

POST-ELECTION PROSPECTS FOR BURUNDI

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ABSTRACT

Burundi has now held three elections in a bid to end the Transitional Government that has been ruling the country since 2002 following the signing of the Arusha Peace Agreement. It was not an easy task to hold elections in a war-torn country where no population census has been undertaken for decades and where scores of citizens do not have identity books. There was considerable uncertainty about how political parties would respond to the outcome of the elections since many of them had entered politics only a few months before and do not have a democratic culture. The success of the constitutional referendum on February 28 was put down to a lack of interest, with attention focused on the communal and legislative elections which were still to come. While the former was marked by some violence and contestation, the latter appeared even more challenging. Surprisingly, the legislative election went smoothly and now Burundi is poised to achieve a return to peace and stability. Yet there are problems the country has to tackle if peace is to last and national reconciliation become a reality.

INTRODUCTION

Burundi is seeking to hold general elections in an effort to end an eleven-year conflict that resulted from the killing of the first democratically elected Hutu President, Melchior Ndadaye, in October 1993. The Arusha Agreement, which brokered peace between half a dozen Burundian armed factions, originally scheduled the elections for November 2004, but they have been postponed several times. Some communal elections were held on 3 June 2005 and, at the time of writing, others are scheduled for 4 and 29 July, 19 August and 23 September.

In 1993 Burundians had managed to hold elections that were deemed free and fair by the international community, but not all the parties accepted the outcome. The assassination of Ndadaye by the military four months later sparked an unprecedented wave of violence from the Hutu majority, triggering a tough response from the national army, which was largely Tutsi-dominated. For a decade the country plunged into a bloody civil war that killed an estimated 300 000 people.

Burundi's circumstances give rise to many questions. Can the country manage full multiparty democracy? How much does politics in Burundi depend on ethnic membership? Can Burundi's Commission Electorale Nationale Indépendante (CENI) deliver free and fair elections? What are the obstacles to democracy in the country? What can be done to give democracy a chance? And, ultimately, what are the chances that a new electoral process will bring lasting peace?

BACKGROUND

Burundi became independent from Belgium in July 1962. According to Article 1 of the Constitution, Burundi is an 'independent, sovereign, non-religious and unitary republic respecting its ethnic and religious diversity'. Article 6 states that the 'principle of the Republic of Burundi is the people's Government, by the people and for the people'. On the eve of national independence, in September 1961, a multiparty system was established for the country. However, most of the political parties that contested the first elections in 1961 were no challenge to the Union pour le Progrès National (Uprona) of Prince Louis Rwagasore. In the aftermath of the elections Jean Ntidendereza, leader of the Parti Chrétien Démocrate (PCD), plotted against Prince Louis, who was killed as he was holding consultations to set up the first post-independence Cabinet, plunging the country into its first political crisis and shattering national unity.

Between independence in 1962 and 1966 Burundi was a kingdom, ruled by Prince Louis's father, King Mwambutsa Bangiricenge. In 1966 the military overthrew the king and brought his son, Ndizeye Charles, to power. On 28 November 1966 the young King Ntare, as he was known, was overthrown by the same military and the kingdom was replaced by a republic. The coup d'état brought to power a young army captain, Michel Micombero, originally from the southern province of Bururi. By tradition and culture Burundians were bound to the king and in the beginning most citizens showed reluctance to adopt the new rule. In the wake of these changes, all political parties apart from Uprona were banned. The banning appeared to be a patriotic move necessary to safeguard this fragile national unity. However, six years later, national unity would suffer an even greater blow when a Hutu uprising killed several Tutsis and the Tutsi-dominated army responded excessively to the killing, setting off a chain of massacres that is believed to have caused in the region of 300 000 deaths (Agence France Presse 13 December 1972), mostly Hutu, between April 29 and August 1972.

In total, it is estimated that since independence in 1962 the various political conflicts in Burundi have caused the death of more than 600 000 people of all ethnic groups, or roughly 10 per cent of the present population of approximately seven million. After 1972, the national army consisted entirely of Tutsi soldiers. In November 1976, Micombero was deposed in a bloodless military coup that brought Colonel Jean-Baptiste Bagaza to power, where he remained until September 1987, when he was toppled by Major Pierre Buyoya.

