

Burundi politics - an overview of the most burning rifts and their connection to daily politics

This paper is subdivided into three chapters, each focussing on a particular arena of Burundi politics. The first arena deals with the growing rifts within the government and its ruling party (i), the second focuses on deepening rifts between those in power and the opposition parties as well as civil society and human rights organisations and the third arena gives attention to structural problems relating to difficulties of societal cohesion. Of course, all three arenas are not separate entities; they interfere with each other, shape the day to day events and could entail new dynamics not identified so far. All these rifts indicate a growing fragmentation of the political stage and because the used violence is always a sign for growing helplessness the next few months are particularly critical.

Arena 1: Rifts within the ruling party and Government

With the rising disputes around a revision of the constitution and a possible candidature for a third term of President Nkurunziza, the role of the ruling party is again tabled and many observers indicate a rising fragmentation. This however is not a new phenomenon, though. Inner party tensions within CNDD/FDD date back to its origins in the maquis.

1.1 Some remarks on the history of the ruling party

Before the Arusha Agreement the CNDD/FDD originally was CNDD¹ and merged around 1998 with FDD into CNDD/FDD. At that time, the military arm of CNDD was strongly engaged in the guerrilla war. Officially, this guerrilla was directed Léonard Nyangoma. In reality however, Nyangoma was almost never at the battlefields. He depended rather from the now well known prisoner El Hadj Hussein Radjabu, who made at that time the bridge between Nyangoma and the warriors. But with the time passing, Hussein Radjabu acquired so much specific knowledge of the spots of intervention, applied strategies and the living conditions of the fighters that his supervisors started to fear him; in 1998 finally, El Hadj Hussein Radjabu managed to replace Léonard Nyangoma by Jean-Bosco Ndayikengurukiye. This was the moment when CNDD merged with FDD to CNDD/FDD. Léonard Nyangoma on his part splitted parts still loyal to him from CNDD/FDD back to CNDD (without FDD). In 2002, El Hadj Hussein Radjabu made again a mark by managing the replacement of Jean-Bosco Ndayikengurukiye by Pierre Nkurunziza. Together with Nkurunziza, Hussein Radjabu finally prepared the conditions under which CNDD/FDD signed the Arusha Agreement in 2002 and he bargained with the

¹ Originally, CNDD was a coalition of all Hutu political forces who argued that armed struggle was the only way to force the (then Tutsi-led) army to accept the 1993 election verdict. For them, democracy had been hijacked by the Tutsi parties, and FRODEBU - despite its electoral victory - was forced to function within an imposed and unfair power sharing arrangement.



designated Hutu President of Transition, Domitien Ndayizeye, the number of ministries² CNDD/FDD will obtain during the second phase of transition (2003-2005). Just two years after the first election, in 2007, President Nkurunziza was confronted with an internal revolt against his style of governance. This revolt was headed by Nkurunziza's toughest internal opponent, El Hadj Hussein Radjabu and it culminated in the resignation of 22 CNDD/FDD parliamentarians of whom 1 fled abroad and the rest was prosecuted and thrown in jail. Nkurunziza accused Hussein Radjabu of being the head of a revolt that collaborated with Al Kaida in order to transform Burundi into an Islamic State and he was sentenced to 13 years of prison³.

1.2 Ideological impasses

Subsequently, Nkurunziza widely destroyed the open discussion culture within the CNDD/FDD. The ruling party split off and many intellectuals and critical minds were successively leaving the party, some were even prosecuted and/or went in the underground. What remained, is rather a command structure, marked by a feudalistic-military rationale that addresses all those willing to get directives from the top in order to take action. Today, the president is surrounded of resp. advised by 5-6 generals and the security service who form the inner circle and reduce politics to the management of daily problems and the developments of guidelines, directives, and lists of punishment. Many complain today that the inner circle now refers to yes-men and loses increasingly contact to its electorate, as there is no well-established critical feedback system at disposal. A growing loss of political ideals in combination with much frustration and the tendency to declare critical party members as political enemies could eventually end in a violent collapse.

