on the one hand, and the government in power would show good faith by letting the TRC assess its own management of ethno-political conflicts on the other. Similarly, the TRC is no less open to criticism when, in exhuming human remains and collecting testimonies, it focuses more attention on the 1972 progroms than on those of 1993, for example.

All in all, the spiral of recurring ethno-political violence has ended up "locking" citizens who are normally of the same ethnic group into "ethnic straitjackets" (Bugwabari, 2004), with the sword of Damocles of "ethnic" violence hanging over everyone's head. In so doing, ethnic fundamentalism has taken hold in a society that did not strictly speaking have ethnic groups. As Jean-Pierre Chrétien rightly writes: "*The trap was closing on Burundi: following the crises of 1965 and 1972, the rift between Hutu and Tutsi became as deep as in Rwanda. It is based on omnipresent fear. What does it mean to be Hutu or Tutsi? It's not being Bantu or Hamite, or serf or lord! It's simply remembering who killed someone close to you fifteen years ago or wondering who will kill your child in ten years' time...*" (Chrétien, 2003, pp.276-277)

2. Avatars of democracy in Burundi

Introduced on the eve of independence, Western-style democracy had difficulty taking root in Burundian society, which had not been prepared for this political paradigm. As a result, the country has experienced a series of highly complex misadventures: short-lived majority democracy, autocratic military regimes, a short-lived return to liberal democracy, unspeakable ethno-political violence, consociative democracy and so on. It is these avatars of democracy that we develop in the following points.

2.1. Majoritarian democracy, an imported product without its "seedbed"

A number of studies have shown that liberal democracy, as a Western-style administrative technology, could not "take" so easily in non-Western societies in general and in African

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societies in particular. For Bertrand Badie, for example, importing methods of political and administrative governance from former colonial powers to ex-colonies could only lead to failure, more or less abysmal depending on the case (Badie, 1982: 2).

According to Dominique Darbon, this failure can be explained by the fact that Western modes of governance are being transposed to African countries, for example, but without their "seedbed", i.e. the sort of socio-historical palimpsest that a society constructs about itself over time (Darbon, 2009). In other words, that "seedbed" refers to a whole set of shared values, traditions, collective representations, etc. that a society comes to build for itself on the one hand, and which constitutes an irreplaceable springboard for its economic, political and social development on the other. In this sense, the "liberal democratic" recipe is necessarily the result of a whole sedimentation of traditions, which cannot be passed on to another society as it is. By exporting a model of "democracy" to an African society such as Burundi, we can only have a "graft" that produces fruits that are necessarily different from those of the "mother plant", to make our own Jean-François Bayart's expression (Bayart, 1996). The result is a syncretism between the imported product and the host culture, insofar as political and social players selectively appropriate the imported product, depending on the interests to be defended at a given time, in their strategies to win or retain power.

The importation of liberal democracy came up against two major challenges. On the one hand, liberal democracy was introduced after four decades of colonial administration, precisely on the eve of independence, whereas in metropolitan Belgium it had been in place for a long time. It is understandable that the Belgian administration did not want to democratise the institutions under its control, especially as it resorted to authoritarian methods such as the use of whips and unilateral decision-making. On the other hand, the host society was no longer the one that the colonial powers had found on their arrival. In Burundi, for example, we saw above that the colonial power had carried out reforms that undermined monarchical authority and the traditional values that underpinned it. For example, the homogeneity that characterised pre-colonial Burundi had given way to an "ethnically" divided society. There was a strong likelihood that many of the political parties created just before independence would focus more on "ethnic" affiliation than on the societal problems facing the population as a whole.

In addition, despite their programmes, various political parties were in fact mobilising their electorates around the issue of independence: immediate or postponed. There was a clear-cut opposition between the *Union pour le Progrès National* (UPRONA) and its supporters, who were opposed by the colonial power for their idea of immediate independence, and parties such

as the *Parti du Peuple* (PP) and the *Parti Démocrate-Chrétien* (PDC), who were supported by the Belgian colonial administration for their support for deferred independence. It is understandable that the colonial power did everything in its power to weaken the former during the communal elections, in particular by placing their leader Rwagasore under house arrest; hence the victory of the pro-Belgian camp. On the other hand, by regaining his freedom during the UN-supervised legislative elections, Prince Rwagasore not only mobilised for immediate independence but also took advantage of the royal legitimacy that the Brussels colloquium had sought to deprive him of (Deslauriers, 2013).

