

**WARID:** **Burundi (PALIPEHUTU-FNL) 1997-2008**

**STARDATE:** **14 March 1997**

**ENDDATE:** **4 December 2008**

Related cases: Burundi (CNDD, CNDD-FDD) 1994-2004  
Rwanda (FPR/PALIR, FDLR) 1990-2002  
Democratic Republic of the Congo (RCD) 1998-2004  
Democratic Republic of the Congo (MLC) 1998-2002  
Democratic Republic of the Congo (CNDP) 2006-2009

Last update: 4 September 2015

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### **Conflict overview**

The conflict with the PALIPEHUTU-FNL (Party for the Liberation of the Hutu People-National Liberation Forces) was based on a longstanding history of ethnic violence in Burundi. The origins of the PALIPEHUTU-FNL can be traced back to 1980, when the party was formed under the name PALIPEHUTU. In 1985, an armed wing, the FNL, was formed. The group was a minor force until the mid-1990s, but gained power and became significant after 1997 due to its entanglement in the Rwandan War – among other reasons (ICG 2002a: 6f.). The main goals of the PALIPEHUTU-FNL were rooted in the ethnic conflict between the Hutu and Tutsi in Burundi, focusing on the overthrowing the Tutsi-led army and government and raising awareness about the 1972 massacre against the Hutu elite (ICG 2007: 8ff.).

Starting in 1996, the government headed by Pierre Buyoya, backed by a Tutsi-led military. The Arusha Agreement of 2000, which was facilitated between the government and several rebel groups, did not include the PALIPEHUTU-FNL. The agreement led to the installment of a transitional government in 2001 that Buyoya presided over until 30 April 2003 after which point he was succeeded by Domitien Ndayizeye (a Hutu), who remained president until the elections in 2005 (Reyntjens 2006: 117ff.). These elections were won by the CNDD-FDD (National Council for Defense of Democracy-Forces for the Defense of Democracy) – another former, and larger, Hutu rebel group – which has held power since.<sup>1</sup> Immediately after the CNDD-FDD signed the peace agreement, they took part in joint operations with the

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1 [http://www.ucdp.uu.se/gpdata/gpcountry.php?id=26&regionSelect=2-Southern\\_Africa#](http://www.ucdp.uu.se/gpdata/gpcountry.php?id=26&regionSelect=2-Southern_Africa#) (11 Dec 2014).

Burundian army against the PALIPEHUTU-FNL, which led the relationship between these two Hutu groups to become hostile. The armed conflict continued after the CNDD-FDD established a government (ICG 2007: 10). The opponent of the PALIPEHUTU-FNL therefore changed in the course of the war. It first constituted the Tutsi-led government and army and, later, the main rival was the government led by the CNDD-FDD. As the latter group dominated post-war politics, our case description regards them as the opponent of the PALIPEHUTU-FNL.

The Uppsala Conflict Database Program (UCDP) states that the war ended with a peace agreement [**WARENDUC=1**].<sup>2</sup> After the CNDD-FDD came into power, the PALIPEHUTU-FNL was the only major rebel group that had not signed the Arusha Agreement or any following agreements. A peace process commenced in 2006 and led to the signing of other agreements, such as a Ceasefire Agreement signed on 7 September 2006.<sup>3</sup> However, persistent tensions and conflict led to a protraction of the talks. The commonly held judgment states that the war ended with a peace agreement in 2008 [**WARENDOS=1; WARDUR=141**].<sup>4</sup>

The exact number of fatalities proves difficult to count. This is due to the fact that there was a diversity of armed groups, the two largest being the CNDD-FDD and the PALIPEHUTU-FNL. The UCDP gives specific numbers for the dyad of the government versus the PALIPEHUTU-FNL; the numbers are not as easily attributable to the various groups in the cases of non-state conflict and one-sided violence. In the case of one-sided violence, the numbers are only specifically attributed to certain groups from 2001 onwards; prior to that, they belong to a cluster titled 'Hutu rebels'. In the case of non-state conflict, the CNDD-FDD fought the PALIPEHUTU-FNL; one can therefore not ascribe this total to either group as it would result in a double counting, one for each conflict description. Opting for a pragmatic decision, we halved the numbers given in cases that were indistinguishable, since the main groups were the CNDD-FDD and the PALIPEHUTU-FNL and others were merely marginal. With this method, we arrive at a death toll of 7,096<sup>5</sup> [**FATALUC=7000**]. In contrast, the case-specific literature and other sources state significantly higher numbers for the death toll. There are varying estimates, but a number that is frequently quoted is 300,000 for the whole

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2 [http://www.pcr.uu.se/research/ucdp/datasets/ucdp\\_conflict\\_termination\\_dataset/](http://www.pcr.uu.se/research/ucdp/datasets/ucdp_conflict_termination_dataset/) (11 Dec 2014).

