Electoral Reform in Burkina Faso, Electoral Violence in Burundi:

Issues of Civil Society and Power-Sharing

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Introduction

In the last decade, constitutional coup d'état attempts made by executives to circumvent, modify, or dismantle their respective constitutions to extend their tenure has threatened the stability of both Burundi and Burkina Faso (Yarwood 52). These executive attempts at power consolidation through the instantiation of third-termism, the en vogue longevity tactic for post-Cold War incumbents and ruling parties (Yarwood 52), were met with massive swells of civic mobilization and unrest. Both states exhibited similar bottom-up groundswell; however, their identical moments of civil resistance led to exceedingly disparate outcomes. The Burkinabe Revolt of 2014 lead to the ousting of Blaise Compaore, the rejection of intermediary military rule, a subsequent coup resistance, and the installment of Roch Marc Christian Kabore --the first elected president without any ties to the military in 49 years. Conversely, protests in Burundi to the third-term election of Pierre Nkurunziza in 2015 were met with heavy state violence and an increased consolidation of executive power despite a publicly popular coup attempt. In turn, this led to the continuation of Pierre Nkurunziza's rule, an executive tenure marked by human rights abuses, suppression of free speech and basic electoral freedoms, and extrajudicial disappearances and executions. At present, 300,000 Burundians are seeking international refuge and over 60,000 are internally displaced, a crisis of growing severity exacerbated by Burundi's recent withdrawal from the International Criminal Court and buffered by Burundi's security involvement in African Union and UN peacekeeping in Somalia (European Commission).

The case of Burundi poses the necessary question of how a once promising and lauded transition from ethnic cleansing and civil war to peace and free elections decayed into crisis. More broadly, in comparing the development of autocratic violence and power consolidation in Burundi to the success of electoral legitimacy and the ousting of military control in Burkina Faso, I seek to illuminate the constraints and successes for civil society actors and organizations (CSO's) against the backdrop of geopolitical history to explicate how power-sharing arrangements could inhibit civil society development. Within that context, I argue that Burundi's descent is directly tied to the failure of the Arusha Accord agreements to create a power-sharing constellation that adequately checked executive power and incentivized non-militarized civil actors. This failure allowed for the pervasive vertical reach of the CNDD-FDD in all facets of governance and in the ranks of security forces, and incentivized elites to circumvent elections as a means of furthering legitimacy. All of the above, exacerbated by Burundi's political history of multiple genocides and the disruptive geopolitics of the Great Lakes Region, contribute to a counterrevolutionary dynamic that limits civil society power through the lack of a model for endogenous civil resistance and the ever-present potentiality for further genocide. Conversely, the successful weathering of an autocratic push for term-limit extension in Burkina Faso is directly tethered to Burkina Faso's lineage of bottom-up civil unrest which has existed from Burkina Faso's independence to the present day, wherein civil society retains greater political legitimacy and equivalent power to the state.

In short, civil society's role as a legitimate combatant and competitor against the state was concretized throughout Burkina Faso's post-independence history, thus making power-sharing arrangements irrelevant due to the simple fact that civil society's power as a legitimate extra-governmental political entity remained viable even if often challenged. In contrast, Burundian statehood was founded on a negation of true civic power. These practices stem from Burundi's history of genocide which led to further Tutsi hegemony, and was crystallized in the failures of power-sharing and the further entrenchment of politicized

ethnicity. This disregard of civil society continues due to insufficient consociational arrangements that perpetuate a bloated, top-heavy state in Burundi. Undergirding my reading of Burundi's power-sharing against the backdrop of the Burkinabe Revolt is an inherent criticism of consociationalism's top-down, elite-focused model of governing social division.