A key problem seems to be that the ruling party beliefs representing the entire nation/the people as it is based on the Hutu-electorate that constitutes the large majority (ca 85%) of the total population. Therefore, so the rationale, as it already "represents" the entire people, there is no need to do much for winning the approval of that majority. Of course, this understanding is entirely based on an ethnic rationale which assumes that only ethnic classifications (hutu/tutsi) have enough integrating power to constitute, attract and mobilise the relevant electorate. However, from that moment onwards where shifting alliances lead to a fragmentation and pluralisation of the political stage, where interest groups start replacing the integrative power of groups of descent, the game of such a political strategy risks failing. First signs in this direction are already visible as the ruling party produces much too less "happy-few". The competing political parties such as FNL and MSD challenge the ruling party's understanding of being the only political party representing Burundi's entire population by attracting numerous people from different regional and social backgrounds. Within the ruling party, this new trends lead to a growing paranoia, improve a confrontational style of governance and attempts of political prosecution will rise. Good examples for this inner fragmentation are (i) the castling of the government at the end of November 2014 and (ii) the internal administration of various militias.

1.3 Examples for the degree of inner fragmentation

The Government castling. Background of this castling - by which the Head of the National Security Service, General Adolphe Nshimirimana and the Director of the Cabinet for Civil Affairs Guillaume Bunyoni lost their

² Pierre Nkurunziza obtained the Ministry of State, Simon Nyandwi the Ministry of Interior and Karenga Ramadhani the Ministry of Communication. Simon Nyandwi (CNDD/FDD) died in 2005. According to persistent rumours he has been killed by his political CNDD/FDD opponents, because he was "too popular".

³ For more details on this, please consider www.burunditransparance.org/prisonnier_personnel.html. The article has been released at April 23, 2013.



influential positions and were repositioned within the inner circle of the government - was a letter sent and signed by important CNDD-FDD personalities and Army Generals to the President. Obviously, General-Major Godefroid Niyombare played an important role in that letter, reason why he has been reactivated and nominated as new Head of the National Secret Service. There, he remains however under tight control of the General Alain Guillaume Bunyoni, new General Secretary of the National Board of Security Affairs. These political manoeuvres indicate President Nkurunziza's attempt to tighten the political power within his inner circle of confidence in order to avoid any form of instability just a few months before election. Nevertheless, this manoeuvre growing rifts within the governing class and the political party in power. Nkurunziza's attempt to modify the constitution and to opt for a third term as president is challenged by an important number of leading CNDD-FDD's party members. What they fear most, is the establishment of an everlasting party aristocracy, dominated by one single person and his politically loyal entourage, and legitimated by democratic elections.

Militias and weapons. Since the upset of 22 parliamentarians in 2007 against the Nkurunziza-Government the party structures disintegrated and the party mutated into several sub-entities, dominated by several political chiefs (generals, officials, opinion leaders). These chiefs are heading competing clientele networks with its distinct sets of militias. The largest part of all the militias is controlled by President Nkurunziza himself (estimates go up to 2000 men), the militias of all the other "chiefs" are under the tight control of General Adolph Nshimirimana (estimates speak of 2-300 militias). This power sharing has its origins in the civil war and its experiences during the macquis. After the signing of the Arusha Agreement, the CNDD-FDD did not surrender all weapons it owned but only a small part. The various hiding-places are administered by the National Security Service; some are dispersed inside of Burundi but the most encompassing hides are located outside, i.e. behind the borders in Eastern DRC and a small number in Tanzania. Also, not all former CNDD-FDD fighters surrendered. An important contingent has been located outside of Burundi, in Eastern DRC, where they later trained the infamous Imbonerakure fighters⁴.

Inner party tensions are thus a very delicate affair especially within such framework conditions as they could quickly turn into an open and bloody fight with unknown outcome. Instead of fostering an open discussion culture, Government tries to keep existing disagreements under the carpet and if it fears failing with its conflict denial strategy, judicial prosecution is quickly at hand. Just before the Xmas holidays for instance, President Nkurunziza intended to arrest General Adolph Nshimirimana. But those who should carry out this order refused to do so. The reasons for that disobedience are unknown so far.