Burundi remained a one-party state until 1992 when Buyoya, yielding to national and international pressure, undertook to restore multipartyism and re-legalise political parties. Amongst the parties to be legalised was the Hutu-dominated *Front pour la Démocratie au Burundi* (Frodebu) that would win the elections in June 1993. Four months after Frodebu's victory its leader, Melchior Ndadaye, was killed in a coup attempt led by Tutsi military. Ndadaye's assassination spurred a wave of violence throughout the country from the Hutu population. Thousands of Tutsi civilians were killed by their Hutu neighbours before the army intervened, using tough measures.

Burundi is a unique and interesting case study of the restoration of multiparty democracy. Of the 7,1 million Burundians, 85 per cent are Hutu, 14 per cent are Tutsi (who have dominated politics, the army and economy) and 1 per cent are Twa¹. Obstacles to democracy and common well-being in Burundi include poverty, illiteracy, overpopulation and political divisions along ethnic lines. The country is facing a crucial electoral process in a bid to manage the transition to democracy and stability.

POLITICAL ENVIRONMENT

The period before the restoration of the multiparty system was essentially marked by the Tutsi minority's domination of political life. From Micombero to Buyoya, the Hutu majority was noticeably under represented at all levels of responsibility. Sporadic rioting and protests would interrupt the seemingly peaceful atmosphere. Burundi is surrounded by three countries: Rwanda, Congo and Tanzania. While Tanzania is seen as a relatively stable democracy, the other two countries, which share a history and culture with Burundi, have experienced turmoil in every decade. Each time trouble erupts in one of these countries, especially in Rwanda, there are direct consequences for Burundi, and vice-versa.

During Micombero and Bagaza's era (1966-1987) the political environment in Africa favoured the single-party system with only a handful of countries, among them Senegal, adopting multiparty democracy. The general mood was in favour of single parties. In some countries, the then Zaire is an example, the ruling parties had been institutionalised as 'state parties', and some heads of states, like Idi Amin Dada in Uganda, had been declared presidents for life. Burundi followed a similar path. The country held no elections under Micombero, and Bagaza, after ruling the country for six years, was again proclaimed president in 1982 in an election in which he was the only candidate of the sole political party, Uprona.

At the start of the 1990s, in a sudden unforeseen rupture with the established one-party system, a few multiparty elections took place in Africa in a climate of

1 These figures are presumably outdated as they were set during the colonial time. But they may remain in use for a long time to come as Burundians are not likely to mention ethnic groups in the census.

intense, genuine competition. The process was encouraged by a general move towards transparency that emerged from developments in the international arena, such as the beginning of the Perestroika process in the then Union of Soviet Socialist Republics (USSR) and from a series of national conferences held throughout the continent, particularly in Francophone Africa. During a summit held in La Baule, France, which has a strong influence in French-speaking countries, of which Burundi is one, urged Africans to move towards democracy and transparency.

In 1992, like a few other African countries, Burundi took steps towards restoring a full multiparty democratic system. Political parties were made legitimate once again and the race for power was frantically launched. By that time a raging civil war had erupted in neighboring Rwanda, pouring hordes of refugees into Burundi.

RESTORATION OF MULTIPARTYISM

On 28 March 1993 Buyoya took the first steps towards legitimising political parties and restoring multiparty democracy. Prior to that he had appointed a committee to 'study the question of national unity'. The committee had come up with the concept of a 'Unity Charter' covering social, political and religious activities in Burundi. The charter stipulated that 'no individual or group of individuals can undertake any activity in Burundi unless the activity conforms to the spirit of the Unity Charter'. A monument was built as a symbol of unity; ceremonies took place on inauguration day, 6 February 1992, and a 'Unity Anthem' was sung to seal unity among the citizens of Burundi.

Since the intention of the Unity Charter was to cement unity, it was intended to be regarded as an inviolable reference and the foundation on which the electoral process was to be based. When the presidential elections were held, Ndadaye and his party, Frodebu, won an overwhelming victory. Ndadaye with 64,7 per cent of the vote and Frodebu 72,5, compared with Buyoya's 32,4 per cent and Uprona's 21,8 per cent. The elections were declared free and fair by the international community.