Consociatonalism, An Theoretical Overview

Arend Lijphart, the leading proponent for consociationalism, elicits that the need for consociationalism, or power-sharing, arises when countries that are deeply fractured around ethnic or other divisions attempt to close those divides at the executive and legislative levels. This is done in order to begin the democratization process or ensure that democratic gains do not backslide into older autocratic modes of governance (Lijphart 97). In order to properly institute consociationalism, legislative framers must ensure that representatives of significant communal groups participate in political decision-making, as well as instantiate group autonomy for each body so that they retain control over their endogenous affairs (Lijphart 97). Achieving these conditions, according to Lijphart, is best done through elite cooperation within a grand executive coalition cabinet (Lemarchand [Lijphart] 167). These two broad conditions are meant to entrench legitimacy and stability within the political system based on Lijphart's assumption that legitimacy arises from divided bodies when they each feel included in government and are satisfied that their core interests are protected. This creates a challenge of fostering reconciliation between emergent minority rights against substantiated majority power claims (Cheeseman [Lijphart] 211; Lemarchand 167). Conversely, consociationalism is also predicated on the assumption that majoritarianism in divided societies precludes successful democratization (Lemarchand 167). Other mechanisms or pillars, such as proportionality based on the ethnic or other demographic cleavages, and a minority veto of last resort that is given to minority representatives within the coalition, set the continuation of consociational conditions (Lemarchand [Lijphart] 167).

With these overarching pillars in place, Lijphart explicitly states that there is a general "best fit" model that can be utilized by constitutional writers and other framers "regardless of their individual circumstances and characteristics" (Lijphart 99; Sullivan 78). Lijphart lends the greatest primacy to establishing a proportional representation electoral system within a parliamentary government, as he believes that presidentialist systems are inherently rigid, zero-sum contests (Lijphart 101-102). Also crucial to proper consocational democracies is the communicative transfer of representation between parties and communal groups, with Lijphart stating that political parties provide "the vital link between voters and government," (Lijphart 102). As far as power-sharing outside of the executive is concerned, "broad representation of all communal groups is essential… in the civil service, judiciary, police, and military," yet, rather quixotically, Lijphart deems specific quotas unnecessary and entrusts the security of such diffuse representation to an executive mandated commitment for general broad representation, rather than explicitly delimiting civil and security compositions within the constitution or other arrangements (Lijphart 106). In outlining the assumptions and recommendations of consociationalism, Lijphart's power-sharing theory situates the governance of divided societies within a top-down, elite focused model. Absent from Lijphart's discussion are constitutional protections for civil society, as evinced by his reliance on more general elite consensus for representation without specific constitutional enshrinement of civil protections. The absence of explicit issues of civil society and other bottom-up forms of governance becomes more problematic in the Burundian context as my analysis, in turning to the historical trends and geopolitical contexts of Burundi and Burkina Faso, will show how Burundi suffered from the overbearing presence of elites that was exacerbated and abetted by power-sharing arrangements.

Divergent Civil and Geopolitical Histories:

Before analyzing the failures of power-sharing in the Burundian context, I aim to frame my analysis at the outset by echoing Rene Lemarchand's prescient claim that "Burundi suffers from its inherited history," to which I append the claim that Burkina Faso was in some great way saved, or at the very least directly inspired, by their own history of civil unrest (Lemarchand 159). In historicizing their respective political developments that precede their current electoral moments, I wish to analyze Burundi's and Burkina Faso's histories through a political lens. In comparing their political histories, it becomes clear that there exists a legacy of civil society resilience and resistance against centralized and often

military imposed power consolidation in Burkina Faso, as evinced by consistent trade union mobilization and the symbolic currency of Thomas Sankara. Conversely, the acceptance of an intractable civil society force that remains outside of government patronage or military acquisition is absent in Burundi, which I contend is one factor for the absence of power sharing in Burkina Faso and why power-sharing became a last-ditch necessity in order to lessen the degree of ethnic violence and division in Burundi. On a general level, Burundi and Burkina Faso share much in the way of tumultuous and disruptive political histories. Burundi had the highest rate of assassination of government officials and heads of state of any African country, as well as suffered through the disruptions caused by internal ethnic violence and the surrounding geopolitical conditions of Rwanda and the Democratic Republic of the Congo (Lemarchand 141). Similarly, since its independence, Burkina Faso has never witnessed a fully peaceful transition from one competitively elected regime to another, dealing with turbulent military coups and counter-coups and the dissolution of multiple governments (Englebert 43). An even greater similarity arises in the fact that both states have been defined, led, and thrown astray due to an entrenched militarism within basic state function, as both Burkina Faso and Burundi have retained top-down collusion between ethnically-driven military interest, security forces, and local police forces at various points in their institutional histories (Lemarchand 159; Englebert 43).

