



# International Peace Support Training Centre Nairobi, Kenya

## Governance Instability in Burundi: Is Burundi Vulnerable to Internal Implosion?



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# Governance Instability in Burundi: Is Burundi Vulnerable to Internal Implosion?

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## Foreword

The International Peace Support Training Centre (IPSTC) is a research and training institution focusing on capacity building at the strategic, operational and tactical levels within the framework of the African Peace and Security Architecture (APSA) and has developed into the regional center of excellence for the African Standby Force (ASF) in Eastern Africa. It addresses the complexities of contemporary UN/AU integrated Peace Support Operations (PSO) by describing the actors and multi-dimensional nature of these operations. The research conducted covers a broad spectrum ranging from conflict prevention through management to post-conflict reconstruction. The Center has made considerable contributions in training and research on peace support issues in East Africa through design of training curriculum, field research and publication of Occasional Papers and Issue Briefs; the Occasional Papers are produced annually, while the Issues Briefs are produced quarterly. The issue briefs are an important contribution to the vision and mission of IPSTC.

The Peace and Security Research Department (PSRD) of the IPSTC presents one of the occasional papers on Burundi titled: **Governance Instability in Burundi: Is Burundi Vulnerable to Internal Implosion?** The paper provides insights into the current governance situation in Burundi and the way forward before the country set back to conflict. This paper aims also at generating information that will be useful to policy makers and contribute to the security debate and praxis in Burundi. The paper is also expected to inform the design of the training modules at IPSTC.

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**Brig. Robert Kabage**  
Director, IPSTC

## Acronyms

<b>ADC-ikibiri</b>	Alliance of Democrats for Change in Burundi
<b>ADF/NALU</b>	Allied Democratic Forces, National Army for the Liberation of Uganda
<b>AfDB</b>	African Development Bank
<b>AU</b>	African Union
<b>BNUB</b>	United Nations Mission in Burundi
<b>BINUB</b>	United Nations Integrated Mission in Burundi (French Acronym)
<b>CENI</b>	National Electoral Independent Commission
<b>CNDD-FDD</b>	Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie
<b>CNTB</b>	National Commission on Land and other Properties
<b>CSO</b>	Civil Society Organizations
<b>DDR</b>	Disarmament Demobilization and Resettlement
<b>DRC</b>	Democratic Republic of Congo
<b>EAC</b>	East African Community
<b>EU</b>	European Union
<b>FARDC</b>	Force Armées de la République Démocratique du Congo
<b>FDLR</b>	Forces Démocratiques de libération du Rwanda
<b>FNL</b>	Forces National de Liberationels /National Forces of Liberation
<b>FRODEBU</b>	Le Front Pour la D'émocratie au Burundi
<b>GLR</b>	Great Lakes Region
<b>ICGLR</b>	International Conference on the Great Lakes Region
<b>IDP</b>	Internally Displaced Person

<b>INEC</b>	Independent National Election Commission
<b>JVMM</b>	Joint Verification and Monitoring Mechanism
<b>M 23</b>	Mouvement du 23 Mars (March 23 Movement)
<b>MONUSCO</b>	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
<b>MSD</b>	Movement for Solidarity and Democracy
<b>OHCHR</b>	Office of the High Commissioner for Human Rights
<b>Palipehutu-FNL</b>	Le Parti Pour la Liberation du Peuple Hutu - Forces Nationales de Libération
<b>PBC</b>	Peace building Commission
<b>PBF</b>	Peace Building Fund
<b>SNBG</b>	Stratégie nationale de la bonne gouvernance
<b>SSR</b>	Security Sector Reforms
<b>TRC</b>	Truth and Reconciliation Commission
<b>UPO</b>	Union des partis de l'opposition extra-parlementaire
<b>UPRONA</b>	Union pour le progrès national
<b>UN</b>	United Nations
<b>UNDP</b>	United Nation Development Program
<b>UNSC</b>	United Nations Security Council

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## Abstract

In Burundi, the signs of governance instability are feasible even if there is no actual fire burning in the country. The major political actors including international and regional organizations such as the UN Office in Burundi (BNUB) and the International Conference on the Great Lakes Region (ICGLR) and the ordinary people of Burundi are very concerned about the future of Burundi. The country seems relatively calm especially in the big cities such as Bujumbura but there is very high tension between the government and the opposition political parties and human rights activists in most areas, creating the impression of a shaky peace and stability that may break at any time since the fundamental causes of the conflict in Burundi are not being comprehensively addressed.

This paper assesses the causes of governance instability and conflict in Burundi including the implementation of Arusha Peace and Reconciliation Agreement of 2000. Focus is placed on understanding current drivers of the instability so as to inform the immediate and long term policy options and strategies for major stakeholders and key actors in peace and stability of Burundi. The paper provides insights into the current governance situation in Burundi and offers options for the way forward.

## Introduction

Burundi is a small, landlocked country in the Great Lakes Region of Africa, neighboring Rwanda, Tanzania and the Democratic Republic of the Congo. Burundi has three ethnic groups, Hutu the majority about 85% of the population, Tutsi about 14% and Twa the minority represents about 1% of the population. The country occupies an area of 27,834 square kilometers in size, with a population of 10.16 million (WB, 2013). It is the second most densely populated country in Africa after Rwanda.

The GDP of Burundi in 2013 was \$2.718 billion and the Growth in GDP accelerated slightly from 4.2% in 2012 to 4.6% in 2013, inflation dropped from 18.2% to 7.8%, the fiscal deficit narrowed from 9.1% to 2% and the Burundian franc (BIF) depreciated by 5% against the US dollar (USD) from January to December 2013 (AfDB, UNDP 2014).

The economy of Burundi is highly dominated by subsistence agriculture. Around 90% of the population depends on agriculture for living, though fertile land is extremely scarce. Years of civil war widened poverty, increased basic social needs, and severely damaged basic economic infrastructure. After successful disarmament, demobilization, and reintegration programs, Burundi has to face tremendous challenges in diversifying the economy, while reducing the vulnerability to shocks and strengthening good governance and anti corruption practices.

According to African Economic outlook 2013, Burundi reduced its total debt from 35.2% in 2012 to 31.3% of GDP and its domestic debt from 14.6% to 13.3% of GDP. Its debt-to-exports ratio (good and services), meanwhile, was cut from 226% to 187%. The unemployment rate also remains as high as 35% in 2013.

The human capital base is weak due to limited access to basic social services. Many youths are under-employed because of lack of opportunities, particularly from the small private sector. There is limited access to basic infrastructure. For example, less than 5% the population has access to electricity, and access to potable water supply is also very low. According to UNDP Human Development Report 2014, Burundi's Human Development Index (DHDI) value for 2013 is 0.389 which is among the low human development category positioning the country at 180 out of

187 countries and territories in the world. In Burundi 81.3 percent of the population are below income poverty line (UNDP, 2014).

However, according to the report from the government of Burundi in 2013, Burundi is making the transition from a post-conflict to a stable and growing economy. After significant improvement in security and peace consolidation, the country's development program is shifting towards modernizing public finance, strengthening basic social services, and upgrading economic infrastructure and institutions, particularly in the energy, mining, and agricultural sector, with increasing participation of the private sector. The goal is to grow an increasingly stable, competitive and diversified economy with enhanced opportunities for productive employment and improved standards of living (GoB, 2013).

Burundi's history of violent conflict and its resulting refugee flows have had a large impact on Burundi's development processes. The duration and intensity of the conflicts have led to the destruction of Burundi's economic infrastructure, and poverty levels have risen while economic growth has stagnated and decreased substantially (Baghdadli, I., Harborne, B., & Rajadel, T. 2008).

The Great Lakes region of Africa, in which Burundi is situated, was a hot spot of instability during the 1990's (Daley 2006b). The similar ethnic make-up of neighboring Rwanda has intertwined the politics of the two countries, with conflict in one state often sparking violence in the other. After the 1994 genocide in Rwanda and the triumph of the Tutsi, Hutu rebels such as the CNDD-FDD and the Palipehutu-FNL came pouring into Burundi from Rwanda to fight with the Burundian rebel groups. Burundi also became intertwined in the civil war in Democratic Republic of Congo (DRC). The government of Burundi was a member of the anti-Kabila alliance, while the CNDD-FDD was funded for a time by the Kabila government. The instability in the region through much of the 1990's, fuelled by porous borders, allowed for ease of movement of rebel groups, which often were based in one state and fighting in another (ICG 2002b; Reyntjens, 2000).

The Burundian conflict is closely linked to politics and conflict elsewhere in the region. Small arms, refugees and combatants flow easily through the region's porous borders. While there have been good reasons to address the Burundian peace process separately from the peace process within the region, international and regional actors

have not devoted enough time in exploring and addressing the links between these conflicts more closely, in order to understand what is fuelling the continuation of violence and instability in Burundi.

Military repression has dominated most of Burundian history since its independence in 1962 from Belgium. Massacres in 1965, 1972, 1988, 1991 & 1993 led to the deaths of hundreds of thousands, and hundreds of thousands more were rendered IDPs or fled to neighboring countries as refugees. Civil war broke out in Burundi in June 1994 and ended in August 2005. More civil war broke out again in early 2006, spearheaded by the Palipehutu-FNL rebel group, and ended after a regionally brokered truce in 2009. Between 1994 and 2005, several rounds of peace negotiations were initiated. Three major agreements including provisions for power-sharing were signed, but implemented with different degrees of success.

The first incidence of ethnic conflict in Burundi occurred in 1965. When the elections in 1965 turned out to be a victory for the Hutu, the Burundian king rejected the process and replaced the newly-elected Hutu president with a Tutsi (Ndikumana, 2000). This event sparked a rebellion and an attempt to seize power by several Hutu military units. However, their attempted coup failed and was repressed with extreme violence by the regime. As a result, the entire Hutu elite were massacred, along with thousands of rurally based Hutu who were suspected to have supported the uprising (Reyntjens, 2000).

Events taking place in 1972 stand out as a major watershed in Burundian contemporary history (Ndikumana, 2000). In April 1972, exiled Hutu rebel groups carried out a violent coup attempt, during which 2000 up to 3000 Tutsi were killed. This provoked retaliation by the Tutsi-controlled military, which carried out a massacre of “unprecedented magnitude and brutality” (Reyntjens 2000). About 200,000 Hutu were killed in the massacre, and at least 300,000 more fled to neighboring Zaire, Tanzania and Rwanda (Lemarchand, 1974).

The period between 1972 and 1988 was relatively calm in Burundi, for the most part absent of violent and conflict (Ndikumana, 2005). However, rumors and worries of a new bloodbath comparable to that of 1972 led to new eruption of violence in 1988 (Sullivan 2005). Hutu rebels killed hundreds of Tutsi, and many more fled the country. In an operation aimed at ‘restoring order,’ government troops responded

by randomly killing around 20,000 unarmed Hutu civilians in the Northern provinces (Reyntjens, 2000). Again another state-sponsored massacre followed in 1991, when security forces tried to retaliate against the Hutu population following an insurgency by the Hutu rebel movement, *Le Parti pour la Liberation du Peuple Hutu* (Palipehutu) (Daley, 2006a).

The 1993 elections gave a decisive victory to the Hutu-dominated party, *Le Front pour la Démocratie au Burundi* (FRODEBU), who gained 80 % of the seats in the National Assembly, and whose presidential candidate, Melchior Ndadaye, won with 65% of the vote (Daley 2006a). The make-up of the National Assembly became comparable to the ethnic make-up of the country and Buyoya and UPRONA accepted the election results and there was a peaceful transfer of power (Sullivan, 2005).

After taking office, president Ndadaye set up a consociational government with representation of Tutsi and UPRONA in high posts, including the position of Prime Minister. However, although cooperation at high levels was initiated, it remained an informal and thus, somewhat tenuous, arrangement. The lower level posts underwent a period of 'FRODEBUzation,' something which was highly unpopular with the Tutsi. Several reforms increasing the opportunities for Hutu involvement in the economic and political life of the state were also introduced. These reforms were considered as too far-reaching by the urban-based Tutsi elite, who had grown used to their privileged access to government resources (Sullivan 2005). Only a few months later, on 21 October 1993, the military staged a putsch, assassinating President Ndadaye, along with several members of his cabinet. The coup attempt sparked a new round of large-scale ethnically motivated violence all over the country, in which about 50,000 people were killed and 700,000 more fled to neighboring countries (Lemarchand 2006). This became the preamble to the civil war, which broke out in June 1994.

The most common view of Burundian conflict by the international community is an ethnic conflict, pitting the historically disadvantaged majority Hutu against the dominant minority Tutsi, with the Twa completely marginalized. However, this view of the conflict fails to capture many of the important nuances in Burundian history and social structure and the way in which ethnicity has been used as an

instrument by Burundian elites. The analysis of the Burundian conflict takes into account political and economic ambitions, ethnic and regional divisions, urban-rural divisions, and the links to the conflicts in neighboring Rwanda and Congo, and the problem of politicized military. Thus many disagree about the major source of conflict in Burundi and strongly argue that it is about power sharing and resource sharing rather than ethnicity (Hatungimana, 2011; Ndikumana, 2005).

This paper is organized into five sections: the first section forms the introduction where the author describes the structure of the study, a brief background of the situation in Burundi, statement of the problem, objectives, scope of the study, and research methodology; the second section reviews the literature and theories on the conflict instability in Burundi; the third section focuses on research findings; the fourth section provides analysis of the possible solutions for the challenges of governance in Burundi based on the causes identified; and the last section provides conclusion and recommendations.

## **Statement of the Problem**

Burundi is steadily drifting away from what was initially regarded as a peacemaking model, and violence from both the ruling party and the opposition is threatening stability. On March 8, 2014 demonstrators from the opposition Movement for Solidarity and Democracy (MSD) took to the streets of Burundi's capital, Bujumbura, to protest against what they consider as the government's restrictions on political freedoms. They were met by riot police who fired tear gas to break up the protest. More than a dozen opposition members were injured during clashes that followed, while two policemen were briefly held hostage at MSD headquarters.

As a result, the party was suspended for four months and 46 party members were on trial, facing the possibility of life in prison on charges of insurrection, violence against police and rebellion. The president of the Forum for Strengthening Civil Society in Burundi, Vital Nshimirimana, commented on the event saying that the March 8 crackdown was politically motivated because the police was not neutral on addressing the situation. However, presidential adviser Gervais Abayehu denied the allegation and said that there was no any deliberate crackdown on the opposition parties.

Civil society groups are also concerned about constitutional changes proposed by the ruling party that would reduce the powers of the vice president, among other changes to the existing balance of power and that could lead the country to serious violence and instability.

Does the current situation make the power-sharing system defined by the 2000 Arusha Peace and Reconciliation Agreement irrelevant? Formulation and signing the Arusha agreement and its implementation and follow-up strategies may not be comprehensive enough in the first place.