1.4 Loss of voter support

Obviously, the public stand of the Government is eroding. Within the inner power circle one observes with growing concern an increasing loss of voter support. At the last public meetings in the countryside, CNDD-FDD officials felt obliged to rent an uncounted number of lorries in order to bring the public on the spot and to increase the number of folklore presentations such as singers, dances, drummers etc. During the Xmas Holidays the opposing front within CNDD/FDD stimulated President Nkurunziza to amnesty Hussein Rajabu, the former head of CNDD-FDD, who still disposes of a galvanizing power among its party members and sympathizing Burundians. Rajabu was identified as an important opinion leader who could still stop the ongoing loss of party

⁴ The existence of imbonerakure fighters, trained by splits of the Burundian Army in Eastern DRC, has been confirmed by an investigating group of Experts of the UN at January 7, 2015. Of course, official Burundi rejected this report again, claimed that these UN experts were blackmailing Burundi's government etc...



voters. Later on however, Nkurunziza realized the imminent danger of such a manoeuvre, namely that Rajabu could compete him at the polls and he rejected this plan.

Arena 2: Deepening rifts between Government, the opposition, civil society members and human rights activists

Deepening rifts between the politicised part of society, human rights activists and Government concern mainly attempts (i) to revise the constitution in order to allow President Nkurunziza to run for a third term and (ii) the multi-faceted and intricate processes of the pre-election phase.

2.1 The project of amendment of the constitution

The current project of amendment of the Constitution violates important statements of the Arusha Agreement and touches the delicate balance between the executive and legislative branch. It is strongly contested by all important political parties different from the one in power (CNDD-FDD) and by most civil society organisations, as this project impacts on the sharing of powers and boosts ongoing fears of cutting down possibilities of shared ethnic participation in the process of political decision-making. Critical are especially the following propositions:

(i) The Government wants to move to a simple parliamentary majority (50% +1 vote). Until now, law amendments require a 2/3 majority and an amendment of the constitution a 4/5 majority in the parliament. This way, also deputies of the ethnic minorities and of small political parties have a say. A change to the absolute majority risks ethnicising political decisions at the parliament as 60% of all parliamentarians are Abahutu, and 40% Abatutsi.

(ii) Until now, the Head of State can be displaced by the national assembly. This provision should be cancelled. Also all provisions relating to the senates' possibilities to check and challenge nominations of high officials and high ranking military personnel should be declared as void. Further, the Head of State will get the right to displace the parliament but the parliament will lose its right to displace the Head of State. In sum, all these provisions challenge the delicate balance of powers and improve considerably the power of the executive branch. In sum, all these provisions should establish a presidential regime and cutting down the influence of the parliament.

(iii) The Head of State would like to get a third term. But for being eligible again, the constitution of Burundi has to be revised.

Though the government failed with its proposal last March (21.03.2014) to review the constitution, the project remains still in the pipeline. The Arusha Peace Agreement, which marks the end of Burundi's civil war (1993-2000) and encompasses regulations for all important questions relating to the political relations between the two major ethnic groups, the Abahutu and the Abatutsi, risks thus becoming dead paper. This may risk ending in political turmoil, as the Arusha Agreement originally formed the basis of Burundi's actual constitution (2005 - ?) and it is therefore socially regarded as a giding star for further amendments. The Catholic church now clearly positions itself as opposing a third mandate of Nkurunziza. The Arch Bishop of Gitega called all believers not to vote for the President and to respect the Arusha Agreement and the spirit of the Constitution in order to keep peace in Burundi. At the international stage, this position is shared by the Representative of the African Union, the Special Envoys of the UN and the US as well as the Envoy of the European Union, who all clearly opposed



Nkurunziza's attempt to run for a third mandate. Also the ICGLR is critical towards such an attempt but tries to avoid a public statement and acts more discreetly.

2.2 The pre-election phase

The project of amendment of the constitution goes hand in hand with the scheduled elections of the parliament and the president. Many important external political players such as the European Union, the United Nations, the African Union and bilateral organisations released thus position-fixings 6 months before election and intend to closely monitor this critical political process. With this paper, reference is made to these developments by giving an overview of the actual situation in the pre-election phase.