3 <http://www.ucdp.uu.se/gpdatabase/peace/Bur%2020060907.pdf> (11 Dec 2014).

4 <http://www.un.org/press/en/2008/sc9531.doc.htm> (11 Dec 2014); cf. Abdellaoui 2009: 1ff.; Cunningham 2011: 142; ICG 2008: 1f.

5 [http://www.ucdp.uu.se/gpdatabase/gpcountry.php?id=26&regionSelect=2-Southern\\_Africa](http://www.ucdp.uu.se/gpdatabase/gpcountry.php?id=26&regionSelect=2-Southern_Africa) (11 Dec 2014).

Burundian civil war (Bouka 2014: 2, Falch/Becker 2008: 8, Fuhlrott 2007: 325).<sup>6</sup> As we are dealing with more than one rebel group, we cannot take this as the total. In this case, the pragmatic solution was to consider the relative distribution of the UCDP data for the two cases in our study and calculate accordingly. Using this method, we arrive at the number 139,501 for the dyad in question [**FATALOS=140000**].<sup>7</sup>

The 1996 population was about 6.3 million<sup>8</sup> [**PREWARPO=6300000**]; based on the UCDP data, the war therefore claimed the lives of 0.11% of the pre-war population. According to other sources, this estimate would be 2.24% [**INTENSUC=0.11; INTENSOS=2.22**].

### **The military balance at the end of the war**

The peace process with the PALIPEHUTU-FNL was marred by difficulties. Rifts within the PALIPEHUTU-FNL and distrust between the government and the rebels led to problems and a continuation of armed conflict. One decisive incident was an attack on the capital by the PALIPEHUTU-FNL in mid-April 2008. The military was able to ward off the attack, and Agathon Rwasa, leader of the PALIPEHUTU-FNL since 2001, along with other parts of the movement stationed in Tanzania were forced to leave that country by the Tanzanian government. Shortly thereafter, an agreement regarding the cessation of hostilities was signed, though the peace process was not finalized until the end of the year. While the ICG describes the PALIPEHUTU-FNL as being “[...] almost on the verge of defeat” (ICG 2008: 10) due to the repercussions of their attack, it still titles the situation as a political rather than a military victory for the government (ICG 2008: 7). Other sources also take this incident to be important but do not speak of complete military defeat (cf. Abdellaoui 2009: 2, HRW 2009: 1) As such, though it was not a clear-cut decision, we assess that there was no military victor [**VICTORY=0**].

Cunningham et al. (2009) assess that the PALIPEHUTU-FNL did not control territory during the war. While they were a small group and their control was naturally limited, they had their primary strongholds within Burundi, mainly in the areas of Citiboke and Bujumbura Rurale, close to the capital Bujumbura. Within those relatively small areas, they were able to tax the

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6 See also <http://news.bbc.co.uk/2/hi/africa/7354005.stm>, [http://ploughshares.ca/pl\\_armedconflict/burundi-1988-2010/#Deaths](http://ploughshares.ca/pl_armedconflict/burundi-1988-2010/#Deaths) (11 Dec 2014).

7 According to the UCDP Conflict Encyclopedia, the total number of fatalities is 15,259, of which 8,164 are attributed to the CNDD-FDD (53.33%) and 7,096 to the PALIPEHUTU-FNL (46.67%). Applying this distribution to the figure of 300,000 fatalities, around 160,000 fatalities relate to the conflict against the CNDD-FDD and about 140,000 to the conflict against the PALIPEHUTU-FNL.

8 <http://data.worldbank.org/country/burundi> (26 Nov 2014).

civilian population (ICG 2002a: 5).<sup>9</sup> Though difficult to judge, it would appear that they were still in control of these areas by the end of the war [REBTERR=1].<sup>10</sup> Facing the question of which group controlled more of the disputed territory at the end of the war, one must consider that we take the CNDD-FDD to be the opponent of the PALIPEHUTU-FNL in our dyadic approach. The former Tutsi-led government lost their territorial control; however, since the CNDD-FDD had been in power since 2005, one must conclude that the government side was in control of more vital territory, presiding over the rest of Burundi [MORETERR= -1].