Protestors, most of them Tutsi students, demonstrated against Ndadaye's victory, denouncing the election as a 'tribal census', suggesting that Ndadaye had won only because of tribal support. Indeed, it was evident that each of the two candidates had won overwhelmingly in the constituencies in which their respective ethnic groups made up the majority, even though the fact that Buyoya won 32 per cent of the national vote meant that countrywide more Hutus had voted for him than did or could Tutsis. Adding to the students' protests, influential voices appealed for a cancellation or at least a postponement of the parliamentary elections, which Buyoya reasonably declined on the grounds that he did not feel comfortable ruling the country after losing the election while the elected president was awaiting an Assembly to work with.

The parliamentary electoral campaign took place in an unwholesome atmosphere, with Frodebu candidates, supporters of the victorious Ndadaye, using

cynical, abusive language to mock the losers. This discouraged Uprona supporters, many of whom tore or threw away their voter cards, making it easier for Frodebu to win an absolute majority in the Assembly. In the case of at least one province, Karusi, it could be proved to the Constitutional Court that Frodebu had infringed the terms of the 'Unity Charter' by presenting a mono-ethnic list. Frodebu's list was consequently cancelled, thus allowing Uprona to win all the seats in that province. In another, Buyenzi (Bujumbura), Frodebu's list was also mono-ethnic, with the exception of one Tutsi domestic worker at the bottom of the list, perceived by the party's main opposition, Uprona, as not even a token Tutsi but as an insult.

It is noteworthy that Frodebu's overwhelming victory in the legislative elections was partly the result of a political swindle. Before the elections Frodebu had formed an alliance with six other mainly Hutu parties including the Rassemblement du Peuple Burundais (RPB), the Parti pour la Réconciliation du Peuple (PRP), the Rassemblement Démocratique pour le Développement (RADDES) and the Parti du Peuple (PP). They unanimously decided to support Ndadaye's candidacy in the presidential race, and campaigned jointly around the Frodebu symbol – a cock. After Ndadaye won the presidential election, Frodebu decided that it should run separately in the legislative election. This move severely disadvantaged the other parties. Having campaigned for the cock only a few weeks before, they encountered a strong scepticism from voters who could not understand why the same people who had exhorted them to vote for the cock in the presidential elections would ask them to vote for something different in the legislative elections. None of these parties won a seat in the Assembly.

So, from the start, Ndadaye's and Frodebu's victories had upset not only their Tutsi opponents in Uprona, but Hutus as well. These and similar cases set the scene for the trouble to come. Four months after taking office Ndadaye was killed in a coup attempt conducted by Tutsi soldiers. Then began an eleven-year civil war which ended with the signing of the Arusha Peace Agreement.²

CONDITIONS FOR LASTING PEACE

Currently, laudable efforts are being made by various actors, national and international, to help Burundi succeed in building a system that will bring it in line with the global evolution of democracy. This ideal of democracy is being implemented in Burundi taking into account the strong numerical imbalance between the ethnic components of Burundian society where Tutsis, 14 per cent of the population, have dominated politics, the economy and the army.

There is no magic formula for representation of ethnic groups in the national institutions that would suit Burundian society. While the Arusha Agreement included quotas to ensure that ethnic groups are represented in a proportion that is

2 To date one rebel group, the Front National de Libération (FNL) has not joined the peace process.

acceptable to all, not every aspect of national life can be addressed with quotas or the provisions of the Arusha Agreement. Much more is needed for Burundi to establish a balance that will enable citizens to concentrate on the country's economic development.

Ethnic quotas are concealing problems that may hinder harmony and reconciliation between Burundians. There is a feeling that ethnic Hutu parties will win all the elections, given the proportion of Hutus (85%) in the whole population. The Hutu parties are somewhat reinforced by the division amongst Tutsis. More than seventeen parties signed the Peace Agreement; in ten of them Tutsis dominated and only in seven were Hutus predominant. Mathematically, this gives the latter a considerable advantage, with ten Tutsi parties representing 14 per cent of the population and seven Hutu parties sharing 85 per cent of the voters.

In reality, things are not that simple. The so-called Hutu parties all have Tutsi members. It can be expected that those parties will appoint Tutsis to high positions, which may lead to a situation where ethnic groups are all represented in the institutions, but political sensitivities are not. This situation, described by some observers as going 'from an armed conflict to a non-armed conflict', is one of the challenges likely to be faced by Burundi after the transition.

