

Delivering on the Responsibility to Protect

Reforming the Security Sector to Protect the Most Vulnerable in Burundi

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“... the responsibility to rebuild, which derives from the obligation to react, must be directed towards returning the society in question to those who live in it, and who in the last instance, must take the responsibility together for its future destiny.” – The Responsibility to Protect, Chapter V: p. 45

Introduction

In 2001, the International Commission on Intervention and State Sovereignty (ICISS) released a report called *The Responsibility to Protect*. The responsibility to protect (R2P) concept reframes the debate surrounding civilian protection from a “right” to suggest that the international community has a “responsibility” to protect populations threatened by large-scale loss of life and/or large-scale ethnic cleansing. It is a pro-sovereignty doctrine inasmuch as it recognizes that strong and accountable states are best able to protect their citizens. The report explicitly states that sovereignty entails responsibility and that “state authorities are responsible for the functions of protecting the safety and lives of citizens and the promotion of their welfare.”¹ When a state is unwilling or unable to protect its population or indeed, is targeting its own citizens on a massive scale, the international community is obligated to assume the responsibility to protect.

The R2P report envisions a continuum of protection that links prevention, reaction and rebuilding activities. It stresses the importance of preventing the development of conditions that create a need for intervention in the first place. Furthermore, it calls for a rebuilding agenda that promotes security for all, good governance, and social and economic development to ensure that the conditions that prompted military intervention are transformed. The report notes that:

The responsibility to protect implies the responsibility not just to prevent and react, but

to follow through and rebuild. This means that if military intervention action is taken ... there should be a genuine commitment to helping to build a durable peace, and promoting good governance and sustainable peace-building.²

A central element of the responsibility to rebuild is the reform of the security sector, which serves as a *de facto* re-transfer of responsibility to protect vulnerable populations from international actors to national stakeholders.

A central element of the responsibility to rebuild is the reform of the security sector, which serves as a *de facto* re-transfer of the R2P

The purpose of this paper is to provide initial insight into how the responsibility to protect is being devolved to national authorities in a specific context. Specifically, the paper considers the extent to which recent reforms to the security sector in Burundi have contributed to greater protection for vulnerable populations.³ The paper first highlights the conceptual and practical links between the responsibility to protect and security sector reform (SSR). It then provides a short overview of progress in the area of military and police reform in Burundi. Next, the paper offers an initial assessment of the

impact of reform efforts on vulnerable populations. It argues that while there have been some advances in SSR – notably in the areas of disarmament, demobilization and reintegration and the integration of a new military and police force – there remain profound obstacles. Challenges include, for example, the fact that there is a lack of professionalism in both the reformed army and police. In addition, the *Parti pour la libération du peuple Hutu – forces nationales de libération* (PALIPEHUTU-FNL), the last remaining rebel group, signed a fragile ceasefire in September 2006 and until recently remained engaged in armed conflict in three western provinces.⁴ The situation is compounded by the fact that the new restructured military and police have been accused of targeting civilians suspected of sympathizing with PALIPEHUTU-FNL rebels. Finally, pervasive poverty



and the absence of conducive socio-economic conditions continue to complicate reform efforts, notably by compelling criminal activity by uniformed actors. The paper concludes with preliminary thinking on how national and international actors – including civil society – can make a contribution to human-rights based reforms to the security sector in Burundi.

Linking the Responsibility to Protect and Security Sector Reform in Burundi

The Responsibility to Protect argues that in order to deliver on the responsibility to rebuild, intervention forces need to provide basic security and protection to *all* members of society in the immediate term. However, over the longer-term, they have to work toward the eventual transfer of this responsibility to national actors in a sustainable and comprehensive manner.⁵ An important element of this succession of responsibility is security sector reform, which is identified in the report as a “major protection task.”⁶ According to *The Responsibility to Protect*, SSR involves a set of objectives including the disarmament, demobilization and reintegration of local security forces, the (re-) construction of professional national armed forces and police, and the (re-)creation of a competent judicial system.

