



Security Sector Reform in Burundi: Issues and Challenges for Improving Civilian Protection

CENAP/NSI Working Paper

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CENAP is a policy research and dialogue centre based in Burundi. CENAP was established in 2001 and has conducted research on the evolution of the conflict in Burundi, land redistribution and displaced populations, the role of the media during elections, post-election conflict transformation and security sector reform.

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Executive Summary

Reform of the defence and security forces was a major issue in the conflict in Burundi. The Arusha Peace and Reconciliation Agreement and the various ceasefire agreements governing the peace process contain important provisions regarding the modalities of these reforms. However, these are overshadowed by considerations of the balance of power between the Hutu and Tutsi ethnic groups and the main combatant groups, to the detriment of the architecture of security sector reform. Despite divergent views on how the concept is to be approached and lingering political tensions and fears that have not quite been allayed, the security sector reform process in Burundi— now under way for nearly three years — is steadily progressing. However, it still faces many challenges and some uncertainty.

Reform of the new national police force

The new national police, a body once much less significant than the army is now comprised of some 20,000 personnel and aspires to become a community police force at the service of citizens (*police de proximité*). However, contextual and other constraints have prevented significant progress in this regard. The chief criticism of the police in Burundi concerns their behaviour toward the public. They are also far from meeting expectations, partly due to the heterogeneity of the force, shortcomings in the legal and regulatory apparatus, and issues — sometimes political — about the control of the security institutions. This paper makes a number of recommendations for initiatives to improve the new Burundian police's willingness and capacity to respect human rights and to comply with criminal law and procedure, as well as to better prevent and respond to insecurity.

The National Defence Force

The army in Burundi has long been considered the nerve centre of power and was often caught in the crossfire of national and international criticism. However, the new National Defence Force (FDN) is now much less criticized and even enjoys a relatively positive image in the eyes of a significant portion of the population. It has managed to integrate various highly disparate combatant forces, without excessive damage to its cohesion as a force. Nevertheless, it does not yet meet professional standards, and some of its members continue to commit serious human rights violations in part because internal oversight mechanisms are weak. In a still tense political context, the FDN is often subject to pressures, including political solicitation. This paper offers recommendations on ways to professionalize the FDN, and to ensure that sanctions are applied against those responsible for serious human rights violations. It also suggests a number of initiatives to facilitate the integration of the last group of armed rebels, the Parti pour la libération du peuple hutu (PALIPEHUTU) and its armed wing, the Forces nationales de libération (FNL), into the new defence and security forces.

Civilian disarmament

Civilian disarmament remains a serious challenge in Burundi. Although the civil war is over, many people are still reluctant to give up their weapons for reasons of individual or collective security. Delays and uncertainty in the implementation of the ceasefire agreement with the PALIPEHUTU-FNL, the low level of confidence in Burundi's security institutions and continued insecurity, particularly in urban communities, also serve as obstacles to large-scale civilian disarmament. This section of the paper focuses on the main risks and challenges now confronting civilian disarmament and offers recommendations for advancing this process.

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About the authors and the implementing institutes

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CENAP is a Burundian non-governmental organization based in Bujumbura, with focal points in various provinces throughout Burundi. It is active in the prevention, management and resolution of conflict. CENAP publishes regular reports on the consolidation of peace in Burundi. Through a network of correspondents, it also monitors conflict at the grassroots level, particularly conflict over land.

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List of acronyms and abbreviations

- APRODH** – Association Burundaise pour la protection de droits humains et des personnes détenues
- CENAP** – Centre d’alerte et de prévention des conflits
- CNDD-FDD** – Conseil national pour la défense de la démocratie et forces nationales pour la défense de la démocratie
- CTDC** – Commission technique de désarmement de la population civile et lutte contre la prolifération des armes légères et de petit calibre
- FAB** – Forces armées burundaises
- FDN** – Forces de défense nationale
- FNL** – Forces nationales pour la libération
- FRODEBU** – Front pour la démocratie au Burundi
- FROLINA** – Front pour la libération nationale
- MCVS** – Mécanisme conjoint de vérification et de suivi
- NGO** – Non-governmental organization
- NSI** – The North-South Institute
- OECD** – Organisation for Economic Co-operation and Development
- ONUB** – Opération des Nations Unies au Burundi
- PAFE** – Police des airs, des frontières et des étrangers
- PALIPEHUTU-FNL** – Parti pour la libération du peuple Hutu-Forces nationales pour la libération
- PMPA** – Partis et mouvements politiques armés
- PNB** – Police nationale du Burundi
- PSP** – Police de sécurité publique
- RPB** – Rassemblement du peuple burundais
- SNR** – Service national de renseignement
- UNDP** – United Nations Development Programme

I. Introduction

Reform of the defence and security forces was a major issue in the conflict in Burundi. There are two main factors at play: the vital role of these forces in the formation of the republic in 1966, and the gradual monopolization of the army, The Burundian Armed Forces (FAB) by the Tutsi ethnic minority. As a result, the army allowed some in the Tutsi elite to dominate the country's institutions and to control the levers of power for decades. The army also engaged in violent repression of the Hutu civilian population during the most serious crises Burundi has experienced.

One of the principal demands of PALIPEHUTU,¹ the first Hutu rebel movement formed in 1980, was reform of the army. Victorious in the first democratic elections since 1965, FRODEBU,² emphasized in its 1993 campaign the need for reform of the army and the police (*gendarmerie*) as well as the principle of universal security. Its program included a plan to recruit future police officers from each district (*commune*) to make it easier for the public to identify with the police force and above all to address its unbalanced ethnic and regional composition. The newly elected President Melchior Ndadaye proceeded carefully with this reform to avoid direct confrontation with certain elements within the police force who had a vested interest in the status quo. However, President Ndadaye was assassinated by elements of the army in October 1993, barely three months after taking office. This event plunged Burundi into civil war. The main antagonists were the CNDD-FDD³ and the regular army commanded essentially by Tutsis. The assassination of Burundi's first elected president reinforced the conviction on the part of new rebels and the Hutu majority that the key to power was the control of the defence and security forces. Reform of the army became their first demand.

In June 1998 peace negotiations began in Arusha, Tanzania, between most of the parties to the Burundian conflict.⁴ Of the four items on the agenda, the discussion surrounding problems of peace and security became the main focus of disagreement in the negotiations. An agreement on peace and reconciliation was signed in August 2000, but it was compromised by the fact that the two main rebel movements were absent throughout the negotiation process and thus were not signatories to the agreement. The text of that agreement gives considerable prominence to problems of peace and security. Among other terms, the agreement calls for:

- parity in representation of the two main ethnic groups in the defence and security forces;
- the professionalization of these forces;
- the creation of a new national police force to include the old police and the *gendarmerie*;
- the deployment of international forces to supervise the entire process.⁵

It also provides for members of the Burundian Armed Forces and the various rebel groups guilty of genocide, *coups d'état*, violations of the constitution or human rights, or war crimes to be excluded from the new defence and police forces.⁶ In concrete terms, the agreement stipulated that the reform of the defence and security forces should lead to

the integration of the various rebel movements and the FAB into the National Defence Force (FDN) and the new Burundian National Police (PNB),⁷ along with the demobilization of tens of thousands of former combatants from these groups.

For three years the reform measures advocated by the Arusha Agreement were not applied, mainly because the war continued in most parts of the country. It was not until 2003, with the signing of a ceasefire agreement between the government and the main rebel movement, the CNDD-FDD, that the process of reforming the defence and security forces truly began. In 2005, the CNDD-FDD won the first elections since the beginning of the civil war and is essentially following the Arusha Agreement and the various ceasefire agreements.

The Arusha Agreement included a number of provisions stressing behaviour and loyalty of the defence and security forces. In principle it recommends professional, modern and volunteer forces whose members abide by the constitution and the law, as well as the international conventions and agreements to which Burundi is a party. Critically, they are obligated to provide protection to *all* Burundians. They are also to receive moral, technical and civic training that emphasizes a culture of peace, behaviour suited to a pluralist political system, and respect for human rights and humanitarian concerns. However, our research suggests that, in practice, most reform efforts have focused on the re-organization of these forces to create the ethnic balance necessary to make them representative of the whole population.

The objective of this paper is to assess how the principles and direction set out in the various agreements governing Burundi's peace process have been applied. It therefore focuses on the challenges, risks and issues, as well the opportunities and successes, of the security sector reform (SSR) process with a focus on reform of the police, transformation of the military and civilian disarmament. It asks a number of key questions: How are the security forces to be transformed into bodies that protect and serve the citizens? How are they to be made more respectful of human rights, and criminal law and procedures? How can they become more operational? How can we ensure sanctions are applied against those responsible for serious abuses and violations of human rights? What are the main risks and challenges now confronting civilian disarmament?

This research is the result of a partnership between the Centre d'Alerte et de Prévention des Conflits (CENAP), based in Burundi, and The North-South Institute (NSI), a research centre based in Ottawa. This paper is based on a review of key documents and over 70 individual interviews with members of government, officials of the defence and security forces, representatives of civil society, the United Nations and a number of other key donors, and researchers with an expertise in SSR. In order to generate a sense of concerns, perceptions and expectations of the Burundian population in matters of security, CENAP and the NSI jointly conducted a field survey with a sample size of 400 people in eight *communes* or districts in Burundi: Ngozi and Kiremba in Ngozi province, Rumonge and Burambi in Bururi province, Musaga and Kinama in the Bujumbura Mairie, Bubanza in Bubanza province and Mutimbuzi in Bujumbura Rurale.⁸ The field survey was complemented by a series of focus groups involving nearly 200 people in

various locations in Burundi, mostly in the *communes* where the survey was conducted in order to validate the survey data. In addition to these focus groups, CENAP and NSI held other meetings with individuals selected for their expertise in or their involvement with the SSR process, such as representatives of civil society, former combatants, the high command of the PNB and a group of FDN officers. Lastly, on June 22, 2007, a research validation workshop was held to discuss and refine the results and recommendations of the research. This was attended by representatives of the FDN and the PNB, donors, international NGOs and Burundian civil society.

This study addresses and analyzes: 1) the difficulties of understanding and reaching consensus on reform of the defence and security forces; 2) the challenges inherent in the process of developing a new Burundian national police force; 3) the difficulties and opportunities inherent in the process of transforming the National Defence Force; and 4) the issues, challenges and opportunities involved in the delicate program of civilian disarmament. The research focused mainly on the security forces and did not take into account the justice sector, one of the key elements in security reform. It also deliberately avoided examining the national intelligence service, the Service national de renseignement (SNR), which is nevertheless known for its numerous shortcomings and its brutal treatment of the population.⁹ The paper ends with conclusions and early recommendations.

This research is complemented by a similar study on the international dimensions of reform of the defence and security forces, the problems of civilian disarmament, and the contribution of international actors to these processes. That study was led by Kristiana Powell, NSI researcher. It is available on the NSI website at www.nsi-ins.ca.

II. Reforms undertaken in a tense political context

The process of reforming the defence and security forces has faced political tension and obstruction over the last three years. This process began during a crucial period when the CNDD-FDD had just set up the institutions to prepare for the elections that would conclude the transitional period. Successive postponements of the election schedule served to undermine relations between political partners within these institutions, while initiatives to reform the defence and security forces were compromised by a troubled political environment and early delays. Facing both internal and external pressures and a threat from the former rebel movement to take up arms once again, the transitional authorities finally adhered to a revised electoral calendar and accelerated the reform of the security and defence forces, processes that were intimately linked. Participation by the CNDD-FDD in the election process was conditional in part on its accreditation as a political party and the inclusion of its fighters in the new defence and security forces. This allowed it to comply with provisions in the new law on the certification of political parties.¹⁰

Reform of the defence and security forces proceeded against a background of tension arising in particular over the levels of representation of Tutsi political parties in key

government institutions,¹¹ the election schedule and several incidents involving the main groups running for election.

These tensions eased with the victory of the CNDD-FDD, partly as a result of the transparent manner in which the elections were organized. All political groups accepted the election results and the political climate quickly became less tense. With the support of the international community and most of the population, those newly elected were able to make a number of key compromises in a number of areas including violations of human rights, corruption and economic wrongdoing.

The new authorities also still faced the PALIPEHUTU-FNL rebellion, for which they favoured a military solution. As domestic and international criticism grew, the CNDD-FDD went a step further in their authoritarian approach by imprisoning eminent political personalities on the pretext of an attempted coup, of which there was no evidence. Civil society leaders and prominent media representatives were also imprisoned for reasons that were less than clear. Early in 2007 a number of events served to improve the political context. First came the release of those accused of plotting a coup,¹² followed by changes in the leadership of the party in power, which resulted in the removal of Hussein Radjabu, then president of the CNDD-FDD, who had been regarded up to that point as the real strongman of Burundi and the architect of this drift towards authoritarian rule. The party in power and the authorities have since advocated dialogue with other political forces, the media and civil society. While relations with the latter two groups have since improved substantially, the domestic political climate is still tense, particularly because of dissent within the CNDD-FDD resulting from the dismissal and imprisonment of Radjabu and tensions that persist between the governing and opposition parties. As a result, it is not clear that the current political context offers better prospects for continuing reform of the defence and security forces or for the success of an awareness-raising campaign promoting civilian disarmament.

III. Reform of the security sector subject to varying interpretations

Evolution of the debate on reform of the defence and security forces

Security sector reform is subject to a variety of definitions. Currently, the one most recognized is that of the Development Assistance Committee (DAC) of the Organisation for Economic Co-operation and Development (OECD). According to OECD DAC, SSR describes the transformation of the security sector — including all actors and their roles, responsibilities and actions — as a whole in order to operate and manage the system so as to make it more consistent with democratic standards and good governance practices.

