

Mission Accomplished? The Evaluation of Ethnic Quotas in Burundi

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The Burundian Senate is currently evaluating the future of the country's system of constitutional ethnic quotas. In this context, we review the objectives and track-record of these quotas, and provide some thoughts on the current evaluation process. A compromise solution aiming to promote ethnic inclusivity without perpetuating ethnic divisions, ethnic quotas helped reducing the salience of ethnicity in politics in post-war Burundi, but have been evaded and eroded by the ruling party over time. The current evaluation could constitute an opportunity to build a shared understanding on quotas – if it is conducted in an open, inclusive and transparent manner.

The Burundian Senate has officially opened its evaluation of the ethnic quota system on 31 July 2023. In doing so, it is fulfilling a constitutional obligation set out in article 289 of the 2018 Constitution, which gives it a period of five years “to evaluate in order to put an end to or extend the ethnic quota system in the executive, legislative and judiciary.”

This evaluation is significant because it could lead to the elimination of the last power-sharing institutions put in place following the Arusha Agreement for Peace and Reconciliation in Burundi of 28 August 2000. The 2018 Constitution indeed eliminated the main provisions relating to power-sharing between political parties, but largely preserved – and even extended to the judiciary – the provisions relating to power-sharing between ethnic categories.

No other country on the African continent constitutionalized ethnic quotas for the composition of its political and security institutions. Assessing the use of constitutional ethnic quotas is, however, relevant beyond the case of Burundi. It can help us to better understand the relationship between institutional engineering – an indispensable tool in any peace mediation initiative – and the termination of recurring cycles of ethnic violence.

In this context, we propose a review of the initial objectives of the Burundian ethnic quotas and their implementation, as well as some thoughts on the current evaluation process.

1. WHY ETHNIC QUOTAS?

Burundi's ethnic quota system can be seen as a compromise, reached after several years of “trial and error” in managing ethnic diversity within state institutions. The system was developed over the course of a long negotiation process that included the Arusha negotiations, the negotiation of ceasefire agreements with various Hutu politico-armed groups, and the drafting of the 2005 Constitution, partly amended by the 2018 Constitution.

Through ingenious implementation modalities – based in particular on electoral reform – this compromise attempted to reconcile two opposing demands: (1.1) the necessity to reassure the members of the two main ethnic categories, and (1.2) the need to avoid reinforcing the political instrumentalization of ethnic divisions by crystallising them at the centre of Burundian politics.

1.1. PROMOTING POLITICAL INCLUSIVITY

In a “consociational” logic, ethnic quotas serve to reassure the Tutsi demographic minority (14%) by creating institutional veto points, while redressing the long-standing historical exclusion of the Hutu demographic majority (85%) in several sectors, including local government.

Given the country’s troubled and violent history, the adoption of an institutional mechanism for managing ethnic diversity seemed inevitable from the start of the Arusha negotiations. After independence, the predominantly Tutsi single-party UPRONA (Union for National Progress) had gradually monopolised power and continued the exclusion of the Hutu demographic majority from the main political and military institutions, which dated back to colonial era. Several episodes of high-intensity inter-ethnic massacres marked these decades. With the 1992 Constitution, the country briefly transitioned to multi-party democracy. The 1993 elections led to the election of the first Hutu president, Melchior Ndadaye, from the predominantly Hutu FRODEBU (Front pour la démocratie du Burundi). On 21 October 1993, the president was assassinated in a seemingly failed coup d’état launched by a group of Tutsi officers who used what Sullivan calls a non-institutional veto power. The country plunged into civil war. A government army with a mostly Tutsi command stemming from the former regime opposed Hutu rebel movements.