The result was a resounding victory for the UPRONA coalition, which won 81.23% of the vote with 58 seats out of 64, against the Common Front coalition led by the PDC, which won only 17.92% of the vote with just 6 seats. Such a victory did not go down well with either the Belgian authorities or the PDC's opponents, and Louis Rwagasore was assassinated just as the government was being formed. The result was an ethno-political imbroglio based on competition between Hutu and Tutsi/Ganwa on the one hand, and a clan-based conflict based on intra-Ganwa competition between the Bêzi (from whom Rwagasore came) and the Batare (from whom came the sons of Chief Pierre Baranyanka, the founders of the PDC) on the other. The political institutions were almost permanently unstable, to such an extent that King Mwambutsa dissolved the hitherto unicameral parliament and called early elections in May 1965, this time with a bicameral parliament: a National Assembly and a Senate. In the Assembly, UPRONA won 21 out of 33 seats, i.e. 70% of the members, against the PP, which took only 10 seats. The remaining 2 seats went to independents. As for the Senate, UPRONA won 12 seats out of 16, *i.e.* 80% of senators. But an ethnically explosive climate led Hutu officers to foment an unsuccessful coup d'Etat, prompting the king to dissolve parliament on 10 May 1965. Narrowly escaping assassination when his Prime Minister Léopold Biha was shot, King Mwambutsa went into exile in Switzerland. His son Charles Ndizeye staged a coup d'Etat against his father on 8 July 1966 and replaced Prime Minister Biha with Captain Michel Micombero, who was also Defence Minister.

However, after foiling the coup against King Mwambutsa, Micombero had carried out indiscriminate reprisals against Hutu officers and senior dignitaries. Fearing that the new monarch would abandon him and choose a Hutu as prime minister to calm the deep disappointment among the Hutu, Micombero staged a coup d'Etat, overthrew the monarchy and proclaimed the Republic of which he became the first president on 28 November 1966. Micombero installed an implacable dictatorship: not only did he maintain the monopartism

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established by decree-law no. 001/34 of 23 November 1966 recognising UPRONA as the sole party to which all Burundians were obliged to belong, but the national assembly and senate were also abolished. And then he drowned in blood any hint of opposition until 1976. This military authoritarianism was continued *mutatis mutandis* by his successors, Jean-Baptiste Bagaza (1976-1987) and Pierre Buyoya (1987-1993, 1996-2003) (Manirakiza, 2002).

In the face of such a spiral of violence, it is hardly surprising that even the return to a multi-party system in the 1990s was a reflection of the trauma of 1972. Although the electoral campaign was, on the whole, characterised by relative "fair play", apart from a few minor outbursts, what was left unsaid was no less reminiscent of the "*ikiza"* of 1972. Two "ethno-political" tendencies clashed. On the one hand, there was UPRONA (with small Tutsi parties in its support), which mobilised on the leitmotiv of consolidating national unity. It seemed useful to candidate Pierre Buyoya to sell the political openness towards the Hutus that he had begun since the crisis of Ntega-Marangara in 1988. On the other side was FRODEBU, with small Hutu parties in its support, whose project focused on social justice, a sort of code alluding to the many injustices to which the Hutu community had been subjected in the past and, above all, to the wounds of 1972, which had never been healed. The results of the presidential and legislative elections demonstrated the facts. In the presidential elections, Melchior Ndadaye won 64.75% of the vote, Pierre Buyoya 32.39% and Pierre-Claver Sendegeya 1.44%. As for the legislative elections, FRODEBU won 72.55% and UPRONA 21.86% (Buyoya, 2012).

In addition to the traumatic background inherent in 1972, which affected the Hutu candidates and voters, even the mobilisation strategies had a lot to do with it: While UPRONA organised meetings and fairs attended mainly by city dwellers who had gathered in the capital Bujumbura and the surrounding urban centres, FRODEBU relied more on «door-to-door» tactics, using Hutu civil servants working in rural areas, such as agronomists, teachers, medical technicians and so on. As Aude Laroque writes: "For these civil servants, Ndadaye's victory meant the hope of promotion. These Hutu civil servants were therefore effective propagandists because they were very close to the rural world, and also because they campaigned with the energy of despair" (Laroque, op. cit.). Unfortunately, President Ndadaye, who embodied the hopes of the Hutu community, was brutally assassinated on 21 October 1993, some three months after his swearing-in (see above).