The OECD DAC identifies the main components of this reform as the core security actors in SSR, the agencies of control and management, the machinery of justice and the rule of law, and the non-legal security forces.

According to the United Nations Development Programme (UNDP),¹³ the objective of SSR is “to strengthen the ability of the sector as a whole and each of its individual parts to provide an accountable, equitable, effective, and rights-respecting public service”.

Debate in Burundi over the reform of the defence and security forces began with semantic issues. While the rebel movements demanded the outright dismantling of the army and the police, the governing party refused any discussion of the matter. As the initial contacts and discussions took place, the party perceived the problem as one of merely integrating a few rebel elements into the armed forces. However, debate quickly became focused on the respective troop numbers within the defence and security forces of the two main ethnic groups, and subsequently between some of the rebel movements and the Burundian armed forces. Thus, on the question of dismantling the army in particular, the rebel movements called for its members first to be dismissed from the force, and then to become eligible like everyone else to rejoin it. The transitional government and the Burundian armed forces rejected this option, arguing that only a military defeat could have provoked *de facto* a wholesale overhaul of the army. Anxious to prevent a resurgence of genocidal actions,¹⁴ the FAB finally argued for a middle-of-the-road solution between the two initially advocated, namely the dismantling of the army and the simple incorporation of the rebel movements into a newly configured Burundian armed forces. It then became a question of integrating political parties and movements into the defence and security forces on the basis of various criteria designed to correct the perceived imbalances. Thus, it was stipulated that the new national police and the national defence force were to include no more than 50 per cent of members belonging to a given ethnic group to ensure the necessary balance and to prevent acts of genocide and *coups d'état*.

The various ceasefire agreements and the technical agreement on forces signed between the government and the CNDD-FDD incorporate the substance of the Arusha Agreement. Clearly the ethnic quotas prescribed in the agreement are accepted by the rebel movement. In addition, among other provisions, the details of the process for creating the new FDN and the PNB were agreed upon, although these are still being questioned because of the continuing conflict with the PALIPEHUTU-FNL. The proportion of officers from the rebel movement was also determined for the new structure of the defence and security forces. Thus, the CNDD-FDD took 40 per cent of the officer corps within the FDN, and 35 per cent of the general staff of the PNB and the SNR. Today negotiations are nearly finalized between the government and the last armed rebel group, the PALIPEHUTU-FNL, to put in place the comprehensive ceasefire agreement of September 7, 2006. Although the question of ethnic balance enjoys a broad political consensus, some have said that the rebel movement intends to seek to revisit it.

Status of the security sector reform process

Reform of the defence and security forces is now formally at an advanced stage. The composition of these forces is based on ethnic and political quotas¹⁵ prescribed by the Arusha Agreement, the various ceasefire agreements, the technical agreement on forces, and the constitution. To date no census has been organized to assess whether the quotas

are being implemented. Moreover, implementing these quotas would be difficult, particularly because numbers were inflated by some forces and because the former armed parties and political movements (PMPA) lack the necessary qualifications for certain positions or command units such as the air force and the navy.¹⁶ At present, therefore, the FDN has a complement of 28,517. Of those, 9,239, or 32 per cent, are from the PMPA¹⁷ including 114 senior officers, 542 officers, 1,806 junior officers, and 6,777 in other ranks.¹⁸ Aware of the wider gap in terms of training between the former FAB and the former PMPA, the Ministry of Defence and Veterans Affairs has made training and harmonization of ranks a priority.¹⁹ With the support of Belgium, the Netherlands, France and China, the FDN is implementing a substantial training program.²⁰

The PNB complement is difficult to determine because, at the time of writing, no formal census had been completed on the PNB. However, it is likely just under 20,000, mainly from the former Burundian armed forces and the CNDD-FDD. When they were incorporated into the PNB, there were approximately 8,000 former CNDD-FDD and former PMPA members, as well as about 10,300 members of the former defence and security forces.²¹

The PNB should be receiving a major training program for its senior and regular officers in 2007.²² Harmonization training has been going on since June 2005, particularly with the support of civilian police from the United Nations operation in Burundi (ONUB) (now the United Nations Integrated Office in Burundi (*Bureau intégré des Nations Unies au Burundi* (BINUB)),²³ and a number of NGOs. The UN police are reported already to have trained 243 judicial police officers, in cooperation with the Réseau des citoyens (RCN) as well as 600 patrolmen and 107 police officers in basic police techniques. Training of senior officers and patrolmen was completed in December 2006.

The need for a common approach to the process

Some have criticized the SSR process in Burundi as no more than a mere “juxtaposition of forces”, “a fictitious reform”, and “a change in form but not in substance”.²⁴ In response, and concerned that these organizations would be completely overhauled, ONUB wanted to organize a national seminar on reform of the defence and security forces, among other measures. The objectives would have been to formulate a complete reform program for the security sector, with a view to putting in place reliable and professional security forces under civilian control. The national seminar was meant to provide an opportunity to examine experiences elsewhere, to assess the threats to security and to size the FDN and the PNB accordingly, and to formulate a national defence and security policy. This seminar would have made it possible to assess requirements needed by the PNB and threats to the external security of the country, in order to arrive at an appropriate figure for the number of FDN members required in post-conflict Burundi.

The right-sizing of the defence and security forces would also facilitate work on their logistical, financial and material reform, and the development of training and career plans. The government reportedly admitted initially to ONUB and donors that a comprehensive approach to reform of the security sector was critical for the consolidation

of peace and security.²⁵ However, differences of opinion subsequently emerged as to the content of the reform, and plans for the seminar were shelved.²⁶ It seems that the ministries concerned wanted to begin by focusing on the planning of reforms within their own institutions.²⁷ The Ministry of Defence and Veterans Affairs has since developed a sectoral plan setting out the objectives, actions and strategies it plans to implement, particularly with a view to the professionalization of the FDN.

With regard to the PNB, neither the action plan nor the strategic plan have yet been adopted. The PNB strategic plan should eventually be supported by donors and BINUB, among others, but it would be advisable to design and to implement this plan in a transparent manner to ensure it is based on a broad consensus, particularly as differences persist between certain donors and the Burundian institutions concerned. One of the main differences relates to the maintenance of the defence and security budgets at excessively high levels, representing a significant portion of public spending. The table below shows how civilian and security spending evolved from 2001 to 2006.

Impact of security spending on public spending as a whole

Table: Spending trends in relation to overall numbers

Billions of Burundian francs	2001	2002	2003	2004	2005	2006
GNP	550	584.6	644.2	731.5	860.8	957
Deflator (%)	5.5	1.8	11.6	8.3	16.6	3.3
Current expenses	118.6	119.6	141.8	173.9	200.6	226.9
Salaries	40.1	45.9	53.8	58.6	72.6	96.6
Civilian	21.6	23.6	30.8	34.8	41.9	58.5
Military	18.5	22.3	23	23.8	24	23
Police					6.7	15.1
Goods and services	44.2	38.5	47.3	53.6	65.7	62.2
Civilian	18.4	19	23.4	28.1	26.7	27.1
Military	25.7	19.5	24	25.5	29.6	23
Police					9.5	12.1
Total civilian	40	42.6	54.2	62.9	68.6	85.6
Total security	44.2	41.8	47	49.3	69.8	73.2
Civilian % of the regular budget (current)	33.7	35.6	38.2	36.2	34.2	37.7
Security % of the regular budget (current)	37.3	35	33.2	28.4	34.8	32.3
Security as % of GDP	8	7.2	7.3	6.7	8.1	7.7
Average salaries, civilian	85.2	80.5	76	80.8	63.7	46.3
Average salaries, security	138.9	87.4	104.4	107.1	127.4	92.1

Source: International Monetary Fund

Note that police costs were added to military expenditures in 2005, and the sum of both represents security spending. The percentages of civilian and security spending in relation to total current expenditure changed from 2001 to 2003, but did not change much between 2003 and 2006. Security spending as a proportion of GDP increased

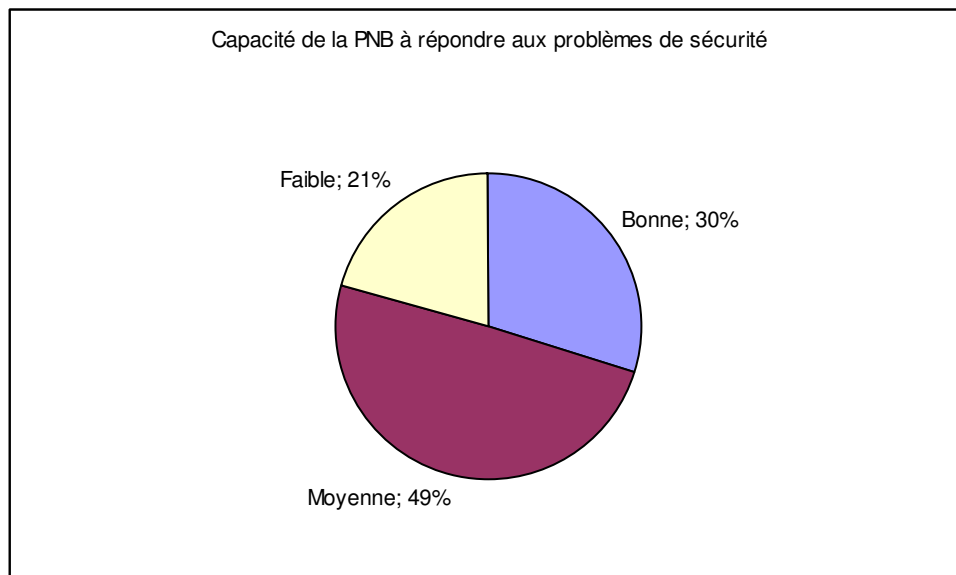
significantly between 2004 and 2006. It was 7.7 per cent in 2006, which is particularly high for a country like Burundi.

The table also shows that the adjustment in recent years has been at the expense of the resources made available for services, both civilian and security, but more for the former than for the latter. The ratio of payroll to GDP increased from 7.3 per cent in 2001 to 10.1 per cent in 2006. On the other hand, goods and services as a proportion of GDP fell from 8 per cent in 2001 to 6.5 per cent in 2006. Note that the resources made available for services fell more quickly in civilian services than in security services, which now have access to twice as much in terms of resources as civilian services in 2006. Resources made available for civilian services fell by almost half between 2001 and 2006. According to donors, this trend must be reversed as quickly as possible, hence the importance of accelerating the demobilization of the army and the police.

IV. The image of the national police

The ability of the national police to respond to problems of security

The results of the field survey, which sampled 400 people in eight *communes* or districts in Burundi, show that the PNB is seen as having a relatively good capacity to resolve security problems.



[ability of the PNB to respond to security problems: weak – 21%; good – 30%; average – 49%]

Disaggregating these results by region, we see that most of those who had a positive assessment of the PNB came from rural districts, particularly Bubanza and Kiremba, while those respondents who had the worst opinion of the police — identifying their ability to respond to security problems as “weak” — are located in urban or semi-urban

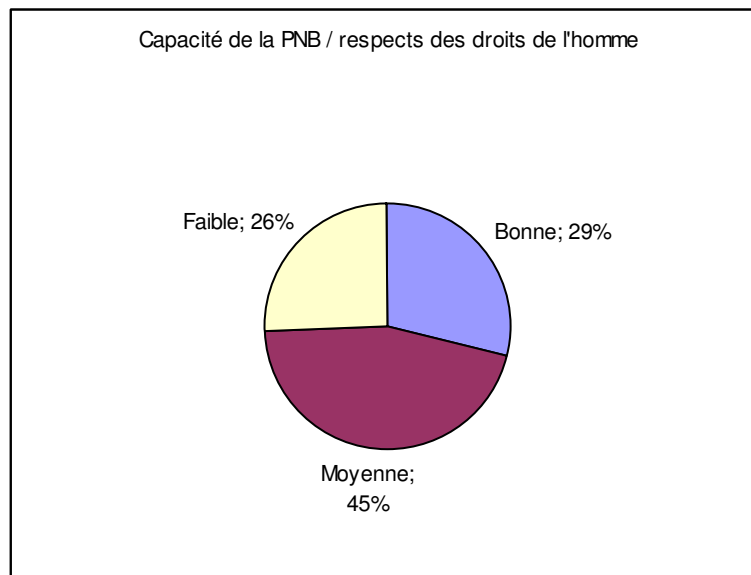
environments such as Musaga and Ngozi. Assessments of service delivery as “average” was steady at about 49 per cent across regions.

Justifications given by respondents regarding the ability of the police to respond to problems of security

Among the 30 per cent of comments that were positive, those surveyed cited quick response by the police and the fact that corruption has decreased as the reasons behind their answer. On the other hand, of those who responded “weak” or “average”, a majority cited shortcomings and failures on the part of the police such as a lack of willingness (20 per cent), insufficient resources (15 per cent), operational weaknesses (13 per cent) and lack of training (8 per cent) as reasons for the “weak” or “average” ability of the police to respond to security problems. This suggests that those respondents who rated the police as “average” on this question tend to view them more negatively than positively.

Ability of the national police to respect human rights

Respondents seemed to have mixed opinions about respect for human rights: favourable and unfavourable opinions were more or less equal, with 29 per cent having a positive opinion and 26 per cent a negative opinion. As well, the majority of respondents expressed a neutral opinion.