Unlike in neighbouring Rwanda, where the government opted for constitutional “ethnic amnesia” after the genocide, the war in Burundi did not end in military victory. Negotiating a system of quotas between elites from both sides of the ethnic divide was thus a way of preventing the recurrence of the dynamic of destabilization that pervaded in 1993. On the one hand, the quotas were intended to respond to the anxiety of the Tutsi minority (represented by the G10 coalition in Arusha) which, partly as a result of the genocide in neighbouring Rwanda, feared for its security and its participation in the post-conflict institutions if a system of pure majoritarian democracy was adopted. On the

other hand, the quotas responded to the demands of the Hutu demographic majority (forming the G7 coalition in Arusha) for an ethnic rebalancing in the institutions – and in particular within the defence and security corps, which had been monopolised by the Tutsi and used to reverse the outcome of the elections in 1993.

Of course, in addition to being inspired by these noble objectives of political inclusivity, the Arusha negotiations were at the same time a struggle for the “sharing of the cake” between the Hutu and Tutsi elites, including certain parties that represented only their own interests, far removed – in every sense of the word – from the population. The draft constitution contained in the Arusha Agreement was therefore above all a reflection of the balance of power at that time. Nindorera compares the difficult birth of the post-transition constitution to a “power play” over quotas.

The 2005 Constitution introduced quotas at several levels, not only between Hutu and Tutsi but also, to a lesser extent, in favour of the third and often ‘forgotten’ ethnic category, the Twa, as well as women. Within the executive, the president was assisted by two vice-presidents, who must hail from different political parties and ethnic categories. (Only one of these vice-presidents was maintained by the 2018 Constitution, his powers becoming purely ceremonial). The council of ministers is composed of 60% Hutu and 40% Tutsi. In parliament, the national assembly is also required to respect the 60% Hutu / 40% Tutsi formula. As all decisions required a two-thirds majority, Tutsi deputies were thus granted veto power (which was withdrawn from the 2018 Constitution). Ethnic parity (50% Hutu / 50% Tutsi) applies to the senate. Three Twa national assembly members and senators are co-opted by the Independent National Electoral Commission (CENI). Ethnic quotas were also included in other branches of the state: ethnic parity must be respected within the defence and security forces; no ethnic categories may be represented by more than 67% of communal administrators; and quotas of 60% Hutu and 40% Tutsi apply in public, state-owned companies.



1.2. PREVENTING THE PERPETUATION OF ETHNIC POLITICS

A second key concern was to avoid deepening ethnic divisions, which [the literature sees](#) as one of the weaknesses of a consociational response to ethnic conflict.

To reconcile this second objective with the first, [the negotiators devised an “associative” electoral system, which requires multi-ethnic parties and electoral lists.](#) National assembly members are elected on multi-ethnic closed electoral lists. Out of three successive candidates, only two may belong to the same ethnic category. If the result of the elections does not comply with the constitutional quotas, additional members are co-opted by the CENI in order for the composition of the national assembly to respect the ethnic and gender quotas. As for senators, they are elected indirectly by an electoral college composed of all the communal councillors – all ethnic categories combined – of a particular province, with each province electing one Hutu and one Tutsi senator. These provisions make the formation of multi-ethnic parties compulsory.

This electoral system was one of the most contentious issues in the Arusha negotiations and in the drafting of the 2005 Constitution. The mediation bureau noted in [the draft Arusha Agreement](#) that the Tutsi bloc (G10) was opposed to this system of multi-ethnic lists, fearing that “unrepresentative Tutsis’ would be elected instead of Tutsis who have the confidence of the Tutsis.” Instead, the G10 proposed a representation by “politico-ethnic families”, with two separate electoral colleges – Hutu candidates being elected by the Hutu electorate and Tutsi candidates by the Tutsi electorate.