2.2.1 The Roadmap - a binding code of conduct?

At march 13 2013, all political parties and actors agreed in Bujumbura upon the adoption of the implementation of a common Roadmap for the coming elections. At this point of time, participants expressed satisfaction with the outcome of the workshops, reaffirmed their commitment and made a number of recommendations for the amelioration of its legal framework. In particular, they stressed the requirement for an inclusive consultative mechanism in order to properly establish the CENI⁵(i); a need for a better dissemination of information on the modalities of obtaining biometric identity cards and that any delay in this regard does not affect citizen's voting rights(ii); inclusive participation of the representatives in the national, provincial and communal electoral commissions (iii) and to guarantee the presence of political party agents in polling stations in order to increase the transparency and credibility of the polls (iv). After publication of this code, a number of political manoeuvres within the government as well as in the parliament challenged it's given direction and interpretation. But due to external pressure, a tight and regular monitoring, regular assessment meetings organised by BNUB and due to some firm declarations of civil society members, a final back-peddalling did not take place so far.

At 25 April 2014, the National Assembly finally adopted unanimously the new electoral code and herewith confirmed consensually the political direction of the roadmap. With this code at hand, the creation of electoral bodies of administration such as the CENI, the CEPI⁶ and the CECI⁷ has been launched. On the occasion of the last roadmap assessment meeting with all political players, organised by BNUB (23.10.2014), deep going rifts between Government officials, opposition parties and other political players could not be filled up anymore.

2.2.2 Credible Electoral Administration?

No further progress towards (more) consensual decisions relating to the pre-electoral processes can be noted so far, because, as is so often the case, most problems rise with the implementation of (often nicely looking) rules.

Critical remains mainly the question of whether the electoral administration, legitimated by these rules is regarded as "credible", i.e. whether the electoral administration is trusted and deemed worthy of its authority. One important criteria for this is the degree to which such official electoral bodies are accepted as neutral and

⁵ CENI = Commission Électorale Nationale et Indépendante (independent electoral commission at the national level)

⁶ CEPI = Commission Électorale Provinciale et Indépendante (independent electoral commission at the provincial level)

⁷ CECI = Commission Électorale Communale et Indépendante (independent electoral commission at the community level)



impartial by all political parties. Until today, not many signals indicate a development towards such goals. Given a far reaching political mistrust towards the (s)election of the personnel⁸ staffing the electoral administration bodies, leading opposition party members from FRODEBU NYAKURI, UPD ZIGAMIBANGA and PASIDE-Imboneza already start dreaming of parallel electoral bodies at national, provincial and community level. They mainly criticise of not being adequately implicated into the selection process or even of not being heard at all. National mechanisms to redress such disputes seem however to be under way.

2.2.3 Multi-party system?

Since quite a while Government seems to trouble with the idea of independent opposition parties and it tries to reconfigure their composition of personnel as well as their profile. At several stages, the Ministry of Interior already interfered in the election process of political party leaders⁹ and mobilised even the police in order to prevent unwelcomed party meetings resp. its expected outcome. The model of this approach is always quite similar. The Minister of Interior (MIA) tries to split opposition parties into a government-friendly wing, which gets the official recognition as political party and into a critical, illegal wing, which gathers all the rest. The most recent example of this is the UPRONA-case, where the MIA tried to profit from internal frictions within UPRONA in order to name a new party leader. This friction led finally to a withdrawal of the 1st Vice-Prime Minister (UPRONA) and of 3 UPRONA Ministers last February.

Further, the Ministry of Interior refers to a law on demonstration and public meetings adopted in August 2013, which leaves some space for such manoeuvres. This law sets out that the administrative authorities must be notified four days before they take place. Once the parties are splitted in several blocks of varying legality/illegality, the main worry concerns the possibility for those in power to invoke this law to prevent opposition parties or party-wings from mobilising their supporters and civil society organisations to demonstrate or hold press conferences. In addition, the law sets out that no congress of a political party and no assembly of a civil society organisation can be held without the participation of a representative of the administration.