Despite these prima facie similarities, shocks, disruptions, and turbulences to consistent state building and democratization have produced divergent trends in their respective civil societies and state violence profiles. A chief catalyst for the absence of civil society power in Burundi is the oft-forgotten genocide of 1972, wherein a Tutsi-dominated army massacred 200,000 to 300,000 Hutus, leaving "virtually every educated Hutu element, down to secondary school students… either dead or in flight" (Lemarchand 136). The killings occurred in response to a Hutu-led insurgency that massacred hundreds to thousands of Tutsi civilians as a means of combating the growing Tutsi-hegemony within the army and state ranks (Lemarchand 134). The initial insurgency provided a strategic moment of unity between an internally divided Tutsi government that perpetrated genocide through its military, ruling party apparatus of Uprona, and other party affiliated youth groups (Lemarchand 135-137). The genocide ushered in an era of Tutsi state domination by eliminating a generation of potential Hutu elites, monopolizing security forces, and setting the presiding goal of every subsequent Tutsi-dominated government since independence: "to prevent a Rwanda-type revolution from happening" (Lemarchand 137-138). The genocide incited the rise of a respondent Hutu radicalism among exceedingly militarized parties and rebel groups that normalized state violence as the preferred method of control and response, setting the stage for the 1993 crisis that birthed the CNDD-FDD and set the stage for someone like Nkurunziza to rise and remain in power (Lemarchand 161).

In essence, from 1972 to 1993 "Burundi was the archetype of the counterrevolutionary state," while Burkina Faso, especially during the 1980s, could be labeled a revolutionary state in both the positive populist and more pejorative authoritarian sense (Lemarchand 135). Even though Burkina Faso has been plagued by the fact that "there has never been any social consensus on the state, much less on the form of government" since its independence, trade unions and civil society organizations have remained at the center of political discourse and action (Englebert 43; Chouli 325). In 1966, despite the disbanding of political parties, union leaders caused civil unrest and ushered in a military takeover that toppled the despotic First Republic (Chouli 325). When the purported transitional nature of military rule was shown to be a ruse, unions mobilized once more to demonstrate against Sangoule Lamizana's militaristic regime and forced the failure of National Renewal, pushing once more for a reinstatement of civilian rule (Englebert 47-49). When Thomas Sankara and Blaise Compaore came to power in the early 1980's, their platform was one centered explicitly on civil society, couching themselves in a rhetoric of pro-unionism, popular democracy, and the establishment of the Conseil de Salut de Peuple (CSP), an "army of the people" that sought to couch the military as true civic representatives (Englebert 54). Even as Sankara's regime devolved into further totalitarian practices, such as mandatory civilian patrols, repression of dissident voices, and use of raw violence, executions, and show trials, it could still not swallow the unions nor remove them through intense violence. Rather, Burkinabe civil actors proved themselves to be a resilient force, as they have done consistently since independence, which in turn highlights a spirit of unrest and resistance that revisionist popular histories now attribute to Sankara

himself (Englebert 59-60).

Without valorizing the totalitarian aspects of Thomas Sankara, it is necessary to show that Burkina Faso has nevertheless consistently retained a "tradition of struggle" between civil society and state that all subsequent governments have confronted since the toppling of the First Republic in 1966, and that arose in the Sankarism against Compaore (Chouli 325; Englebert 69; Hagberg 118). So endemic is civil society as an equivalent actor contra the state that it is said to dictate a militaristic pendulum swing between confrontation and cooperation that deeply roots its role as the legitimate site for political voice in Burkina Faso (Englebert 69). Executives, whether civil or military, have come to define their most central platforms around the issue of civil society, either intending to swallow it in its entirety or engage in clientelistic and cooperative arrangements with unions, informal alliances, and civic groups. In this, the executives use democracy as an empty and formal pretext for engaging in the type of bottom-up politics that is nonetheless ignored by formal power-sharing arrangements (Englebert 70).