One of the major limitations of the Arusha Agreement is the exclusion of the main political and military parties involved in the Burundian conflict from the peace process such as the current ruling party CNDD-FDD and FNL. The Agreement did not include many of the issues raised by the parties that remained unresolved, creating resentment and opposition against the Agreement (Van Eck, 2007). Furthermore, the fact that the peace process went ahead despite the fact that the major internal actors were excluded and that the war was still continuing all around the country, made even more difficult for the international facilitators to convince the parties to implement the provisions that did not reflect their interests.

Besides the exclusion of the main parties, the terms of settlement troubled the implementation as well. The agreement was approved with many reservations expressed by a number of signatories. The message behind those reservations was clear: the negotiations were not finished with the signing of the agreement (Sculier, 2008).

The ruling party CNDD-FDD agreed to fully respect and implement the Arusha Peace and Reconciliation Agreement of 2000 when came to power in 2005; however the party failed to keep its promises. One of the reasons why the government lacks the will to amend the Arusha peace agreement could be the agreement in its current form favors the status-quo, which the government is keen to exploit than forming active institutions with proper checks and balances that could demand clear responsibility, transparency and accountability from the government.



The current political and security landscape of Burundi as it approaches the 2015 general elections looks tense. The ruling party's current behavior is almost similar to the 2010 electoral campaign where the state used legislative measures and administrative and security sector representatives to constrain political activities of the opposition parties and put serious restrictions on the day to day activities of civil society and the media. Moreover, the ruling party appears determined to have current president Nkurunziza run for a third mandate despite clear two-term limits predetermined in the Arusha Agreement and in the constitution of the country.

This field research examined the current peace and security situation in Burundi and highlighted the concerns of governance challenges and lack of conducive political environment particularly related to the electoral process of the upcoming general election of 2015 in Burundi through addressing the following key questions: what is the current political and security situation in Burundi? What are the specific political and security challenges facing Burundi in the run up to the 2015 general elections? Is Burundi on the verge of a political implosion? What efforts are being made at the regional and international levels to ensure a smooth run up to, and successful elections in 2015?

## **Objective of the Study**

1. To examine the prevailing governance and insecurity challenges in Burundi in the lead up to the General Elections of 2015
2. To identify the major threats to peace and security in Burundi
3. To assess strategies for conflict prevention in Burundi before the 2015 General election

## **Scope of the Study**

The study examined the major causes of governance instability and conflict in Burundi including the implementation of Arusha Peace and Reconciliation Agreement of 2000.

## Research Methodology

The research was primarily qualitative. Using the purposive and quota sampling method, a number of respondents were selected based on their presumed knowledge and being major stakeholders of peace and security of the country by virtue of their official capacity in governments, regional and international organizations, political parties and civil society. Others were selected as beneficiaries of peace and stability in Burundi. The author used interview guidelines which served as a guide for open ended questions.

The perception of respondents on the governance and security situation in Burundi was gauged through asking specific questions to the target group. By capturing multiple voices, patterns, relationships and perspectives about the governance instability (thematic analysis), one is able to deduce the salient features of the phenomenon under inquiry. This information is complemented by facts and figures from other documented sources. Due to the nature of the topic and type of respondents, the researcher considers all the respondents as main respondents. These are: government officials, members of the ruling political party (CNDD-FDD), main opposition political parties (UPRONA, FRODUBU, ADC-ikibiri, and UPD), regional and international organizations (such as ICGLR and the United Nations Office in Burundi, BNUB), civil society organizations, media, academia and ordinary citizens. Respondents from the aforementioned were selected mainly from Bujumbura because all the political parties, media, civil society including the regional and international organizations are based in the capital. The author also managed to interview some ordinary citizens from Gitega town in order to get views from different part of the country.

The main respondents were Heads/Deputy heads/Lead Program leaders, directors and presidents of civil societies and political parties. Observation of the situation on the ground was used to gauge the current political mood. Focus Group Discussion (FGD) efforts were made to organize groups to discuss about the governance situation in Burundi. Overall about 28 out of 35 respondents were interviewed making about 78% of the target.

Secondary data was accessed through official government documents, books, journals, newspaper articles, periodicals and on-line publications.

The data was examined, classified, tabulated and coded in a number of categories for ease of comparison and analysis. Common and disparate patterns and themes were observed. The frequency of specific views was also observed. Inferences about similar or unusual findings were made. Confidentiality of the participants was assured where privacy is required. Sources of information were dully acknowledged.

Despite the short period of field research (2 weeks), the study utilized other secondary data to corroborate and triangulate data from the field. The paper was also subjected to peer-review through a symposium.

## Hypotheses

This paper is guided by the following three hypotheses:

**Ho1:** The lack of implementation and violation of peace agreements leads to governance instability and conflict in Burundi.

**Ho2:** The lack of proper land administration, independent legal system and rule of law leads the country into governance crisis and civil unrest.

**Ho3:** Corruption, inequality and general insecurity present significant threats to stability in Burundi.

# Literature Review and Conceptual Framework

## Literature Review

The literature review in this section is organized under two broad themes namely, literature relating to peace and security in Burundi, and literature relating to governance in Burundi.

### Peace and Security Situation in Burundi

The study by Falch and Becker (2008), focused on power-sharing agreements, negotiations and peace processes in Burundi. The study explained the causes and context of the Burundian civil war. The authors emphasized on the three major power-sharing agreements initiated during the 11 years of civil war between 1994 and 2005. The focus of their study was more specifically on the characteristics and impact of three major efforts at peace-building in Burundi: the power sharing agreements signed in 1994, 2000 and 2004.

According to Falch and Becker (2008), Burundi's first attempt at introducing political power-sharing institutions in 1994 was a failure. The power-sharing agreement, known as the Convention of Government, introduced a coalition government based on power-sharing between the Hutu and Tutsi dominated political parties and opened for ethnic balance in the public sector. However, they argued that the provisions in the agreement failed to take into account the results from the democratic elections in 1993 and did not include any of the rebel groups in the emerging civil war.

The authors also discussed about the second attempt at institutionalizing power-sharing through a lengthy negotiation process carried out under heavy regional and international pressure in Arusha between 1998 and 2000. The Arusha Peace and Reconciliation Agreement of 2000 was based upon a standard formula aimed to institutionalize a democratic system for power-sharing between the Hutu and Tutsi political parties. Falch and Becker (2008) argued that although considered as an important step to bring peace to Burundi, the Arusha Agreement did not include cease-fire agreements with any of the major rebel groups, its implementation was delayed, and the civil war continued.

The key message emphasized by the authors about the third Burundi Power-sharing Agreement, which was signed by the government and the main rebel group, the CNDD-FDD, in August 2004, reflected the spirit of the Arusha Agreement with power-sharing arrangements such as a grand coalition, proportionality, minority over representation and elite cooperation, again failed to include cease-fire agreement with the last rebel group Palipehutu-FNL, as a result, peace remained elusive in Burundi. The authors further emphasized that continued governance crisis are still jeopardizing Burundi's prospects for sustainable peace and democracy.

The authors' final focus was looking at the main factors that hindered the success of the peace agreements in the country. They argued that the major hindering factors are exclusiveness and the intense pressure and involvement by international and regional actors throughout the peace process, which over shadowed the importance of finding homegrown solutions to the conflict.

The study by Falch and Becker (2008) is very relevant for this paper because it broadly addresses the three major peace agreements based on power sharing and the reasons for their failure, their impacts on governance instability and violence in the country but the study failed to encompass the other sources and drivers of governance instability and did not cover the current political situation in Burundi.

According to the study by Vandeginste (2009), Burundi's first exposure to and experiment with power sharing was a matter of political inclusiveness because of ethnic, regional and/or clan related reasons, had for several decades been excluded from political power.

The author argued that Power sharing has been used as a tool to initiate political liberalization after decades of one-party rule, temporarily preserve a minimum of institutional stability after democratic elections the effects of which provoked a military coup, to address long-standing grievances of politically under-represented segments in society and to negotiate peace with rebel movements in the country.

Key message emphasized by the author is that when measured against the objective of war termination, the use of power-sharing can so far be considered to be a success story, but when measured against more ambitious state-building purposes (rule of law, human rights, democracy, effective and accountable governance),

Burundi clearly has a very long way to go and consociational power-sharing has so far not been able to make a difference. However the author failed to address other factors that contributed to the governance instability and to indicate the way forward to promote peace and stability in Burundi.

Mpangala (2004) explained that the violent conflicts in Burundi have been periodic events since when Burundi achieved independence in July 1962. The author argued that within the context of the long post-independence period the conflicts could be traced into three phases, the first was between 1962 and 1966, the second between 1966 and 1993 and the third phase constitutes the period from 1993 to 2004 which was a period of protracted civil war for more than ten years. The author emphasized that during those different periodic events conflicts were mainly due to political competition for power based on ethnic lines between the Tutsi and the Hutu.

The key idea emphasized by the author is that the process of peace negotiations and agreements for Burundi was mainly a Regional Initiative. He further emphasized on some of the challenges of the transition period had faced which include lack of commitment by some of the signatory parties to implement the agreement, and lack of sufficient support from the Regional actors, according to the author, While the initiative had strong backing of the peace negotiations, it appeared to be somehow relaxed on the implementation process. Mpangala argued that the Heads of state in the GLR appeared to be greatly preoccupied with internal affairs of their own countries, thus paying less attention to developments in Burundi.

Ndikumana (2005) on the other hand examined the causes of conflict in Burundi and discussed strategies for building peace. In the case of Burundi, he argued that civil wars arise from distributional conflict and in order to achieve political stability, requires the establishment of institutional mechanisms that correct the legacy of inequality in access to economic and political power across ethnic groups in the country. The author further emphasized that if the Burundian leadership is serious about building peace, it must engineer institutions that uproot the legacy of discrimination and promote equal opportunity for social mobility for all members of ethnic groups and regions.

Hutungimana (2011) focused on the security situation in Burundi and particularly addresses the causes and nature of conflict in Burundi. The author argued that most of the time the national and international community failed to understand and address the conflict in Burundi. According to him, the main reason is that they have been using a wrong diagnostical approach. The key message emphasized by the author is that the real cause of conflict in Burundi is poverty rather than ethnicity.

The three studies listed above (Mpangala (2004), Ndikumana (2005) and Hutungimana (2011) are relevant for this study because broadly addresses most of the major sources of conflict in Burundi and how can be addressed. But the study failed to encompass the other sources and drivers of governance instability such as land management, justice system and did not cover the current political, peace and security situation in Burundi related to the upcoming 2015 general elections.

## **Benchmark on Measuring Governance**

Kaufmann et al. (2010) argued that the Worldwide Governance Indicators (WGI) is a long-standing research project to develop cross-country indicators of governance. The WGI consist of six composite indicators of broad dimensions of governance covering over 200 countries since 1996. The authors emphasized that to test the importance of good governance, or to implement policies that aim either to strengthen governance or target aid to well-governed countries, measurements of the quality of governance are developed by the World Bank. Data come from expert assessments, polls of experts, and surveys of government officials, businesses and households. The surveys and polls from various sources do not share a common methodology, and definition of terms.

World Bank researchers argued that they attempted to address these problems by developing aggregate governance indicators that draw from many available sources. The indicators are defined to correspond to what the authors consider to be “fundamental governance concepts.” According to Kaufmann et al. (2010), the six worldwide indicators that are used to measure governance are defined as:

*Voice and Accountability*, the extent to which a country’s citizens are able to participate in selecting their government, as well as freedom of expression, freedom of association, and free media.

*Political stability and absence of violence*, this is the perceptions of the likelihood that the government will be destabilized or overthrown by unconstitutional or violent means, including political violence or terrorism.

*Government effectiveness*, the quality of public services, the quality of the civil service and the degree of its independence from political pressures, the quality of policy formulation and implementation, and the credibility of the government's commitment to such policies.

*Regulatory quality*, the ability of the government to formulate and implement sound policies and regulations that permits and promotes private sector development.

*Rule of law*, the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, the police, and the courts, as well as the likelihood of crime and violence.

*Control of corruption*, this is to evaluate the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as “capture” of the state by elites and private interests.

The authors emphasized that these indicators are not absolute measures of governance, but are measures of a country's relative rank with respect to that indicator.

This study utilized the above model as a benchmark for assessing the current governance situation in Burundi and more specifically to examine whether the governance in Burundi: allow citizens to participate in selecting their government, freedom of expression, freedom of association, and free media; is politically stable and free from political violence and destabilization; has effective and committed government; the quality and effectiveness of legal and regulatory system; the ability and readiness of exercising rule of law; the capacity and commitment to fight corruption and the readiness for accountability and transparency.

ICG (2012) focused on the impact of the deep rooted corruption crisis in Burundi and argued that despite the establishment of anti-corruption agencies, Burundi is facing a deepening corruption crisis that threatens to jeopardize a relative peace and security in the country. In order to improve public governance, the Burundian



authorities should “walk the talk” and take bold steps to curtail corruption. The report further argued that civil society should actively pursue its watchdog role and organize mass mobilization against corruption and donors should prioritize good governance.

According to ICG (2012), the new authorities, CNDD-FDD, pledged to fight corruption and the president launched a “zero tolerance” campaign and designed a national strategy for good governance. However, the first corruption scandals involving the CNDD-FDD dignitaries and state officials watered down the hope of a more equitable wealth distribution. The report argued that the “Burundian problem” is to turn the official good intentions about corruption into reality.

The ICG emphasized that Burundi’s image has suffered as a result of the corruption crisis, and based on the Transparency International’s Corruption Perceptions Index, Burundi was rated 172 out of 182 countries in 2011 and among the East African Community countries, Burundi was considered the most corrupt for the second consecutive year in 2011.

ICG (2012) further emphasized that the corruption scandals that have occurred since the CNDD-FDD came to power have caused internal tension, sometimes bordering on crisis. In 2007, the expulsion of Hussein Radjabu from the party leadership and the ensuing political crisis were the result of financial administration issues and the revelations that followed.

The key message emphasized by ICG (2012) report is that the challenge facing Burundi is to turn words into actions. The problem is not about making “good” institutional arrangements and passing “good” laws but inverting the balance of forces hampering good governance and the fight against corruption.

The report by ICG (2012) is very relevant for this study because it broadly addresses one of the drivers of governance instability and violence in the country but the study failed to encompass the other sources and drivers of governance instability and did not cover the current political situation in Burundi.

SFCG (2011) argued that land conflict in Burundi is one of the key drivers of violence and instability. SFCG (2011) focused on the evolution of land conflict, the contribution of different strategies employed by SFCG to its resolution and

to consider how SFCG in particular, and how conflict resolution organizations in general, might position themselves to tackle future challenges.

The study by SFCG (2011) emphasized that land tenure and food security are intrinsically linked, and both have been significantly disrupted by Burundi's violent history.