However, political calculations to disintegrate the most important political opposition parties such as UPRONA, ADC-Ikibiri, UPD-Zigamibanga, FNL or FRODEBU is not that successful as it should be, as the current strategy of the Government has been unmasked by several important international actors and the tribunal of the East African Community contradicted the Minister of Interior's interpretation of party laws. In addition, the Minister of Interior was also forced by the national UN Office (BNUB) to accept "political actors" as important political players.

2.2.4 Participation of an active citizenry?

As opposition and civil society is firmly refusing to be walked over by a government seemingly determined to hold onto power, the participation of an active and informed citizenry degenerates to a battlefield. Party leaders attached to unrecognized political parties or so-called illegal party wings are reduced to their role as political actors (common citizens). Though the former BNUB insisted on their right to participate at public

⁸ most are either members of the party in power (CNDD-FDD) or coming from submissive civic, political or religious organisations

⁹ Such incidents happened already with UPD-Zigamibanga, with FRODEBU, ADC-Ikibiri, MSD and with the former governing party UPRONA.



assessment meetings on the roadmap, the Minister of Interior seems to be determined to restrict their election and voter rights. In particular, they are only allowed to campaign and hold public meetings 2 weeks prior to election!

Civil society organisations also denounce a draft law relating to non-profit organisations which, in case of its adoption, would open up the path to a manipulation of the accreditation process for non-profit organisations by the Government: non-profit organisations are supposed to submit their request for approval to the Ministry for the Interior and the Ministry responsible for the field in which they work. This registration has to be renewed each year, subjecting them to permanent insecurity about their survival. Further, the bringing together of associations who do not work in the same field shall be prohibited, endangering numerous existing platforms that bring together various types of organisations. The introduction of such restrictive laws one year before the 2015 elections bears witness to the CNDD-FDD's strategy consisting in weakening opposition parties, the media and civil society. This strategy might be explained by the party in power's fear of losing the hegemony that it has had since 2010. Conscious of the weakness of the outcomes of governmental action, the CNDD-FDD is trying to reduce the other parties' capacity to represent the alternative. The CNDD-FDD's desire to hang on to power at the expense of the democratic process is also perceptible from an attempt to ensure a level of control of the national Assembly equivalent to the current one, despite the probable reduction in the number of seats that it will hold after the 2015 elections.

Finally, it was quietly communicated that Biometric identity cards will not be at disposal. This of course challenges the credible registration (and distribution) of voter cards, as the multiple distribution of identical voter cards to a preferred voter community (voter fraud) was already a hotly disputed issue at the 2010 elections. The current identity cards for voter registration are hotly contested by a number of civil society organisation and opposition party members. So far, they claim that no comprehensive strategy of preventing voter fraud is visible. The already launched enrolment process confirm such fears as after a public upset 1920 cases of voter registration fraud have already been recognized by the official electoral body, the CENI. Nevertheless, the official side seems not being ready to fundamentally change the sensitive voter enrolment process. However, Government becomes more and more nervous. Previous attempts to manipulate the enrolment process largely failed. In order to prevent further public upsets, the National Commission of Elections had partly to back pedal (to open the floor for discussion with its critics, to abandon the vote by substitution, to confess a high number of "irregularities" during the distribution of identity cards etc.). And - contrary to the governmental expectations - the UN election observers are already in country and the new office MENUB¹⁰ already functional. Those who wanted to manipulate the further election process get thus some serious difficulties as the registered manipulations boosted a unification of all opposition parties who formed a common platform of interest in order to defend their own concerns at the polls.