The emerging models and guiding principles for security sector reform espoused by key northern actors – such as the Organization for Economic Cooperation and Development’s Development Assistance Committee (OECD DAC) and the United Kingdom’s Department for International Development (DFID) – since the end of the Cold War resonate closely with some of the underlying principles of the Responsibility to Protect. These models have increasingly adopted the assumption that the central objectives of the security sector have moved beyond regime protection or preservation of the territorial integrity of the state to include considerations of the physical, economic and environmental security of citizens. This shift in the security paradigm has been accompanied by evolving understandings of the core principles of sovereignty; the concept of sovereignty as political independence and control over a state’s territory and the population within it has been challenged by a second notion of sovereignty that acknowledges the state’s responsibility for its citizens. Accordingly, SSR agendas tend to focus increasingly on building the capacity of the state to deliver on its responsibility to ensure the well-being of its citizens.⁷

In accordance with the principle of the responsibility to protect, emerging SSR guidelines note that effective reform, including to the security sector, must reflect

the concerns and aspirations of a range of national stakeholders, including the security personnel themselves, the civil authorities, and the populations whose interests they are meant to serve. For example, the OECD DAC’s 2005 Guidelines on SSR stress the importance of “people-centred” and “locally-owned” reform agendas that empower national actors to address the unique priorities and circumstances of their contexts.⁸

Background to SSR in Burundi

In Burundi, reform of the security sector – particularly the military and the police – has been central to the conflict and its resolution because the security institutions have been historically responsible for large-scale human rights abuses and widespread political repression. The Arusha Peace and Reconciliation Agreement, signed in August 2000 by 17 political parties, the National Assembly and the government and the 2003 ceasefire agreement between the Government of Burundi and the principal rebel group, the *Conseil national pour la défense de la démocratie – Forces de défense de la démocratie* (CNDD-FDD), do include important provisions on the organization, structure, mandates and composition of post-conflict security forces that will act professionally and apolitically, adhere to human rights norms, and provide defence and security to all Burundians.

For example, the wording of the Arusha Accord calls for the joint representation of Burundi’s two main ethnic groups (the Hutu and the Tutsi) in the defence and security forces, the establishment of a new national police force, the professionalization of these forces and the deployment of international troops to oversee the entire process.⁹ Specifically, the defence and security reform process should lead to :

- the integration of various rebel movements and the *Forces armées burundaises* (FAB) into a single national defence force;¹⁰
- the formation of a new national police force to replace the gendarmerie – formerly part of the regular army;
- and the demobilization of tens of thousands of former combatants from all former rebel movements as well as the FAB.¹¹

The agreement also stipulates that the members of the FAB and various rebel groups implicated in acts of genocide, coups d’état, violations of the constitution and of human rights as well as war crimes, are to be excluded from the new national defence force and from the new national police. However, these provisions have been compromised by the enactment

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of a provisional immunity law for the leaders of the rebel groups as well as by the immunity guarantees of the cease-fire agreement between the CNDD-FDD and the government, which provides provisional immunity to all FDD combatants and all FAB.¹²

Finally, the Arusha Accord includes important provisions for human-rights based reform to the defense and security forces. For example, the Accord notes that:

- “The defence and security forces shall be trained at all levels to respect international humanitarian law and the supremacy of the Constitution.” (Protocol II, chapter I, article 11, paragraph c).
- “The defence and security forces shall have technical, moral and civic training. This training shall include the culture of peace, aspects of conduct relating to the democratic multi-party political system, human rights and humanitarian law.” (Protocol III, chapter II, article 18, paragraph 1).

These commitments are reinforced in the Burundian constitution passed by referendum in February 2005. The constitution further added that the defence and security forces must reflect the will of all Burundians and are obligated to function as instruments of protection for the entire population.¹³ The ruling party in Burundi, the CNDD-FDD, which was elected through a general electoral process in mid-2005, appears eager to assume full responsibility for governing albeit with continued support from the international community, including in the area of security sector reform.¹⁴ Some key actors at various levels of government have also officially declared that they are committed to building a professional, ethnically balanced military and police service that is willing and able to provide meaningful protection to all Burundians.¹⁵ However, despite these stated aspirations, these same actors, along with key stakeholders from civil society and the international community, acknowledge that major obstacles remain in this critical domain. Indeed, the situation in Burundi raises serious questions about the possibilities of advancing a human rights-based security sector reform agenda in a fragile security, political and development context.