The least that can be said is that importing liberal democracy into Burundian society was very difficult both around independence and in the 1990s. On the eve of independence, the notion of democracy was elusive for almost all Burundians, especially as the Belgian colonial

administration had never introduced it during its more than forty years of rule over the country. What's more, the calm and social harmony that was supposed to constitute the conditions for liberal democracy proved difficult to achieve in a highly charged ethno-political divide. As for the 1990s, the authoritarianism of the self-proclaimed military regimes, the deep wounds inherent in the recurrent massacres, the multiple exclusions based either on ethnicity or regionalism, etc. were far from favouring a liberal democracy. In short, we could only have a façade of democracy if the «seedbed» had not had enough time to build itself up and to be strengthened.

2.2. Consociative democracy put to the test

To put an end to the long civil war with an ethno-political background (1993-2000), the protagonists in the crisis initiated the Arusha negotiation process: the Government, the National Assembly and the political parties supporting FRODEBU for the Hutu faction (group of 7 parties known as the G7) on the one hand, and the parties gravitating around UPRONA for the Tutsi faction (group of 10 parties known as the G10) on the other. Mediation was first provided by former Tanzanian president Julius Nyerere and then, on his death in 1999, by former South African president Nelson Mandela (Buyoya, op. cit; Sindayigaya, 2002). This led to the "*Arusha Agreements for Peace and Reconciliation in Burundi"*, signed on 28 August 2000, whose backbone is the model of consociative democracy. The 2005 and 2018 constitutions take up, *mutatis mutandis*, the essentials of this model.

Faced with the division of Burundian society into "ethnic groups" of varying demographic and political importance, the Arusha negotiators realised that the majoritarian principle of classical liberal democracy would enshrine the overwhelming of the minority Tutsi and Twa "ethnic groups" by the majority Hutu "ethnic group", which would worsen the spiral of ethnic violence. The stakeholders were therefore led to opt for consociative democracy (Lipjhart, 2021). Broadly speaking, this is a power-sharing system in which all segments are represented in the key institutions of the Republic, such as the Presidency, Parliament (the National Assembly and the Senate), the Government, the defence and security forces, the public administration, and so on. The 2005 and 2018 Constitutions are based on this model (Vandeginste, 2006):

(i) Article 124 of the 2005 Constitution provides that the President of the Republic is assisted by two Vice-Presidents from different ethnic groups and political parties. In the same vein, Article 124 of the 2018 Constitution provides that the President of the Republic and the Vice-President belong to ethnic groups, political parties and coalitions of different political parties

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or independents of different ethnic groups. It is worth mentioning that unlike the two vice-presidents who enjoyed quite enough powers, the vice-president instituted by the 2018 Constitution has virtually no powers. Instead, it is the Prime Minister who enjoys broad powers: he is the Head of Government (art. 129), coordinates the actions of the Government (art. 130), and takes measures to implement presidential decrees (art. 131). In other words, the presence of a vice-president from a different ethnic group from that of the President of the Republic does not imply any counter-power conveyed by the consociational paradigm.

(ii) The Government comprises no more than 60% Hutu ministers and no more than 40% Tutsi ministers. At least 30% of the ministers must be women (Art. 129 of the 2005 Constitution and art. 128 of the 2018 Constitution). The ministers responsible for defence and security must be of different ethnic communities (2005 constitution, art. 130 and 2018 constitution, art. 135). It should be noted that the current government includes a woman from the Twa ethnic group in charge of the Ministry of National Solidarity, Social Affairs, Human Rights and Gender.

(iii) The National Assembly is made up of 60% Hutu, 40% Tutsi and 3 Twa. A minimum of 30% of the members must be women (Art. 164 of the 2005 Constitution and art. 169 of the 2018 Constitution).

(iv) The Senate is composed of 50% Hutu and 50% Tutsi as well as 3 Twa. It includes a minimum of 30% women (Art. 180 of the 2005 constitution and art. 185 of the 2018 constitution).