According to Mwansasu, adviser to the mediator Nyerere, the idea of representation by “politico-ethnic families” [was rejected](#) above all by the Hutu bloc (G7). The G7 indeed wanted to preserve the logic of the 1992 Constitution, which had (re)introduced multi-party democracy in Burundi. This Constitution already displayed the “associative” logic. Indeed, it banned ethnic parties, with the aim, according to the Constitutional Commission,

of “[preventing the multi-party system from leading the country into divisions of all kinds.](#)”

The [mediation](#) team also rejected the segmentation of the electorate, believing that “such an electoral system would only exacerbate ethnic tensions [and] have the effect of reinforcing divisions between ethnic communities.” [According to Haysom](#), an adviser to Mandela, the system of proportional representation combined with multi-ethnic lists rather “blunts the ethnic presentation of political choice and can dissipate ethnic hostility generated by raw ethnic mobilization.”

Ethnic quotas are therefore not necessarily an obstacle to national unity. On the contrary, Burundi’s power-sharing system has been carefully designed to dislodge ethnic mobilization from politics by encouraging the formation of multi-ethnic parties and the cohabitation of political and [security](#) actors across the ethnic divide.

2. HOW WERE THE ETHNIC QUOTAS IMPLEMENTED?

The system of ethnic quotas has led to a decrease in the salience of ethnicity in Burundian politics, but has not succeeded in preventing an autocratic turn of power. Moreover, it has gradually been eroded and circumvented by the ruling CNDD-FDD (National Council for the Defence of Democracy - Forces for the Defence of Democracy).

2.1. ETHNIC PACIFICATION

Since 2005, Burundi has not experienced any large-scale inter-ethnic violence. Ethnic quotas have helped reducing the salience of ethnicity in political competition – without, however, ensuring its total elimination from political discourse and practice.

From the 2005 elections onwards, all political parties presented multi-ethnic electoral lists – some only two years after leaving the *maquis*. Ethnic appeals have largely disappeared from the electoral campaign. Most political parties, including the former Hutu rebel group CNDD-FDD, are posing as champions of ethnic diversity. Since the 2020 elections, 39 of the 86 CNDD-FDD MPs are Tutsi. Of

these, 14 have been co-opted, [an institutional ingenuity](#) whose fate will depend on the future of constitutional ethnic quotas. Unlike in the period 1992-2005, the centre of political competition – or what remains of it in a country where the CNDD-FDD has taken over the state – is no longer between a Tutsi-dominated party (UPRONA) and a Hutu-dominated party (FRODEBU) but between two parties that emerged from the main Hutu rebel groups (CNDD-FDD and CNL).

This decline in the importance of ethnicity in politics has been relatively resilient despite major political crises. In 2010, the legislative elections were boycotted by the opposition, which denounced the intimidation and manipulation of the campaign and the municipal elections by the CNDD-FDD. In 2015, Pierre Nkurunziza's bid for a third term led to mass demonstrations, which were violently repressed, as well as a real schism within his party. Although ethnic discourse has reappeared in the statements of some CNDD-FDD leaders, and the anxiety of the Tutsi minority has sometimes led to [denunciations of a possible genocide in the making](#), these references to ethnic mobilization do not seem to have succeeded in convincing the population, nor making a lasting impact on political discourses and practices. Since there are both Hutus and Tutsis in the ranks of the opposition (including in the diaspora) and amongst the victims of human rights violations, [challenges to the ruling party cannot be reduced to ethnic machinations](#). The consequences of such ethnic rhetoric are thus avoided.

2.2. EROSION AND EVASION OF ETHNIC QUOTAS

The CNDD-FDD, which did not take part in the Arusha negotiations (but was part of the process of drafting the 2005 Constitution), has maintained an ambiguous attitude towards ethnic quotas. In October 2004, Pierre Nkurunziza [reiterated that](#) “the CNDD-FDD is hostile to quotas”, adding that, in the future, the Constitution “would have to be amended on precisely this issue of quotas.”