[ability of the PNB to respect for human rights: weak – 26%; good – 29%; average – 45%]

Returning to the urban-rural split identified above, we see that this holds true for assessments of the police’s ability to respect human rights. Rural communities’ perceptions are much more positive than those of urban communities. Contrast Kiremba’s 81 per cent “good” response rate with Bubanza’s 52 per cent “good”. Moreover, those populations clearly identifying the performance of the police in this

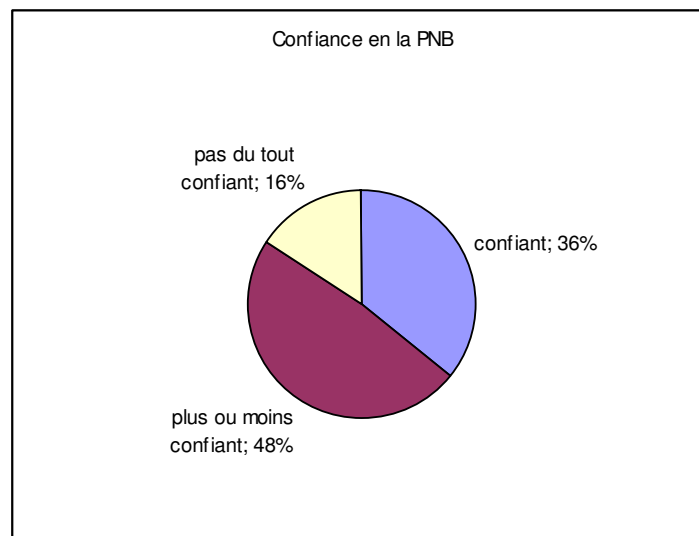
respect as poor or “weak” are strongly weighted towards urban communities. Leading these response rates is the urban centre of Ngozi with 55 percent of respondents expressing negative opinions. Respondents in Musaga and Kinama support this assessment with 48 per cent of respondents in each community considering the performance of the police with respect to human rights to be “weak”.

Justifications given by respondents regarding the ability of the police to respect human rights

When probing more deeply into these initial responses, we see that about 28 per cent of respondents mentioned equitable treatment as a reason behind their (positive) perception. However, across districts some 59 per cent of respondents justified their responses in terms of grievances such as arbitrary arrest, lack of training, failure to respect the law and corruption. These negative responses suggest that many people rate police capacity to respect human rights as relatively weak despite having responded “average”.

Confidence in the national police

Turning to look at the public’s level of confidence in the police, we again observe an urban-rural division. Rural residents of Kiremba (85 per cent “confident”) and Bubanza (71 percent “confident”) show much higher results than their urban counterparts in, for example, Musaga where only one-seventh of respondents have confidence in the police, one-third are more or less confident and a majority (53 per cent) claimed to have no confidence at all in the national police. These results are reinforced by the respondents in Kinama, nearly half of whom have some confidence in the police, but of the remaining half, the number of people who do not have confidence in the police is greater than the number who do.



[Confidence in the PNB: no confidence whatever – 16%; confident – 36%; some confidence – 48%]

Justifications given by respondents regarding their confidence in the national police

The main argument given as the basis for confidence in the police force among those surveyed was its integration (32 per cent). On the other hand, of the negative explanations, arbitrary arrests came up as the most frequently cited recrimination (12 per cent).

Analysis of the responses

The image of the police is relatively good in the rural districts, mainly Kiremba and Bubanza, even though in the latter the PALIPEHUTU-FNL rebellion was still active until recently. One explanation could be that the province of Bubanza was one of the main bastions of the former CNDD-FDD rebellion and provided it with numerous fighters who have now been incorporated into the police. In the province of Ngozi in northern Burundi the image is also very good in rural communities such as Kiremba. This is probably because people there are mostly allied with the governing party, as demonstrated by its success there in the most recent elections.

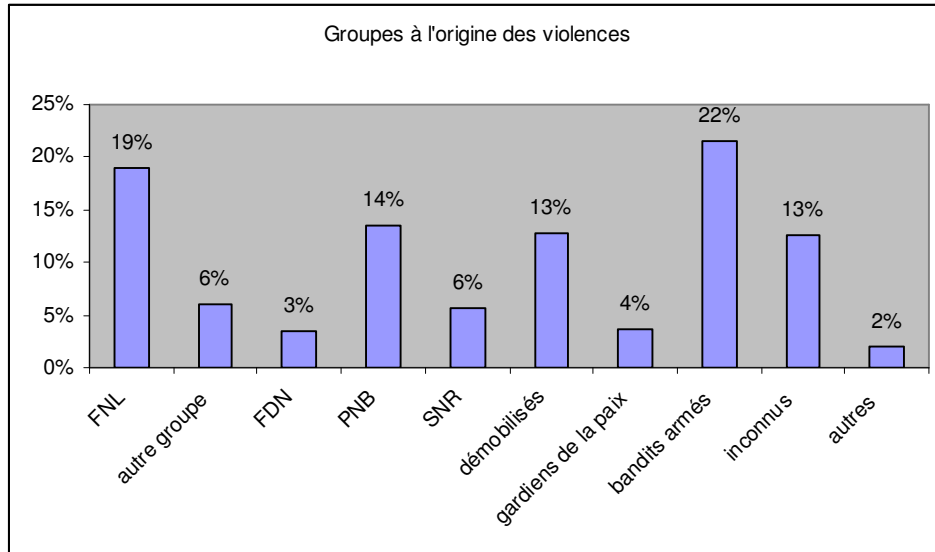
The image of the police is somewhat negative in the two districts we surveyed in the capital. Musaga is an unusual case because of its socio-political and ethnic makeup. It has a Tutsi majority and support for the governing party was very poor there during the elections. In fact, people there are somewhat hostile towards the government. Musaga is a poor district, with numerous criminals and unemployed people, factors that partly explain the difficult — indeed tense — relations between the police and the public. There appears to be a growing and very strong public resentment of the police who are seen to some extent as agents of repression. These observations are supported by the outcome of a CENAP/NSI focus group of 25 residents of Musaga held in early 2007. During this meeting, all those who spoke about the PNB mentioned only their concerns.

In contrast to Musaga, the district of Kinama has a Hutu majority. At first glance this might be considered favourable to the police, whose ranks include people from the district. However, since integration, Kinama has been a case apart. A majority of its population voted for FRODEBU in the 2005 election. It is also perceived by the governing party as a FNL stronghold. Kinama residents were subjected to successive roundups by security forces in the struggle against the rebellion,²⁸ with many imprisoned and some tortured. Moreover, residents of this urban community are regularly victims of armed robberies committed by persons sometimes dressed in police uniforms. There have also been a number of murders.²⁹ Security conditions there are truly precarious. For these various reasons, a fairly large number of people in Kinama are inclined to have unfavourable feelings about the police.

*Notes about perceptions of the national police*³⁰

Today the police are present in large numbers in all districts of the country in order to respond as quickly as possible when needed. However, many of those surveyed and questioned during the focus groups conducted for this research feel that the proximity of

the police is more of a risk factor than a guarantee of security. A large proportion of those surveyed and questioned in focus groups believe the police have no respect for them. Some argue the police still exist only to extract resources from them and mistreat them, as in the past. Given such perceptions, it is not difficult to see why those surveyed identify the police as one of the main groups responsible for insecurity. Indeed, 20 per cent of the respondents identified security forces (14 per cent identifying the PNB and 6 per cent the SNR) as the main group responsible for insecurity. Note that this is essentially an urban perception.



[groups responsible for violence: FNL; other groups; the FDN; the PNB; the SNR; demobilized ex-combatants: 'peacekeepers' (Gardiens de la Paix); armed bandits; persons unknown; others]

In general the public disapproves of the PNB's lack of professionalism, its ignorance of the law and the regulations that govern it and, to a lesser extent, its propensity for violence. Members of the public feel that the PNB does not fulfill its role of protecting them and, contrary to its mandate, tends to harass them. In the PNB's defence, the respondents do acknowledge that the police are working under difficult conditions and lack both material and logistical resources. Many feel that a lack of training explains these transgressions. Some 45 per cent of respondents therefore called for human rights training for the PNB to improve security conditions and human rights in their community.³¹

As noted above, the survey highlights the differences in perception between rural and urban communities, with the latter being highly critical of the behaviour of the national police. The public's expectations of the police are especially high in urban communities. It would be advisable for the PNB to give greater consideration to these expectations. Indeed, some authorities are aware of these shortcomings and failures, but action taken to correct them remains rather minimal. In discussions between the police high command and the CENAP/NSI research team it emerged that the police themselves are aware of a lack of confidence among some in the public. They also expressed concern about failures

at the operational level and stressed the need for training and better operational and human resources management.

V. The complexity of the transformation of the national police

The role and missions of the police

In many countries, the police are limited to protecting the public and preventing disruptions of peace and order in accordance with the law. To that end they must inspire confidence and facilitate the public's recourse to their services when the need arises. This implies the development of close, personal and continuing contact with the public.³² From that point of view, the police play a central role in protecting civilians in terms of their physical safety and their enjoyment of their most fundamental rights. In some countries, relations between the public and the police are courteous. However, when relations become fragile or conflicted, it is most often the result of a lack of professionalism on the part of the police, political tensions, precarious social and economic conditions, or a combination of these and other factors. This can often lead to violent expression of public frustration and the risk of physical confrontation with the police. If the police themselves are affected by problems of organization or, more seriously, of economic survival, they may be the source of many excesses against civilian populations.

Like other defence and security forces, the police in Burundi have historically been used as an instrument of a repressive system directed against any form of opposition. Thus, they meted out harsh treatment to those in the Tutsi intelligentsia deemed to be opposed to the established order, and to those implicated in the various Hutu rebellions. The result was that, throughout decades of crisis, people suspected of supporting rebel movements were sometimes jailed if even suspected of wrongdoing. The police are now undergoing a process of transformation. Nevertheless, they have a long way to go in order to offer high-quality services. This is partly because of the conditions and factors described above, which are often the source of difficult relations between the police and the public.

Burundi's national police force was established by decree under the Law of December 31, 2004. The decree is based largely on the Arusha Agreement and places the police under the authority of the Minister responsible for public security, while day-to-day management is the responsibility of a director general. Its structure consists of four commissariats general:

- the commissariat general of the internal security police
- the commissariat general of the judicial police
- the commissariat general of the air, border and alien registration police
- the commissariat general of the penitentiary police

The national police force is composed mainly of elements from these former police forces; former members of the *gendarmerie* and the Burundian armed forces; and

combatants from the armed political movements and parties that signed the Arusha Agreement and the ceasefire agreements.

A wide range of needs

The members of the PNB come from highly diverse backgrounds and have a very wide variety of experience, skill and training. Given the new mission assigned to it and concern about integrating the various elements of the component parts mentioned above (sometimes without observing the principles agreed to in negotiations preceding the demobilization and integration process), the PNB has acquired a substantial complement, estimated at about 20,000.³³ Nevertheless, since no census has been taken to date and the integration process has been tracked poorly - if at all - there is no reliable indication of the actual size or the composition and identity of PNB members. At the outset, this creates a measure of disorder as well as huge control and supervision difficulties. The sheer number of PNB staff, their disparities and the lack of resources assigned to the PNB also pose serious challenges.

Material and logistical problems

Police officers are short of everything. They face problems relating to housing, supplies and mere survival because their salaries are very modest and often not paid on time. This has negative consequences on motivation within the force and on their behaviour towards the public.³⁴ Thus, many police officers try to get posted to policing traffic, a source of daily bribes from drivers caught without proper vehicle registration, or from bus or truck drivers. On some heavily used arteries, traffic police can make their monthly salary in bribes in a single day.³⁵

As to equipment, police officers are usually provided with the PNB's new uniform, but are not equipped for its new mission, lacking handcuffs, sidearms and so on. Thus, they are most often equipped with assault rifles, with all the potential negative consequences and risks. Among other problems, this tends to lead to the use of these weapons in inappropriate situations, and thus to abuse by intimidation, force and violence.³⁶ In addition, the fact that the PNB carry assault rifles may serve to generate fear among the population and undermine public confidence in the PNB.

The PNB has problems with office automation and computer systems, communications, transport, equipment and infrastructure, management of personnel and resource data. Bilateral and multilateral aid agencies have provided vehicles and transport trucks, as well as telecommunications equipment, but these still fall short of requirements. As well, some of the fleet is already damaged, or being put to uses other than those for which it was intended.³⁷

Training

There are also huge deficiencies in training, as none of the groups previously incorporated into the new force had training appropriate for the PNB's new mission. As

mentioned above there are trained career officers, particularly former members of the public security or judicial police. But most of these officers have received traditional police training, which is somewhat different from the new role assigned to the PNB, i.e. community policing at the service of citizens. They nonetheless have the intellectual background, experience and skills that should enable them to adapt fairly quickly to their new task.³⁸ However, most of the members absorbed into the police force do not share these characteristics. Those trained as *gendarmes* received training that was more military in character, since the role of the *gendarmerie* tended to be confused with that of the army. Police officers drawn from the ranks of the armed forces have no knowledge of police techniques, but often do have the minimal basic training required for the military.³⁹

According to a study of a sample of 2,500 police officers conducted in the first quarter of 2007 by the Belgian Technical Cooperation, 23 per cent of the officers surveyed did not have a diploma or certificate of any kind, which gives some idea of the large proportion of untrained officers in the former PMPA. Not only do most former members of the rebel movements have no police or military training, their level of general education is often low. Many are in fact illiterate. Disparities in academic and police training are huge. This generates superiority and inferiority complexes on all sides, creating a difficult atmosphere for working together; indeed, some trained personnel may find themselves supervised by uneducated staff members.⁴⁰

All these problems — lack of training, material and logistical resources — have not escaped the attention of the public, who identified them as causes of the poor performance of the national police in the CENAP/NSI survey. While major efforts are now under way to correct these shortcomings in training and to even out knowledge discrepancies, elements of the national police must assume responsibility for these assessments and for training operations. Many police do not have the capacity to carry out their new mission and should be helped to find an alternative livelihood through the demobilization program. None of this takes into account the new factor which is the PALIPEHUTU-FNL, whose incorporation into the defence and security forces can only amplify the problems of training within those forces as most members of the rebel movement have little education.