(v) For provincial and public administration, the two constitutions of 2005 (art. 143) and 2018 (art. 148) apply quotas of 60% and 40% for Hutu and Tutsi respectively.

(vi) At the level of communal administrators, no ethnic community may be more than 67% represented at national level (Art. 266 of the 2005 Constitution and art. 273 of the 2018 Constitution).

(vii) For the defence and security bodies, *i.e.* the Army and the Police, parity of 50% Hutu and 50% Tutsi is applied (Art. 266 of the 2005 Constitution and Art. 273 of the 2018 Constitution).

(viii) The 2018 constitution (art. 213 para. 3) introduced ethnic quotas for the judiciary (no more than 60% Hutu and no more than 40% Tutsi), which did not exist in the 2005 constitution.

We might point out that under the 2005 (cf. art. 257, para. 2) and 2018 (art. 263, para. 2) Constitutions, "for a period to be determined by the Senate, the Defence and Security Corps shall not have more than 50% of members belonging to a particular ethnic group, taking into

account the need to ensure ethnic balance and to prevent acts of genocide and coups d'état". In addition, the 2018 Constitution envisaged the possibility of abolishing ethnic quotas in the Executive, Legislature and Judiciary. Article 289 states, "*A period of five years is granted to the Senate to evaluate in order to end or extend the ethnic quota system in the Executive, Legislative and Judiciary after the establishment of the institutions resulting from this Constitution*." A committee of Senators recently organised consultations to collect the views of the population. The committee's report was adopted at a plenary session on 6 December 2023. The committee reported that there were three categories of opinion: while some were in favour of maintaining ethnic quotas, others supported abolishing them. On the other hand, another category suggested that the article be analysed by means of amendments (https://twitter.com/burundi_senat/status/1732366247856124366, consulted on 29 January 2024). However, the information provided by the Senate does not indicate which of the three options was chosen.

We should note that the ethnic quotas provided for in the constitution refer to a "corrected proportionality" insofar as they do not necessarily correspond to the demographic weight of the segments represented. While it is true that no ethnic census has ever been conducted and that the estimates of 85% for the Hutu, 14% for the Tutsi and 1% for the Twas date back to Belgian colonisation, the quota for the Tutsi was raised to 40% for the National Assembly and the Government, while it was raised to parity for the Senate and the Defence and Security Bodies. The idea was to guarantee as far as possible that the Tutsi minority would not be "crushed" by the Hutu demographic majority.

In addition to ethnic quotas, the 2005 Constitution provided for a qualified majority of two-thirds for the adoption by Parliament of important laws, resolutions, decisions and recommendations (Articles 175 and 186). A majority of four-fifths of Members of Parliament and two-thirds of Senators was required to revise the Constitution (art. 300). Qualified majorities represented a kind of veto, which is generally provided for in favour of minority groups in consociational societies. No single ethnic group could vote for a law, resolution, decision or recommendation. The 2018 Constitution (art. 180 and 191) replaced the qualified majority for ordinary laws with an absolute majority; and for organic laws, the two-thirds majority was reduced to three-fifths.

All in all, the consociative democracy model has been applied to a Burundian society marked by a spiral of ethno-political violence, with relative success in terms of the desired objective (to make democracy compatible with a society torn apart by recurring ethno-political

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wars). On the one hand, consociative democracy has been successful insofar as the ethno-political content has gradually been decanted in favour of the political dimension. Firstly, players from Hutu and Tutsi "ethnic" backgrounds are trivialising ethnicity by using it as an instrument to retain or win positions of power. Secondly, the emergence of political competition between leaders of the same ethnic background has undoubtedly reduced the Hutu-Tutsi polarity. In the 2020 elections, for example, the main challengers were two Hutu, Evariste Ndayishimiye representing CNDD-FDD and Agathon Rwasa representing CNL (*Congrès National pour la Liberté*). In the presidential election, the former won 68.70% of the votes cast, while the latter took 24.18%, whereas the UPRONA candidate, Gaston Sindimwo (a Tutsi), was marginal, with a score of 1.63%. This contributes to the gradual transformation of the conflict from a highly "explosive" ethnic dimension to a more simply political content, which is certainly a modest step, but a step in the right direction.