2.2.5 Free and fair access to the media?

A series of restrictive laws already adopted or in the process of being adopted, has added to the harassment and threats suffered since 2010 by journalists and other critical voices denouncing political assassinations, corruption and poor management of the country. In April 2013, the national Assembly adopted a media law aimed at forcing journalists to reveal their sources of information relating to offences concerning State security, public order, defence and people's physical and mental health. The most prominent and recent victims of this

¹⁰ MENUB = United Nations Electoral Mission in Burundi. It started its operations by day 1 at 01.01.2015, immediately after the closure of the former BNUB (= Bureau des Nations Unies au Burundi).



strategy is Pierre Claver Mbonimpa, Head of the well-known human rights organisation APRODH and Bob Rugurika, Director of the "Radio Publique Africaine" (RPA). Because of an interview, Mbonimpa gave at RPA at May 6 2014 on the existence of Burundian troops in Eastern DRC and on military trainings, the CNDD-FDD's party youth "Imbonerakure" got in these military camps, he was accused for "attacks on the national security", "instigation to public disobedience" and "disruption of public peace" (Art. 579 and 602 of the Criminal Code). Though he presented proofs to the court, he remained detained until September 29 2014. At this day, Mbonimpa has been provisorily released, officially because of an alarming medical report, in fact however rather because of a tough intervention of the European Parliament¹¹. Robert Rugurika is now imprisoned since about 10 days because of an investigative report on the possible implication of high ranking officers of the national police and the National Secret Service in the killing of three nuns last September in Bujumbura, who might have given credible and sensitive information about the training of "Imbonerakure-fighters" in Eastern DRC to Pierre Claver Mbonimpa. As Robert Rugurika disposes of a possible chief witness and developed an alternative and very comprehensible script about that incident, he is now facing charges of "complicity in the assassination"!

2.2.6 International positions

United Nations. The Security Council envisages to signal its continuing engagement with and concern about Burundi by adopting a further resolution or presidential statement that would:

- call on Burundi to ensure an open and inclusive political environment;
- convey readiness to consider extending its engagement until after the election if the situation continues to deteriorate;
- signal a possibility of imposing measures such as sanctions against perpetrators or instigators of political violence during the election period; or
- call on sub-regional organisations such as the ICGLR to play a more active role in Burundi in light of BNUBs withdrawal.

Some Council members, such as Countries from the EU and the US, remain concerned about the political tensions and the curbing of political opposition by Burundi's government. There is for the moment however little appetite to take strong measures to address the situation.

European Union. At the level of the European parliament, discussions are ongoing of how to improve pressure on the Burundian Government. In particular, discussions are ongoing on how to make *"the financial support of the EU and its Member States to the electoral process dependent on (1) the holding of elections that are inclusive, transparent and peaceful and (2) the establishment of an environment enabling civil society, the media and political opposition to democratically exercise their respective roles; support the action of Burundian*

¹¹ In case of a continuing detainment, the European Parliament (Strasbourg) indicated a possible dismissal of the Cotonou Contract with the Burundian Government. This warning triggered rather undiplomatic polemics in the Burundian parliament about donor interventions.



civil society, particularly through the financing of civic and electoral education; support the professionalisation, freedom and diversification of independent media in Burundi". (EurAC, November 6, 2014).

Arena 3: Endangered social cohesion

Given this multi-layered institutional conflicts marked by deepening frictions between the inner power circle of the government, the increasing fragmentation of the ruling party, confrontations between those in power, the opposition parties and civil society organisations, and the political instrumentalization of the judiciary¹², a growing risk relies on already existing structural conflicts on the ground as they might nourish the institutional fragmentation and this way lead to a new collapse of the already fragile stability. Two dangerous triggers should be especially mentioned here, (i) the access to land, challenged by the refugee question and managed by the National Commission of Lands and Goods and (ii) the persistent impunity as subject matter of the Truth and Reconciliation Commission.

3.1 National Commission of the Lands and Goods

This commission decides on the restitution of lands and goods and is key for all returnees and internally displaced people. This question impacts on the terrible consequences of the ethnic massacres of 1969, 1972, 1988, 1991, 1993 - 2000 as well as on all minor massacres and compulsory acquisitions, which happened since Burundi's independency in 1962¹³. Contrary to ongoing opinions in the wider public refer restitution matters mainly to conflicts between returning abahutu-refugees and abahutu occupiers¹⁴, who largely profited from the expulsion rules¹⁵ established after the 1972 genocide by the former military regime of Jean-Baptiste Bagaza and which have been systematically applied until 2005 (end of the transition period). Such land disputes therefore undermine the political popularity of the ruling party, as relevant parts of its own electorate are

¹² Just last week, the labour union of the judges complained the missing independency of the judiciary and openly called the Minister of Justice to block any interferences coming from the executive branch. This declaration, though important, mainly unmasks the current style of governance. An important instrument of such interferences relies on the Ministry of Finance who pays the salaries of its employees of the state. In case of insubordination to the executive branch, the Ministry of Finance simply cuts the salaries of critical employees of the state in order to discipline the legislative and the judicial branch.