Identification of members of the police force and assessment of their training needs

At present more than two-thirds of the individual identification sheets for police officers providing general information on their training needs have reportedly been distributed. Scanning these should provide a clearer picture of the skills available within the force. This initiative led by the Belgian Technical Cooperation will be complemented by a census of the police force to be carried out soon by the International Centre for Transitional Justice (ICTJ). Its task will be to identify all members of the police force, through means such as photographs and fingerprints, in order to develop a database for personnel management.

For better control of the rank and file by the leadership and in particular to promote quality over quantity, a reduction in the number of police officers in the mid-term appears

indispensable. The police force must trim its numbers on the basis of the ability, expertise and job performance of those who wish to remain. In this respect, the ICTJ inventory could set criteria for monitoring the performance of force members and for regular assessments of abilities, behaviour and discipline. A reduction in numbers could be considered taking these various factors into account. It should also make it possible to improve the conditions under which the police force operates. An excess of police officers, without appropriate supervision, and living in very difficult conditions, is a source of disorder and indeed insecurity in Burundi.

The legal and regulatory framework

The PNB is essentially governed by two pieces of legislation: the Law of December 31, 2004 on the establishment, organization, mandate, composition and operations of the force, and the Law of March 2, 2006 on the status of personnel of the police. The first of these mainly describes the mandates of the various commissariats. The major shortcoming of the legislation is related to provisions concerning professional ethics and the code of conduct to be followed in all circumstances. There are no provisions concerning procedure. While this legislation refers to the penal code, it does not cover the wide range of situations faced by the PNB.

For example, article 24 of the Law of December 31, 2004 in reference to the internal security police states that it “disperses, on its own initiative or at the request of the competent authority, any armed or unarmed gathering formed in order to invade, loot or lay waste to property, threaten the lives of persons, oppose the law, a judgment, an order or any other compulsory measure issued by the competent authority. It also disperses any unarmed gathering formed in disregard of a police measure.” In the absence of clearer and more specific regulations as to how such gatherings are to be dispersed, armed police officers — poorly prepared and briefed for such operations — may easily find themselves using excessive force. This is particularly so in cases where they do not have the minimum of police training required.

Another example is that the provisions on the mandate of the PAFE and the penitentiary police are terse, essentially containing two articles applicable to each of them.⁴¹ The penitentiary police are responsible solely for prison security and prisoner escorts, which leads to jurisdictional conflicts with the penitentiary administration branch. The penitentiary police should meet specific requirements and qualifications, given the special nature of the Burundian prison system which is overpopulated and gravely under-resourced. The prison population is twice as large as the 11 prisons can accommodate, with some prisons holding more than three times their capacity, such as the Mpimba central prison in Bujumbura. Overcrowding leads to problems with hygiene, starvation and illness and contributes to a gradual deterioration in prison conditions.⁴² The result is that relations are often tense between inmates and police officers, leading in some cases to revolts and incidents of violence and even the summary execution of inmates.⁴³ Moreover, there are increasing numbers of women, girls and boys and even infants in the prison population.⁴⁴ As Human Rights Watch attests,⁴⁵ many children suffer physical violence at the hands of adults, including sexual violence, because no mechanisms are in

place to protect them from such abuse. Special training should be required for police officers assigned to supervise these particular inmates. But the law and the various provisions in effect are completely silent on the subject. Prison legislation should be improved, paying more attention to inmates' rights, and particularly to vulnerable groups.

In the rules of police discipline on the subject of duties and prohibitions, there is very little mention of the obligations of the police towards the public. These rules do state that it is forbidden "to subject persons to torture or inhumane, cruel or degrading treatment". Yet, while the range of disciplinary sanctions is fairly complete with respect to misdeeds against a superior or a subordinate, rules governing police conduct totally fail to mention what happens in the case of excesses against ordinary citizens. There is no further reference to torture or inhumane, cruel or degrading treatment that are nevertheless common practice in official places of detention or secret locations of certain police units. The law merely adds that the penalties in the regular penal code apply to members of the national police, due in part to the fact that torture is not recognized as an offence in the penal code currently in force. However, it is important to note that a new penal code that corrects this shortcoming has been adopted by the government and should be considered by the legislature with a view to it being put into force. Given these gaps, the system of sanctions against abuses and excesses committed by police officers against civilians, both in the performance of their duties and otherwise, should be strengthened.

Legislation better suited to the new vision of the national police is also necessary. It should reflect the conventions and international agreements to which Burundi is a party, particularly with respect to human rights, including the International Convention against Torture. It is also essential to develop a manual of procedures for wide-scale distribution both within the force and among the public. A code of ethics and a practical handbook are being prepared by a Commission on Deontology within the PNB. The latter should be produced in French and Kirundi. However, it is unfortunate that these initiatives have been delayed so long.

Civilian control and initiatives to promote dialogue and cooperation

Turning to the mechanisms for parliamentary oversight, there does exist a Parliamentary Committee on Defence and Security charged with the task of supervising and monitoring the activities of defence and security institutions. However, it plays a very minor role in this area. It has also been under intermittent pressure to launch parliamentary enquiries — particularly in clear cases of excesses committed by members of the defence and security forces — but the committee has always refrained from taking any initiative, perhaps because it is still largely beholden to the governing party. However, the members of the committee acknowledge the existence of human rights abuses on the part of the defence and security forces but admit that their committee has its limitations and is in need of technical support.⁴⁶ It is possible that the new and more politically balanced National Assembly would more likely favour the exercise of civilian control by the committee over the defence and security forces.

While greater civilian control over the defence and security forces requires the National Assembly to play a greater oversight role, the same is true for civil society and the media. Various human rights associations play an important role in monitoring the activities of the defence and security forces, and they do not hesitate to report misconduct on the part of these actors. Their actions are even considered helpful by some of the decision-makers in the PNB and the FDN. These decision-makers feel that these organizations sometimes help dislodge the prevailing inertia, defensiveness and negative solidarity. Through this connection, the future members of the independent national human rights commission, expected to be appointed soon, could bolster the efforts already under way, since monitoring of the activities of the defence and security forces may be within its jurisdiction.⁴⁷

The media have an important role to play in the regular reporting of police misconduct. They have encouraged the police to demonstrate greater care and restraint, particularly when everyone knows and sees what they are doing. It is not unusual to see police officers who abuse their authority in dealing with simple passers-by in their daily work make themselves scarce once they spot a journalist, or give up what they are doing when they become aware of the risk that it may be reported on the radio. Concerted and well-planned initiatives should be undertaken to monitor police activities and their impact on the lives and safety of citizens, particularly vulnerable groups. So as not to create only a negative public image of the police by publicizing only their misbehaviour, programs could be put in place to highlight positive situations where the police are closer to the people, set good examples, facilitate greater security, etc. In the same vein, a series of sketches could be planned to illustrate situations in which the police and the public are on the same side and the proper behaviour each should adopt.

In some districts, particularly urban ones, where the police cooperate with the local administration and their relations with the public are difficult, mechanisms should be put in place for regular consultation between representatives of the police, the public and administrative officials.⁴⁸ Such initiatives could offset the poor communications that lead to malicious rumours. It would also enable all concerned to provide useful information, express their wishes, and possibly avert conflict. This type of cooperative arrangement is relatively easy to develop in urban centres where the problems are often more acute. It would be helpful to test them out in a few urban districts where relations between the police and the public are particularly tense.

Depoliticization of the national police

Given the primary role the defence and security forces have played in overturning regimes and keeping them in power over the past 40 years, monitoring their activities is perceived as a major issue by all political players in Burundi. When the Arusha Agreement was being negotiated, this issue was the subject of intense discussion, not only between the parties in conflict, but also in the public arena. The Tutsi community did not intend to give up control of the military, regarded as its last guarantor of survival, while the Hutu community made the reform of the military a *sine qua non* to ensure that the military (and the police) were not used to over-tune a Hutu-run government. In step

with political advances and changes in attitudes and opinions, a consensus has emerged on the issue, in particular with the introduction of ethnic quotas within the defence and security forces and their leadership. There has also been lengthy debate about the role to be assigned to the new forces. Some of the responsibilities and prerogatives of the new FDN were therefore transferred to the police. The FDN is now restricted to conventional tasks, while the police are paramount in matters of internal security.

The police have become the main force responsible for re-establishing and maintaining public order. They have also been assigned various tasks that make them the most important players in domestic security. In the post-conflict environment, the police force is assuming more importance than the new defence force. Moreover, it is the national police who will most likely assume maintenance of order and security during the upcoming elections in 2010.

Since the CNDD-FDD came to power, the PNB has been conspicuous in the repression of opposition political parties and some elements of civil society. While fundamental freedoms are guaranteed by the constitution, there have been cases in which elements of the police have forbidden authorized meetings of political parties, searched opposition party offices without warrants, and put journalists under surveillance without official approval for such activities.⁴⁹ The forced removal of the CNDD-FDD president with the tacit support of ex-rebel members of the defence and security forces is a recent development within the party that shows these forces still maintain close links with their former party.

One of the main difficulties in the actual depoliticization of the defence and security forces lies in contradictions in various agreements and laws concerning ethnic and - in particular - political quotas. The Arusha Agreement, the post-transition constitution and the law regarding political parties require members of the forces to have no political affiliation and to remain neutral. At the same time, the technical agreement on the forces signed between the transitional government and the CNDD-FDD apportions command positions in the defence and security forces on the basis of political criteria. It is to this agreement that the executive always refers when appointing officers to positions of responsibility within these forces. Clearly ex-FDD or ex-FAB members are at a considerable advantage with respect to appointments, since the quotas assured them a sufficient number of positions. One is compelled to wonder whether the criterion of political allegiance might not outweigh such criteria as competence and merit in the assignment of positions and promotions, in a context where control of these forces is still perceived as a major issue.

These contradictions should be discussed openly and transparently. The question of the neutrality of the forces should be analysed in light of their behaviour towards political organizations and civil society. It should also be considered as part of a broader debate on the current wisdom of political quotas within the forces when, at the same time, their depoliticization and professionalization (which assumes an emphasis on competence) are meant to be top priorities. The question of the integration of the PALIPEHUTU-FNL into

the defence and security forces shows no sign of resolving matters where this issue is concerned.

VI. The image of the National Defence Force⁵⁰

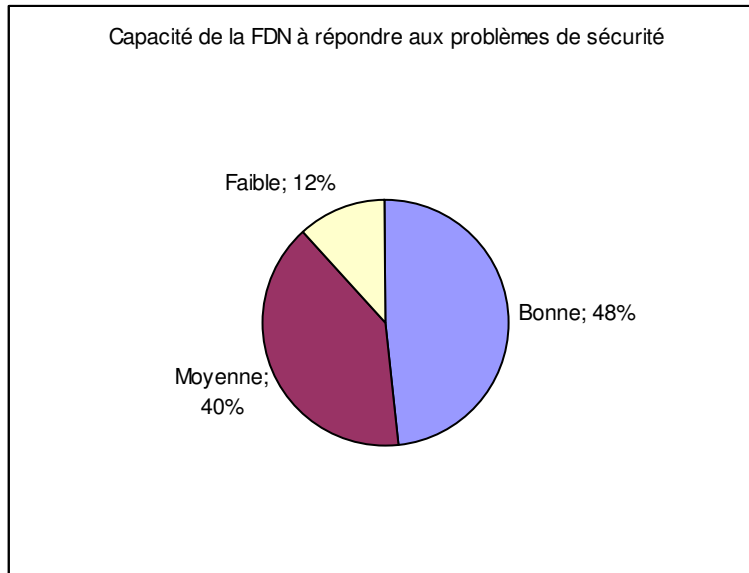
In a country in armed conflict the army plays a crucial role, as it is on the front lines in combating both foreign and domestic threats. In peacetime it is usually confined to barracks, and may take part in development projects. Given the numerous violations of human rights, particularly the right to life, suffered by civilian populations in many armed conflicts throughout the world, the international community has created laws to regulate warfare, particularly with a view to protecting civilians. However, these are frequently violated to the detriment of those same civilians. In Burundi, civilian populations have often paid a heavy price in the various crises and in the recent civil war.

The Burundian army has long projected a very poor image both domestically and internationally. While no public opinion survey was conducted on the public's perception of the army before or during the conflict, it is likely that the public's perception of the army's capacity to provide security and protect human rights was negative among the Hutu majority given the army's role in the various violent crises the country experienced.

The ability of the FDN to provide security

The CENAP/NSI national survey conducted in 8 communes in Burundi yielded positive results concerning the ability of the new FDN to ensure public security, with 48 per cent of respondents describing the FDN's capacity to ensure security as "good" and only 12 percent rating it as "weak". The remaining 40 per cent of respondents believe the FDN's ability to respond to security problems is average. Like the PNB, the FDN achieves its best results in rural districts, such as Bubanza where 72 per cent of those surveyed rated the FDN's ability to resolve security problems as "good." In the district of Kiremba, where almost all respondents express the same view, over 80 per cent say that they cannot assess the FDN's performance because they no longer see it.

In the urban districts the percentages are considerably lower. Ratings of "good" exceed ratings of "weak" everywhere in both of the urban districts that are the most critical of the army. In the urban centre of Ngozi, 33 per cent of respondents rate the FDN's capacity to respond to problems of security as "good", compared with 28 per cent that rate it "weak". In Musaga the figures are 40 per cent and 21 per cent respectively.