Cunningham et al. (2009) judge the relative fighting capacity of the PALIPEHUTU-FNL to be 'low'. The exact numbers for their armed troop strength is difficult to determine. Though the PALIPEHUTU-FNL claimed to have up to 20,000 fighters (Boshoff/Marie 2009: 6), a figure around 3,000 is generally reported (ICG 2002a: 5; IISS 2008).<sup>11</sup> Despite this small size estimate, they succeeded in being a significant force in the civil war. In another source, Cunningham (2011: 156) states that they were definitely weaker than the army, though their actual military position was difficult to determine. As there have not been any conclusive opposing arguments, it would be reasonable to abide by the judgment made by Cunningham et al. (2009) and assess the relative fighting capacity as low [REBFIGHT= -1].

The PALIPEHUTU-FNL was able to initiate a significant attack as late as April 2008. Despite a setback due to the actions of the military, they were not defeated. Moreover, they were still massively recruiting into 2008, although the new recruits were primarily incited by the prospect of demobilization benefits (Boshoff/Marie 2009: 6). It still seems reasonable to assume that both warring parties had enough troops to continue fighting in a more than sporadic manner [CONFIGHT=0].

Neither of the warring parties was able to capture, kill or otherwise dispose the other side's leader as a direct consequence of military action [LEADER=0].

In conclusion, the military balance at the end of the war slightly favored the government [WARBAL= -0.17].

### **The post-war military balance**

The DDR (demobilization, disarmament and reintegration) process began in April 2009 and was finalized in December of the same year. Complications arose on account of the PALIPEHUTU-FNL claiming to have led around 20,000 combatants though only 8,500 were

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9 <http://www.irinnews.org/report/61128/burundi-fnl-fighters-assemble-but-continue-to-tax-civilians> (11 Dec 2014).

10 <http://www.state.gov/j/drl/rls/hrrpt/2008/af/118989.htm> (11 Dec 2014), cf. BTI 2008: 8.

11 <http://www.irinnews.org/report/78646/burundi-fnl-rebels-still-recruiting-children> (11 Dec 2014).

recognized (a figure that was even higher than their commonly estimated armed troop strength). Of those, 3,500 were integrated into the army and the police while 5,000 were demobilized (Boshoff/Marie 2009: 6; CIGI 2010: 5; EIU 2009: 15; HRW 2010: 1).<sup>12</sup> Thus, one must conclude that both sides participated in the state's military and police forces **[STATEFOR 2009-2012=0]**.

Data about the availability of separate armed forces seems inconclusive. In regards to the integration of FNL combatants, there are numbers stating that around 2,100 FNL combatants were integrated into the army and 1,400 into the police forces (Abdellaoui 2009: 5).<sup>13</sup> Being that this figure is just under our defined threshold, this would mean that the police should be rated as a separate force of the government led by the CNDD-FDD. In regards to the PALIPEHUTU-FNL, the situation is unclear. Following the process of demobilization, disarmament and reintegration (DDR) and their transformation into a political party on 21 April 2009 – now only bearing the name FNL – (Abdellaoui 2009: 10), it seems justifiable to assume that they no longer had any separate armed forces. However, especially since the 2010 election, there have been indications that former FNL members have regrouped and that FNL cadres have been present in the Democratic Republic of the Congo (DRC). Additionally, there have been incidents of violence attributed to FNL units, though the FNL has not claimed responsibility for the attacks. There has also been a good deal of splintering and internal conflict within the ranks of the FNL, heightening the difficulties in evaluating the situation (cf. BTI 2014: 8; ICG 2011: 10ff.).<sup>14</sup> As there remains a lot of uncertainty and little detailed information as to which armed forces still exist and to which group they belong, we must conclude that the PALIPEHUTU-FNL did not retain (coherent) separate armed forces after 2009 **[SEPFORCE 2009=0, SEPFORCE 2010-2012= -1]**.

The IISS yearbooks (2010-2013) do not report numbers for the troop strength or arms in 2009, thus no comparison is possible **[TROOPS 2009=n.d., TROOPS 2010-12=n.r.; ARMS 2009=n.d., ARMS 2010-2012=n.r.]**.

The CNDD-FDD remained in the government and expanded its power throughout the post-war period under investigation (Curtis 2012: 87). After the war, “[l]eading FNL officials were appointed to 33 (generally relatively minor) positions in the state apparatus” but their party

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12 <http://www.irinnews.org/report/83997/burundi-demobilisation-of-thousands-of-former-rebels-begins>, <http://www.crisisgroup.org/en/regions/africa/central-africa/burundi/B063-burundi-to-integrate-the-fnl-successfully.aspx>, <http://web.undp.org/comtoolkit/success-stories/AFRICA-Burundi-Crisisprev.shtml> (11 Dec 2014).

13 <http://www.irinnews.org/report/83997/burundi-demobilisation-of-thousands-of-former-rebels-begins> (11 Dec 2014).