Conversely, in the Burundian context, the construction of "a public oppositional space" that stretched fascia-like over the country was never established; the use of genocidal force that exterminated the overwhelming majority of potential Hutu elites from established politicians down to secondary school children severely stunted the possibility for any sort of civil society entity that could survive the turbulence of ethnic violence and military control without co-optation or collapse (Chouli 325; Lemarchand). The Tutsi often found their access to power through established state and military channels, while the surviving Hutu consolidated their counter-response in refugee camps and on state peripheries and margins through armed and increasingly radicalized rebel groups (Lemarchand 144-146). In toto, "national political histories matter" and in the case of Burundi, its political history has been one of genocide and the normalization of state violence, whereas Burkina Faso's has been explicitly defined by the resilience and constancy of an irrevocable civil society space (Daley and Popplewell 9; Chouli 325; Hagberg 118).

Consociationalism, Elite Socialization, Civil Society Blindness

Moving from broad politicized trends to more recent developments, it is now possible to see how the power-sharing arrangements of 1993 and 2005 in Burundi were insufficient for combating the state's long history of civil society repression by focusing solely on top-down elite relationships. Since both Burundi and Burkina Faso utilize presidential systems, and in turn retain the possibility for zero-sum executive exercises, it becomes clear that civil society potential is the key decisive factor in determining success or failure against autocratic executives.

Burundi's first experiment with power-sharing in 1993 was a key causal factor in the ensuing civil war that would plague the country until the election of Nkurunziza in 2006, as the peaceful transfer of power from former Tutsi President Buyoya to Hutu President Ndadaye ended in Ndadaye's assassination by a group of Tutsi soldiers looking to retain military control (Sullivan 77). Ndayaye attempted to set up a consociational government that granted Tutsi and Uprona members high legislative positions at the cost of reforming the Tutsi-dominated military forces (Sullivan 78). Ndadaye had satisfied the initial prerequisite for consociational democracy by establishing a grand elite coalition, bringing together key party members of both ethnic constituencies to the table for executive positions while at the same time invoking a "Frodebisation" effect at lower level governmental positions by circulating the spoils of victory to his Hutu Frodebu party members (Sullivan 86). Not only was this key to Ndadaye's assassination as it elicited massive public fear and anxiety amongst security forces who feared a "Frodebisation" of the military in the context of the burgeoning Rwandan genocide, but it also demonstrated the weakness of power-sharing arrangements in divided societies by highlighting how easy it is for ruling executives to reward their own constituents while at the same time occupying a position of broad representation. (Sullivan 87). Ndadaye's ability to practice consociationalism by adequately achieving parity at the executive level while simultaneously filling lower-level positions with Hutu party aligners points to a need for overt constitutional constraint on executive discretion over how broad representation can be achieved, something Lijphart states is irrelevant (Lijphart 106). Furthermore, it also demonstrates how power-sharing arrangements that ignore civil actors and mass sentiment fail to assuage civic unrest, as Ndadaye was assassinated for a potential re-alignment of military forces dictated by a trend in lower-level appointments despite over-representing the Tutsi community in actuality through

high-level executive positions, including that of prime minister (Lemarchand 208).

An arguably greater yet creeping instance of the negative consequences of elite-focused power-sharing is derived from Burundi's 2005 constitution. Lauded as a great success of the Arusha Accords, the 2005 constitution, coupled with a 2004 power-sharing agreement, has been championed for its capacity to ensure systematic ethnic balancing while simultaneously concretizing Tutsi minority power through a legislative veto (Cheeseman 209). Prior to Nkurunziza's successful bid for a third-term, , many political scientists painted Burundi as the model for consociational democratic success, going so far as to label Burundi's new arrangement as "the most inclusive political system ever realized in Africa" (Cheeseman 209). Burundi was initially deserving of this praise because at that time the constitution limited executives to pursue a maximum of two five-year terms, doubled the demographic weight of the Tutsi minority in the legislature, institutionalized ethnic parity in the military as well as the police and intelligence services, and on the whole reduced the costs of losing an election on ethnic grounds (Cheeseman 210; Vandeginste 625; Lemarchand 167-169).