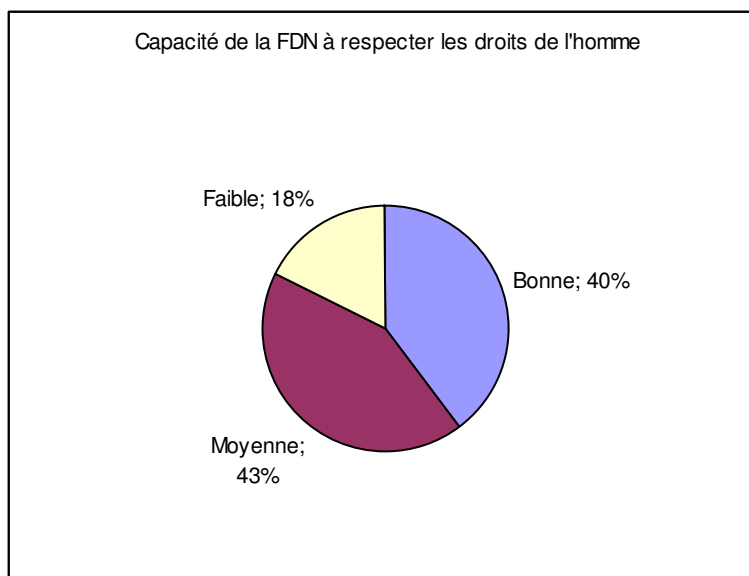
[Ability of the FDN to respond to security problems: Weak – 12%; Good – 48%; Average – 40%]

Justifications given by respondents regarding the capacity of the FDN to respond to problems of security

The fact that the FDN is not present on the ground seems to have led to the generally positive perception of its role in providing security, with 23 per cent of respondents identifying this as the reason behind their answer. Some 18 per cent of respondents answered that it is more effective than the PNB, while 12 per cent emphasize integration, expressing the new feeling of “security for all ethnic groups”. On the other hand, the lack of effectiveness in the struggle against the PALIPEHUTU-FNL rebellion (expressed by 10 per cent) and the undisciplined elements within it (9 percent) were the two arguments most often advanced in criticizing its ability to guarantee security.

The ability of the FDN to respect human rights

With regard to the FDN’s ability to respect human rights, those surveyed answered in more or less the same way as they did to the question concerning its ability to provide security. However, perceptions are less positive with respect to this element of FDN performance. A significant proportion (40 per cent) of those surveyed judged the capacity of the FDN to respect human rights as “good”, while 16 per cent expressed negative opinions, and 43 per cent rated the ability as “average”. The contrast is once again significant between rural and urban dwellers. For example, 59 per cent of those surveyed in rural Bubanza believe that the FDN has a “good” ability to respect human rights, and no one expressed a contrary opinion. In contrast, in the urban centre of Ngozi, 46 per cent of the population had a negative opinion of the FDN’s capacity to respect human rights and 28 per cent had a positive one. Yet, it is important to note that some rural districts — Mutimbuzi and Burambi — have significant grievances against the FDN.



[Ability of the FDN to respect human rights: Weak – 18%; Good – 40%; Average – 43%]

Justifications given by respondents for the FDN's ability to respect human rights

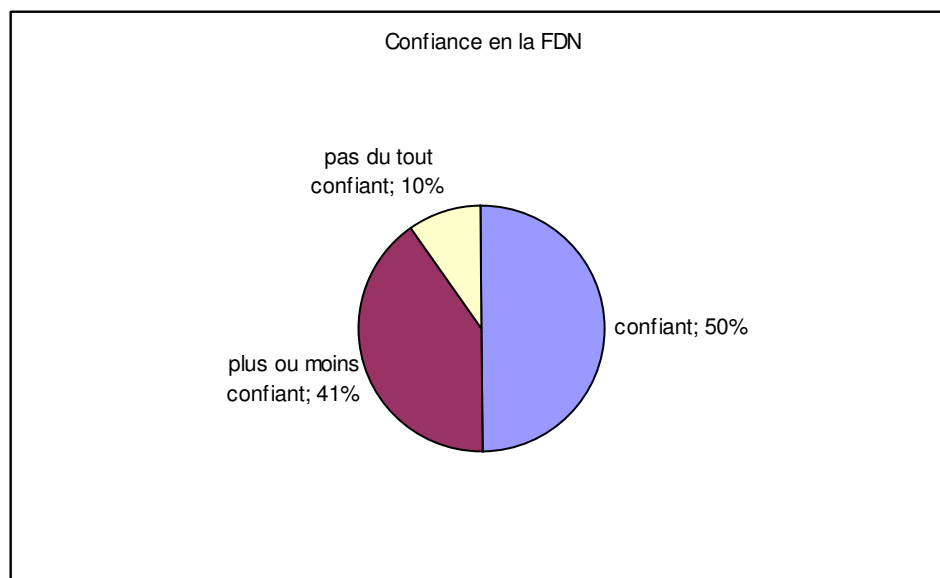
Some 25 per cent of those surveyed had no opinion to express, since they are no longer in contact with the FDN, while 28 per cent feel that the FDN has definitely improved with respect to their capacity to respect human rights. On the other hand, many expressed some criticism of its behaviour, particularly with respect to arbitrary violence and abuse (24 per cent), and some (10 per cent) noted lack of training in human rights.

In the rural district of Burambi 22 per cent of those surveyed justified their negative opinion by noting that the FDN engaged in forced labour. This phenomenon, which was frequent in many districts at the peak of the fighting, is still common in some districts where the FDN forced the population to perform labour such as carrying wood or fetching water.

In rural Mutimbuzi, where most of those surveyed were equally critical, instances of gratuitous violence against the public were most often mentioned as reasons for negative opinions of the FDN. Since Mutimbuzi was in an area under rebel control, civilians were sometimes caught up in anti-insurgency operations against the FNL.

Confidence in the FDN

Some 50 per cent of those surveyed expressed confidence in the FDN, scarcely 10 per cent expressed no confidence at all, and 41 per cent expressed some confidence. The highest confidence ratings were recorded in rural areas like Bubanza, where 76 per cent of those surveyed expressed confidence in the defence force. Confidence was also respectable (41 per cent) in Musaga, and considerable (61 per cent) in Kinama, both of which are urban districts.



[Confidence in the FDN: No confidence at all – 10%; Confident – 50; More or less confident – 41%]

Justifications given by respondents for their confidence in the FDN

The variety and strongly contrasting nature of the justifications given nonetheless point to a moderate level of confidence. Among the positive aspects were the dedication of the FDN to their work (20 per cent) and the integration of combatants from armed political movements and parties (17 per cent), as well as the positive change in behaviour (16 per cent).

The integration factor is mentioned mainly in districts with a Hutu majority. It was hardly mentioned in the urban district of Musaga, which has a Tutsi majority, or in Burambi, which has many problems of insecurity due in part to demobilized fighters and members of defence and security forces.

Some additional observations from the survey on the FDN

The FDN seems to have a positive public image. It is revealing, moreover, that of the groups identified as being the source of insecurity and violations of human rights, the FDN was mentioned last among all the groups, forces and movements identified. (See table on the main groups causing insecurity, page 18.) It is by no means obvious that this new image is attributable to radical changes in behaviour, which are apparently given a highly varied assessment, or more subjective criteria, such as its new ethnic makeup. Indeed, in a number of districts that are largely Hutu, the public cited the integration factor to justify their trust in the FDN as well as its ability to provide security for all, and its qualitative change. Clearly, the integration factor is important in this newfound public confidence in the FDN.

The other factor that very clearly favours the FDN is that it is not active in a number of districts, having returned to the barracks and handed over a number of responsibilities to the new national police force. For example, some 30 per cent of those surveyed no longer know what the FDN is doing or no longer attribute any role to it. It should be noted that most of the country has experienced no armed confrontation since 2003, when the army was mainly active in combat zones. Thus, it may not yet be a qualitative change that has registered with the public, but rather the new composition and the new role of the FDN.

VII. Challenges, constraints and opportunities for the defence force

Vestiges of past warfare

Despite very different traditions and histories, the two main armed forces that now make up the defence and security forces (the FAB and the FDD) share a common past of violent practices. Although they have a high level of training,⁵¹ and a good theoretical knowledge of professional ethics and international humanitarian law, the former Burundian armed forces (FAB) became over time the instrument of domination by the Tutsi elite. They developed the idea that their primary mission was to defend the Tutsi against the Hutu. This view was reinforced by the perception among most Tutsi that their survival depended on control of the army.

For their part, the rebel groups were formed to combat Tutsi domination and seize power. In reality they targeted Tutsi civilian populations, thereby revealing their ideological weakness and the ambiguity of their stated political position. These movements were also characterized by serious shortcomings in training, particularly military training, and in concepts of humanitarian law.

Furthermore, the process of reform of the defence and security forces began while the PALIPEHUTU-FNL was still active. Thus, former FAB and former FDD elements were integrated and then mobilized directly to combat the rebellion, with no time for the necessary attention to be paid to inadequacies in their training, professional ethics or knowledge of humanitarian law. Since the government initially favoured a military solution, both forces stepped up military and police pressure on the last remaining rebel movement, a process characterized by numerous abuses of civilians in the zones where the rebels were operating.⁵² Violence against the public has clearly diminished, but has not ceased altogether. Both the former FAB and the former FDD have had difficulty ridding themselves of the instincts they had acquired during the war years when both had few scruples about engaging in a range of excesses against civilians.

Military justice

The Ministry of Defence has mechanisms for dealing with the perpetrators of misconduct and human rights violations: the Military Court and the War Council. Although they are still governed by legislation that is somewhat obsolete,⁵³ both courts are functional.⁵⁴ Judicially they report to the Attorney General of the Republic, and administratively to the Ministry of Defence. However, both face huge difficulties with regard to qualified staff.

Most of the judges who serve on them lack the required qualifications, which often makes the interpretation of legislation difficult and their judgments inconsistent. In addition, both courts are subjected to various influences, including pressure and interference from the authorities. Thus, while they have mainly exercised their powers in cases involving traditional offences such as theft, desertion and various minor misdeeds, they have sometimes refrained from judging serious cases of human rights violations.

This still seems to be the case today, in a context in which there are doubts about the existence of political will to combat impunity. In a case involving the disappearance of some 30 civilians in July 2006 in the province of Muyinga, the investigations have yet to move ahead significantly, perhaps because high-ranking military personnel are involved. The Military Prosecutor's Office (*auditorat*) ordered the initial arrests in the case, and then withdrew when the Muyinga prosecutor took over. The file has now been forwarded to him. Despite the delicate nature of the case, the Military Prosecutor nevertheless seemed anxious to move ahead with it, and eventually summoned and questioned the commandant of the 4th military region, Colonel Vital Bangirinama.⁵⁵ There is reason to wonder, however, whether political pressure⁵⁶ will allow the case to be dealt with in a transparent manner, particularly given its uncertain path to date.⁵⁷

The existing mechanisms within the Ministry of Defence for dealing with the perpetrators of crime should be revitalized. This would include updating the various legal codes to international standards, reinforcing the training and capabilities of the military justice staff and providing material support. In the absence of practical initiatives in this area, excesses by FDN members may continue, even though in theory the security situation is less conducive to them. In addition, the ranks include elements guilty of genocidal acts, *coups d'état*, violations of the constitution and human rights, as well as war crimes. If they are not purged in accordance with the Arusha Agreement, the leadership of the FDN could take advantage of current demobilization to allow those elements strongly suspected of such acts to return to civilian life without charge. When considering which elements to demobilize, factors such as discipline, serious misconduct and the number of days spent in detention should be taken into consideration. However, the FDN is unlikely to be able to rid itself entirely of these elements through this process. Therefore, the implementation of transitional justice measures expected in the near future, particularly the special tribunal responsible for dealing with crimes to which the statute of limitations does not apply, could offer a new opportunity to rid the force of the perpetrators of the most serious crimes.

Harmonization within the FDN

Since the beginning of the process to reform the defence and security forces and integrate armed political movements and parties into them, there has not been one violent incident between former members of the FAB and the FDD. The integration process is now well-advanced, although it should enter an important new stage with the expected integration of the PALIPEHUTU-FNL. Some political figures see this as one of the main successes of the peace process in Burundi, since the two main belligerents are cohabiting without too much difficulty. The FDN immediately formed a number of mixed units comprised of

former FAB and former PMPA members, and gave them various kinds of joint training in the same camps. Despite supply problems involved in the training, and the inevitable suspicions, these mixed units were formed without much difficulty.

Yet there is no shortage of obstacles, and every step forward in the process is beset by risks. While all elements supposedly share the same values, a major problem lies in bolstering the cohesion of the FDN and in harmonizing training. The former rebels have much less training than the former FAB members. However, many former members of the ex-PMPA have long claimed to have nothing to learn from the former FAB members because they were able to match them in the field. Others, aware of their shortcomings, at once said they were ready to learn, or to listen.⁵⁸ Before any training could begin, a lengthy process of awareness-raising was needed to convince the same elements that training was essential and even beneficial. That work now seems to have borne fruit. While some reluctance was expressed during the first training course given to 60 ex-PMPA officers by Belgian military advisers from April to July 2006, the second training course attracted a large number of applicants.⁵⁹

Priority has since been given to training. The Ministry of Defence and Veterans Affairs, which has made military training a priority with a view to restoring to the FDN the level of training the Burundian army had achieved before the crisis in 1993. Accordingly, a large number of commissioned and non-commissioned officers have already started taking courses given by Belgian military advisers and others. These courses are designed to give the FDN an operational level that meets international standards. Because of the war, and the resulting losses among officers, some standard rules were no longer followed. Not only were some military units commanded by officers who lacked the appropriate rank, but massive recruitment made it impossible to deliver the required traditional military training to all personnel. This had negative consequences on the behaviour of troops in the field. Furthermore, academic training should complement this military training, but this is ultimately available only to a small number of officers. Several dozen former PMPA officers are now taking university training at the military staff college.⁶⁰

Social and economic vulnerability

The other major obstacle to the protection of civilian populations in the process of reforming the defence and security forces is the social and economic context. Working conditions in these forces are a disaster, and deteriorated throughout the 10 years of crisis in Burundi. Most of the material benefits originally allocated to military personnel have been withdrawn. Without substantial improvement in their extremely precarious living conditions, members of the defence and security forces can be expected to continue experiencing a measure of insecurity. Combatants who were accustomed for too long to living off the civilian population will probably have difficulty improving their behaviour if they are unable to meet their most fundamental needs.