Not everybody is afraid of that eventuality, however. Some Burundians believe that situation could lead to stability, provided that the Tutsis in Hutu parties maintain their objectivity¹ so that they can play a buffer role, and that serious efforts are made by Hutu parties to avoid exclusion, the very reason for which Burundians took arms to fight a bloody eleven-year civil war.

The relative strength of the Hutu parties is partially the result of the weakness of the Tutsi parties, whose leaders have shown a remarkable reluctance to leave the political scene. Most notorious Tutsi parties are led by perpetual leaders, some of whom have been in politics for more than thirty years.³ To counter them, the young parties seem to have found a language that might convince voters, regardless of their ethnic membership. In the referendum campaign, H Radjabu, one of the young leaders of the Conseil National de Défense de la Democratie-Forces de Défense de la Democratie (CNDD-FDD) was quoted as saying: 'when we were youngsters, Mr Manwangari (President of Uprona) used to tell us at political rallies "you are the future Burundi". Now, almost 30 years later, we want to run for elections, and Manwangari is still running for office. Can he say when is the "future Burundi" due to rule' (*Umuco*, February 2005)?

Another obstacle on Burundi's path to real peace is justice, without which lasting peace and reconciliation will only be unrealistic dreams. The various events that plunged Burundi into social and political crisis have not been investigated thoroughly to the satisfaction of the majority of the population. Recently, many voices have been raised to remind Burundians of the need for an international

3 In the past, Tutsis affiliated with Hutus had behaved badly toward fellow Tutsis and vice versa.

judicial commission on Burundi as well as a truth and reconciliation commission if peace is to last and reconciliation to become a reality.⁴ It might have been better to hold elections after the publication of the reports of these commissions so those who committed crimes will not be part of the executive, and those who did not but were suspected of having done so will be cleared. In the absence of such an ideal solution, it should be required that any person suspected by the commission of having committed crimes be compelled to resign from public office.

Article 6 of the Preamble to the Arusha Peace Agreement ('Principles and measures relating to genocide, war crimes and other crimes against humanity') includes a 'Request by the Government of Burundi for the establishment by the United Nations Security Council of an international criminal tribunal to try and punish those responsible should the findings of the report point to the existence of acts of genocide, war crimes and other crimes against humanity'. In Arusha discussions were held on justice and the question of impunity but the participants came to the conclusion that they should first re-create a state before dealing with justice. They agreed on a 'provisional immunity' mechanism allowing refugees, politicians and combatants to come back to Burundi.

The provisional immunity was supposed to last for the transition period only. Now Burundians are holding elections without establishing responsibility for the various massacres in the history of the country, which amounts to turning the 'provisional immunity' into a 'definitive immunity'. If Burundi is to have lasting peace and reconciliation 'definitive immunity' is not the way to go. The country should painstakingly face its past and bring to justice those who may have played a role during the dark period of history.

Article 18 of the Arusha Agreement, entitled 'Combating impunity during the transition', states: 'In accordance with Protocol I to the Agreement, the transitional Government shall request the establishment of an International Judicial Commission of Inquiry which will investigate acts of genocide, war crimes and other crimes against humanity and report thereon to the Security Council of the United Nations'. And: 'In accordance with Protocol I to the Agreement, a National Truth and Reconciliation Commission shall be established to investigate human rights abuses, promote reconciliation and deal with claims arising out of past practices relating to the conflict in Burundi.'

For Burundians to achieve peace and justice the question of impunity should not be overlooked. Burundian civil society should do everything in its power to ensure that these issues receive attention. In the long run, justice and the question of impunity are more important for peace than the ethnic imbalance that is receiving so much attention, as the effect of the latter can be ameliorated with good governance and economic progress. Indeed, is it not preferable to have institutions that are somewhat ethnically imbalanced but qualified and competent rather than

⁴ In February the office of the President issued a communiqué appealing to Burundians to apply for positions on a 25-member truth and reconciliation committee.

institutions that are balanced but lack any capacity and will to serve? In Burundi, as elsewhere, are citizens more concerned about the ethnic origins of civil servants or about how those civil servants perform their duties (Nindorera 2005)?