Quantitative progress

Although the Arusha Accords were signed in August 2000, the implementation of the security sector reform process they articulate was largely delayed until 2003, mainly because of continued warfare throughout most of Burundi. Indeed, the most active rebel movements in the field were marginalized

throughout the Arusha negotiations and were thus not signatories to the Accord. Accordingly, it was not until the signing of a ceasefire between the government and the main rebel group – the CNDD-FDD – in 2003 that the reform process was set in motion. By July 2006, however, the reform of the defence and security forces had reached an advanced stage and had achieved most of its structural objectives (i.e. the integration of several armed groups into a single military and single police force), despite various financial- and material-related challenges.

The process of integrating the former rebel groups and the FAB into a new national defence force, the *Forces de Défense Nationale* (FDN), has been completed – largely to the satisfaction of the government and international donors – despite its late start due to disagreements on the definition of combatant and on the harmonization of rank between the rebel movements and the regular army. The CNDD-FDD is particularly pleased with progress to date as all FDD combatants who wanted to join the new army were able to do so. The new national defence force consists mainly of former CNDD-FDD rebels and of combatants from the former regular army in accordance with the quotas set out in the Arusha Agreement and the ceasefire agreement between the CNDD-FDD and the government.¹⁶ The constitution of the new *Police Nationale Burundaise* (PNB) was also delayed for similar reasons, however, structural reform is now complete. The new PNB consists mainly of police officers from the former gendarme and former CNDD-FDD combatants. It is largely controlled by former CNDD-FDD combatants, which make up 35% of the command positions.

The defence and security forces must reflect the will of all Burundians and function as instruments of protection

Progress has also been achieved in the disarmament and demobilization of those combatants who were not integrated into the new military or police. The aim of the demobilization process was to reduce the numbers of the regular army from the current 45 000 combatants from the FAB to 25 000 over a four-year period (between 2004 to 2007). In addition, the process would disarm and demobilize other armed combatants who will not join either the police or the military. However, the demobilization process of former combatants is now nearly completed: by the end of August 2006, 20 701 combatants had been demobilized with approximately 5 000 combatants still awaiting demobilization.¹⁷

Qualitative challenges

Despite this progress, a preliminary assessment of the reform of the FDN and the PNB and progress in the domain of social and economic reintegration



and re-insertion of former combatants suggests that serious challenges remain in these critical areas. The local media frequently report human rights violations perpetrated by on-duty military or police or by demobilized combatants. For example, a report from the United Nations Operation in Burundi/ *Opération des Nations Unies au Burundi* (ONUB) states: “When perpetrators of acts of violence are not clearly identified, public opinion tends to blame the FNL. When the presumed authors of the crime are identified, they are often members of the Force de Défense Nationale.”¹⁸ In addition, a high-level official in the police force in the Province of Cibitoke in the northeastern part of Burundi recently stated that 90% of the crimes committed in his province were perpetrated by demobilized combatants.¹⁹

The most commonly reported crimes allegedly committed by these actors include sexual assault, armed robbery of private homes and commercial enterprises and automobile and motorcycle theft. According to witnesses, these crimes tend to be committed by men wearing military or police uniforms. However, it is often not clear if these individuals are on-duty soldiers or police officers, demobilized soldiers, or unaligned criminals in uniform. However, in some of these cases, the individuals arrested during these operations or following investigations are often active or demobilized members of the defence and security forces. According to a recent report on ONUB by the United Nations Secretary General “[c]riminal activities are increasingly carried out by uniformed elements, reportedly including FDN and the National Police, and gangs.”²⁰ It is also important to note that the security situation is often worse in areas where the PALIPEHUTU-FNL is still active or is presumed to be active. Parts of the civilian population are exposed to frequent security threats, including semi-frequent armed raids and regular interrogation and arrest as a result of their presumed affiliation with the PALIPEHUTU-FNL. In addition, several documented cases of torture, kidnappings or assassinations of civilians linked to the FNL have been reported by local and international human rights organizations.²¹