After coming to power, and while formally respecting the quotas, the party has deployed a wide range of strategies

to accommodate these quotas, evade them, and erode their foundations. The first strategy was to undermine and even eliminate the parties most supported by the Tutsi electorate, by [‘nyakurising’ \(dividing and co-opting\)](#) the UPRONA party and banning the MSD party. This enabled the CNDD-FDD to fill the National Assembly with Tutsi MPs from its own ranks. Second, these Tutsi MPs were disciplined following a ruling by the Constitutional Court in June 2008, ordered by the party and followed by a reform of the Electoral Code in 2009, which meant that any MP (or senator) who did not obey the party's orders lost his or her seat.

Third, the party's orders are increasingly dictated outside the institutional framework of the party and emanate instead from the [“club of the generals”](#), an informal organ that leads the party and is composed exclusively of Hutu former combatants. Fourth, a parallel force for maintaining order and security, to which the quotas do not apply, has been created. This is the party's youth group, the [Imbonerakure](#), part of which has been transformed into a much-feared militia.

Fifth, since ethnic quotas do not distinguish between ministerial portfolios based on their political salience, the CNDD-FDD has gradually [taken control of the most important ministries](#). Finally, through a constitutional reform in 2018, the CNDD-FDD introduced ethnic quotas for the judiciary – a sector historically controlled by Tutsi lawyers – but abolished them for the National Intelligence Service, an [institution greatly feared](#) by any supposed opponent of the regime.

In view of this erosion and evasion of quotas, their removal from the text of the Constitution following the Senate's evaluation could, in a way, mostly formalise what is already a reality *de facto*.

3. WHICH EVALUATION PROCESS?

In Burundi, as in several other cases where it was instituted in the context of peace negotiations, ethnic power-sharing was conceived as a transitional measure, to be eventually abolished. The current review of the ethnic quotas, 20

years after their introduction, is justified from this point of view. Nevertheless, [the success of constitutional reform depends as much on the format of the review process as on the content of the final text](#). Ethnic power-sharing is often more difficult to eliminate than initially envisaged, as the cases of [Lebanon](#) and [Bosnia-Herzegovina](#) illustrate. Terminating power-sharing can even have a [destabilising effect](#) if the process leading to this elimination is not inclusive and transparent.

3.1. THE EVALUATION BY THE SENATE

The current evaluation is based on public hearings. The Senate is organising evaluation meetings in each province, inviting civil society, religious bodies, local authorities and other interest groups to give their opinion on the ethnic quotas. Recommendations on the quotas' future will then be sent to the President.

In principle, the Senate is well placed to carry out this evaluation, given its role as guarantor of ethnic equilibriums in the institutions. It is mandated by the 2005 and 2018 Constitutions to conduct investigations on the respect of ethnic quotas into the administration and the defence and security forces. The ethnically-balanced composition of the Senate (50% Hutu, 50% Tutsi with the cooptation of 3 Twa) should also provide reassurance. [The first meetings of the evaluation campaign](#) seem to indicate that a diversity of opinions on the future of quotas are tolerated, which is rather a sign of openness from the CNDD-FDD.

However, this optimism may be tempered by a number of factors. Since 2020, 34 of the 36 elected senators belong to the CNDD-FDD party. As noted above, the capacity of Tutsi senators from the CNDD-FDD to oppose their party's line – if the latter were in favour of abolishing ethnic quotas – seems minimal. Moreover, the consultative format adopted by the Senate may give rise to concerns of a purely cosmetic process. In other cases of (official or independent) evaluations of ethnic quotas or affirmative action policies, such as the Black Economic Empowerment (BEE) programme in South Africa, the review was often based on a scientific analysis of data on the effects of

quotas. It is therefore surprising that the consultations are not complemented by an approach aimed at establishing and assessing the achievements of the use of quotas, and the risks potentially associated with their withdrawal, on the basis of objective data.

The timetable for the evaluation and follow-up is also not entirely clear. The President of the Senate has announced that a report will be sent to the President of the Republic. If the removal of ethnic quotas proved desirable, would the revision of the Constitution and the reform of electoral legislation take place before or after the legislative and local elections of 2025?