SFCG (2011) further stressed that land conflict in Burundi has been and will continue to be a significant challenge. The economic structure of the country places a direct linkage between land and wealth, and even day-to-day survival, for most people. Refugee and IDP resettlement, inheritance rights, and a rapidly increasing population will increase demand for this limited resource. After many decades of violence, the threat of violence remains. The study argued that land conflict has historically been one of the past drivers of violence, and deserves continued attention. While there is good reason to be optimistic in light of the substantial progress on resolving land conflicts to date, the evolving context will require continued engagement in order to sustain and consolidate progress.

SFCG (2011) emphasized that Burundi faces challenges in its efforts to mitigate land conflicts. Both the shifting nature of land conflicts, as well as the constraints imposed by funding cuts will necessitate new approaches aimed at addressing emerging forms of land conflict, taking account of the longer-term challenges of population growth, and in the context of severe funding cuts from its traditional partners.

Binder and Murithi (2013) focused on linking the legacy of conflict and the challenges of repatriations and land claims. The key message emphasized by the authors is that to assess whether reparations as a form of redress for historical injustice can be utilized to address the grievances of Burundian victims of land expropriation. The study also outlined some of the difficulties of the present land dispute resolution mechanisms. They further propose potential policy prescriptions for reparations to victims of land dispossession in Burundi.

The authors concluded their study with a number of policy recommendations on how to address the contesting land claims within the broader framework of Burundi's commitment to transitional justice, reconciliation and sustainable peace.

The two studies discussed above (SFCG (2011), Binder and Murithi (2013)) are relevant for this study because broadly addresses most of the sources and the nature of land related violence and conflict in Burundi and its impact as one of the critical drivers of instability in the country. But the studies failed to encompass the other sources and drivers of governance instability such as corruption, justice system and did not cover the current governance and political situation in Burundi.

Cummings (2012) focused on how to improve and influence local governance; through citizen participation, accountability of decision makers and equity in terms of the inclusion of the poorest in governance in Burundi.

The author argued that local governance is greatly influenced by government structure as a whole and the lack of financial support from central government to local government seriously limits the capacity of government to meet communities' needs. Social structures also influence the nature of governance. The author further emphasized that the absence of a culture of addressing authorities and the reticence of citizens to confront unequal social relations to make themselves heard seem to be some of the obstacles limiting success.

The author emphasized the struggle to include or support the poorest people, which is a challenge could be tackled through national social policy as well as at the local level where the poorest people could be targeted more accurately. She emphasized that social norms as well as formal governance structures are important for local governance to be improved in the long term.

Cummings (2012) mainly focused on good governance at the community level which concerns the formal and informal role of the local administration and community-based organizations in the provision of local public services. Citizen participation in decision-making, accountability of decision-makers to citizens and equity in access to public services and resources are the three principles and Centre of her research.

The author highlighted some of the ways to improve accountability. These are creating new spaces for citizen participation in governance, increasing communication between citizens and the authorities and increasing the knowledge of the local authorities and citizens.

The author further emphasized on the importance of forming the community networks, like the water source committees, Peace clubs, and district committees in order to improve citizen participation in decision making, accountability of decision makers and equity in access to public services and resources.

The study by Cummings (2012) is very relevant for this paper because it broadly addresses the challenges of local governance, the three major pillars of governance at the community level and strategies to improve local governance in the country but the study failed to encompass governance at the national level.

According to Amnesty International (2014) report, political space in Burundi is shrinking. The report argued that in the build-up to the 2015 presidential, legislative and communal elections, it has documented an increase in violations of individuals' rights to freedom of association and peaceful assembly, including the harassment and intimidation of critical voices by the Government of Burundi. The report emphasized that members of the Imbonerakure, the youth wing of the ruling party, are perpetrating human rights abuses under the pretext of maintaining security at local level.

The report also argued that the proposed amendments to the Constitution by the Government of Burundi contributed to an increase in political tension in the country.

Amnesty International on its report called on the Government of Burundi to take all measures to ensure that every Burundian is able to exercise his or her rights to freedom of expression, association, and peaceful assembly. At the same time, opposition group leaders should make all efforts to ensure their members do not engage in any human rights abuses in the run up to the 2015 elections.

The key message emphasized by Amnesty International (2014) report is that a worryingly authoritarian drift has emerged in Burundi in 2014. Critical voices, including opposition members, civil society activists, lawyers and journalists are increasingly restricted as the pre-electoral period approaches. The report further argued that the space for freedom of expression is at risk.

Amnesty International concluded by urging the East African Community, and the international community in general to follow the human rights situation in Burundi and to step up their engagement to ensure the Government of Burundi provides space to political opposition groups, civil society and the media, to operate freely and independently whilst holding to account state actors found responsible for human rights violations.

Human Rights Watch (2012) argued that for many Burundians, 2011 was a dark year, marked by alarming patterns of political violence. So many people have been brutally killed in politically motivated attacks since the end of 2010.

Human Rights Watch urged the Burundian government to take prompt measures to end the impunity protecting those responsible for political killings and to prevent further killings, including by its own security forces, supporters and sympathizers. Leaders of opposition parties and groups also have a responsibility to take immediate action to dissuade their members from attacking their opponents and to make clear that they do not sanction such crimes.

The report by Human Rights Watch (2012) emphasized that at the international level, foreign governments, UN bodies and others concerned about the situation in Burundi should maintain pressure on all sides to prevent further killings and call on them to hold their members and supporters to account. International donors should also advocate strongly for the protection of journalists and civil society activists in Burundi.

The Human Rights Watch (2012) report focused on politically motivated attacks and targeted assassinations between late 2010 and December 2011. It argued that the cases presented in this report represent just a small sample of the overall number of killings. They have been chosen to illustrate the main patterns and to draw attention to some of the most serious incidents. This report does not document the equally serious problems of political arrests and detention, ill-treatment, and other abuses that have continued in Burundi alongside these acts of violence. Human Rights Watch has also gathered evidence of these human rights abuses, but prioritized research on political killings in 2011 in view of the escalation of such violence during this period.

The Human Rights Watch report also provided some recommendations to the government, the opposition political parties and to the international community to play their role in order to stop politically motivated killings and Human Rights abuses in Burundi.

The two studies discussed above (Human Rights Watch (2012), Amnesty International (2014)) are relevant for this paper because broadly addresses most of the sources and the nature of Human Rights abuses and politically motivated killings and their impacts to peace and stability in the country. But the studies failed to include the multi dimensional factors that have impacts on the current governance instability in Burundi.

ICG (2011) argued that after the 2010 a landslide electoral victories by the ruling party, CNDD-FDD, Burundi is descending ever deeper into a political deadlock that risks reversing a decade's progress. Instead of strengthening democracy, the 2010 communal, parliamentary and presidential elections ended in the marginalization of the opposition. The report emphasized that combined with a weak governance system, could lead to a democratic setback. Only resumption of political dialogue between government and opposition, and the strengthening of democratic institutions can reverse the dangerous trend. ICG (2011) noted that the international community must encourage these steps before it is too late.

According to ICG (2011) report, since the 2010 elections, there have been no official talks between the opposition parties and the government, and the permanent forum of political parties has become an empty shell. At the same time, the government has inherited serious governance problems. Growing corruption, lack of an independent justice system, weak oversight institutions and a stalled transitional justice agenda are each immediate threats to democratic consolidation.

The report argued that despite the deteriorating political and security context, attempts to defuse the crisis have been limited. The international community has been slow to act, despite the leverage its aid provides. ICG further emphasized that to stop the dangerous trends, the institutional dialogue between all the political actors should be resumed within the framework of a reorganized permanent forum of the political parties.

Likewise, a program for consolidation of democratic governance that involves strengthened institutional checks and balances as well as civil society initiatives needs to be jointly defined and implemented.

ICG (2011) also emphasized that Burundi's international partners, who seem to play down the underlying risks of the current political banditry and the marginalization of the opposition, should mobilize again for a resumption of all party dialogue and the establishment of an agenda for democratic governance oriented towards the support of institutional checks and balances and civil society. Too often, countries coming out of conflict return a few years later because of an overly strong concentration of powers and the disengagement of international actors.

The key message emphasized by the ICG (2011) is that ten years after the Arusha Agreement was signed, Burundi continues to seem like a fragile state, this double error should not be repeated and the consolidation of peace and democracy should be relaunched.

The report by ICG (2011) is relevant for this study because it broadly addresses most of the sources and drivers of governance instability and violence in the country in relation to the 2010 general elections. But the study failed to encompass the other sources and drivers of governance instability such as land management and revision of the constitution and did not cover the current political situation in Burundi related to the upcoming 2015 general elections.

Mbabazi & Omondi (2013) analyzed the meaning and challenges of Burundi's unique presidential, parliamentary and local elections which took place in 2010 and tried to explore the opportunities and challenges for state reconstruction and peace building. The authors further explored what the gaps were in the conduct of Burundi's last elections and makes suggestions on how to reduce the risk factor for violent instability in the future.

The authors emphasized that although efforts were made to improve voter awareness and strengthen the institutional framework for the conduct of elections, the resultant boycotts by the opposition parties have left the country in a state of tension and political anxiety.

The key message emphasized by the authors is that the gradual reduction of political pluralism and resultant hegemonic authoritarianism being created in Burundi with the dominance of CNDD-FDD will make it increasingly difficult for the opposition political parties to win any election in 2015.

The study by Mbabazi & Omondi (2013) is relevant for this study because it analyzed the 2010 general elections and indicated some of the opportunities and challenges for the 2015 general elections. But the study failed to encompass the other multi dimensional factors which are affecting the current governance and political situation in Burundi.

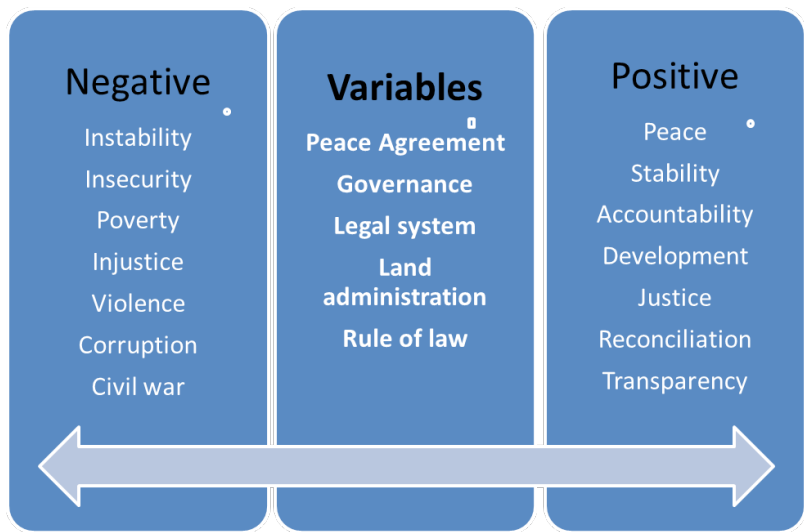
The related literatures on Burundi mainly focuses on the causes of armed conflicts, some drivers of conflict such as land disputes, corruption, peace agreements like Arusha Peace and Reconciliation Agreement 2000 and the general elections of 2005 and 2010 and their impacts on the country's peace and stability. Majority of the existing literature focuses on the past decade and the period immediately after the signing of the Arusha Peace Agreement. It fails to examine the current peace and security situation in Burundi and to highlight the concerns of governance challenges and lack of conducive political environment specifically related to the electoral process of the upcoming general election of 2015 in Burundi. Therefore, this study tried to address these gaps.

## **Conceptual Framework**

The conceptual framework that guides this paper is captured in the schematic figure below. It represents the conceptualization of the author on the relationship between governance and peace and stability in Burundi. The independent variable in this paper is governance and the dependent variables are peace agreements, stability, legal system, land administration, rule of law, dialogue and reconciliation, corruption, accountability and transparency.



Conceptual Framework Diagram



Governance can be measured in terms of the level of peace and stability, the effectiveness of government, rule of law, the degree of independency of the legal system, public participation and proximate service delivery and government’s expeditious response to public needs. The arrows show the flow through which the relationship between the variables is understood; by following the arrow to the right or to the left.

As indicated on the diagram above, whenever there is effective implementation of peace agreements, independent legal system and proper and fair land management in Burundi, these can lead to peace, stability, justice and development of the country as shown on the right side of the conceptual framework diagram.

On the other hand, if there is lack of implementation or violation of major peace agreements, highly dependent legal system, corruption, improper land management, violation of rule of law and human rights, can lead the country in to open violence, instability, social unrest, deep poverty and even to civil war as indicated in the left side of the diagram above.

From the conceptual diagram presented here, this study contends that the current situation in Burundi represents a consistent movement towards the left, as exhibited by instability, corruption, poverty and other negative indices.

## **Research Findings: Causes of Governance**

### **Instability in Burundi**

While violence in Burundi had relatively diminished by the end of 2012, leading to the return of the exiled leaders in 2013 under negotiated security guarantees brokered by the UN, uncertainty remains about the stability and security of the country as it approaches the general elections in 2015. Indeed, recent political and legislative developments, such as the passing of a new and restrictive media law, a controversial new framework for the national land commission (CNTB), a disputed review of the constitution by the ruling party, deep rooted corruption and a rift between the CNDD-FDD and its coalition partner, the Union for National Progress (UPRONA), have created a tense political environment in Burundi.

According to the majority of the respondents from the field research and many publications related with the conflict and current political situation in Burundi which the paper covered through desk top research, the following are the key factors that contribute to the current governance instability in Burundi. The factors are categorized as structural/systemic factors and multipliers/drivers of governance instability as discussed below.

### **Structural/Systemic Causes of Governance Instability**

#### **Poverty and Weak Economy**

Burundi's history of violence, civil war and its resulting refugee flows has had a large impact on Burundi's development processes. The country's economic development has not enabled sufficient job creation, and the resulting unemployment remains a worrying problem which affects the population in general and the young in particular. According to UNDP Human Development Report 2014, Burundi's Human Development Index for 2013 is among the lowest human development category ranking the country at 180 out of 187 countries in the world. The unemployment rate also remains as high as 35% in 2013. The agricultural sector is the most important sector to employment due to the fact that it counts for 90 percent of the total employment, but the sector is very vulnerable to external shocks, thereby making the people of Burundi very vulnerable (WB, 2012).

The Burundi economy is still dependent on foreign aid so if donors decide to stop their support it can lead into crisis. According to African Economic Outlook (2012), state income exclusive of foreign aid remained at about 19% of GDP in 2011. However 53.5% of the total budget for the financial year 2011 came from foreign support. The infrastructure of the country is also very poor and due to the political tension in the country, there is no fertile ground for investment as a result the socio economic activities in Burundi are not promising. Burundi has a poorly diversified economy, in 2013, due to a slow international economic climate, resulted in growth of 4.6%, below initial projections of 5.2%<sup>1</sup>. This performance reflects the fragility of an economy that, despite reforms, must deal with various constraints, including low investment, high production costs combined with low-skilled labor, and an unattractive business environment. In addition to the structural weaknesses, the economy is also hit by the consequences of climate change, low levels of production, political instability and lack of security (AfDB, 2014).