¹³ For details, please consult the last report of the International Crisis Group, titled with "Fields of Bitterness (II): Restitution and Reconciliation in Burundi" www.crisisgroup.org (Rep. 214, 17. Feb 2014)

¹⁴ ...and only to a lesser degree they relate to inter-ethnic conflicts, i.e between returning abahutu refugees and abatutsi occupiers.

¹⁵ Les conflits interethniques (hutu/tutsi) ont majoritairement été réglés dans les années 70 et 80, parce qu'en 1977, l'ancien Président Bagaza abolissait les anciens contrats coutumiers d'ubugererwa¹⁵ (voir le Décret-loi nr. 1/19 du 30 juin 1977, publié au Bulletin Officiel du Burundi (BOB), 16e année nr. 10, du 1 Octobre 1977) qui favorisaient l'ancienne classe royale et aristocrate tutsi (surtout les tutsi du centre). Bagaza déclarait que la terre appartenait maintenant à ceux qui la cultivent (et pas à ceux qui la mettent à disposition). Suite à cette décision, beaucoup de pauvres paysans hutu se sont donc acquièrent de vaste terrains des anciens aristocrates qui n'arrivaient plus à les cultiver tous seuls. Ce processus se déroulait majoritairement dans le Mugamba et le Bututsi.



abahutu. Parts of them must be frustrated by the reintegration of the returning refugees and this process risks resulting in a further splitting off of CNDD-FDDs electorate.

At the end of 2013, Government decided to complete its Commission on Lands and Goods by a special Court on the Lands and Goods, in order to reach as soon as possible a final decision. Therefore, this Court is the first and final instance for law disputes (no possibilities of appeal). However, it is an open question whether the speeding-up of the delivering of final law-decisions may entail in a general acceptance of the new possession rights. Further, this Special Court is composed by deputies of the two governing parties CNDD-FDD and UPRONA, but as the deputies from UPRONA remain in a minority position, the governing rules of this court can additionally boost ethnic fears.

3.2 Truth and Reconciliation Commission (Commission de la Réconciliation et de Vérité, CRV)

Like the CNTB, also the forming of a truth and reconciliation commission is enshrined in the Arusha Peace Agreement. By December 3, 2014 the 11 members of the Truth and Reconciliation Commission have finally been elected. After 14 years of political mimicry, the general assembly decided herewith to fulfill an important political promise already enshrined in Article 8 of the Arusha Agreement and to establish such a Truth and Reconciliation Commission¹⁶. The late decision of the parliament is however ambivalently echoed. Burundians criticised mainly two points: Firstly, it has been decided to establish such a commission without a corresponding court, as it has originally been amended and promulgated in the Arusha Agreement as well as in the Constitution¹⁷. This decision seems to indicate the primary goal of such a procedure, i.e. to eventually reconcile on the expense of a real truth finding process, to minimise corresponding claims of responsibilities and to keep at the idea of a general amnesty. This tendency is secondly complemented by the election of the 11 Commission members who are either part of religious communities and/or party members. Representatives from civil society associations or women's organisations, as also stipulated by Subsection 2a of Article 8 of the Arusha Agreement are consequently omitted. Ethnically however, the commission looks quite balanced¹⁸ (6 hutu, 4 tutsi's, 1 Twa) and also regionally, the group mirrors the agro-geographical heterogeneity quite well. Another cattle of fish however is the moral question, especially with regards to the composition of the commission except its president¹⁹. As the membership of such a commission could be understood as a "Persilschein" that whitewashes the contested past of the commission members, important political personalities of Burundi's tragic history have been very keen to becoming a commission member.