3.2. THE CURRENT DEBATE

The current controversy over ethnic quotas can be summarized in three main narratives.

According to the first narrative, quotas are a threat to national unity and meritocracy. Ethnicity in Burundi is seen as a colonial construct. “We are first and foremost Burundians, we are a single Burundian ethnic group”, [noted Senate President Emmanuel Sinzohagera \(CNDD-FDD\)](#). Ethnic quotas would therefore not be necessary. They could even be damaging, since they institutionalise ethnic divisions and impinge on the principle of meritocracy. [Térence Ntahiraja \(CNDD-FDD\), then spokesman for the Ministry of the Interior and currently ambassador in Brussels, noted in 2018](#) that “people should be placed according to their merits and not according to their ethnicity”.

A second interpretation, also used by the CNDD-FDD and the predominantly Hutu parties, sees ethnic quotas as a corrective to historical injustices. [As Jean-Marie Ngendahayo put it in 2014](#), quotas are mainly used as a form of “affirmative action” to compensate for the under-representation of Hutus in State institutions. The future of quotas then depends on whether or not they have fulfilled their rebalancing function, and an elimination of those historical inequalities could justify their abolition.



Finally, the last narrative sees quotas as a tool for protecting minorities. Although this reading is not fundamentally incompatible with the elimination of quotas, such an elimination would require more demanding conditions to be met: peace would have to have been made with the past and minorities should no longer feel in danger or risk being discriminated against. However, according to [Olivier Nkurunziza, president of the UPRONA party](#), “abolishing quotas would fuel ethnic exclusion” and lead to more mono-ethnic appointments.

3.3 THREE FINAL OBSERVATIONS

The diversity of narratives put forward in the current debate suggests a lack of consensus among Burundian actors on the objectives and the functions of ethnic quotas. Consequently, there does not seem to be a shared “evaluation grid” outlining the conditions for eliminating (or extending, possibly with modifications) the ethnic quotas. When ethnic quotas were introduced, the three narratives mentioned above were not incompatible. Each “camp” could interpret the agreement introducing the use of quotas according to its preferred reading. Is this still the case today? What if quotas are no longer necessary in the eyes of those who advocated “positive discrimination” for Hutus, but are still necessary in the eyes of those who see them as a mechanism for protecting the Tutsi and Twa minorities? Also, if quotas have served their purpose, does that justify their elimination or rather call for their preservation to maintain their achievements? *The current evaluation could constitute an opportunity to build a shared understanding on quotas – but this can only happen if the process is conducted in an open, inclusive and transparent manner.*

Secondly, the [“associative” logic](#) mentioned above seems to have gone largely unnoticed in the current discussion about ethnic quotas, despite its importance at the time of the Arusha negotiations and during the elaboration of the 2005 Constitution. There is therefore a risk that the evaluation will be made on the basis of an incomplete reading of the quotas, forgetting one of their main functions: the formation of multi-ethnic parties. *By putting an end to inter-ethnic cohabitation within political*

parties, the abolition of ethnic quotas (and in particular of the requirements for multi-ethnic electoral lists) could paradoxically deepen ethnic divisions.

Finally, the evaluation of ethnic quotas is taking place in a [context of almost total domination of the institutions](#) by the CNDD-FDD. As a result, the current process differs fundamentally from the negotiations that led to the adoption of the quotas, which, while not devoid of power struggles, required compromises on both sides. *This importance of compromise should be kept in mind during the present evaluation.*

A possible elimination of ethnic quotas from the Constitution would not necessarily lead to the total disappearance of references to ethnic equilibriums in the institutions. Indeed, it could represent a return to a system similar to the 1992 Constitution, where ethnicity was only implicitly recognised (“taking into account the various components of the population”). Would such a system ensure greater stability today than it did in the mid-1990s? The question remains open, especially as its implementation now depends entirely on only one political party.

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