14 <http://www.ucdp.uu.se/gpdata/gpcountry.php?id=26#> (11 Dec 2014).

was not included in the coalition in which the CNDD-FDD shared power with political parties with a Tutsi background (Vandeginste 2009). As the FNL boycotted the presidential and legislative elections in 2010, it remained an opposition party. Due to FNL's demobilization and the increasingly hegemonic position of the CNDD-FDD in Burundi, the government expanded its control [**TERRCON 2009-2012= -1; TERRWIN 2009-2012= -1; VULNERAB 2009-2012= -1**].<sup>15</sup>

From February 2007 until the end of 2009, South Africa maintained an armed force in Burundi, the African Union Special Task Force (AU STF), part of long-standing intervention (ACCORD 2007: 33). The mission's primary concern were the peace negotiations with the PALIPEHUTU-FNL and it was directly tasked with the protection of FNL leaders (see, ACCORD 2007: 32). There is no evidence of any remaining armed peacekeeping troops thereafter [**PEACKEEP 2009=0, PEACKEEP 2010-2012=n.r.**].

There is also no indication of the additional presence of a permanent member of the UN Security Council that would have intervened in favor of one of the former warring parties in the case of a new conflict [**P5ALLY 2009-2012=n.r.**].

In sum, an imbalance to the benefit of the CNDD-FDD grew in the post-war period [**POSTBAL 2009= -0.5, POSTBAL 2010-2012= -0.8**].

The same holds true for the combined score of the military balance at the end of the war and in the post-war years [**BALANCE 2009= -0.33, BALANCE 2010-2012= -0.48**].

## Economy

Burundi's economy remains at a very low level and it depends mainly on agriculture.<sup>16</sup> Nevertheless, one can see general improvement and high relative growth rate in the low absolute numbers.

Table 1: GDP per capita in current USD<sup>17</sup>

<i>Year</i>	<i>Population (total)</i>	<i>GDP per capita</i>
2009	8926687	195
2010	9232753	220
2011	9540362	247
2012	9849569	251

## The scale of compromise after the war

15 BTI 2014: 12.

16 <https://www.cia.gov/library/publications/the-world-factbook/geos/by.html> (11 Dec 2014).

17 Data on GDP per capita and population available at <http://data.worldbank.org/country/burundi> (11 Dec 2014).

The PALIPEHUTU-FNL's origin stems traces back to the aftermath of the 1972 massacre against the Hutu elite. It is the oldest rebel group in Burundi and, despite splits and changes of leadership, it sees itself in the same tradition. Its main goals center around overthrowing the Tutsi-led army and government (even after the integration of the CNDD-FDD, they consider the army to be Tutsi-led and therefore the enemy) and raising awareness about the 1972 massacre (ICG 2007: 8ff.). The CNDD-FDD won the elections in 2005 and was in power when the war ended, also winning the following elections in 2010. Due to a constitutional change,<sup>18</sup> the PALIPEHUTU name was dropped and the FNL was registered as a party in April 2009 (Abdellaoui 2009: 5). After a first round of elections in 2010, the party boycotted the subsequent elections along with other opposition parties; the leader Agathon Rwaso went into exile (ICG 2011: 1ff.). Despite the fact that the CNDD-FDD was not the group governing at the beginning of the war, the government under their rule was the FNL's adversary during the last war years; they were also the group shaping the post-war years.

As mentioned, in 2009, the FNL did not join the government led by the CNDD-FDD. Moreover, it boycotted the presidential and legislative elections in 2010 and remained an opposition party [**GOVERN 2009-2012= -1**]. The CNDD-FDD had become so powerful that there was "little or no room for political pluralism within Burundi's political institutions" (Vandeginste 2010; cf. BTI 2014: 29-33; ICG 2011: 10).

In accordance with the constitution (2005), the National Assembly must be composed of 60% Hutu representatives and 40% Tutsi representatives. The adoption of laws requires a two-thirds majority in the National Assembly (art. 175) and constitutional amendments even require a four-fifths majority in the National Assembly (art. 300). Consequently, such decisions have to be supported both by Hutu and Tutsi representatives. These provisions only establish veto mechanisms for ethnic groups and not for political parties. As such, even if the FNL had participated in the elections in 2010, it would not have had veto rights [**VETO 2009-2012= -1; VETOSAT 2009-2012=n.r.**].