¹⁶ The full text of Article 8 of the Arusha Agreement is annexed.

¹⁷ Government hesitated to equip the TRC with a Truth and Reconciliation Court, as - according to the official language - "judicial investigations could reactivate burning wounds and lead to political turmoil". In parallel to this debate, it is until now not allowed for professors at High schools and University Professors on History to teach the recent history of Burundi (i.e. after the creation of the 1st Republic) as this period is considered as "too hurt- and painful" and therefore "still not history".

¹⁸ Some might even argue that tutsi representatives are over represented.

¹⁹ The president of the TRC, Mgr. Jean Louis Nahimana (Hutu) from the Catholic Church is morally a highly respected person.



Those, who investigate on the causes of Burundi's current conflicts are thus facing a gruesome political history of ongoing clashes, ethnic massacres, rebellions and societal turmoils that is dating back until the early days of independency. Leading political analysts of the region prefer thus speaking of a web of conflicts and attract notice to their regional dimension. Nevertheless, we can conclude that the ethnic dimension, once the most important figure of thought to analyse the political frictions within Burundi's nation state, is now losing its burning and critical impact though this question remains still present as a dangerous devil in the back stage. With the stepping back of the former Tutsi military regimes, Burundi left its bi-polarisation of daily politics (the hutu-tutsi dichotomy), but it did unfortunately not become a more peaceful society. The repressed horror still marks the politics of the day and some even fear that the establishment of the rule of law remains in the near future an empty dream castle.

MW, 04.02. 2015



Annexe 1

Article 8 of the Arusha Agreement specifies in Section 1 that "a national commission known as the national Truth and Reconciliation Commission shall be established. This Commission shall have the following functions:

1 Functions

(a) Investigation. The Commission shall bring to light and establish the truth regarding the serious acts of violence committed during the cyclical conflicts which cast a tragic shadow over Burundi from independence (1 July 1962) to the date of signature of the Agreement, classify the crimes and establish the responsibilities, as well as the identity of the perpetrators and the victims. However, the Commission shall not be competent to classify acts of genocide, crimes against humanity and war crimes;

(b) Arbitration and reconciliation. The Burundian crisis is a profound one: the task of reconciliation will be long and exacting. There are still gaping wounds which will need to be healed. To this end the Commission shall, upon completion of its investigations, propose to the competent institutions or adopt measures likely to promote reconciliation and forgiveness, order indemnification or restoration of disputed property, or propose any political, social or other measures it deems appropriate. In this context, the transitional National Assembly may pass a law or laws providing a framework for granting an amnesty consistent with international law for such political crimes as it or the National Truth and Reconciliation Commission may find appropriate;

(c) Clarification of history. The Commission shall also be responsible for clarifying the entire history of Burundi, going as far back as possible in order to inform Burundians about their past. The purpose of this clarification exercise shall be to rewrite Burundi's history so that all Burundians can interpret it in the same way.

2 Membership of the commission

(a) Source. Candidates for membership of the Commission shall be put forward by civil society associations, political parties, religious denominations or women's organisations, or may stand as individual candidates.

(b) Appointing body. Members of the Commission shall be appointed by the transitional Government in consultation with the Bureau of the transitional National Assembly.

(c) Profile and selection of candidates. Members of the Commission must show probity, integrity and ability to rise above divisions of all kinds. In the selection of candidates, balance must be taken into account, and the following criteria shall apply:

- Age of members; at least 35 years
- Level of education: at least a full secondary education certificate or equivalent

3 Functioning of the commission

The Commission must have the leeway to work independently, inter alia through autonomy in managing the material and financial resources to be allocated to it.

The Commission shall, whenever necessary, purpose additional reconciliation mechanisms, and shall be free to set up sub-commissions as appropriate.



The public authorities shall have the obligation to do their utmost to enable the Commission to accomplish its mission without hindrance, by providing it with sufficient material, technical and financial resources.

4 Duration

The Commission shall conduct its work over a two-year period. At the end of two years, the appropriate transitional institutions shall assess the work done, and may decide on an extension for one year.