The socio-economic situation in Burundi is characterized by widespread poverty, land scarcity combined with high population density, and high unemployment, particularly among youth. Since 2005, the Government has made considerable efforts to improve access to health care and education. However, the country's capacity to provide basic social services to its citizens has been stretched by the fact that close to 6 percent of the Burundian population has returned to the country over the past eight years that further reducing people's access to food and other necessities (SC, 2011a).

An important issue Burundi continues to struggle with is the high rate of extreme poverty. Food security and sustenance remain major challenges, and most Burundians continue to face a daily struggle to get food for survival. The projections for 2013 indicate a slightly increased growth rate of 5.3 percent, which is still insufficient to significantly reduce the poverty level, given continuing high rates of population growth.<sup>2</sup>

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1 African Economic Outlook, Burundi 2014

2 UN envoy lauds progress in Burundi but cautions that hurdles remain on path to stability, 22 July, 2013

Unemployment has hit the population very hard. Although there are no reliable recent statistics, the crowds of idle young people in towns and on the outskirts and the particularly high number of applications for jobs are illuminating. While towns continue to attract young people attempting to escape rural poverty, many young university graduates are accepting underpaid jobs once reserved for unqualified workers (ICG, 2012).

Burundi's main cities are also subjected to power cuts and water rationing. This is common because the demand for energy is much greater than the capacities of Regideso (the only hydropower supplier in the country) and because the water levels in the dams that supply the capital have lowered. Water is rationed in most Bujumbura neighborhoods and some have no supply of water at all (ICG, 2012). A military officer interviewed for this study had this to say about the prevailing poverty situation in the country:

*One of the major challenges of the country is poverty and Burundi can go back to civil war if the society has nothing to eat.<sup>3</sup>*

According to the 2011 Global Hunger Index of the International Food Policy Research Institute, over 50 percent of the population is malnourished. Burundi is one of only four countries in the world whose hunger levels are rated “extremely alarming” by the Institute. About 83 percent of Burundi's population lives and works in areas where the soil is highly degraded by human activity and food production and is not sufficient to meet the needs of the population. Since 1993, agricultural production per capita has declined by 24 percent and the country faces a significant food deficit of over 32 percent of annual requirements. Weather-related risks will continue to weigh on the country's economic performance given its overdependence on rain-fed agriculture. The possible reduction of aid disbursements to the country remains a significant external risk, particularly if there is no strong support from the donor community (SC, 2011a).

Despite sustained financial support from the international community, the strategic assessment mission found that the socioeconomic peace dividends Burundians expect have been slow to happen.

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3 Burundian Military Officer, Interview May 26 2014, Bujumbura

The country's social and economic indicators are among the lowest in the world, with three quarters of Burundians living in extreme poverty (SC, 2014).

According to the majority (79%) of the people interviewed for the study, the infrastructure of the country is very poor and there is no enough power supply even in Bujumbura, the hydropower system is very old and the government did nothing to improve it. As a result there is no fertile ground for investment. They also emphasized that there is very high unemployment rate in the country and the youth who have no job can be easily used by politicians for bad activities such as armed group because most of the youth who are jobless are former combatants. They complained about the lack of attention given to development of the agricultural and industrial sectors. As a result they are very concerned about the endemic poverty, economic inequality and exclusionary governance system in the country and unless it is addressed properly can be the major source of violence and governance instability in Burundi.

## **Violation of the Constitution**

Proposed amendments to the Constitution by the Government of Burundi have contributed to raising the political temperature in the country. Opposition parties accuse the government of unilaterally pushing for changes that would strengthen the executive and upset a delicate balance of power - between the country's Hutu majority and Tutsi minority - enshrined in the Arusha Peace and Reconciliation Agreement for Burundi, which was signed in 2000 and reflected in the current constitution of the country.

Tensions grew in a context of stalled dialogue between the party in power and other political opposition parties. Despite most of the opposition leaders returning from exile and the adoption of a roadmap to hold inclusive, free, fair and transparent elections in 2015, political pressures remain tense. The absence of a concrete consultation process on the reform of the Constitution—which some consider the intension is to allow Pierre Nkurunziza to seek a third presidential term—is likely to jeopardize the implementation of the provisions of the roadmap.<sup>4</sup>

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4 Burundi travelled a long and difficult distance along the road of peace consolidation, 20 July, 2012

Opposition parties, civil society and religious actors have repeatedly denounced the absence of consultations and argued that the draft Constitution would cement the power of the ruling party and fundamentally alter the ethnically based power sharing balance and principles protected in the Arusha agreements, which ended a long history of devastating conflict in the country. Commenting on this sensitive subject, one of the opposition political party leaders noted the following:

*The government has tried to change the constitution and the president seems ready to run for a 3<sup>rd</sup> term in office which is against the Arusha agreement and the constitution.<sup>5</sup>*

Other commentators have noted that if Burundians should decide to engage in a significant revision of the constitution, it should be as a result of broad consultations and wide participation in the decision-making process. In the meantime, sufficient political space should be available for healthy political participation by the opposition political parties (Bouka, 2014).

According to the majority (71%) of the respondents, the move of the government to revise the constitution created a serious concern and political tension in the country, and sparked a number of ethnic and political fears amongst political parties, civil society and the Burundian population. They interpreted the proposed amendments as setting the stage for the incumbent President Nkurunziza to run for a third term. They further emphasized on the most critical amendments such as the replacement of two ethnically balanced and equally powerful vice presidential posts with a largely ceremonial vice president and a powerful prime minister; reduce the vote-passing requirement in parliament from two-thirds to a simple majority; allow only degree holders to run for the presidency; and restrict parliamentary representation to parties that win at least five percent of all votes cast. The respondents strongly express concern that if the ruling party continues to violate and undermine the constitution, it will be a major source of governance instability, open violence and could lead the country into internal implosion.

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5 Patrice GAHUNGU General Secretary of youth of UPD and Chairman of the youth in ADC-ikibiri, Interview, Bujumbura, May 27<sup>th</sup> 2014

## Poor and Unfair Land Management

Land shortage and high population density have significantly contributed to decades of violence in Burundi. Consequently, the Arusha Agreement paid particular attention to land management reforms (ISS, 2014). The current land management framework has to a large extent failed to address many of the refugees and internally displaced persons' grievances. Historically, most of those who lost their land were Hutu, while many of those who took over those lands were Tutsi. There is increasing concern that political stakeholders of either group may use recent controversial land management reforms to bring an ethnic dimension to land issues, which could revive ethnic tensions in what has recently been a purely political struggle across party lines (ISS, 2014). A prominent Burundi journalist interviewed for this study had the following to say on this subject:

*Our political history shows that government in power always takes land from the community and distributes to their group and when another party comes to power, it tries to correct the mistake by committing another mistake taking land back by force. This has always been the practice here.<sup>6</sup>*

With a rapidly growing population and overwhelmingly dependent on farming for livelihood, the ability of Burundi's government to resolve outstanding disputes over rural land will be critical to political stability as well as economic growth. Repeated episodes of population displacements due to conflict, an already high level of population density, traditional laws and customs that discriminate against women's ownership of land and other fixed assets, and the inter-linking of ethnic identities with access to land and other resources: all of these factors challenge the abilities of the government and its donor-partners to develop a satisfactory property rights system and provide adequate resource governance in Burundi (USAID, 2011). For Burundians, land is not only vital to their food security and livelihood – it is also a symbol of ethnic and family identity.

The return of nearly 500,000 refugees primarily from neighboring Tanzania has increased the pressure on Burundi's land. Approximately 15% of Burundians are now landless, many of whom were displaced by conflict and have not returned to

<sup>6</sup> Patrick MITABARD, Chief editor of Radio ISANGANIRO, Interview, Bujumbura, May 26, 2014

their homes or have returned to find their land occupied. Eighty percent of persons displaced by conflict are landless. Among the minority Twa population, at least half are landless, having been forced out of the forests they depended on for their livelihoods and not been able to secure other land (Amani, 2009; UNHCR, 2009).

Burundi's unique history of periodic violent conflict accompanied by large population displacements has also made the security of land rights problematic. When families have been forced to flee successive waves of conflict, others have come forward to claim and occupy their land. The 1986 Land Code has been used to settle rights in favor of some occupants who have been on the land at least 30 years, while denying rights of refugees from 1972–1973 to return to their land. When the displaced families have returned, it has not always been possible to present claims strong enough to support the eviction of the replacement families, even when there is some residual memory among community members of the original land rights. The result is that rights to land have become highly uncertain for millions of Burundians, and disputes are common (Theron, 2009).

Abuse of the power of expropriation is common, with expropriated land often allocated to influential political and military elites without adequate compensation being paid to the landowners. Local authorities commonly make decisions about the justness of an expropriation and compensation due based on a mix of statutory and customary law, and their interpretations of both vary widely across provinces (USAID, 2011). The president of another leading opposition political party noted the following about the problem of land in Burundi:

*The Land Commission is part of the Arusha Agreement and is expected to solve the problem of unfair distribution of land in the country. But it is causing many disputes between Hutu and Tutsi and it may take the country back to ethnic conflict.<sup>7</sup>*

Land disputes are common in Burundi and are often violent. Land rights, particularly access to land for certain groups, were a contributing factor to the ethnically based civil war. An estimated 90% of all court cases are related to land rights, and 60% of all crimes are linked to land.

<sup>7</sup> Leonce NGENDAKUMANA President of FRODEBU and ADC-ikibiri, political opposition party, Interview, Bujumbura, May 22, 2014



Disputes occur over claims of ownership and boundaries and are often within families and exacerbated by the waves of displacement and return that took place in response to periods of violent conflicts (World Bank, 2008a).

Some opposition and civil society representatives have accused the new law governing the CNTB of having a pro-Hutu bias. Many of those consulted, particularly those of Tutsi background, argue that this revision will enable the commission to wrongfully expropriate Tutsi land without compensation based on a simple accusation of land grabbing (Bouka, 2014).

The land Commission is supposed to be accompanied by a compensation fund but the commission is displacing people from their land without any compensation or substitute and the majority of the respondents of the research believe that the current mishandling and mismanagement of land disputes can be another major factor for governance instability and insecurity in the country. Therefore, in addition to the challenges of promoting inclusive governance, reducing human rights violations and the high level of poverty, access to land constitutes one of the most sensitive issues and a major hindrance to peace and stability in Burundi.

## **Lack of Independent Legal System**

The perception of many Burundians about legal system in Burundi is very far from being fair, transparent and independent system. There was hope and high expectation in the country after the Arusha agreement to see justice through forming and implementing a proper TRC and held accountable those who involved in different crimes during the civil war. These feelings are also shared by different scholars including reports from UN office in Burundi.

The fourteen years that have passed since a TRC was stipulated under the 2000 Arusha Peace and Reconciliation Agreement reflect the numerous obstacles impeding progress on transitional justice in Burundi. The process of drafting the law has raised a number of concerns among civil society organizations and international NGOs, as have provisions in the draft that look likely, if unchanged, to affect the commission's independence and impartiality, the likelihood of popular participation and the prospects for criminal justice. According to accepted international standards, these elements are basic prerequisites for a credible transitional justice process (Taylor, 2013).

The other justice projects focused on the construction of local tribunals as well as clearing backlogged decisions in courts. Both of these projects were part of ongoing judicial reform processes, but not ideal entry points as they failed to address many of the legal and political barriers to the independence and effectiveness of the judiciary. As a result, even though communities now have greater access to justice, the justice system remains plagued with political and structural obstacles that create a general sense of impunity for crimes and breaches of the law. This impunity is one of the drivers of the conflict and, though many citizens benefitted from their judgments being executed, these interventions did not have a sustainable impact on a key aspect of the peace building process (Campbell, 2014).

Mistrust that divides the Burundian political class is still manifesting itself in the negotiations and the adoption of the law in April 2014 that established the Truth and Reconciliation Commission. The law aims to investigate events in the largely inter-ethnic fighting between Hutus and Tutsis that erupted even before Burundi gained independence from Belgium in 1962.<sup>8</sup>

The Special Representative of the Secretary-General in Burundi, Parfait Onanga-Anyanga, considered that general debate organized by the Government is the wish to implement institutional reforms recommended by Arusha Peace Agreement, signed on 28 August 2000. Arusha Agreement signatories advised promotion of an impartial and independent justice, a general reform of the judiciary system, particularly to improve ethnic and gender differences.<sup>9</sup> Commenting on the need for judicial reforms, the senior political party leader quoted above observed the following:

*The current justice system is against the political parties and Human Right activists and put the political leaders in jail illegally and others forced to leave the country.*<sup>10</sup>

The lack of progress in establishing an independent judiciary remains a concern. The National Conference on Justice (Etats généraux de la justice) — a national forum to address judicial challenges, including the independence of the justice system, in

8 Burundi political infighting could derail country's peace building efforts – UN official, 14 May, 2014

9 United Nations welcome holding of general debate on justice in Burundi, 5 August, 2013

10 Leonce NGENDAKUMANA President of FRODEBU and ADC-ikibiri , political opposition party, Interview, May 22, 2014, Bujumbura

a transparent and inclusive manner — was held in Gitega from 5 to 9 August 2013. The Conference, which was supported by BNUB, UNDP and bilateral partners, brought together 350 participants from the Government, civil society organizations, judicial institutions, political parties and partners. However, the Conference failed to adopt the recommendations guaranteeing the independence of the judiciary (SC, 2014). A prominent Bujumbura lawyer added the following in relation to the state of the judiciary in Burundi:

*Another example of bad governance is the judiciary system; they use it as a cover to stop other political parties and to protect their supporters. The justice system is not independent and does not have any power at all.<sup>11</sup>*

The ruling party has also gained control of judicial nominations by influencing the judicial system to neutralize opposition members. The ruling party is often able to arbitrarily arrest opposition leaders on fabricated charges and to then use the courts to legitimize their incarceration, thereby excluding, even if temporarily, competitors from the political scene (Bouka, 2014).

Most civil society and the rest of the respondents consulted believe that the government was expected to form both TRC and traditional justice mechanism with the presence of UN, and opposition parties but the ruling party has passed a law without consulting any one. There is also a fear that all members of the TRC might be only from the ruling party, with a potential to fuel conflict. They have also strongly emphasized that the current justice system has no freedom and power at all instead it is a tool used by the government against the political parties and human rights activists and put the political leaders in jail illegally. The recent arrest of a prominent human rights activist is a good example. He was arrested because he gave vital information about the youth wing of CNDD-FDD getting weapons and military training in DRC (Amnesty International, 2014). Again fair, transparent and independent justice system is critical for sustainable peace and stability in Burundi.