Finally, with the institutionalisation of quotas of 50% Hutu and 50% Tutsi within the Defence and Security Bodies, the traditional "challenging puzzle of the Army" ("*ikibazo c'igisoda"*[1]) has been resolved: Not only have Hutu and Tutsi soldiers been subjected to the same ordeals in Burundi's barracks or during peacekeeping missions abroad (Somalia or the Central African Republic), but also the population cares less and less about whether such and such a military/police chief in attendance is Hutu or Tutsi. For, if there is protection or abuse of power, all members of the community pay the price in the same way and have the same perception of it, whatever their "ethnic" identity (Sentamba, 2017).

In short, there has been a considerable appeasement the identity issue. It has to be said that with the 2015 crisis, many observers, both national and foreign, feared genocide against the Tutsi. Fortunately, there was more fear than harm, insofar as it was actually opponents of all "ethnic" affiliations who were the target of a manhunt, which unfortunately constitutes a terrible step backwards for democracy, but a less genocidal concern in terms of human rights.

The implementation of consociative democracy in Burundi has a number of weaknesses. A few examples may illustrate this situation:

(i) The institutional instability inherent in the special majorities introduced in the voting of laws in the National Assembly and Senate between 2005 and 2010: On several occasions, legislative work was obstructed by an insufficient quorum (less than 2/3 of MPs) following the conflict between the UPRONA and FRODEBU parties and the CNDD-FDD party on the other,

[1] This expression has entered common parlance to mean an issue that is too difficult to address.

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and following the split between pro-Hussein Rajabu and pro-Nkurunziza members of parliament within the same CNDD-FDD party. As a result, 22 MPs resigned or were dismissed from the CNDD-FDD. In its ruling RCCB 213 of 5 June 2008, the Constitutional Court ruled that the said MPs were occupying their seats unconstitutionally. The Court's reasoning was that by losing their status as members of the party on whose ticket they had been elected, these members *ipso facto* lost their seats. However, neither the 2005 Constitution nor the 2005 Electoral Code expressly provided a basis for such a decision. On the contrary, Article 149 of the Constitution stated that the mandate of MPs is national in nature and that any imperative mandate is prohibited. The principle enshrined in the Court's ruling was incorporated into the 2009 Electoral Code, Article 112(2) of which states: "Without retroactive effect for this provision, the term of office of a Member of Parliament may also come to an end when he voluntarily leaves the party for which he was elected or if he is excluded from it after exhausting all avenues of appeal".

It is argued that the above-mentioned blockages are at the root of the government's strategy of fomenting the splitting of opposition parties into rival wings (FRODEBU, UPRONA, FNL, for example), even if it means recognising (via the Ministry responsible for internal affairs) those made up of people close to it (Banshimiyubusa, 2021). In other words, consensus has given way to arm wrestling, which the party in power has undoubtedly won as it has used the "*nyakurisation"* strategy and force.

(ii) The permanent dialogue sought by consociative democracy does not seem to have succeeded. We know, for example, that after the 2010 elections boycotted by some opposition parties such as FRODEBU, FNL, MSD and UPD-Zigamibanga, there was deep dissension between the government and the opposition. In response, a series of dialogues between stakeholders was organised under the facilitation of the United Nations Office in Burundi. Agreements such as the "*Roadmap to 2015"* and the "*Non-Violence Charter"* were signed. But their recommendations, such as the rejection of violence as a means of political expression, the commitment to put an end to impunity, etc., were not sufficiently implemented. The violence that erupted in April 2015 when late Pierre Nkurunziza announced his intention to run for a third term clearly proves the contrary.

(iii) The quotas of 50% Hutu and 50% Tutsi allocated to the Defence and Security Bodies (DSB), intended to counter acts of genocide and coup d'état, did not prevent the malaise within the Army or prevent the narrowly missed putsch on 13 May 2015. The political crisis of 2015

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has affected the CDB for at least two reasons. On the one hand, the ex-FABs[2] were all the more suspected of being close to the demonstrators as most of the young officers lived in the so-called "protest" neighbourhoods and were therefore subject to untimely police searches, even though offences committed by military personnel are in principle the responsibility of the military courts and auditorates. This led many of them all the more to desert, as a number of soldiers had been arrested and murdered in circumstances that had never been clarified either by their original bodies or by the courts (often under the close control of the Executive, given that the principle of the separation of powers is still utopian in Burundi). On the other hand, the failed coup d'état led by a coalition of both Hutu and Tutsi officers (from the Army and the Police) and, more importantly, the attack on three military camps by unidentified assailants (in December 2015) were followed by arrests and disappearances of Tutsi soldiers and police officers, most of them ex-FAB. This profoundly tarnished the image of successful integration that the CDB had enjoyed from technical and financial partners before 2015.