For the period under observation, there were the elections in 2010, which were marred with difficulties. According to Freedom House reports<sup>19</sup>, the elections can be considered as 'basically free and fair'. This assessment is shared by case literature (BTI 2014: 11; ICG 2011: 4). Despite this, the opposition, rallied by the FNL, claimed fraud and boycotted the election (BTI 2014:11). This led the CNDD-FDD to assume a more authoritarian position and

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18 Burundi's 2005 constitution demands that the political parties "must be opened to all Burundians, and their national character must also be reflected at the level of their leadership" (art. 78). In other words, mono-ethnic parties are prohibited.

19 <https://freedomhouse.org/reports> (11 Dec 2014).

increased tensions between them and the FNL and also led Agathon Rwaso to go into exile (ICG 2011: 7ff.). Despite this, both parties were still allowed to participate in basically free and fair elections [**ELECT 2009-2012=0**].

Territorial issues, such as the secession of a specific territory or a change in borders within the country, were not related to the conflict, nor was the distribution of competences among political levels. Moreover, economic reforms were also not sought [**EXBORDER 2009-2012=n.r.; INBORDER 2009-2012=n.r.; COMPETEN 2009-2012=n.r.; ECONOMY 2009-2012=n.r.**].

As the original name suggested, one of the main goals formulated by the PALIPEHUTU-FNL was the liberation of the Hutu people. The movement stems from the aftermath of the 1972 massacre of Hutu elites; their struggle is strongly linked to this event and, consequently, one of the main aims was to raise awareness about the genocide and obtain justice for the victims – along with overthrowing the Tutsi government (Falch/Becker 2008: 9; ICG 2002b: 17ff.: ICG 2007: 8f.). The new constitution that was implemented in 2005 included a fixed quota system for the representation of the ethnic groups. This system provided for equal representation of Hutu and Tutsi in the army as well as a general overrepresentation of the Tutsi to secure their minority veto (Falch/Becker 2008: 23). The PALIPEHUTU-FNL resented the ethnic quotas and demanded redistribution based on the size of the ethnic groups (ICG 2007: 9). They ultimately did sign a peace agreement, and the ethnic quotas were not altered. The implemented system therefore did not represent a compromise between the PALIPEHUTU-FNL and the government led by the CNDD-FDD – it was a protracted effort between various parties and regional mediators. As also the CNDD-FDD had a history as a Hutu party, we cannot assess the quota system as advantageous for this party and as disadvantageous for the FNL [**SPECPRO 2009-2012=n.r.**].

The other important issue was raising awareness about the genocide in 1972. The Arusha Agreement from 2000 already foresaw the implementation of a Peace and Reconciliation Commission (PRC) to examine the crimes committed from 1962 (the year of independence from Belgium) onwards. However, this was not introduced until 2014, it was not induced by the FNL, and it was heavily criticized.<sup>20</sup> This issue was also reflected in their name, over which revolved an interconnected struggle. ‘Palipehutu’ means ‘for the Hutu alone’ – an indication of the group’s aim to oppress Burundi’s other ethnic groups. The constitution that

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20 <http://www.irinnews.org/report/100361/burundi-s-troubled-peace-and-reconciliation-process> (11 Dec 2014), <http://www.reuters.com/article/2014/04/18/us-burundi-politics-idUSBREA3H0E020140418> (11 Dec 2014).



was implemented in 2005 forbids this kind of discrimination, demanding that all political parties refrain from any ethnic connotations. The PALIPEHUTU-FNL, however, did not want to give up their name; as long as they refused to adopt an alternative, they were not allowed to register as a political party. It was only in 2009, after immense pressure from the government and neighboring states that they finally conceded and dropped PALIPEHUTU from their name. As these issues are deeply intertwined with one another, we count them among the issues in this conflict, with the assessment that the side governing prevailed [**ISSUE 2009-2012= -1; ISSUE2 2009-2012=n.r.**].

An important issue in the post-war period revolved around the second elections after the civil war in 2010. There had been a massive use of violence in the aftermath of the elections. However, as we already dealt this issue earlier, we do not assess it again, despite its importance [**NEWCON 2009-2012=n.r.; NEWCON2 2009-2012=n.r.**]. No compromises have been implemented for this conflict description [**BENEFIT 2009-2012=n.r., BENEFIT2=2009-2012=n.r.**].

This amounts to an advantage for the government led by the CNDD-FDD [**COMPROM 2009-2012= -0.75**].

### **Stability of peace**

Tensions and violence never completely ceased in Burundi. Despite the rumors of the FNL reinitializing an armed struggle and of some violent incidents, no new or renewed civil war had broken out up to the end of our period of observation [**SAMEWAR=0; DATESAME=n.r.; ANYWAR=0; DATEANY=n.r.**].<sup>21</sup> We therefore assess the situation as peaceful in the sense of our conflict definition [**PEACMON1=49; PEACMON2=49**].

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