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11 Maitre Prosper NIYOYANKANA, Lawyer of the 2<sup>nd</sup> High Court of Bujumbura, Interview, May 21, 2014, Bujumbura

## Regional Instability

The Great Lakes region is defined as a geopolitical concept which describes the region as a conflict and security complex (ICG 2002b). The DRC has gone through severe periods of instability in the recent past especially in the eastern region. The people of the region have suffered from devastating loss of human lives, humanitarian crisis, diseases, poverty, displacement and migration to the neighboring countries such as Burundi. This implies interrelationships among the conflicts that take place in the region. Conflicts in eastern DRC have often spilled over to the neighboring countries just as conflicts in Uganda, Rwanda and Burundi have spilled over into DRC.

According to Institute for Security Studies (2012), in 1996 and 1998 the DRC was plunged into two successive wars following the genocide in Rwanda that drew in the entire Great Lakes region. The significance of the wars in the DRC lies in the ease with which domestic conflict can be regionalized by the porous nature of borders and the ethnic composition of border peoples.

Rwanda, the most prominent ‘meddler’ in the DRC’s protracted problems, has tended to explain its attack into the DRC as an effort to uproot the perpetrators of the 1994 Rwandan genocide, who took refuge in the eastern part of the DRC. Rwanda has consistently advanced this argument, although available evidence suggests that its motives for invading the DRC go beyond the quest for peace and security to include a desire to continue to benefit illegally from the eastern DRC’s abundant mineral resources (USAID, 2012).

Ugandan forces teamed up with Rwandan forces to support Laurent Kabila bid to overthrow Mobutu from power in 1996/7 (ISS, 2012). Ugandan military was accused by the international community of looting mineral resources in the DRC during that period. Uganda also hosts thousands of refugees from eastern DRC. The security situation in eastern DRC is of major concern to Uganda because it has created space for operations of rebels in the region. It is noteworthy that the DRC’s other small neighbor, Burundi, advanced a similar argument, namely the curbing of incursions by DRC-based Hutu extremists, as justification for its limited but telling military involvement (ISS, 2012).

A former rebel group member who live in Bujumbura, noted the following about the impact of regional instability to peace and stability in Burundi:

*Rebel groups take advantage of incapability of DRC to control its country. As a result, Burundian Army is in DRC to fight rebels or negative forces who are affecting the security of the region and Burundi in particular. Conflicts in neighboring countries such as Rwanda and DRC definitely have an impact on Burundi and vice-versa.<sup>12</sup>*

As in the entire region of the Great Lakes, good governance, peace and stability are very necessary in order to create a political environment that is legitimate and that favors inclusive socio-economic development in the region in general and Burundi in particular. However since the majority of the incumbent leaders in Burundi have taken part in the Great Lakes conflicts and have backgrounds as rebel leaders, regional conflict transformation and regional solutions are especially difficult to attain. Moreover, in the entire Great Lakes region every process to address the past has been either absent, incomplete or one-sided and thus not inclusive (Reyntjens, 2000).

The Heads of State and Government of ICGLR during Ordinary Summit in January 2014, expressed their appreciation for the support provided to the FARDC by MONUSCO in defeating the M23, and in view of the increasing threats posed by other negative Forces after the defeat of M23, the regional leaders are highly concerned and urged MONUSCO to urgently intensify its operations to eradicate FDLR, ADF and all other negative forces operating in Eastern DRC considering that their activities not only threaten the security of the DRC but also that of the Great Lakes Region including Burundi.

The majority of the respondents on the field expressed concern that the countries in the region may not put sufficient pressure on the government of Burundi to improve the political environment and president Nkurunziza to withdraw from running for a 3<sup>rd</sup> term in office because they are also preparing and thinking about general elections in the near future in their respective countries and they might be in the same political situation.

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12 Marcel NYANDWI, ordinary citizen, Interview, May 24 2014, Bujumbura

These can have a negative impact on the role of the regional governments to put coordinated and organized influence on the government of Burundi and elsewhere in the region.

## **Multipliers/Drivers of Governance Instability**

There are a number of variables that may aggravate the underlying conditions that drive - conflict (SFCG, 2011). These factors are the most visible drivers of an open conflict. Below is a description of some of the factors that affect the governance instability in Burundi.

### **Monopolization of Power and Resources**

Burundi's first attempt to introduce political power-sharing in 1994 was unsuccessful. The power-sharing agreement, known as the Convention of Government, introduced a coalition government based on power-sharing between the Hutu and Tutsi dominated political parties and opened for ethnic balance in the public sector. However, the provisions in the agreement failed to take into account the results from the democratic elections in 1993 and did not include any of the rebel groups who were then engaged in the conflict. Clashes between the Tutsi-dominated army and pro-Hutu rebel groups continued, and the government was ultimately brought down in a military coup in 1996 (Reyntjens, 2000).

The Arusha Peace and Reconciliation Agreement of 2000 was based upon a standard formula aimed to institutionalize a democratic system for power-sharing between the Hutu and Tutsi political parties, and initiated a three year transitional period with a grand coalition government. Although considered as an important step to bring peace and stability to Burundi, the Arusha Agreement did not include cease-fire agreements with any of the major rebel groups, its implementation was delayed, and the civil war continued (Daley, 2007). As a result, there was no peace and security in the country for more than 8 years till the formal disarmament of the last rebel group Palipehutu-FNL in 2009. It also took more than a year to set up a transitional government based on the Arusha Agreement.

According to Masullo (2011), Even though ethnicity remains one of the most relevant factors fuelling the conflict in Burundi, it must be recognized that the ethnic

division has been used instrumentally by the elites to divert attention from the main reasons: political power and the control of the scarce economic resources available. As Maundi (2006:58) points out, “ethnicity is thus used as a vehicle for political and economic competition “. A prominent Bujumbura based journalist made the following observation with regard to the issue of ethnic polarization:

*The problem is that the leaders who come to power whether they are from Tutsi or Hutu; they focus on sharing the wealth and natural resources of the country among themselves. They don't care about the society who they belong to.*<sup>13</sup>

When the CNDD-FDD came to power in 2005, it represented both continuity – with its strategy of gaining control over state resources – and change – with a more balanced administrative and economic power sharing in favor of the Hutu. Not only is President Pierre Nkurunziza’s party controlling all the levers of political power and the security apparatus, it has also tried to shape the economic life to its advantage. However, this policy did not aim to redistribute wealth and has so far only benefited a limited and selected circle of leaders of the executive and the governing party, which causes tensions not only between the new government and the old elites but also within the CNDD-FDD itself (ICG, 2012).

The ruling party has monopolized power and resources of the country since it came into office in 2005, despite its promise to improve power and economic inequality in the society. This has been done through a combination of factors including: harassment of opposition political leaders, silencing of the press, expansion of state security apparatus to spy and harass opponents, manipulation of the existing constitution, appointment and control of key institutions, such as the Judiciary, the Land Commission, the electoral commission, resistance to calls for comprehensive electoral reform, arrest and confinement of political opponents such as Mr. Hussein Radjabu, a former key political leader of CNDD-FDD and ally of President Pierre Nkurunziza. To achieve lasting peace and governance stability, the country’s leaders must find strategies to overcome the legacies of political imbalance.

The majority of the respondents (82%) interviewed for the study felt that all the resources of the country are being exploited by key members of the ruling party.

13 Bob Rugurika, Director of R.P.A Radio, Interview, Bujumbura, May 22, 2014

They wonder about the lack of good governance and visionary leadership since independence. All the past leaders focused on monopolizing power and sharing scarce resources of the country among themselves and their tribes' people whereas the majority of the society has been in severe poverty. They further emphasized that when UPRONA was in power for about 40 years, few leaders were benefiting from the country's resources. The same was true when FRODEBU was in power from 1993-2005 and now CNDD-FDD, in power since 2005 and following a similar pattern. It seems that no one has learned any lesson from the painful conflict ridden past. Since independence, successive leaders have followed almost the same leadership approach. The legacy of inequality in access to economic and political power across ethnic groups has been one of the main drivers of conflict in Burundi and it will be one of the multipliers of governance instability in the country unless a formula is found to check against it.

### **Poor Political Leadership**

The ruling party has made it increasingly difficult for other political parties and civil society to engage fully in political activities and participate in the electoral process. In recent years the government has passed very restrictive laws, such as the law on public demonstrations introduced in 2013 that has been used to prevent political parties and non-governmental organizations (NGOs) from freely holding public meetings. Additionally, the law governing the media imposes heavy fines for violations of vaguely defined offenses, such as the prohibition against publishing material that might hinder national unity (Amnesty International, 2014). The CNDD-FDD also has at its disposal the full support of the judiciary and the security services, which have been instrumental to neutralize opposition members. This situation has led to the arrest of opposition leaders and confrontations between the police and opposition supporters. These are some of the indicators of poor and dictatorial style of leadership in Burundi. These are some of the feelings of Burundians on the ground about the current political leadership in the country. This view is also shared by UN high officials including Ban Ki-moon.



*Non, more than ever, the Government of Burundi must demonstrate visionary leadership by continuing to promote the spirit of dialogue and consensus enshrined in the 2000 Arusha peace accords, which has helped Burundians to address the structural causes of conflict in their country.<sup>14</sup>*

The UN Security Council has expressed its grave concern about continued human rights violations, in particular extrajudicial politically motivated killings and torture, and restrictions on civil liberties, including harassment, intimidation and restrictions on the freedom of expression, association and assembly of opposition political parties, media and civil society organizations in Burundi (SC, 2011).

The activities of hardliners among the members of the CNDD-FDD youth league, the Imbonerakure, also raised concerns. BNUB continued to document acts of repression and intimidation, as well as violence and even killings, committed by members of this group, with a surge in such acts between April and July 2013 across the country, in particular in Bubanza, Cibitoke and Ngozi provinces. Under the pretext of ensuring security in their neighborhoods, these members reportedly assaulted and sometimes extorted money from their victims, some of whom allegedly died from the violence (SC, 2013). Yet the government did almost nothing to hold accountable those who involved in such crimes.

The political leadership of Burundi is not able to bring about reconciliation between the victims and perpetrators of past crimes. Victims and witnesses are at times reluctant to testify for fear of reprisal from alleged perpetrators, notably when they are high-ranking members of the security forces (SC, 2014).

One of the most worrisome aspects of rising CNDD-FDD hegemony has been the increasingly tense climate between the ruling party and the civil society. Of these the media are seen as the most nefarious, and have consequently paid the heaviest price. Not only are they perceived as a threat to the government, but the fact that for historical reasons, most are headed by Tutsi elements makes this menace particularly ominous.

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<sup>14</sup> Ban Ki-moon proposes extending UN mission in Burundi despite Government's request to end it, 28 January, 2014

The capacity of civil society to fulfill its role as a potential source of opposition and a vitally important channel of communication between the populations and the decision makers cannot be undermined (Lemarchand, 2006). But the civil society and the press are highly concerned about the limited political space under which they have to play their respective roles due to the current political situation in the country.

The issue of governance concerns the ways in which the Burundi society has been governed and is being governed, the distribution of the contested authority and resources within the society, and most of all the legitimacy of the authority in the eyes of Burundi society. The sources of power have always been authority, human resources, skills and knowledge, intangible psychological and ideological factors, and material resources and sanctions (Burgess, 1994). Between the Hutu majority population and the Tutsi minority power, relationships are retained by coercion and maintained by the threat and the use of force, not legitimized by both parties. When legitimacy does not exist or is thrown into doubt, demands for social change can result in political turmoil and social unrest (Ndayizigiye, 2005).

Poor political leadership and lack of commitment, vision and long term national strategies that can change the living standards of the majority of Burundians and failure to work with and accommodate the views of political parties and civil society in the future of the country, represent one of the sources and drivers of instability and can lead to internal implosion in Burundi.

## **Lack of Political Tolerance**

The absence of consultation and dialogue on the proposed changes to the constitution has eroded the already tenuous trust among the CNDD-FDD, its political partners and other opposition political parties of the country. While the CNDD-FDD, UPRONA and other political parties agreed in March 2013 that the constitution would require a few amendments to make some much-needed changes to the electoral code, the unilateral move by the ruling party to draft extensive revisions without consulting key stakeholders and the people of Burundi created anger among various opposition political parties and civil society, and caused concern among the international community as well.

According to the UN mission in Burundi, the political situation in the country is going from bad to worse and becoming very difficult for political parties even to hold routine meetings outside the capital, Bujumbura. They have to go through a process of requesting permission, which really isn't necessary. BNUB encourages political dialogue and active participation of all actors in politics of the country. So a lot needs to be done to improve the political space and have genuine participation for the 2015 elections, and that needs to start now.<sup>15</sup>

United Nations Secretary-General, African Union, European Union and United States Special Envoys to the Great Lakes Region on 2<sup>nd</sup> of June 2014, expressed concern about the constraints on political space and civil liberties in Burundi which hinder the efforts of the opposition, civil society, and the media, in the lead up to elections in 2015.<sup>16</sup>

In his briefing to the media at headquarters, the Secretary-General's spokesperson also stressed that the United Nations continue to follow up closely the political situation in Burundi. "We are indeed concerned over the continued restrictions on civil liberties for members of opposition political parties and for media and civil society organizations, especially in the run-up to the 2015 elections."<sup>17</sup>

According to the majority of the respondents, there is no room for tolerance and willingness to discuss and solve the difference between the ruling party and the opposition parties in the country. The incident on March 2014, where police shot and killed innocent members of political parties and consequently arrested political party leaders and suspended their party, is considered a good indicator of serious political intolerance in Burundi.<sup>18</sup> The incident further highlighted the fact that opposition political parties such as UPRONA and FNL are weak and divided and

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15 Warren Hoge, Senior Adviser for External Relations at the International Peace Institute, Interview with Karin Landgren, Outgoing UN SRSG for Burundi, Tuesday, July 17, 2012

16 Special Envoys for Great Lakes Region concerned about political restrictions in Burundi, 3 June 2014

17 Secretary General calls on Burundi to observe due process regarding detained human rights activist – spokesperson, 30 May, 2014

18 Supporters of the Movement for Solidarity and Democracy (MSD) were involved in violent confrontations with the police at the party headquarters in Kinindo Commune, Bujumbura on 8 March 2014 as the group went out on a jogging rally. Three police officers and about ten MSD members sustained minor injuries. This led to the arrest of dozens of MSD party members, many of whom were injured by police officers. After a speedy trial, 21 of those arrested were convicted and sentenced to life in prison for insurgency, rebellion and assault of law enforcement officers. Institute for Security Studies (ISS), Issue 57, April 2014

the government is keen to exploit this weakness to weaken the opposition parties so that the ruling party might not face tangible challenges during the upcoming general elections.