Admittedly the salaries of the defence and security personnel were revised upward substantially in 2006 and 2007. Thus, they doubled for most military personnel and even tripled in some cases. However, at the same time, a number of benefits such as housing and food subsidies were reduced, if not eliminated, because the barracks no longer have the capacity to accommodate personnel. During the war, soldiers were most often in the field, and returned to camp and to their families only on rare occasions when they were given leave. Today military personnel have returned to camps that are not only overcrowded but also often in a state of complete dilapidation. Military families who lived in the camps are now being urged to leave,⁶¹ and many do not know where to go, given that the cost of living has increased substantially, while available land has radically decreased. It must be remembered here that many members of the military had their houses and possessions destroyed during the war. Others are resistant to having to resettle on their own plots of land. Some are no longer willing or able to live off the land and are trying other occupations. Many prefer to move their families away from neighbours who – in some cases - participated directly in the destruction of their property. However, new barracks should be built with the monies from trust fund established by the UN Peacebuilding Fund of the UN Peacebuilding Commission, a development discussed in more detail in Kristiana Powell's companion piece.

Depoliticization of the FDN

Between 1966 and 1996, the Burundian armed forces carried out four military coups, all of which put ranking officers in power. Its most recent, visible incursion into the political field, and into the process of designating the leaders of Burundi, was to be its open support for the candidacy of President Buyoya when he was head of the transitional government in 2001.

In April 2003 Buyoya (a Tutsi) passed leadership of the transitional government to Domitien Ndayizeye (a Hutu). Thus, the new president had to contend with an army that had held the reins of power continuously for nearly 40 years. One of the main questions that arose was whether a civilian president who is Hutu could exercise authority over the army, and in particular whether he could convince the army to agree to new concessions as part of an incomplete peace process, since negotiations with the CNDD-FDD were still underway. Then, barely two months after President Ndayizeye took office, the PALIPEHUTU-FNL mounted a major new offensive against the capital. However, despite the fears of some, ethnic alternation of the leadership of the transitional government took place without difficulty as the new president was able to exercise his authority over the army and the negotiation process. This gave him some leeway to negotiate with the CNDD-FDD, and to achieve fairly quickly a ceasefire agreement that did not challenge the ethnic quotas within the defence and security forces established under the Arusha Agreement.

The agreement signed with the main rebel movement had immediate consequences in the field. The guns fell silent in most parts of Burundi, and only the three provinces where the PALIPEHUTU-FNL was still operating continued to be disturbed by confrontations. Despite delays and problems associated with the incorporation of combatants from the

rebel movement into the defence and security forces, such as combatant status and the harmonization of ranks, the process went ahead with no major incidents, and could even be said to have gone fairly well. There are a number of factors that explain this relative success:

- War fatigue. Combatants from both camps were tired of war. They had even anticipated the ceasefire agreement with informal ceasefires, putting aside their weapons in a number of locations. They thus showed patience in not compromising a hard-won peace.
- The pressure of public opinion, and from civil society and the political parties, to preserve the gains of peace.
- The political will of those mainly concerned in the implementation of the agreement and reform of the defence and security forces, beginning with that of the Chief of the General Staff of the FDN and his assistant.⁶²

How do we explain the fact that the army became loyal, agreeing to place itself under the civilian control of a civilian authority that at first glance was not aligned with its interests, since it had a Hutu majority? First, the army high command realized that it was one of the main beneficiaries of the Arusha Agreement and the agreements that followed. By securing 50 per cent of places in the new defence and security forces for the Tutsi minority, the army won a guarantee of representation within those forces of a significant number of its senior officers and a large proportion of other ranks. Aware of the importance of the benefits thus achieved, most of the members accepted the logic of Arusha.

Secondly, there was conviction that the peace process had an irreversible momentum, with the integration of former members of Hutu armed movements into the defence and security forces and with the democratization process, or at least periodic elections based on universal suffrage. In both cases, the effect was to upset the balance of power that the Tutsi minority had been able to impose for nearly 40 years, since it could no longer monopolize the defence and security forces, and elections based on the “one person, one vote” principle were bound to return Hutu majority parties to power, as long as political parties continued to be organized along ethnic lines. In more than 10 years of civil war, the army had failed to achieve a military victory. It was fully aware that a new war would be just as difficult on the present battlefield. Clearly the army understood that a page of history had been turned forever. Interrupting this momentum, or even opposing it with violence, would plunge Burundi back into civil war. Most members of the army were still traumatized by 1993, when thousands of Tutsi civilians were killed in reaction to the assassination of President Ndadaye by the army. Moreover, the interruption of a democratic process would be unacceptable to the international community, and even less so to a region where the sanctions imposed on the leadership in Bujumbura following the 1996 coup—an embargo that severely affected the conditions under which people lived—were still fresh in the minds of most members of the army high command.

Finally, throughout 10 years of warfare, the makeup of the army had changed. It was no longer as homogeneous and monolithic. To make up for the shortage of Tutsi fighters, the army had taken in many Hutus who now made up a significant percentage of the rank and

file,⁶³ and the regional origin of senior members of the officer corps had become highly diverse.

Moreover, changes in society and in attitudes came with the emergence of political pluralism, the development of media freedom, the strong growth of associations within civil society, and the ongoing debate on social problems following the expansion of space for the freedom of expression. In particular there was a clear tendency to seek non-violent solutions to potential problems and conflicts. The current leadership of the FDN has shown more than once that it is part of this momentum. The same is true of a large proportion of the force as a whole.⁶⁴

VIII. The PALIPEHUTU-FNL

The Government of Burundi and the PALIPEHUTU-FNL rebels signed a general ceasefire agreement on September 7, 2006. While the agreement silenced the guns, it has been marked by difficulties in implementation, particularly because of operational difficulties of the joint verification and monitoring mechanism (MCVS, for *mécanisme conjoint de vérification et de suivi*), which is responsible for putting the agreement into effect, and is made up in part of government and rebel representatives. Since February 19, 2007, the MCVS has been working on the various issues to be discussed between the two parties, including the integration of FNL combatants into the defence and security forces. The latter issue is now more or less resolved. A critical question remains: how many combatants will the rebel movement want integrated into the security and defence corps? This will have a determining effect on the place it can hope to occupy on the general staff of the FDN and the PNB. It is also the reason why heavy recruitment has been taking place within the rebel movement since the agreement was signed, in violation of the agreement itself.

While it is still too early to assess the possible impact of the integration of the FNL on the reform of the defence and security forces, we can speculate on some of the risks and opportunities it presents. The main difficulties in the current process have to do with the skills, training, experience and highly varying capabilities of the component elements of the defence and security forces. Integration of the rebel movement could not only slow or compromise the process of harmonization of training and knowledge (on which the FDN is working at a stepped-up pace), it could also require a reassessment of the training needs of the various units. In addition, the national police should soon be carrying out an extensive census of its members, and an assessment of their training requirements. There is reason to wonder whether these two operations are not in danger of being upset by the gradual arrival of new combatants. Bearing in mind that the rebel movement has very few educated members, even among its leaders, one can anticipate the challenges of their integration into the FDN and the PNB.

Accordingly, another difficulty concerns cohesion within the defence and security forces. A number of initiatives are now under way to reinforce that cohesion, in particular through joint training activities, awareness sessions, and the deployment of elements from various backgrounds into the same units. There have been some undeniable

successes in this area, particularly within the FDN, although much remains to be done. The arrival of combatants from the PALIPEHUTU-FNL, particularly in large numbers, is bound to slow things down initially, and presumably compromise cohesion within these units if appropriate steps are not taken. This is probably a more delicate matter within the police, an already disparate force with cohesion problems. It is the police who are called upon to act as a domestic security force. Questions also arise about the cohabitation of the new combatants who have had very different experiences from those of the former FAB and FDD members.

The PALIPEHUTU-FNL has always been distinguished by a radical and aggressive stance on matters of ethnicity, advocating in particular the exclusion and extermination of the Tutsi and the demonization of institutions like the army. It advocates an overhaul of government and institutions based on ethnic quotas reflecting the ethnic demographic. Its approach is based on a Manichean vision of the history of Burundi, in which the Tutsi bear collective guilt for the “genocides” suffered by the Hutu majority. The PALIPEHUTU-FNL reduces the dynamics of the Burundian conflict to a dispute between main ethnic groups, hence its rhetoric calling for a new social contract between these two groups.⁶⁵ The FNL combatants are considered fairly set in their ways and in the ideological and religious practices resulting from thorough indoctrination. A major effort to bring communities together and combat stereotypes and prejudice is clearly necessary.⁶⁶

IX. Weapons and their proliferation: toward civilian disarmament?

Developing feelings of mutual security

The difficulty of disarming civilian populations is a phenomenon common to most societies emerging from armed conflict. In Burundi the question is pressing because weapons are thought to exist in very large numbers within the civilian population and, although the war is over, they are still the cause of significant incidents of death and injury.

The bearing of arms is regulated by legislation that dates from 1971 (Decree N01/91 respecting firearms and ammunition, and Presidential Decree N02/92). It is very restrictive, permitting only members of the defence and security forces, and those with a permit, to possess an arm. However, as early as 1972 the government selectively armed a portion of the population, mainly Tutsi, for its "protection" against rebel groups. A number of Tutsi were given personal firearms, mostly handguns, in the expectation of a resurgence of attacks by Hutu rebels. However, these weapons were distributed in limited numbers and likely constitute only a minimal proportion of the weapons in circulation today. As well, most of these weapons are now unfit for use because of lack of maintenance.

The events of 1993 led to the proliferation of weapons that now confronts us. First, there was vigorous growth of new rebel movements, which not only took up arms to combat the armed forces, but also encouraged their members to acquire weapons for what they

called “popular resistance”.⁶⁷ In the aftermath of the assassination of Melchior Ndadaye, the first groups to arm themselves in this way, mainly with the complicity of the presidential intelligence services, were the populations of Kinama and Kamenge, the initial strongholds of armed groups militarily opposed to the Burundian armed forces. In these densely populated residential neighbourhoods attempts by the security forces to disarm these armed gangs by force were to fail repeatedly. The army usually responded with a disproportionate use of force - causing residents to flee these neighbourhoods - and without recovering many weapons.

It was in the early days of these battles in 1994 that the concept of “disarming minds” was developed. It was mainly organized by then-Interior Minister Leonard Nyangoma,⁶⁸ to whom the secret command of these rebel groups was already being attributed. He explained that disarmament of the population was not possible as long as they did not feel secure in their hearts and minds. He suggested that the armed forces should reassure people. To do so, they should be reformed to incorporate large numbers of Hutu combatants. Not only did the government refuse to do this, but the armed forces and the *gendarmerie* actually encouraged the arming of a number of Tutsi-led urban militias. Neighbourhoods in Bujumbura experienced ethnic cleansing, as those with a Hutu majority drove out the Tutsi and *vice versa*. In neighbourhoods where the proportions of the two ethnic groups were in relative balance, the militias armed by both sides fought in the streets. In these battles, the advantage usually went to the Tutsi militias, supported in their operations by the army.

In some neighbourhoods the weapons were used not only defensively but also as a means of driving out the other ethnic group. While Hutu armed gangs were dislodged from Bujumbura in 1995, they regrouped in the outskirts of the city and organized a rebellion. They gradually became battle-hardened and developed guerrilla warfare techniques, mounting regular incursions into neighbourhoods in Bujumbura where they targeted military positions as well as civilians. During these attacks a number of mainly Tutsi families were killed. Neighbourhoods in Bujumbura, particularly those close to the hills adjacent to the capital, lived in fear of further rebel incursions. As a result, many civilians with connections to the general staff of the armed forces requested authorization to carry weapons. Most residents of the capital, however, acquired illegal weapons, particularly from illegal trafficking through the eastern regions of the former Zaire, among other sources. Some acquired weapons from members of the armed forces and the police who made a living from this trade, selling weapons from army and police stocks. Purchased in most cases for about US\$300 at that time, these weapons were acquired in large numbers in Bujumbura, as well as other urban centres that felt threatened by the rebellion. In a number of Tutsi neighbourhoods, members of the public even organized night patrols, carrying weapons with the knowledge and under the eyes of the security forces. Sometimes weapons were carried by children, with the blessing of their parents.

In 1997, finding itself unable to ensure civilian security, the government distributed weapons to young people through the administrative authorities in many localities. The recipients of these weapons were supposed to organize the self-defence of their communities. The weapons distributed to these “peacekeepers” (*Guardiens de la Paix*),

as they came to be called, were estimated to number in the tens of thousands. In contrast to the weapons situation in the capital and other urban centres, the main recipients of these weapons were Hutu. They supported the armed forces in a number of districts in their fight against the rebel movements, or were simply given responsibility for defending certain areas themselves. The issue of disarming civilians was to remain off the government agenda, until the emergence of the CNDD-FDD as a political party and the approach of the elections.