Women and children may be especially vulnerable in these and other contexts. Women and girls were deeply affected by the civil war in Burundi where large-scale and systematic sexual violence was often used as a weapon of war.²² This vulnerability persists despite the fact that violent civil conflict has ceased in most parts of the country: “Whereas peace is gaining ground in the country, the incidence of acts of violence committed against women, especially sexual aggression, is still as high [as during the conflict].”²³

Indeed, some commentators suggest that incidents of gender-based violence and sexual assault are on the rise and tend to be perpetrated by military and police as well as civilians.²⁴ This raises important questions about how to ensure that gender-based violence and harassment committed by uniformed actors is appropriately punished in the short-term and that the perspectives of vulnerable populations – such women and children, among others – are meaningfully reflected in the reform agendas over the longer-term. It also begs critical questions about how to address gender-based differences in protection gaps and how to create professional security services that are both willing and able to provide security to all Burundians, regardless of gender, age, ethnicity or other social divisions.

Some preliminary explanations

Despite divergent traditions and histories, the two main armed forces that currently make up the defence and security forces – the FAB and the FDD – share a past of violent practices. Although many members of the FAB – particularly at the officer level – have received an advanced level of training, and have a sound theoretical knowledge of professional ethics and international human rights and humanitarian law, over time, the FAB became transformed largely into a tool of domination for the Tutsi elite. As a consequence of having internalized the notion that their primary mission consisted of defending the Tutsi from the Hutu, the FAB have assumed a repressive role in society.²⁵ These developments were largely supported by most Tutsi who believed their very survival depended on the FAB’s ultimate control of the state’s security apparatus. Fortunately, these dynamics have lost some ground as a result of the negotiated peace and recent political developments (including multi-party elections and political quotas), changes in attitudes among large portions of the population and the creation of ethnically balanced security and defence forces.

The former FDD did not benefit from the same military and academic training as the FAB, and thus have an even more limited understanding of and commitment to professional ethics, human rights and humanitarian law. Although in principle this rebel group was created to resist Tutsi domination, they have in the past systematically targeted Tutsi civilians and extracted supplies, various taxes and other forced contributions from the Hutu populations they purported to protect. These actions underscore the group’s ideological weaknesses and the ambiguous nature of their political rhetoric.

According to witnesses, these crimes tend to be committed by men wearing military or police uniforms

Accordingly, if the integration of the FAB and the former rebel groups into a single national military and single national police force has been structurally successful, it leaves much to be desired in terms of qualitative progress. The two main composite forces have not been properly harmonized; many elements remain under the control of and loyal to their war-time leaders. In addition, the integrated forces have not been adequately (re)trained in professional ethics, human rights or humanitarian law. It is important to note that at present some training is either being offered to small groups or is in the planning stages. For instance, France's training of PNB officers and technical support for Belgium's training for the national police force are scheduled to start in September 2006. The first training session for the FDN terminated in July with support from Belgium. Other training sessions are planned for late 2006 or once the government has formulated a global defence and security policy, a process which has been significantly delayed as will be discussed in more detail below. However, to date, only a limited number of defence and security personnel have received any formal human rights or professional ethics training. This lack of training may be one of the reasons why Burundi's new security and defence forces continue to pose a threat to the very civilians they are constitutionally obligated to protect. The CNDD-FDD government's policy to continue to engage in armed conflict with the PALIPEHUTU-FNL is also partially to blame for this state of affairs. As soon as they were integrated, the two main composite forces were immediately mobilized to counter the PALIPEHUTU-FNL rebellion with little consideration given to their lack of training and/or professional ethics.