Opposition political parties and human rights activists complained about being prevented from exercising their political rights and freedoms by the Imbonerakure, the youth wing of the ruling party. During the 2013, BNUB documented 50 such politically motivated acts involving Imbonerakure members, including intimidation, violence, disruption of political meetings and physical assaults. There were also complaints that Imbonerakure members were not arrested or, if detained, were immediately released following the intervention of local authorities. Meanwhile, the President of the Imbonerakure declared that CNDD-FDD did not endorse violent acts and called upon the judiciary to individually punish those who violated the law (SC, 2014). However, his assertion was disputed by others, including the President of UPRONA, who said that those were not acts committed by individuals since the Imbonerakure were often accompanied or protected by local administrators or the Burundian National Police (SC, 2014).

The government of Burundi has adapted different laws against the media, civil society and opposition political parties including the denial of freedom of speech, movement, assembly and gathering. These represent some of the serious indicators of lack of political tolerance, willingness to address and solve political differences for the sake of national interest and peace and stability of the country.

## **Tension due to 2015 General Elections**

Burundi has recently experienced escalating political tensions that threaten the stability of the country ahead of the 2015 general elections. Frictions between political actors stem partly from the closing of the political space by the government, which prevents the opposition and civil society from operating freely in the country. Moreover, attempts by the ruling party to allow President Pierre Nkurunziza to run for a third term, in violation of the current constitution, has raised concerns about the democratic future of the country. Additionally, some reliable sources such as UN reports claiming that the CNDD-FDD has taken steps to arm and train its youth wing, the Imbonerakure, and violent incidents attributed to the youth, have heightened fears of a relapse to political violence.

Observations reveal a systematic and strategic closing of the political space by the CNDD-FDD, which hinders the opposition and civil society's ability to challenge government action. The ruling party's current behavior is indicative of the 2010 electoral campaign, when the state used legislative measures and administrative and security sector representatives to constrain opposition. The ruling party appears determined to have President Pierre Nkurunziza run for a third term, despite the two-term limit stipulated in the Arusha Agreement and in the Constitution (ISS, 2014).

According to the ISS (2014), the opposition is also challenged by its own inability to maintain a united front against the ruling party. Within individual parties (such as UPRONA and FNL), splitting is commonplace – partly due to meddling from the Ministry of the Interior in the internal affairs of political parties, but also because of internal power struggles. Moreover, the ADC-Ikibiri coalition still lacks consistent leadership. This begs the question whether it will be able to nominate a presidential candidate that all parties can agree upon.

The author interviewed the current leader of ADC-Ikibiri and President of FRODEBU, during the field research in Bujumbura. He noted that the coalition party could provide better political alternative to the country and can challenge the ruling party. However, he also expressed concerns about the law that denies the existence of coalition parties such as ADC until legally recognized by the government. As a result, ADC-Ikibiri could not do much to challenge the actions of the government as a political party but he emphasized that FRODEBU is still strong and ready to challenge the ruling party throughout the country in the coming general elections.

Looking ahead to the 2015 elections, the United Nations has continued to encourage the normalization of relations among all political parties and groups. There is urgent need to ensure free exercise of political expression; there are some documented evidences in which political parties have been prevented from carrying out their activities in various areas, as well as politically-related killings.<sup>19</sup>

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19 Burundi travelled a long and difficult distance along the road of peace consolidation, 20 July, 2012

According to Bouka (2014), the most significant security concern in Burundi is the growing presence of the Imbonerakure in the countryside. The group started to make its presence felt just before the 2010 elections and was accused of intimidating the opposition political parties. The group was heavily involved in the post-election violence against members of the opposition in rural areas (Amnesty International, 2014). According to some members of civil society and the diplomatic community, they have not only grown in number but now also cover most of the provinces. In some areas they have replaced local administrative authorities and the police. Working outside the law, they reportedly impose curfews and arrest, beat and kill individuals.

The government of Burundi however, denies using the Imbonerakure against the opposition and maintains that it is merely a youth wing like any other party's youth group. According to a representative of the CNDD-FDD, crimes committed by some members of the Imbonerakure do not reflect the group as a whole and are the acts of misguided members. But for most observers, their documented acts of intimidation against the opposition in the provinces, their disruption of political meetings and gatherings, and the fact that they appear to be above the law by virtue of acting with impunity, breaking the law and no action being taken against them are serious threats to the peace and stability of the country as the general elections 2015 approaches.

By looking at Burundi's electoral history, some persistent patterns can be observed. As has been noted in pre elections process for 2015, elections tend to be associated with violence. Elections in Burundi constitute a highly tense moment, as they are mainly a struggle for power as a means of gaining access to economic resources (Palman, 2013). Elections held in 2010 for instance, were considered as inclusive by the UN and international observers, but opposition parties disputed the results and boycotted the rest of the electoral process, leaving the CNDD-FDD party in power, as the sole candidate.

According to the UN Peace-building Commission, during the 2010 general elections, there was an increase in human rights violations, including summary executions and torture, as well as political assassinations. As a result, the main opposition leaders went into exile and there was a narrowing of freedom of expression, movement

and assembly. The political atmosphere in Burundi as it approaches to the 2015 general elections has become very tense resembles same trends as in 2010 (Bouka, 2014). The major difference is that unlike in the previous election the opposition political parties look committed to participate in the upcoming elections regardless of the challenges and obstacles they are facing. If the current political temperature continues to increase as the 2015 general election approaches, the country may very easily plunge into civil war.

## **Corruption**

There is no doubt that Burundi is a corrupt country. President Pierre Nkurunziza took the lead in the fight against corruption and launched a zero tolerance campaign in 2011 to improve Burundi's image and address the impact of this massive and endemic corruption on development and international financial support which amounts to half of the annual budget of the country. Unfortunately, these good intentions were not translated into good practices. According to the Transparency International Corruption Perceptions Index 2013, Burundi is rated 157 out of 177 countries making it among the 20 most corrupted countries in the world.

According to Le Billion (2003), in highly corrupt countries, access to political power through free and fair elections is virtually absent as elections are always rigged through vote buying and paying off the judiciary to decide electoral disputes in favor of the ruling government. Where access to state power is not possible through elections, a second option, violence, is resorted to as a means of accessing state resources. Corruption provides the incentive for even a government that has lost the trust of the people to remain in power. Massive and endemic corruption or profiteering by ruling elites; resistance of ruling elites to transparency, accountability and political representation; and illicit transactions among the general populace are among the factors that contribute to state failure.

The Government of Burundi has gone out of its way to project itself as intolerant to corruption. The government put the fight against corruption and economic governance as among its priority programs for 2005-2010, entitled "Priorities for Good Governance and Economic Revival". These priorities included the transparent management of public affairs and foreign aid, the fight against corruption, the

establishment of a favorable environment for private investment, improvements to the regulation and management of the civil service and the consolidation of a strategic framework for the fight against poverty. This program included a series of reforms on governance of the public sector and economy. In September 2006, the strategic framework for growth and the fight against poverty, which was adopted following broad consultations, also emphasized good governance (ICG, 2012).

According to the ICG (2012), in 2006, the award of an exploration permit to a company called Danyland Limited, a subsidiary of Dwyka Diamonds Ltd, prompted questions in the Council of Ministers about the company's capacity to successfully manage such a project. In the oil sector, a company granted oil exploration permits only highlights other areas of expertise on its website. Despite the reforms promoted by the government with support from the World Bank, an assessment of governance and corruption reported that 60% of companies and 65% of NGOs think that the award of public contracts in Burundi is based on bribes and personal contacts with members of the government.

Tensions with development partners have increased with corruption cases. The first case to provoke a reaction from donors was the sale of the presidential aircraft in 2006, which led the World Bank to request an audit. In 2007, the Inter-petrol scandal broke, in which the public treasury lost more than \$10 million. These two cases had an effect on international financial support, which was postponed during the 2007 financial year (ICG, 2012). A former member of the Burundi parliament had the following to say about corruption in the country:

*There is a very high level of corruption in the government and that is affecting the economy of the country very badly and if not addressed very soon it can be one of the major sources of violence in Burundi.*<sup>20</sup>

Burundi's image has declined as a result of the deep rooted and massive corruption. When the country appeared in Transparency International's Corruption Perceptions Index for the first time in 2006, it was ranked 130th out of 159 countries. Its position stabilized during the following two years (130th out of 163 in 2007 and 131st out of 179 in 2008) before declining to 172nd out of 182 countries in 2011.

20 Hon. Theophile MINYURANO former member of Parliament, Interviewed in Gitega, May 23, 2014



Among the EAC countries, Burundi was considered as the most corrupt country for the second consecutive year in 2011 (ICG, 2012).

Respondents for this study were highly concerned about corruption in the country and said that it is widespread from top down in the government. They are more focused on the petty corruption they encounter in everyday life – the need to pay bribes simply to receive basic services, a job, and more insidiously, to obtain justice from the police or through the courts. They are also highly worried about the serious corrupted practice of the top level officials of the government which can destabilize the governance system of the country. According to the majority (89%) of the respondents some of the leaders in the government imports goods but they don't pay any tax, so they enjoy that privilege and other business people can't compete with them. So they feel that this is a good indicator for widespread corruption in Burundi in addition to the common practice of stealing public funds by politicians and senior officials of the government.

Despite the establishment of anti-corruption agencies, and zero tolerance policy, the lack of political commitment to fight the deep rooted and widespread corruption can lead to unequal access to and distribution of resources in the society which were the root causes of a decade-old civil war in Burundi. Similarly, the current corruption crisis in Burundi could be one of the sources and multipliers of governance instability and directly jeopardizes prospects for stability and development of the country.

# Strategies for Managing and Mitigating Governance Crisis in Burundi

## Effective Implementation of Arusha Agreement of 2000

The majority (93%) of the respondents for the study including some government officials and the international and regional community such as BNUB and ICGLR agree that the Arusha Peace and Reconciliation Agreement of 2000 was the best solution to address the conflict in Burundi if it was implemented properly.

The Arusha peace and reconciliation agreement provided for the establishment of a transitional justice program that would include a Truth and Reconciliation Commission (TRC) and a Criminal Tribunal to deal with the most serious crimes. The TRC was to be a non-judicial body mandated to determine the causes and nature of the Burundian conflict, to identify crimes committed since the country's independence, and to identify individuals who committed acts of genocide, crimes against humanity and war crimes during the various episodes of violence. The Tribunal was to be a judicial mechanism that would address, prosecute and punish crimes of genocide, crimes against humanity and war crimes (Bouka, 2014).

According to Bouka (2014), the government unilaterally moved to establish a TRC in April 2014, but unaccompanied by a Criminal Tribunal, despite strong objections by the opposition, civil society and the international community. The framework of the transitional justice program has been a point of contention between the CNDD-FDD and the opposition political parties such as UPRONA for over a decade. After national consultations in 2009 that indicated that Burundians wanted truth, justice and reparations to anchor the country's transitional justice program for crimes committed between 1962 and 2008, the CNDD-FDD decided that priority should be placed on the establishment of the TRC, rather than trying to seek retributive justice. A former Executive Secretary of CNDD-FDD interviewed for this study, noted the following regarding the Arusha Agreement:

*The Arusha agreement is the best solution for Burundi but it was not implemented by the government as expected. The government and other political parties should be committed to the effective implementation of the Arusha agreement as promised during the workshop organized by BNUB in March 2013, in order to bring peace and stability in the country.<sup>21</sup>*

Lack of focused implementation of the three power-sharing agreements in Burundi including Arusha peace and reconciliation agreement partly relates to the effect of the intense pressure and involvement by international and regional actors throughout the peace process. Even though international pressure certainly has been instrumental in pushing the peace process forward, it has also to a considerable degree overshadowed the importance of finding homegrown solutions to the conflict. The international involvement has undoubtedly been crucial for the progress of the peace process, but in order for all parties to fully commit to peace and implement Arusha peace and reconciliation agreement 2000, local ownership to the process must be ensured (Falch and Becker, 2008).

Considering the history and nature of conflicts and the political and socio-economic situation of Burundi, the Arusha peace and reconciliation agreement is one of the best tools to manage the governance instability in the country. Some specific provisions of the Arusha agreement that have not been fully implemented are the establishment of a transitional justice program including a TRC and a Criminal Tribunal to deal with the most serious crimes, impartial and independent justice system, and Land Commission with compensation fund to handle land disputes over the years. These provisions are not yet implemented with the spirit of Arusha Agreement. It took 14 years to establish TRC yet many are concerned about the composition of its members. The lack of progress in establishing an independent judiciary remains a concern. Many argue that the current justice system has no freedom and power at all instead it is an instrument used by the government against the political parties and human rights activists. The Land Commission is working to resolve issues related to land but still be blamed displacing people without proper compensation.

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21 Hon. Pasteur MPAWENAYO, former Executive Secretary of CNDD-FDD and Ex-deputy president of the parliament, Interview, 24 May, 2014, Bujumbura

Therefore, for peace to prevail in Burundi, the commitment by the Government, political parties, and the population for the implementation of Arusha agreement is very critical.

## **National Dialogue and Reconciliation**

Dialogue and negotiation is one of the effective tools for managing differences among political actors to bring peace and stability in countries in post conflict situations such as Burundi. There must be a continuous engagement between government, opposition political parties and other political stakeholders to address the critical issues such as land management, implementation of TRC, the electoral process, the revision of the constitution and any other contentious issues as the country approaches towards the 2015 general elections.

The UN Office describes the signature as an important and critical step forward which is consistent with the commitment they took at the second workshop on the evaluation of the roadmap held on 20 May 2014 to adopt these Principles as a Code of conduct for the 2015 elections<sup>22</sup>. In accordance with the General Principles, BNUB advised all the political leaders and other actors to sensitize their constituencies, especially the youth, to respect human and political rights and to reject all forms of violence in the conduct of their political activities. BNUB also emphasized the right for political parties, coalitions and independent candidates to freely carry out their activities throughout the country during the electoral campaign period, in accordance with the laws in place.<sup>23</sup> BNUB further expressed hope that the entire Burundian political stakeholders would engage in renewed, inclusive and constructive political dialogue, both within each political party as well as between the different parties.<sup>24</sup>

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22 General Principles for the Conduct of the 2015 Elections in Burundi entails 13 points, including the right for political parties, coalitions and independent candidates to freely carry out their activities throughout the national territory during the electoral campaign period, in accordance with the laws in force. Signed in Bujumbura, 9 June 2014, an article by BNUB accessed online: <http://www.bnub.unmissions.org/Default.aspx?tabid=2961&ctl=Details&mid=5312&ItemID=1887751&language=en-US>

23 The United Nations Office in Burundi (BNUB) welcomes the signature of the General Principles for the conduct of the 2015 elections, 10 June, 2014

24 United Nations Office in Burundi calls political actors for constructive dialogue and moderation, 11 March, 2014

Furthermore, the UN Secretary General expressed concern at the lack of dialogue and consultation and advised all political parties and their youth wings to renew their abandonment of violence and to engage fully and speedily in efforts to normalize political relations. This should be considered as a high priority for the consolidation of peace and democracy in Burundi and the United Nations support will continue so that the necessary foundation for successful multiparty elections in 2015 can be secured (SC, 2011a).