Issues, challenges and opportunities

In a post-conflict context like Burundi, it becomes vital to proceed with a disarmament policy that will consolidate the peace and create favourable conditions for development. This is especially true when the country is engaged in the reform of its defence and security forces, including the demobilization of combatants. First, weapons are a major crime factor in Burundi. People who are already poor have been hit hard by the economic and social crisis following 10 years of war. Weapons, therefore, serve as part of the means of survival. In addition to deliberate misuse, they are the cause of many fatal accidents. As well, the proliferation of weapons does not provide a favourable environment for the security and defence forces of order to do their job of protecting the civilian population.

Second, there is a major risk of returning to conflict, or a new form of conflict, in having discontented and diverse persons trying to stir up or exploit former combatants or members of former armed militias who are underpaid or underemployed.⁶⁹ In such cases their actual disarmament should be accompanied by prospects for practical social and economic reintegration, failing which they may rearm and organize themselves to satisfy their basic needs.

However, an effective disarmament policy can be conducted only in a climate of real security where the security institutions in place are not a threat to the physical safety of the public or any segment of it. Following this, reform of the defence and security forces must be carried out so as to reassure everyone. This opinion was frequently expressed in two focus groups held in January and February 2007 in Musaga and Ngagara. One of the women taking part stated: “We will give up our weapons when we can trust the defence and security forces. The fear still exists. A weapon gives you a little security. It is too soon to give up our arms.”

It is not certain that all the dimensions of this issue have been addressed. Nonetheless, Burundi has been engaged since 2000 in a process designed to harmonize its legislation with that of its neighbours, in order to have better control over the proliferation of light weapons and small arms. Among other measures, this has led to the adoption in April 2004 of the Nairobi Protocol for the prevention, control and reduction of small arms and light weapons in the Great Lakes region and the Horn of Africa.

A few months after coming to power the CNDD-FDD advocated a disarmament policy, something it had previously opposed.⁷⁰ On April 13, 2006, President Pierre Nkurunziza

launched a campaign to disarm the civilian population. All weapons held by civilians were to be declared no later than May 5 of that year, for subsequent collection by the public authorities. In response to the slow public response to the appeal, the deadline for registering weapons was subsequently extended to July. On April 29, 2006, the government set up a technical commission on civilian disarmament and prevention of the proliferation of light weapons and small arms (*Commission technique de désarmement de la population civile et lutte contre la prolifération des armes légères et de petit calibre-CTDC*), an agency of the Ministry of the Interior and Public Security. It was intended to play a central role in all aspects of disarmament. In particular, it was charged with designing and implementing the policy, ensuring technical cooperation among all concerned, and following up on the international commitments to disarmament assumed by Burundi.⁷¹

The first initiatives by the government were a failure.⁷² It collected only 4,766 of the estimated 100,000 to 300,000 light weapons in Burundi.⁷³ It was even supplanted in its efforts by associations of former combatants, such as the *Centre d'encadrement et de développement des anciens combattants*, which had more success, although the number of arms collected remained well below what had been hoped. After a number of false starts, and a campaign of awareness and discussion with the public, the government, through the CTDC, opted for disarmament in exchange for development projects, a strategy referred to as “arms for development”.⁷⁴

The main purpose of arming of the public was for personal protection and the protection of loved ones with some parts of the population striving to protect themselves from the security institutions themselves and others seeking protection from the rebels.⁷⁵ It was thus the climate of insecurity, or simply the feeling of individual and collective insecurity, that led to the proliferation of weapons throughout the country, but mainly in the capital.

Although the war is over, that feeling persists to this day, first because of the rising crime rate, — households in residential neighbourhoods of Bujumbura are frequently victims of armed robbery — and second because the political and security situation does not seem to reassure everyone.

The first problem is the PALIPEHUTU-FNL. Despite the ceasefire agreement signed in September, and its initial implementation, there are still concerns about the sustainability of the ceasefire. Clearly many people, mainly those living in neighbourhoods on the outskirts of the capital and some rural communities, prefer to await the integration of the combatants into political and military institutions before concluding that the final rebellions has been resolved.

Lastly, while the integration of the former rebel movements has largely reassured the public so that it now feels more secure, the integration also worries a portion of the Tutsi minority somewhat, particularly as a result of the behaviour of some members of these units. Grenade attacks in a number of restaurants in the capital in July and August 2006, some of them in Tutsi neighbourhoods, strengthened the conviction of some residents of

the capital that the authorities still have plans for the physical elimination or intimidation of the Tutsi minority. A rumour that police vehicles had been seen in various locations just before these attacks led a segment of the Tutsi community to believe this was a deliberate plan by the new authorities, because in a number of urban districts the police are still strongly associated with the CNDD-FDD. One opinion often expressed in the focus groups held in Musaga and Ngagara is summed up by the following:

“When you look at the PNB, you think at once of the CNDD-FDD. This causes fear. What they do in the neighbourhoods is no different from what they did in the bush. They have to be depoliticized. People believe they are being used for a [political] purpose.”

One reason for the reluctance of some people to give up their weapons is that they were often very expensive to purchase. For example, an AK-47 assault rifle, one of the most common weapons people in Bujumbura own, costs about FB 150,000 (approximately US\$ 150) when most residents in the capital were buying them. That amounted to approximately five to six months' salary for a management employee of a university at that time. It means that most people gave up a great deal to acquire these weapons. Not surprisingly, they expect compensation at least equivalent to the purchase price of these weapons before they return them. Some even demand that the government make up the depreciation in the currency. Yet the compensation cannot be financial, given the risk of creating a trade in weapons, and thus their further proliferation. There are many examples of situations in which buying back weapons led paradoxically to their wider circulation in the civilian population.⁷⁶

Accordingly, the government must mount a major awareness-raising campaign in order to convince people to disarm. It has to make the public understand the risks to families of possessing weapons, the fact that a weapon probably does not offer as much protection as people think, and the risks involved for society. There are frequent examples of accidents in the home in which mishandling a weapon has had fatal results. In general terms, people are aware of the danger presented by an oversupply of weapons among the public, particularly in Burundi where they are a major factor in creating insecurity. But people are also caught up in a contradiction and do not make the necessary connections. The CTDC has taken its cue from the conclusions and recommendations of the study by Small Arms Survey and Ligue Iteka in developing a campaign to raise awareness in this area. The campaign is about to go ahead, with financial support from the Peacebuilding Fund of the UN Peacebuilding Commission.

However, a campaign based on the risks involved in carrying weapons is not sufficient. Answers must also be given to the numerous questions people are asking about the political and security context. Otherwise, the campaign may not convince people, and they will give up their weapons only if forced, and likely acquire new ones immediately after.

A way must be found to provide compensation for surrendered weapons. The government is aware of this and has designed a strategy whereby weapons would be given up in

return for development projects. But many questions remain as to the practicality of plans the government has to recover all the weapons possessed by the public.

Ultimately the greatest challenge is to provide peace and security for everyone and to achieve a successful reform of the defence and security forces. These are eminently political rather than just technical issues, to which only the government can provide the correct answers — not the CTDC which is charged with purely technical issues. Thirteen years ago the disarmament campaign failed completely because the government tried to implement it by force. Today we must learn from that experience and implement a policy designed to disarm people's hearts and minds by motivating them to give up what they acquired, often at a heavy financial sacrifice. Thus, it is primarily the political will of the government that will determine the success of civilian disarmament, and its determination should be accompanied by an appropriate infusion of funding.

X. Conclusion

The probable integration of PALIPEHUTU-FNL combatants into the defence and security forces follows the successful integration of combatants from the former PMPA and FAB, which also made possible the reversal of the ethnic imbalances in these forces without causing clashes or incidents. However, this success must be measured against the fact that the current process is not yet completed and could still be disrupted. Hundreds of other combatants will likely be integrated, thus increasing what is already a large complement. Despite this significant progress, many challenges remain in both units in terms of their operational weaknesses, lack of training and lack of logistical and material resources. Their credibility is still impaired by numerous violations of human rights and excesses committed against the civilian population. Now responsible for domestic order and security, the PNB is the most criticized by the public, partly because its new composition is generating new expectations in a public anxious to see it serve and protect citizens. However, there are many challenges that stand in the way of delivery of high-quality services. These include the PNB's critical lack of resources and its great needs in terms of training in human rights and police techniques. These must be dealt with in a context where capabilities are varied because of its heterogeneity, where there are shortcomings in its legal and regulatory apparatus, and where there are political concerns with respect to its control. Various initiatives to make up for some of these inadequacies are now being planned, but the delays in their implementation continue to penalize the public.

The new FDN is not being left behind. Today it seems to enjoy credibility, among other reasons because it has integrated. With the return to peace and security throughout Burundi, the new national army no longer take on guerrilla operations in which it sometimes has to fire indiscriminately on rebels and civilians in combat zones. Thus it comes into contact with the public much less. But it has not entirely given up sometimes brutal instincts developed over a long period of warfare. Nevertheless, initiatives are underway to provide it once again with the basic standards of a professional army. Despite some political approaches, the FDN now seems to want to stay out of politics and remain loyal to government authorities.

If the process of integrating the PALIPEHUTU-FNL into these various units is completed, it would admittedly represent a step forward in the peace process. But it could further complicate the already difficult process of transforming these forces. As well, this is an undertaking from which the public expects immediate results, in order to facilitate the disarmament of civilians, which still raises problems because of the special circumstances that led to their arming.

All these reforms are proceeding in a catastrophic social and economic environment, in which the Burundian population is severely impoverished and in which most members of the defence and security forces and their families themselves find it difficult to survive from day to day. This is likely one of the major constraints in providing better protection to civilians while reforming the defence and security forces, because all the effort expended will not give tangible results if there is no substantial improvement in the living conditions of their members.

Yet the prospects for greater recognition of the needs of the public in the process of reforming the defence and security forces are now real. First, most of those concerned in the process are aware of these issues and they now place more emphasis on various kinds of training in response to these concerns. Second, the lack of material and logistical resources and infrastructure has led to an increasing number of initiatives on the part of donors to meet some of these needs. However, the greatest challenge remains the development and implementation of laws and regulations and new mechanisms and strategies for a better range of sanctions to deal with members of these forces found guilty of excesses or wrongdoing against the public, and the appropriate selection, regardless of political affiliation, of persons capable of carrying out these policies in a law-abiding manner.

Lastly, the civilian disarmament campaign to address the proliferation of light weapons and small arms requires a better understanding of the public's concerns in this area. It involves among other matters the implementation of policies designed to achieve greater public confidence in the defence and security forces, better solutions for the current problem of wide-spread insecurity, and the collective insecurity felt by some groups in the Tutsi minority.

XI. Recommendations

For the government and parliament

- Set up or strengthen coordination mechanisms between the institutions in charge of defence and security to achieve better synchronization of overall security policies and strategies.
- Reach a peace agreement with the PALIPEHUTU-FNL as soon as possible.
 - Emphasize skill and merit in the selection of officers for the defence and security forces, rather than political allegiance.

- Make appointments of new leaders of the defence and security forces conditional on their probity, and a spotless record with respect to violations of human rights or disciplinary matters.
- In the legal and regulatory area:
 - Improve the legal and legislative arsenal of provisions to regulate the defence and security forces, particularly with regard to sanctions on those guilty of human rights violations or torture, and ensure strict enforcement of the law in that area.
 - Upgrade correctional legislation to international standards.
 - Harmonize the provisions governing the defence and security forces with international instruments for the protection of human rights to which Burundi is a party.
- Civilian control:
 - Reinforce civilian control of defence and security forces through existing mechanisms, such as the parliamentary committee on defence and security, and the new independent national human rights commission.
 - Set up parliamentary committees to investigate serious abuses of human rights attributable to the security and defence corps and their leaders.
 - Set up a framework for coordination at the district level, particularly in urban centres, between representatives of the PNB, the administrative authorities and the public in order to debate questions of common interest.
 - Gradually trim the numbers of the defence and security forces, with those remaining subject to such criteria as skill, expertise and job performance, and rid those forces of perpetrators of human rights violations.
- Civilian disarmament:
 - Promote a political and security environment favourable to a disarmament campaign.
 - Promote communication campaigns designed to change the behaviour of the defence and security forces.
 - Mobilize the necessary funding for a civilian disarmament campaign.

For the Burundian National Police

- Prosecute and punish the perpetrators of serious human rights violations.
- Promote and facilitate training to reinforce the institutional capabilities of the defence and security forces, their professional ethics and their knowledge of international instruments to protect human rights, and humanitarian law.
- Implement accelerated training programs for PALIPEHUTU-FNL rebel combatants to harmonize their level of training and knowledge with that of other members of the defence and security forces.

For the National Defence Force

- Prosecute and punish the perpetrators of serious human rights violations.
- Submit the most serious crimes to the machinery of transitional justice.
- Assign appropriate human, material and logistical resources to the Military Prosecutor's Office (*auditorat*).

- Support the training of staff in the various military courts.
- Improve and update legislation in effect in military jurisdictions, to bring it up to international standards.
- Promote long-term training designed to reinforce institutional capacities, professional ethics and knowledge of international instruments to protect human rights, and humanitarian law, among all members of the defence and security forces.
- Implement accelerated training programs for PALIPEHUTU-FNL rebel combatants to harmonize their levels of training and knowledge with that of other members of the defence and security forces.