Other problems that may hinder democracy and peace include the fact that there are too many firearms in the hands of the population. According to CNDD President Leonard Nyangoma (Author's interview, 16 March 2005) there are roughly 300 000 firearms among the civilian population, an unacceptably high figure for a population of 7,1 million. Even with the ceasefire holding firm since the Arusha Agreement the country has recorded an abnormally high rate of criminality involving firearms. Efforts should be made to recover these firearms and such efforts must be accompanied by noticeable progress in the peace process as a whole. There are doubts, for example, about the quantity and quality of firearms that were recovered from the army's main opponent, CNDD, whose troops are now being demobilised.

Another problem that needs to be solved in post-electoral Burundi concerns the Ganwa. The population of Burundi is actually made up of four, not three ethnic groups. These groups are the Hutu, the Tutsi, the Twa and the Ganwa. Numerically the Ganwa are an insignificant minority but historically they have played an important role in the history of the country. They are the descendants of the royal family and most of them are highly educated. In Arusha the Ganwa entity was recognised as being one of the four ethnic groups inhabiting Burundi but the final documents on which the elections are being based do not mention them. Charles Karabona, Vice-President of the Parti Monarchique Parlementaire (PMP) has raised concerns about the coming elections. He believes that fraudulent manipulation has led to the Ganwa being removed from the electoral and communal laws and that this might result in litigation that may hinder reconciliation.

The presence of Burundian refugee camps not far from the border, in neighbouring Tanzania, is also perceived as a possible destabilising factor. Some political leaders have made a point of the need to have the Burundians refugees living in those camps repatriated and relocated in their country before the elections. If this cannot be done these leaders suggest that the refugees be permitted to exercise their right to vote where they live. Excluding huge numbers of citizens from voting would give politicians who have ties with them the opportunity to argue that significant masses of their supporters were excluded from voting. With the supporters living in camps not far from Burundian borders the likelihood of unhappy politicians inciting people to violence or rebellion should not be underestimated.

The return of refugees and displaced people will inevitably raise numerous land issues that will put pressure on the administration of the state. Some refugees fled the country in the 1970s and their property was taken over by other citizens, who now view it as their own. With the current volume of unemployment in the country land is vital and its redistribution will be crucial both to the returning refugees and to the rest of the country's citizens.

An important, unspoken aspect that may hamper the success of the current electoral process is the role of the administration. Although elections are organised by the Commission Electorale Nationale Indépendante (CENI) and the Commission Electorale Provinciale Indépendante (CEPI), the administration will no doubt play a role in interacting with and channelling information between these bodies and the voters. The present administration is made up of approximately 40 per cent Uprona and 60 per cent Frodebu. These two parties are regarded by many Burundians as 'having blood on their hands'; Uprona for ruling the country during all the years when Hutus were killed (1965, 1972, 1988, 1991 and 1993), and Frodebu for conspicuously failing to appeal to the population for calm after Ndadaye's death, which would have prevented the killing of thousands of civilian Tutsis by their Hutu neighbours.

Burundians have repeatedly expressed concern that there is too much solidarity between Uprona and Frodebu. The two parties are believed to have agreed to act jointly in an effort to win elections and ensure that not only will they rule in perpetuity, but that justice will not be meted out to those among their leaders who are suspected of horrendous crimes. Burundian leaders are concerned that Uprona and Frodebu 'are being given undeserved credit' by the international community despite their role in placing the country in its current situation. One thing that would spell trouble for the present electoral process is if Uprona and Frodebu unconvincingly win a joint majority in Parliament and attempt to appoint people suspected of crimes to high positions in government.

It is very important that the international community observe the coming elections closely. The Coalition of Burundian Civil Society Organisations (COSOME) managed to observe 5 per cent of the voting stations on referendum day, 28 February. They have increased the figure to 20 per cent for the communal election and will attempt to increase it further for the legislative election. But what is really needed is the prominent presence of international election observers to obviate the possibility of fraud, intimidation and other misconduct, as well as to discourage undue complaints from those who may not be favoured by the final outcome.

CONCLUSION

Appreciable efforts are being made by the international community to help Burundians finally turn the page on violence and build a democratic society. Among the solutions envisaged in accordance with the Arusha Agreement is ethnic quotas to address the strong numerical imbalance among the ethnic components of the population. However, the excessive attention paid to this imbalance is concealing the other problems outlined above: justice, land, the preponderance of firearms, the suspect Uprona-Frodebu alliance and the need for sufficient observers to ensure a free and fair election that will not be challenged by losing parties. If they are not addressed, all these issues have the potential to disrupt peace in a new, shaky democracy.

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