The Burundi government must ensure that efforts to promote reconciliation and healing take root, including through the establishment of the much-anticipated truth and reconciliation commission. National and local efforts to promote conflict prevention and resolution and foster social cohesion are also required to prevent the erosion of Burundi's progress towards peace and stability. Therefore, in order to address the current political tension in Burundi, there should be inclusive dialogue and open discussion that involves all the political parties and other key actors in the country.

## **Enhancing Good Governance**

Democracy and good governance take time to make them perfect. It must be adapted from the African perspective including the norms and cultures of Burundi and the traditional ways of managing and addressing conflicts. In order to improve the governance system in the country, the judiciary system should be independent without the influence of the government but currently the justice system is not independent, rule of law means entails responsibility and separation of powers of the executive, judiciary and parliament but currently they are mixed and treated as one.

The strategy to improve governance is based on an accurate assessment and its orientations focusing on increasing the transparency and accountability in the management of public affairs, strengthening the operational capacities of the structures in charge of combating corruption, establishing a coherent and effective legal framework, education, civil and human rights and long term economic development (ICG, 2012).

BNUB continued to facilitate and support the strengthening of oversight institutions, such as the Parliament, the Office of the Ombudsman, the Anti-Corruption Brigade and non-governmental organizations active in the fight against corruption. These all rounded continuous support from BNUB and other international community are expected to improve the governance in Burundi.

It is important to put in place policy measures, both at the national and local levels to reduce the impact of corruption on state instability. Developing an effective and practical anti-corruption system and to have a mechanism to follow up its implementation is therefore essential (Atuobi, 2007). A prominent lawyer interviewed for the study observed the following with regard to strategies for fighting corruption in Burundi:

*In order to improve the governance system in the country, good and competent leaders are critical at all levels of the government who can work and put public interest first. The government should also create a conducive environment for the next general elections 2015 so that Burundi may not slide back again into civil war.<sup>25</sup>*

Good governance can be expressed through different dimensions as indicated by the World Bank (1997), such as political stability and lack of violence, executive effectiveness, voice and accountability, quality and fairness of justice system, enforcement of rule of law and control of corruption. The current governance situation in Burundi shows that the government is far away from realizing good governance in the country, judged by the indicators above. Thus ensuring freedom of speech, movement and assembly, political stability, fair land management, independent and autonomous justice system, genuine fight against corruption and enforcement of rule of law are crucial to prevent internal implosion and ensure sustainable peace and stability in Burundi.

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25 Maitre Prosper NIYOYANKANA, Lawyer of the 2<sup>nd</sup> High Court of Bujumbura, Interview, May 21, 2014, Bujumbura

## **Focusing on Economic Development and Poverty Reduction**

Since economic development can play a vital role in preventing future conflict, a sound economic system is very important in a poor and conflict prone country such as Burundi.

The Government of Burundi has been actively engaged in the development of a new poverty reduction strategy, with the help of international organizations such as the World Bank, since 2010. While producing a guiding document for improving the living standards of the society is a positive one step forward, unless accompanied by aggressive and actual implementation and monitoring process, the intended objective of improving the lives of Burundians will not be achieved. The major challenge facing Burundi is to turn words into actions. The problem with the current government is not about making good institutional arrangements and passing good laws, policies and strategies but converting those good intentions and promises into concrete practices. Thus, the implementation part requires a serious focus in order to bring concrete change on the economy of the country.

Burundi relies on external funding for approximately half of its budget, which presents difficulties at a time of global economic recession. Engendering rapid, sustainable and equitable growth will require, in particular, investment in the energy sector, infrastructure and agriculture. The donor community should support Burundi in its development and poverty reduction program. A strong and sustained partnership between the Government and development partners remains essential for the well-being of the society and for the continued stability of the country (SC, 2011a).

Burundi needs to focus on improving productivity. The more Burundians start to invest in industry by themselves, they will be direct beneficiaries of the economy and will start to protect their assets and develop local ownership. The Government should also take additional measures to improve living standards, access to health care and other social services, as well as to reduce unemployment. Development partners must help to fill the funding gap for the implementation of Burundi's second poverty reduction strategy through targeted budget support.

## Electoral Management

Elections provide a crucial opportunity for citizens to hold their leaders and political parties accountable and to give ordinary citizens a role in determining the future of their nations through peaceful political competition. However, because of their competitive nature, elections in fragile states generate extensive political activism and participation, and generally add stress to existing political systems and their weak institutions, especially in a country like Burundi, which is still very much a post-conflict society.

An election is more than a day; it is a process. Only if the electoral process is inclusive, transparent, and peaceful, can the election itself be considered free, fair and credible. In the run-up to elections, media and civil society must be free to speak up and report upon the entire electoral process. All political parties and actors must have an equal opportunity to participate in the process, including meeting at any time and as often as necessary to prepare for peaceful elections. Any effort to prevent meetings and gatherings, intimidate participants, or undermine the opposition jeopardizes the process and runs counter to the Burundian government's expressed commitment to democracy. The envoys accredited to the Great Lakes recently advised all political parties to renounce violence and to call upon their members and supporters to exercise restraint and peaceful expression.<sup>26</sup>

The envoys also welcomed the adoption by consensus of the new Electoral Law and the agreement in principle by the Burundian political parties and actors to adopt a code of conduct for the elections. They noted that the upcoming general election has the potential to build on Burundi's recent progress and contribute to a stronger future of the country. They further encouraged the Government of Burundi and all actors "to seize this opportunity to bring about a better future for their country through a transparent, inclusive, peaceful, and credible electoral process."<sup>27</sup>

With the help of the international community, there have been some positive engagements and dialogue between the government and the opposition political parties in order to manage the electoral process for the upcoming general elections 2015.

26 Statement by Special Envoys for Great Lakes Region, noting concern about political restrictions in Burundi, 3 June, 2014

27 Ibid



BNUB organized a workshop on electoral process on March 11-13, 2013 which was the first inter parties meeting since the elections of 2010. At the end of the workshop, a “road map for 2015 elections” was adopted by the country’s political actors with the aim of drawing lessons from the 2010 electoral process to determine elements for a road map towards the 2015 elections. Representatives of more than 40 political parties and political actors attended the event.

Despite the recommendations on the road map which include, among others, the right for political parties to freely carry out their activities in compliance with the laws in force; avoiding of all acts of political violence, manipulation of youths affiliated to political parties; and the importance of reuniting the divided parties, the political situation in the country remains very tense. During a one-day workshop co-organized by the Burundi Ministry of Interior and the United Nations Office in Burundi on May 20, 2014 to discuss and evaluate the implementation of the Roadmap towards the 2015 elections, most of the opposition political parties and civil society blamed the government for lack of commitment and violating the road map.

The Government of Burundi should take all measures to ensure that every Burundian is able to exercise his or her rights to freedom of expression, association, and peaceful assembly. At the same time, opposition political leaders should make all efforts to ensure their members do not engage in any violence and human rights abuses in the run up to the 2015 elections.

The Imbonerakure are potential threats to the political opposition parties and peace and stability of the country. The violations to the rights of peaceful assembly and association are politically motivated and are occurring within the context of the upcoming elections in 2015. The Burundian authorities must inform all state actors, including local administrative authorities, to respect and uphold the law, and ensure that there is no impunity for violations. The government must ensure that its youth wing operates within the law, and take steps to ensure those members of the Imbonerakure found breaking the law are prosecuted.

The development and agreement of General Principles for the conduct of the 2015 elections by the Government of Burundi, the National Independent Electoral

Commission and all political parties and actors, on 9 June 2014 is an important step forward on managing the electoral process which recognized and reconsidered relevant provisions such as the Constitution of Burundi, the Arusha Agreement, the recommendations of the roadmap adopted by consensus in March 2013, and the outcome of the workshop held on 20 May 2014 on the 2<sup>nd</sup> Evaluation of the implementation of the roadmap. Thus, all the signatories must respect and implement this comprehensive code of conduct so that the electoral process could be managed properly in order to organize free, fair, inclusive and transparent general elections in 2015.

## Civil Society and Media

The existence of a vibrant civil society and independent media is a commendable asset of Burundi's society. They must be encouraged and protected, and this spirit should be reflected in the law. BNUB and OHCHR together remain committed to dialogue with the Government and security forces to ensure that the climate of respect for human rights continues to improve (SC, 2013).

Civil society organizations have continued against heavy odds to raise awareness on human rights and, with the support of BNUB, have improved their monitoring and reporting capacities. BNUB is also working closely with the Ministry of National Solidarity, Human Rights and Gender to help the country to meet its reporting obligations to the human rights treaty bodies and to implement the recommendations of the universal periodic review. The Ministry, with the support of BNUB, is drafting a legal framework for the protection of human rights defenders (SC, 2014). A prominent Bujumbura based Human Rights activist interviewed for this study, noted the following regarding the role of civil society and media in Burundi:

*The civil society and the media must continue to inform everybody including the international community about what is happening in Burundi. They should also focus on creating awareness and educating the society about elections.<sup>28</sup>*

<sup>28</sup> Vital NSHIMIRIMANA, the President of Forum pour le Renforcement de la Société Civile au Burundi (FORSC), Interview, May 20, 2014, Bujumbura

Burundian human rights organizations and journalists regularly document and publicly denounce human rights abuses. The government has tended to perceive such criticisms as hostility. For several years, it has accused civil society leaders and journalists of siding with the political opposition and serving as their mouthpiece. These accusations intensified as political tension increased (Human Rights Watch 2012).

Civil society should actively pursue its watchdog role and organize mass mobilization against corruption and donors should prioritize good governance. The international community should put pressure on the Government of Burundi to ensure it stops harassment of civil society by state security agencies. Civil society organizations should create a mass movement against corruption through the establishment of an anti-corruption forum gathering the private sector, rural organizations and universities. Donors should prioritize the fight against corruption and reconsider their engagement if governance does not improve. Now that the anti-corruption agenda has become a public policy through the national strategy for good governance, it is up to civil society and donors to create the conditions for its implementation (ICG, 2012). Media and civil society organizations need continuous international support, preferably financial, and international diplomatic pressure in order to do their job effectively.

## **Opposition Political Parties**

Committed leadership from government and civil society, backed by a coalition of supporters including political institutions and parties ready to push for greater accountability and transparency is essential in the fight against corruption and enforcement of rule of law. Commitment by political parties for wellbeing and national interest of the country before their individual and party interest is very important because they are most likely going to assume political office in future.

According to the respondents interviewed, the scores obtained by the opposition parties during 2010 general elections in Burundi were far below what they expected and, as a result, a group of 12 opposition parties – including FNL, FRODEBU, MSD, UPD and CNDD, but not UPRONA – immediately set up an alliance called ADC-Ikibiri (Alliance of Democrats for Change in Burundi). They criticized the election

results, citing massive election fraud by CNDD-FDD involving voter intimidation, bribery, pre-stuffed ballot boxes and orchestrated power cuts to mention but a few. They called for international support in invalidation of the communal election results and appointment of a new Electoral Commission, but their requests and complaints were ignored and the opposition eventually decided to withdraw from the electoral process – probably based on their conviction that they had been manipulated from the start and there was no level playing ground. This move however turned out to be a serious miscalculation on the part of the opposition as the election process went ahead, despite their boycott.

This electoral boycott was arguably based on strategic calculations of the coalition to re-negotiate the election results and ensure their representation within the new government, but it was obviously a complete failure. Since then, the CNDD-FDD has dominated politics in Burundi. It took one opposition party, UPRONA, into government. All of the other major parties, by joining the boycott, excluded themselves from the national policy-making process. That undermines their credibility and, moreover, has weakened the political institutions of the state.

Burundian political parties and other actors met on 20<sup>th</sup> of May 2014 in Bujumbura to discuss the implementation of the Roadmap towards the 2015 general elections. The Roadmap is a 42-points document adopted in March 2013. It entails recommendations aimed at creating a peaceful environment conducive to the running of free, transparent and fair elections next year. Recommendations include, among others, the right for political parties to freely carry out their activities in compliance with the laws in force; the rejection of all acts of political violence, and of manipulation of youths affiliated to political parties; and the importance of reuniting the divided political parties, in line with the recommendation of the Roadmap.<sup>29</sup>

A strong and healthy democracy needs vibrant opposition political parties. Therefore the return to Burundi of political leaders who were in exile, which marked the normalization of the country's political life since the boycott of the elections in 2010, is highly appreciated. But there is increasing tensions and intra-party disputes facing some of the political parties in Burundi. All political parties and actors should

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29 Burundian political actors and parties met for the second time, 20 May, 2014

avoid using provocative language and be ready to peacefully resolve their differences through dialogue, in the interest of their own parties and for the sake of multiparty democracy in the country (SC, 2014).

There is a clear determination by the opposition political parties to participate in the electoral process. The consensus is that the current political situation is largely a result of the 2010 boycott and that the opposition needs to be active throughout the election process to stand a chance of challenging the ruling party, CNDD-FDD, even so, the opposition faces very serious an uphill battle. It is not easy to imagine how, given the many difficulties placed in their way, the opposition parties will manage to acquire the necessary political space so as to conduct an efficient campaign (Bouka, 2014).

The opposition will be unable to muster the necessary voter support if they are not able to mobilize and campaign effectively in the provinces. But the opposition political parties' ability to mobilize and campaign successfully is not only reliant on the political space available to them; it also depends on their ability to consolidate their support base and to maintain a united front throughout the electoral process (Bouka, 2014).

The majority (64%) of the respondents interviewed for this study felt that there is no longer strong and well organized opposition political party that can challenge the government on the upcoming general elections. They also noted that most of the parties are immature, with no clear ideology and poor organizational systems. Recalling the 2010 general elections, the respondents highlighted that whereas all the parties failed to organize themselves into one strong opposition before the elections, they however managed to organize themselves quickly after they lost, which depicted selfishness on the part of the leaders. Internal fighting and power struggles between and within the opposition parties were also noted. They further emphasized that opposition parties in Burundi are weak, divided, have no strong alternative program for the country. Therefore, they emphasized that the opposition parties must unite and come up with visionary leadership, alternative program and strong coalition to challenge the current government for sustainable peace and stability in the country.

## Regional Actors

In addition to the internal dynamic, it is necessary to analyze the security situation in Burundi in relation to the regional dimension of the Great Lakes. Apart from being itself a source of instability, Burundi is at the same time influenced and threatened by the neighboring countries and particularly the Democratic Republic of Congo and Rwanda. The conflict in Eastern DRC, the constantly shifting alliances in the Great Lakes Region and the illegal cross-border extractive activities have had a serious impact on peace and security in the country. If Burundi were to achieve a durable settlement, it would also serve as a positive example for the region and other African countries. Similarly, if Burundi would resume war again, this could contribute to an already explosive regional situation (Reyntjens, 2000).