For civil society and the media

- Reinforce civilian control of the defence and security forces, in particular through the new independent national human rights commission and monitoring by existing human rights organizations of human rights violations committed by such forces.
- Assess and document government action to reform the forces in question, particularly with a view to the protection of civilian populations.
- Periodically assess public needs and expectations in matters of security by conducting opinion surveys.
- Contribute to training and awareness-raising programs for members of the defence and security forces.
- Argue that the content of the reforms give greater consideration to the wishes of the public.
- Promote cameos, spots and sketches in the media to highlight positive situations in which the police developed closer relations with the public, set an example, facilitated a return to a better security climate, and so on.
- Design a series of broadcast sketches describing a range of situations in which the police and the public interact and the appropriate behaviour on each side.

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Notes

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- ¹ Parti de libération du peuple hutu (Hutu People's Liberation Party).
- ² Le front pour la démocratie au Burundi (Burundian Democratic Front).
- ³ Le conseil national pour la défense de la démocratie et forces de défense de la démocratie (National Council for the Defence of Democracy and Forces for the Defence of Democracy).
- ⁴ It has 19 components, including 17 political parties, the government and the National Assembly. The 17 political parties are the UPRONA, the FRODEBU, the PARENA, the CNDD, the PALIPEHUTU, the Parti libéral, the Rassemblement du peuple burundais, the FROLINA, the Parti du peuple, the Parti pour la réconciliation nationale, the Ralliement pour la démocratie et le développement économique et social, the Alliance Burundo-Africaine pour le salut, the Pan-African Socialist Movement INKINZO (*bouclier* in French), the Alliance Nationale pour le droit et le développement, the Parti social démocrate, the PIT, and the Alliance des vaillants (AV-INTWARI).
- ⁵ See Protocol III of the Arusha Peace and Reconciliation Agreement, "Peace and Security For All".
- ⁶ This provision was to be contradicted by the proclamation of a law offering provisional immunity to the leaders of the rebel movements, and a clause in the ceasefire agreement between the CNDD-FDD and the government, extending the same provisional immunity to the FDD fighters and the Burundian Armed Forces.
- ⁷ This is the new name for the regular army, as approved by the signatories to the Arusha Agreement.
- ⁸ These *communes* were selected on the basis of the following criteria:
- The presence or proximity of the PALIPEHUTU-FNL rebellion
 - The active role, or otherwise, of the UN mission in training programs for the defence and security forces
 - Their ethnic makeup
 - Their rural or urban character
 - The presence or absence of a significant number of demobilized former combatants
- ⁹ It appeared to be a delicate matter to discuss this service in the period during which the research was conducted.
- ¹⁰ Under article 34 of the Law respecting political parties, no political party may establish any kind of military or paramilitary organization.
- ¹¹ The Arusha Agreement provided for 40 per cent representation of the Tutsis within the government and the National Assembly, and 50% in the Senate. The political parties with a Tutsi majority demanded exclusive access to posts reserved for Tutsis, whereas the parties with a Hutu majority felt that the representation of parties within institutions should depend on election results. This option was the one chosen. The result was a strong presence of Tutsis belonging to political parties with a Hutu majority within the institutions.
- ¹² Two of them are nevertheless still in prison on grounds that are not very convincing.
- ¹³ United Nations Development Program, "Security Sector Transformation and Transitional Justice: A Crisis Post-Conflict Programmatic Approach" (New York, UNDP: 2003).
- ¹⁴ The massacres of Tutsi civilians following the assassination of President Melchior Ndadaye were described as acts of genocide in Report S/1996/682 by a UN commission of inquiry. The repeated attacks by rebel movements on Tutsi civilian targets led to persistent fear of extermination within the Tutsi minority.
- ¹⁵ Officially, the political quotas are no longer mandatory because they are not mentioned in the constitution, but in practice, these political balances are still in effect.
- ¹⁶ Interview with the Assistant Chief of the General Staff of the FDN, Major-General Godefroid Niyombare, February 2007.
- ¹⁷ The name given to the earlier rebellions, including the CNDD-FDD.
- ¹⁸ Figures reported by the Minister of Defence and Veterans Affairs on June 22, 2007 in his opening address at a briefing on his ministry's sectoral policy.
- ¹⁹ Interviews with the Minister of National Defence and Veterans Affairs, Germain Niyoyankana, and the Chief of Staff, Training, of the FDN, Salvator Hatungimana, December 2006.
- ²⁰ Kristiana Powell's companion piece provides detailed information on these courses, their content and the international and non-governmental organizations and the donors that led them.

²¹ Anonymous police source.

²² See Kristiana Powell's companion piece.

²³ BINUB replaced the ONUB in January 2007.

²⁴ Conversations with political figures and civil society representatives, 2006 and 2007.

²⁵ Seventh Report of the Secretary General on UN operations in Burundi. Page 6.

²⁶ This question is discussed in greater detail in Kristiana Powell's paper on the international dimension of reform of the defence and security forces.

²⁷ Interview with a diplomat involved in the SSR process, December 2006.

²⁸ Ligue burundaise des droits de l'homme ITEKA. Rapport annuel sur la situation des droits de l'homme 2006 [Burundian human rights league ITEKA. 2006 annual report on the human rights situation]. International Crisis Group: "Burundi : la paix et la démocratie en danger (Burundi: peace and democracy at risk)". November 30, 2006.

²⁹ Association burundaise pour la protection des droits humains et des personnes détenues (APRODH), rapport d'activités : exercice 2006. Human Rights Watch. "On s'enfuit quand on les voit ["we flee when we see them": Abuses with Impunity at the National Intelligence Service in Burundi]." October 2006.

³⁰ Note that in the survey sample, urban dwellers were overrepresented. There is no doubt that a survey of a sample more representative of rural people as a portion of the entire population would have produced different results.

³¹ Kristiana Powell's companion piece explores the international community's initiatives in this area.

³² Harimenshi, Herménégilde. "Le rôle et les défis de la nouvelle police nationale burundaise en matière de protection des droits de l'homme (The role of the new national police force and the challenges it faces in the protection of human rights)" Graduate thesis, UNESCO Chair, Bujumbura, November 2005.

³³ According to authoritative sources, they would not reach these numbers, which would be about 17,000 to 18,000 in July 2007.

³⁴ See the section on the image of the national police.

³⁵ Interview with a police source that required anonymity, April 2007.

³⁶ During an attempted burglary in a mattress plant by five men on March 27, 2007, the national police, who were tipped off by an informer, sent 30 officers equipped with assault rifles to the scene just before the robbery was to be carried out. They had no difficulty in surrounding the perpetrators as soon as they arrived in the inner courtyard. The latter, armed with a few pistols and a single AK-47, were all killed, which caused lingering doubts about whether a warning was issued, and how the operation was carried out. The event received intense media coverage, and earned the congratulations of the President of the Republic himself for the police team, which enjoyed a cash reward. The robbers who were killed included an FDN deserter, a former PNB NCO, and a serving police officer who on the day of the attempted robbery was still a member of the personal guard of the Minister of Justice.

³⁷ These questions are discussed in greater detail in Kristiana Powell's companion piece on the international dimension of reform of the defence and security forces.

³⁸ Some of them have received police training abroad.

³⁹ This was the minimum training level required of officers seeking entry to the forces of order before the integration operations.

⁴⁰ Interview with a police source, March 2007.

⁴¹ The two articles referring to the penitentiary police merely state that:

- the penitentiary police are responsible for inmate intake, registration and custody. They ensure security in penitentiary and police facilities by preventing any disturbance of the peace in the prisons (article 35 of the Law establishing the PNB)
- the penitentiary police are also responsible for escorting inmates. The penitentiary police work closely with the authority responsible for prison administration (article 36).

⁴² APRODH annual report on the human rights situation, April 7, 2007.

⁴³ This was the case in particular at the Ngozi prison, where there were a number of victims of police action in late 2006.

⁴⁴ It is not unusual for women to give birth in prison and raise their newborn children there.

⁴⁵ Human Rights Watch. "Un lourd fardeau à porter : les violations des droits des enfants en détention au Burundi [a heavy burden: violations of the rights of children in detention in Burundi]". March 2007.

⁴⁶ Interview with members of the national assembly committee on defence and security, 2006 and 2007.

⁴⁷ For more details, see Kristiana Powell's companion piece.

⁴⁸ The administrator of the Rohero district of the city of Bujumbura, should be congratulated for deciding to hold a quarterly meeting, beginning in June 2007, between representatives of the PNB (including the local chief) and administrative staff (neighbourhood chiefs and district councillors) in his district for joint consideration of initiatives to improve the behaviour of the PNB and its relations with the public.

⁴⁹ These actions have always been denied by the police spokesperson, as in the case of the surveillance of the former director of African public radio by elements of this force in August 2006, or the ransacking of the offices of Léonard Nyangoma's CNDD opposition party on September 30, 2006.

⁵⁰ Note that some districts were surveyed before the signature of the general ceasefire agreement between the government and the PALIPEHUTU-FNL.

⁵¹ The Burundian army is probably among the best educated in sub-Saharan Africa.

⁵² Early in 2004, Bacre Wally Ndiaye, director of the UN human rights office in New York, threatened the President of the CNDD-FDD, Pierre Nkurunziza, with prosecution of his movement before the international courts for war crimes, given the extreme violence of its repression of civilian populations in Bujumbura Rurale.

⁵³ The military penal code will be made to cohere with the new civil penal code, when the latter enters into force. A code setting out the organization and powers of the military jurisdictions awaits adoption.

⁵⁴ Kristiana Powell discusses this in her companion piece.

⁵⁵ Colonel Vital Bangirinama had repeatedly refused to answer summonses from military justice, and finally appeared before it on July 19. He was relieved of his duties as commandant of a military region the next day.

⁵⁶ A number of authorities, including the President of the Republic, made statements on this matter that tended to minimize the facts, in an apparent attempt to de-dramatize the affair; the Minister of the Interior and Public Security went so far as to question the existence of those who had disappeared.

⁵⁷ It was dealt with by, among others, the prosecutor in the province of Muyinga, who was reassigned in mid-investigation, the Prosecutor General in Ngozi and the Prosecutor General of the Republic, not to mention the various commissions set up by the executive branch to look into it.

⁵⁸ Interview with the Minister of National Defence and Veterans Affairs, who at the time was Chief of the General Staff of the FDN, July 2005.

⁵⁹ See Kristiana Powell's companion piece for more details.

⁶⁰ The training initiatives for the FDN are discussed in Kristiana Powell's companion piece.

⁶¹ On June 22, 2007, 6,974 widows and orphans were living in military camps, according to sources within the Ministry of Defence and Veterans Affairs.

⁶² The Chief of the General Staff was a former FAB member, and his assistant was from the CNDD-FDD.

⁶³ Some even argue that the Hutu were as numerous as the Tutsi in the rank and file of the regular army when reform of the defence and security forces began.

⁶⁴ Interviews with local and international stakeholders involved in security sector reform, 2006 and 2007.

⁶⁵ See the manual entitled "ubuzima bw'umugambwe PALIPEHUTU-FNL [the story of the PALIPEHUTU-FNL]", an internal document of the rebel movement.

⁶⁶ The Burundi Leadership Training Program has organized various workshops, with some success, since integration began. It seems particularly well-equipped to continue this work with the security and defence forces if FNL combatants are integrated.

⁶⁷ It is necessary to remember the political and institutional context of the time. The 1993 election brought the FRODEBU party, which had a Hutu majority, to power, and it accordingly took over all civil institutions. The massacres of Tutsi civilians following the assassination of Melchior Ndadaye, were attributed by the opposition parties to the new territorial administration formed by the new governing party. These parties accordingly sought the resignation of the election winners. Negotiations took place between the FRODEBU and its allies, and the opposition parties, under the aegis of the Special Envoy of the United Nations Secretary-General. The results of the negotiations included a sharing of power between the opposition and the presidential majority, although the latter retained control over certain key departments, including the national documentation branch, which was to play a key role in the arming of gangs and residents of these neighbourhoods.

⁶⁸ Léonard Nyangoma subsequently resigned from the government, and founded the CNDD-FDD rebel movement.

⁶⁹ The outgoing president of the CNDD-FDD, Hussein Radjabu, was arrested and imprisoned on charges of having tried to organize a group of demobilized fighters in order to mount a new rebellion.

⁷⁰ When President Domitien Ndayizeye of the FRODEBU party under the transitional government made repeated reference to the issue of the disarmament of civilians in the run-up to the election, he was in fact attempting to deprive the CNDD-FDD of one of its means of exerting pressure against the public. The former rebel movement has a large number of weapons in the hands of its members and demobilized fighters. The head of the executive branch thought these might be used in a clandestine terror campaign. The president of the CNDD-FDD at the time, and Minister of State in the transitional government, Pierre Nkurunziza, was opposed to it, arguing that the public was not ready for disarmament. The campaign accordingly did not take place.

⁷¹ The members of the commission would not be appointed until August, however.

⁷² “The absence of a clearly defined framework for civilian disarmament prior to the announcement, concerns among the population over weapons registration, and the absence of instructions to the security forces to support the process, resulted in considerable confusion about the initiative and the modalities for its implementation.” Paragraph 30, page 6, Seventh report of the Secretary-General on the United Nations Operation in Burundi.

⁷³ CTDC press release dated November 29, 2006. The figures should not have changed much, however, since in the meantime, the government gave up the collection of weapons in its original form.

⁷⁴ See Kristiana Powell’s companion piece, which also has information on the relationship between the commission and some donors.

⁷⁵ See the study of light weapons proliferation in Burundi (Étude sur la prolifération des armes légères au Burundi) by Small Arms Survey and Ligue Iteka.

⁷⁶ The UN mission in Sierra Leone, UNAMSIL, redeemed weapons at US\$150 for an AK-47 in working order. A wealthy Lebanese dealer had the idea of importing them from Afghanistan, using freight aircraft, for US\$20 apiece. This led to a substantial increase in the number of weapons in circulation, and a rising crime rate.