Burundi's challenging socio-economic context also poses a major obstacle to the transformation of the security and defence corps into forces that are willing and able to protect all civilians. The forces are made to work under very difficult conditions, often without the equipment (including transportation), required to execute their mandates. They also tend to be poorly paid. Despite a substantial increase in pay for the members of these forces,²⁶ many military and police personnel are financially incapable of meeting their basic needs, let alone those of their family.²⁷ This has created a precarious situation whereby some members of the security and defence corps use their positions to extract benefits from civilians.²⁸ Indeed, in the absence of a marked improvement in the defence and security forces' working and living conditions, combatants who are accustomed to exploiting civilians in order to meet their basic needs will likely have difficulty internalizing even the best human rights and professional ethics training.

Burundi's challenging socio-economic context also poses a major obstacle to the transformation of the security and defence corps

Demobilized former combatants face and pose similar challenges.²⁹ A March 2006 report by the United Nations Secretary-General notes "[t]he difficult socio-economic environment in which individuals are expected to resume civilian life will make the reintegration process very challenging."³⁰ As a result of limited compensation packages and few economic prospects, many demobilized former combatants have turned to criminal activity to meet their basic needs.

Early Prospects for Reform

The sustainable reform of Burundi's defence and security corps is an arduous and costly process, not only because lives and careers hang in the balance, but because this reform process is intricately linked to Burundi's peace, security and socio-economic development. Recognizing the critical importance of sustainable security sector reform, a number of key donors are supporting this process. Belgium, France and the Netherlands comprise the most critical bilateral donors in this domain. Their contribution consists mainly of training, and institutional and material assistance, including infrastructure support. Much of this assistance is channeled to the new national police force, followed by the national military. At present, donors do not have a comprehensive plan for supporting the reform of the national intelligence service, although the *Bureau Intégré des Nations Unies au Burundi* (see below for more details) hopes to work with this service.³¹

Important multilateral actors in this area include ONUB and the World Bank. ONUB via CIVPOL supports national police training and oversees some of the defence and security forces' reform activities. By January 2007, an "integrated office" of the United Nations (*Bureau Intégré des Nations Unies au Burundi* (BINUB)) will replace ONUB and will address the following areas:

- Peace and democratic governance;
- Security sector reform and civilian disarmament;³²
- Human rights, judicial reform, and transitional justice;
- Information and communications; and
- Reconstruction and socio-economic development.

The World Bank is the most important multilateral contributor to the demobilization, reinsertion and reintegration process in Burundi and six other countries in the Great Lakes region.³³ While the Bank does not intervene directly in the reform of the defence and security corps, it does provide advice and technical support to bilateral stakeholders on financing and supporting this process.

Yet, many of the security and defence reform programmes envisioned by these and other international actors have not yet been implemented. This is due in part to the fact that the government is only in the process of devising a national defence and security policy around which donors can plan and coordinate SSR-related assistance. The absence of a clear government policy and programming framework for short- and long-term reform is partly to blame for the fact that SSR efforts remain piecemeal and largely technical in nature, i.e. focused on logistics, equipment, and infrastructure support as opposed to deeper structural and attitudinal reform. In addition, without an overarching government strategy, there is little coordination among the various government ministries who have a stake in security sector reform (including, for example, the Ministry of the Interior, the Ministry of Defence, the intelligence service, the Ministry of Finance, etc). Moreover, these ministries generally prefer to forge bilateral relations with donors in order to secure support for their particular needs.³⁴ Finally, the process surrounding the development of a global SSR strategy has not been an inclusive one and was based largely on dialogue between a limited number of international actors and the government without consultation with local, national and international stakeholders, including civil society organizations capable of representing the security concerns and priorities of vulnerable populations.

The envisioned finalization and dissemination process of Burundi's Poverty Reduction Strategy Paper (PRSP) may provide a unique opportunity for a whole-of-Burundian-government discussion – that also includes other key stakeholders such as civil society and international donors – on threats, needs and priorities for SSR over the coming years. An early assessment of the Burundian government's recently released PRSP suggests that its elaboration process was broadly inclusive and involved extensive consultations with communities, civil society organizations, parliament, and a broad spectrum of government stakeholders, including the international community towards the end of the process. Moreover, the fact that SSR is one element of the PRSP might make it easier for the government to mobilize resources from a broader range of donors. It may also help ensure that reform of the security sector assumes a sector-wide dimension since the PRSP is coordinated at the national level.³⁵ Despite these promising developments, however, the PRSP does not set the groundwork for a comprehensive SSR strategy; indeed, it merely flags efforts to address the conflicts with the FNL and within the sub-region and references the importance of continued work in the areas of DDR, professionalization of the security