Subsequently, this mistrust became all the more profound as almost all the command posts were now held by the ex-FDD rather than the ex-FAB on the one hand, and that even the few ex-FAB beneficiaries were chosen from among those closest to the CNDD-FDD on the other (Ndayisaba, 2017). It should be noted that a deep mistrust between the ex-FDD and the ex-FAB was no less observable even before. Gervais Rufyikiri, an observer who is all the better for having held several positions of responsibility at the top of the State, rightly points out: "*An in-depth analysis shows that, contrary to these conclusions [of foreign technical and financial partners], the integration of the ex-FDD with the ex-FAB certainly gave rise, in appearance, to a new integrated body, unified and homogeneous in its uniform (like a mixture of two miscible liquids whose constituents are no longer distinguishable), whereas this body remained quite heterogeneous, due in particular to certain behaviours of the ex-FDD. For example, they were rarely present in common entertainment areas such as officers' and non-commissioned officers' messes and canteens for the troops"* (Rufyikiri, 2016:23).

(iv) The 2018 constitution has no less weakened consociational democracy. Two illustrations will suffice to make this clear. On the one hand, the ethnic quotas of 60%, 40% and 30% Hutu, Tutsi and women respectively have been retained in the composition of the government, for example, but the "safeguard" which imposed (cf. 2005 constitution) the consultation of the

[2] FAB : *Forces Armées Burundaises*. These were government forces before and during the civil war from 1993 to 2000. They fought the armed political movements, including the CNDD-FDD (in power since 2005). Even after the various protagonists were reintegrated into the same ' Force Nationale de Défense » (FDN), they are still known as the 'ex-FAB', with some interference from the Tutsi ethnic group.

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party of origin both for the appointment and for the replacement of a minister will no longer be applicable. The precise aim of this consultation was to maintain a permanent dialogue and consensus. On the other hand, as we mentioned earlier, the special majorities in the National Assembly and the Senate have been reduced. As a result, the leitmotiv of consensus has been eroded, since a single party can easily assemble this majority and, as a consequence, small parties and even minority segments of society risk being excluded from the decision-making process.

(v) In a country where access to positions of political and administrative responsibility is an unhoped-for bridge to social and, above all, economic success, a party in power has always been free to recruit whomever it wishes in order to circumvent any political constraints, including those inherent in the Arusha Accords (for the CNDD-FDD). This is why, as did the Tutsi-dominated powers under the UPRONA single party (from Micombero to Buyoya) where Hutu personalities were targeted for inclusion in government institutions more for "service" (pejoratively called "*imperekeza"* in Kirundi) to the party in power than for "representation" of their presumed "ethnic" group, The CNDD-FDD has no less identified Tutsi actors already won over to its cause to "represent" the Tutsi community in the eyes of (uninformed) national and international opinion. In this respect, during a television programme, a UPRONA activist did not mince his words: "just as Palipehutu rejected the presence of a few Hutu personalities not mandated by the Hutu in Tutsi-dominated governments, so UPRONA should reject the presence of Tutsi personalities not mandated by predominantly Tutsi parties"!

(vi) While the appeasement of ethno-political conflict is real in "normal" times when people do not refrain from joking about their ethnicity, ethnic polarisation becomes a reality at times of high political mobilisation, particularly during election periods. In the absence of relevant social projects (for the political parties in the competition), the exploitation of past ethno-political resentments becomes an easy leverage for mobilising voters. This explains why ethnicity seems to decant during the "normal temporality" (between electoral periods) and becomes polemical during electoral processes (Sentamba, 2023). During the 2015 crisis, for example, ethnicity was used as a mobilising lever to such an extent that civilians and military/police officers were constantly killed because of their ethnicity. The issue was purely political, but some politicians opted to wrap the problems in ethnic straitjackets to make it easier to mobilise.