Yet cracks and unforeseen consequences in both the practice of power-sharing and the early stages of Nkurunziza's tenure as president in the early 2000's points to a "dark-side of power-sharing" in the Burundian context that is now inarguable in the wake of the 2015 electoral crisis (Vandeginste 634). Stef Vandeginste points to the creation of a new incentive structure for elites in Burundi that does away with a focus on ethnic parity and instead places focus on placating factions based on government appointments and the rewarding of party, and not ethnic, allegiance (Vandeginste 634). Vandeginste goes on to argue that elites view stability, and thus peace, as "the equilibrium in the allocation of power, state resources, and privileges," leading to an intense aversion from inherently destabilizing elections (Vandeginste 634). In turn, Burundian elites have been socialized by repeated power-sharing experiences to utilize neopatrimonial and party politics channels as means of legitimating themselves and substantiating power, leaving civil actors to be ignored or marginalized (Vandeginste 635). Incumbent Pierre Nkurunziza is a prime example of elite socialization Nkurunziza came to power by party appointment during Burundi's first post-conflict election, with the party victory of the Conseil national pour la defense de la démocratie—Forces pour la defense de la démocratie (CNDD-FDD), a Hutu radical offshoot from Frodebu. Per Article 302 of the post-conflict constitution, "the first post-transition president shall be indirectly elected by the national assembly and the senate," with Nkurunziza being initially well-received due to his platform of ethnic reconciliation, political stability, and policy focus on improving general quality of life for all Burundians (Vandeginste 626; Lemarchand 171). Within the first two years of his rule, however, human rights violations conducted under the false pretense of crushing potential coups became endemic, perpetrated by state security, intelligence, and police forces operating along older rebel lines: "the integration of former CNDD-FDD rebels into the police, the FDN, and the security apparatus has produced a symbiosis of sorts between the party and instruments of force" (Lemarchand 178). The state as such became solely the CNDD-FDD, as the party began to intervene in all aspects of state affairs pointing to a breakdown of the grand coalition principle at the heart of power-sharing. This deterioration of power-sharing was exacerbated by a machine politics of endemic neopatrominalism that further disabled civil society potentials, either through incorporation into the party structure, the shutting down of major media and radio outlets, or the leveling of false plot accusations that would lead to torture, disappearances, or executions (Human Rights Watch).

Despite the fact that Burundi retains a variety of power-sharing mechanisms that should limit what is outlined above, consociationalism does little to constitutionally check power locality when presidentialism or semipresidentialism couples with proportional representation (Cheeseman 212). Though Lijphart accounts for this, even going so far as to say that "semi-presidential systems actually make it possible for the president to be even more powerful than in most pure presidential systems," consociational agreements such as the once universally praised one in Burundi still face a blaring weakness due to a theoretical ignorance of civil society actors, typified by constitutional blindness or ambiguity to textually check executive discretion and an overall focus on organizing governance based on elite cooperation (Lijphart 102). In countries such as Burundi, where civil society power has long been oppressed, power-sharing arrangements continue to pamper executives and elites while undermining grassroots movements. The counter example of Burkina

Faso, wherein a heavily militarized, presidentialist-cum-autocratic system nonetheless fell to a long-running history of civic activism leads as much to an optimism for the power of protest as to pessimism for consociationalism to adequately ensure peace-building in systems without empowered civil societies.

In sum, my analysis has set forth to argue two interwoven claims. The first argument has to do with Burundi's own post-independence history, set against a comparative backdrop to Burkina Faso's history, one marked by episodes of intense ethnic violence and genocide as well as the unstable geopolitics of its Great Lakes neighbors. I argue that the development of a consistent realm of revolutionary or reactive civil society was arrested by conflict as well as co-opted by heavily-militarized groups, which purposefully suppressed Burundian civil actors from ever developing a fortified sector of resistance against their government in times of crackdown or autocracy. With this established history, my second argument pushes against the merits of power-sharing, otherwise referred to as consociationalism, in general, and especially in the case of Burundi. I claim that repeated power-sharing arrangements and exercises in Burundi privileged elite stability as the working definition for peace at the expense of civil society, as a top-down peace-building model missed the opportunity to finally instantiate those most affected by conflict, namely civilians and civic opinion, into political life and in turn abetted the further consolidation of power within the hands of elites. In bringing Burkina Faso's divergent political history to the fore, it is my intention to show how a state rocked by similar levels of conflict, instability, and top-down executive disavowal for constitutional integrity can nonetheless retain a powerful and robust civil arena separate from co-optation by the state. In making this comparison, I claim that power-sharing arrangements, such as those implemented in Burundi, arrest the development of bottom-up civil resistance and strength in post-conflict settings, and instead ensure that elites can continuously be rewarded and entrenched in power, while previously excluded civil actors continue to be absent from the table.

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