Regional mechanisms such as International Conference on the Great Lakes Region (ICGLR) and East African Community (EAC) along with the governments of the region could play a vital role to address and resolve the current political situation in Burundi. The ICGLR provides a broad based regional structure for dealing with conflict. This institution enjoys good will of the member countries and they regard it as a legitimate forum for sharing peace and security concerns in the region. According to Wilson Kajwengye, Peace and Security Program Officer, ICGLR, the organization is making efforts to bring peace and various actors in the conflict to negotiate for peace. ICGLR is helping to control resource based conflict through certification of minerals to prevent illegal trade. It is also sensitizing the youth and communities on arms proliferation. ICGLR is monitoring the security situation in eastern DRC and the movements of the rebel groups under the Joint Verification Mechanism that could have spillover effects to Burundi and elsewhere in the region. The ICGLR is also involved at the level of the African Ambassadors accredited to Burundi forum to look for possible solution for the current governance challenges in Burundi. Regarding the role of regional actors, a senior BNUB official based in Burundi noted the following:

*The regional organizations such as EAC and ICGLR are involved in addressing the current political situation in Burundi and they meet regularly with the political stakeholders but the government must show real commitment to change the situation on the ground.<sup>30</sup>*

The Government of Burundi should take all necessary steps to prevent further human rights violations and to ensure immediate justice, to pursue peace consolidation and reconstruction efforts in a regional perspective, especially through projects fostering peace, reconciliation and exchange within the East African Community, the Economic Community of the Great Lakes Countries and the International Conference on the Great Lakes Region. The Council encouraged the Government to enhance efforts to pursue structural reforms aimed at improving political, economic and administrative governance and tackling corruption, with a view to setting up strong drivers for sustained and equitable social and economic growth in the country (SC, 2011). A senior ICGLR official commented the following regarding the need for regional support to good governance and fair elections in Burundi:

*The Great Lakes Region must work together to make sure the whole process of the general elections 2015 would be free, fair and transparent. ICGLR has already set a team that looks and monitors the process of upcoming general elections in Burundi.<sup>31</sup>*

According to the EAC Treaty the vision of the Federation is to accelerate economic development for all, to enable the region to move away from a Least Developed Region to a Developed Region, in the shortest possible time. EAC stresses improved social interaction, peaceful coexistence and harmony among neighbors. In particular, it emphasizes a better governance, democratic and accountable institutions. Education and health services are among the important areas where the Federation is expected to make a positive impact in the region. Thus, EAC can play a crucial role in addressing the political instability in one of its member countries, Burundi as the political crisis and insecurity has a direct impact on the rest of East African Community.

30 Obianuju NWOBI, Security Sector Reform Officer, Head of SSR Unit, BNUB, Interview, May 20, 2014, Bujumbura

31 Ambassador Ambeyi Ligabo, Director of Democracy and Good Governance Program, ICGLR, Interview, May 21, 2014, Bujumbura

Regional leaders played an especially crucial role in ending a decade old civil war in Burundi. The formal effort at introducing power-sharing in Burundi was marked with the signing of the Arusha Peace and Reconciliation Agreement in August 2000. The long and difficult negotiation process took place in Arusha between 1996 and 2000 through African led peace initiative. The previous regional peace process in Burundi was mainly driven by two most interested states Tanzania and Uganda.

Tanzania as a country and the late Julius Nyerere, former President of Tanzania in particular have played a decisive role in leading peace process in Burundi including the Arusha initiative since July 1996 together with the rest of the regional leaders. Ugandan president Yoweri Museveni had long championed the concept of regional economic integration, and recognized that continued Burundian insecurity and political instability represented major obstacles to the realization of his regional vision. As a result, he played a vital role to disarm and integrate Burundi's last rebel group, Palipehutu-FNL, into government institutions. Furthermore, President Yoweri Museveni, who chairs the Regional Initiative for Burundi, initiated the Partnership for Peace in Burundi (PPB), to monitor the consolidation of peace in the country until December 2009, including spearheading the regional process that culminated in the 2009 Agreement that led to the dissolution of the FN rebel movement. This created a fertile ground for the 2010 general elections in Burundi. Thus once again the regional leaders can play their role to address the current tense political situation in Burundi.

## **International Community**

During the 2010 general elections, Burundi's main partners (France, Belgium, the Netherlands, Germany, Switzerland, the EU and the U.S.), the Integrated Office of the United Nations in Burundi (BINUB) and the African Union Representation followed closely the preparations of the electoral process and helped remove obstacles to its smooth running which includes providing technical assistance to CENI and as soon as the opposition parties contested the results of the ballot, in a concerted move the main partners approached the heads of these parties to bring them back and to continue their participation in the electoral process although they didn't succeed (ICG, 2011). However, since this failure the international community has taken a step back, the presence of the UN has been significantly reduced and



no common approach to the post- electoral crisis has been defined. According to International Crisis Group (2011), this wait-and-see attitude by the international community can be explained by current fatigue and the rhetoric of national insecurity and governance instability in Burundi.

Despite the reduction of active political involvement, the international community (UN, AU, EU and other bilateral partners) has made a substantial financial investment in Burundi, and it should continue to play a constructive and vital role through enhanced coordination particularly for the preparations for the upcoming general elections 2015 and support for security sector reform which is already on the way. More broadly, the progress Burundi has made in furthering peace and stability must be reinforced by socioeconomic development and poverty reduction.<sup>32</sup>

Between 2007 and 2013, the UN Peace building Fund (PBF) allocated US\$ 44 million from their Peace building and Recovery Facility (PRF) and US\$ 5 million from their Immediate Response Facility (IRF), totaling US\$ 49 million to help consolidate peace and stability in Burundi. Burundi becomes the highest recipient of PBF funds out of the 23 countries that has been supported (CCDP, 2014).

According to the Independent External Evaluation report by CCDP (2014), there was no equivalent funding source for the UN to run peace building programs in Burundi. Some of the projects that the PBF funded made a crucial positive contribution to Burundi's peace building process and achieved aspects of the Security Council mandate that would have been difficult to do without PBF funding. The report emphasized that the fund provided crucial inputs that advanced Burundi's ongoing political negotiations, helping to: unblock a deadlock in the Burundian Parliament in 2007; remove the final remaining barrier to the transformation of the FNL rebel group into a political party in 2009; address several critical logistical barriers in the organization of the 2010 elections; calm communities in provinces that received a high number of IDPs and ex-combatants, and had suffered from the high levels of political violence and instability surrounding the 2010 elections; and it supported dialogue workshops in March 2013 that made progress toward breaking another deadlock between political parties surrounding the preparation for the 2015 elections.

32 Ban Ki-moon proposes extending UN mission in Burundi despite Government's request to end it, 28 January, 2014

The international community can help Burundi to fight poverty, generate employment, promote fair economic growth, participate in regional integration, and reinforce the State while protecting the human rights and fundamental freedoms of all citizens of the country.<sup>33</sup> The international community more broadly, will be increasingly important in the lead-up to the 2015 general elections, when inclusive political dialogue and compromise will be required of all political leaders and parties.

The respondents interviewed for the study highlighted that the international community must continue putting pressure on the government to implement political reforms and to create conducive political environment for the upcoming 2015 general elections. The UN in particular must continue pushing for political dialogue and non violence resolution to the conflict in order to prevent cycles of violence and civil war in Burundi.

Given the Burundian government's heavy dependence on the country's foreign partners and donors, 50 percent of Burundi's annual budget is funded by international donors but members of the opposition political parties and civil society expect the international community to put high pressure on the ruling party to ease current tensions and to prepare free, fair, open and transparent elections. In the past few years, most initiatives aimed at mitigating conflict between the CNDD-FDD and other actors have been driven by the international community, in particular the UN through its mission in Burundi (Bouka, 2014).

At the international level, Burundi's partners beside the financial support should engage and play political role more actively and continue to monitor the situation closely and to advise and put necessary pressure on the government of Burundi to demonstrate its commitment to end political violence and deliver justice, as well as level the political playground for the upcoming general elections so that the country may run free, fair, inclusive and transparent elections.

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33 UN chief calls on international community to support Burundi's development, 15 July, 2013

## Conclusion and Recommendations

### Conclusion

Burundi has made significant progress, overcoming very difficult challenges since the end of the civil war in 2005. However, the significant gains are far from irreversible.

A strong and healthy democracy needs vibrant opposition political parties. While the country's institutions continued to improve and discharge their responsibilities with increased assertiveness, the negative impact of the 2010 electoral boycott by major opposition parties and ensuing political tensions between the Government and extra-parliamentary opposition parties continued to be felt. There is growing distrust and confrontation between the Government and the opposition.

The opposition political parties need to be active throughout the election process to stand a chance of challenging the ruling party. Even so, the opposition faces very serious and uphill battle from the government. This is apparent across a range of issues, where broader consensus would be required to further advance peace consolidation and development efforts, especially given the early preparations for the 2015 elections. The opposition, media and civil society activists complain about being prevented from exercising their political rights and freedoms of expression. As a result there is no real commitment among the political actors to work in harmony for peace, stability and development of the country. This does not augur well for long term stability in the country.

The most common view of the Burundian conflict is that it is an ethnic conflict, pitting the historically disadvantaged majority Hutu against the dominant minority Tutsi, with Twa completely marginalized. However, this view of conflict fails to capture many of the important nuances in Burundian history and social structure and the way in which ethnicity has been used as an instrumental tool by elites. A more accurate description of the Burundian conflict takes into account political and economic ambitions, ethnic divisions, regional divisions, urban-rural divisions, and the links to the conflicts in neighboring Rwanda & DRC, & the problem of politicized military. Thus, the real cause of conflict in Burundi is economic and political rather than ethnicity. It is due to inequality in access to economic and political power across ethnic groups in the country.

The author has argued that so far unequal distribution of national wealth and monopolization of power are the primary causes of civil wars in Burundi. If discrimination and exclusion continues as the country is approaching towards the 2015 general elections, Burundi could slide back to internal implosion and civil war once again. But there is still hope that the political actors in the country will address the root causes of governance instability in Burundi through dialogue and reconciliation, implementing economic policies and institutional reforms aimed at achieving equity in access to power and national resources. The overriding goal of these reforms should be the protection of the rights of all groups, minorities as well as majorities.

## **Recommendations**

The Government should take additional measures to improve living standards, access to health care and other social services, as well as to reduce unemployment. The Peace building Commission should continue its efforts to sustain international support and mobilize resources for Burundi. Development partners must help to fill the funding gap for the implementation of Burundi's second poverty reduction strategy through targeted budget support.

The AU, member states of the EAC, ICGLR, the UN and donor governments to Burundi should continue to monitor the security situation closely and increase their engagement with the Government of Burundi to grant political opposition groups, civil society and the media, the space to operate freely and independently at the same time as holding to account state actors responsible for violence and human rights violations.

The international community has made a significant investment in Burundi. It must continue to play a constructive role through enhanced coordination, particularly for the preparations for the elections and support for security sector reform.

The following are some specific recommendations to the government of Burundi, the opposition political parties and to the international communities.

## **To the Government of Burundi:**

- Should be committed to the implementation of the Arusha agreement and other major pending policies, strategies and agreements have to be transformed into concrete actions.
- Create a peaceful environment conducive for the holding of free, transparent and fair elections next year.
- Review and revise the anti-corruption law so as to extend the powers of the anti-corruption agencies in order to fight & control deep rooted corruption in the country.
- Create a conducive political environment through guaranteeing freedom of expression and assembly for the opposition, the media and civil society.
- Keep promises, and change good laws, agreements and policies into action
- Establish the High Court of Justice as required by the constitution and strengthen the statutory safeguards for the independence of the judiciary.
- Respect and promote the independence of judicial institutions and refrain from interfering in the course of justice.
- Set up a truth and reconciliation commission and a special tribunal as recommended in the Arusha Agreement and during the national consultation on transitional justice.
- Focus on economic development and poverty reduction activities to improve living standards of the society.
- Ensure respect for individuals' rights to expression, association and peaceful assembly, in line with regional and international obligations.
- Address impunity for human rights violations committed by state actors and ensure justice is delivered to victims.
- Resolve land grievances & disputes and fulfill past promises to pay compensation and, together with other stakeholders, urgently establish ways of funding it.
- Provide legal and social services for victims of land dispossession in order to guarantee their access to justice.

### **To the Opposition Political Parties:**

- Put national interest before individual and party interests and be ready to work and negotiate with the government on political and national affairs.
- Be committed and play a constructive role on the electoral process of 2015 elections.
- Make sure that the party does not support and will not tolerate attacks, threats or acts of intimidation by its members, and that involvement in such activities is incompatible with membership of the party.
- Take immediate measures to assist the authorities to disarm and control party youth groups and ensure that they stop attacking and threatening perceived opponents.

### **To the International Community:**

- Press government and opposition parties to restart and continue regular talks without delay in order to end the political crisis and make development aid dependent on the government's respect of its commitments regarding human rights, governance and rule of law.
- Put pressure on the government to improve governance and change words into action and address social conflicts, especially those linked to land and the up-coming 2015 general elections.
- Continue and increase the monitoring of the security and human rights situation in Burundi and make strong and clear statements in response to violations.
- Call on the Burundian authorities to ensure respect for individuals' rights to expression, association and peaceful assembly, in line with international human rights standards.
- Support all political stakeholders to maintain peace and stability and run free, fair, inclusive & transparent general elections in 2015.

- Call on the Burundian authorities to immediately address impunity for human rights abuses committed by state actors and ensure justice is delivered to the victims.
- Ensure the fight against corruption features prominently in the dialogue with Burundi, Support civil society efforts against corruption, including training to improve knowledge of public finance and legal control.
- Link budget support to the implementation of independent institutional checks and balances and to progress in terms of governance and transparency of the administration.
- Campaign for greater freedom of expression, including press freedom, and protection for journalists, human rights and other civil society activists in Burundi.
- Support the full and public disclosure of the facts about land expropriation
- Support the formulation and implementation of a comprehensive reparations program for victims of land expropriation.
- Together with the Burundian government, opposition political parties and civil society, carefully monitor social conflicts, especially those linked to land and the up-coming election in 2015.

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## Abstract

In Burundi, the signs of governance instability are feasible even if there is no actual fire burning in the country. The major political actors including international and regional organizations such as the UN Office in Burundi (BNUB) and the International Conference on the Great Lakes Region (ICGLR) and the ordinary people of Burundi are very concerned about the future of Burundi. The country seems relatively calm especially in the big cities such as Bujumbura but there is very high tension between the government and the opposition political parties and human rights activists in most areas, creating the impression of a shaky peace and stability that may break at any time since the fundamental causes of the conflict in Burundi are not being comprehensively addressed.

This paper assesses the causes of governance instability and conflict in Burundi including the implementation of Arusha Peace and Reconciliation Agreement of 2000. Focus is placed on understanding current drivers of the instability so as to inform the immediate and long term policy options and strategies for major stakeholders and key actors in peace and stability of Burundi. The paper provides insights into the current governance situation in Burundi and offers options for the way forward.

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