In the final analysis, consociational democracy will have calmed the ethno-political conflicts that Burundi had suffered from over the decades since independence. It had in fact helped to transform the purely ethnic content of the conflict into a purely political one, to such

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an extent that even during the 2015 crisis the population resisted an open ethnic divide. The high intensity of the political violence was therefore confined to Bujumbura in general and to the so-called "protest" neighbourhoods in particular. With the exception of the Mugamba region, the rest of the country was generally free of violence, and the outbursts attributed to an organisation of youth affiliated to the CNDD-FDD *(imbonerakure*) that occurred here and there throughout the country were not strictly ethno-political in nature. The permanent dialogue and grand coalition sought by the consociative democracy inherent in the Arusha Accords are struggling, however, to produce a truly nationalist political culture and to underpin interaction between the government and the opposition, with day-to-day political and administrative management drawing more on the rear-view mirror of the past ... than on Arend Lipjhart's paradigm of consociative democracy.

Ultimately, consociational democracy will have calmed the ethno-political conflicts that Burundi had suffered from over the decades. It had in fact helped to transform the purely ethnic content of the conflict into a purely political one, to such an extent that even during the 2015 crisis the population resisted an open ethnic divide. The high intensity of the political violence was therefore confined to Bujumbura in general and to the so-called «protest» neighbourhoods in particular. With the exception of the Mugamba region, the rest of the country was generally free of violence, and the outbursts attributed to CNDD-FDD-affiliated *Imbonerakure* youth (reported here and there throughout the country) were not ethno-political in the strict sense. However, the permanent dialogue and grand coalition sought by the consociative democracy inherent in the Arusha Accords are struggling to produce a truly nationalist political culture. Similarly, the insufficiency of this dialogue means that day-to-day political and administrative management continues to look in the rear-view mirror of the past during periods of high political mobilisation and slows down the implementation of Arend Lipjhart's consociational paradigm.

Conclusion

This paper on applied democracy in plural societies will have taught us at least three important things. Firstly, it was difficult to apply a model of majoritarian democracy in Burundi at the time of independence and in the 1990s. The major stumbling block to the democratisation of institutions at the time of independence lay in the fact that Burundian society was 'unprepared' for this model of political management, since the authoritarianism of the colonial administration set up as a 'normal mode of management', the division of society into competing Hutu and Tutsi 'ethnic groups', an illiterate population with little inclination to understand what was at

stake in democracy, etc. were the ethno-political manipulations likely to skew the nascent democracy.

As for the majority democracy of the 1990s, it had little chance of taking root in a context of cyclical ethno-political trauma in general and that of the unspeakable "scourge of 1972" in particular. So it was hardly surprising that the 1993 elections were underpinned by such resentment, that the emerging democracy was annihilated by the decapitation of the ruling party's leadership, and that an ethno-political civil war finally engulfed the country.

Then, with the Arusha Accords, the model of consociative democracy calmed things down, at least on an ethno-political level. By granting quotas to the different segments in key institutions such as the Government, the National Assembly, the Senate and the Defence and Security Bodies (Police and Army), the March 2005 Constitution led yesterday's protagonists to collaborate on a daily basis, to the point where a relative symbiosis was beginning to be observed until the eve of the 2015 crisis. Apart from a certain degree of instrumentalization of the ethno-political cord by certain leaders with a view to retaining or winning power, the population of the Burundian hills was gradually beginning to transcend the ethnic divide in its daily life.

Finally, consociational democracy needs a process of consolidation, in terms of improving the quality of institutions. The democratic spirit that makes opponents political adversaries rather than enemies, respect for the opinions of others, including those opposed to one's own, attachment to the values inherent in the rule of law and public freedoms, the opening up of the public arena to a wide range of media, civil society organisations working in a wide range of fields, etc., are not yet firmly rooted in Burundian society in general, and since the 2015 electoral conflict in particular. Yet it is these values that would enable society to work long and hard on itself, work that would lead the different "ethnic groups" to go beyond the quotas established in Arusha.

In a nutshell, we need to "give it time" to gradually dissipate the resentments imprinted by cyclical trauma. But this can only happen if strategies are put in place to avoid repeating the mistakes of the past. For, by initiating a platform where everyone finds his/her place according to the same "consensually" agreed criteria such as meritocracy; there is no reason why Burundians should not be able to build a truly democratic society.

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