and defence corps and the disarmament of the civilian population.³⁶

Given this context, a number of key questions for human-rights based security sector reform in Burundi still require consideration. For example, how can national, regional and international actors instil in the defence and security forces the understanding that their arms are to be used in the service of protection of civilians and not as a means of exercising authority and repression or gaining or maintaining power? How feasible is this behavioural change in the context of a precarious ceasefire and the potential for on-going fighting involving the PALIPEHUTU-FNL? What measures need to be taken to de-politicize factions of the new military and police who remain under the control of their former leaders? How can civilian oversight mechanisms – including but not limited to Parliament – be strengthened in an increasingly challenging political context? What are the security concerns and reform priorities for the most vulnerable populations in Burundi, including those living in extreme poverty, women and children? To what extent are the priorities of the government and the programming objectives of key donors informed by these concerns and priorities?

A number of key functions for human rights-based SSR in Burundi still require consideration

Preliminary Conclusions

The responsibility to protect entails the ultimate responsibility to eventually devolve authority and capacity to national governments to ensure the well-being of all their citizens. In Burundi, security sector reform has proven to be an important element of the succession of responsibility from international actors such as the United Nations to a democratically elected government. The

new government has officially stated that it is willing to meet its democratic obligations to its population and has indicated that it aspires to build a security sector that is committed to providing protection to all Burundians, even the most vulnerable.

While there has been progress with respect to some aspects of SSR, notably the structural integration of various armed groups into a single military and single police force as well as disarmament and demobilization of former combatants, the security and defence forces continue to be implicated in human rights abuses. A preliminary assessment of possible explanations suggests that a lack of professionalism and related lack of training among elements of the security apparatus, and an extremely challenging socio-economic context – which compels some members of the security and defence corps to use their uniform and guns to secure their basic needs – has created or perpetuated conditions conducive

to human rights violations. In addition, the fact that the FNL was until very recently still engaged in armed conflict has meant that elements of the newly integrated military and police have been deployed for counter-insurgency and other operations without proper human rights or other training.

Protecting civilian populations is one of a government's core responsibilities. In Burundi, the new government was elected in large part because of its promise to restore peace and security for all Burundians. Accordingly, the government is obligated to provide a political, economic and legal environment conducive to achieving this central objective. An early assessment of these challenges suggests that a critical element of a sustainable security sector reform agenda will be to ensure that the new military and the new police develop the will and capacity to execute their mandate to respect and protect the human rights of all citizens, regardless of their gender, ethnicity or class. An important step will be to develop a functional accountability system to ensure that violations committed by the military and police are appropriately punished. In addition, implementing an effective vetting procedure,³⁷ which also respects the delicate ethnic balance of the military and the police, is central to creating a competent and responsible security and defence corps. This process could also help reduce the excessive number of these forces. For its part, Burundian and international civil society can continue to play a key role in this process by advocating on behalf of vulnerable populations, monitoring the activities of the military and the police, and pressuring the government to prioritize human rights concerns and punish violations committed by these actors. The international community can accompany and support this process, applying carrots and sticks when and where appropriate. It can also continue to work toward offering appropriate training for the military and police, and strengthening their institutional skills to protect civilian populations.

Indeed, a number of crucial questions remain as to whether the government will follow through on its commitment to implement a coherent strategy for reform that privileges the security priorities of the majority of Burundians and whether the international community will orient its assistance to meet these needs in a coordinated manner. An early analysis of the prospects for SSR in Burundi also begs serious questions about the extent to which it is possible to pursue a human rights-based, pro-poor and gender-sensitive reform agenda in the context of state fragility characterized by the threat of armed conflict and extreme poverty. There is a need for further research and policy dialogue on the role national actors, including the Burundian government and civil society, as well as the international community can play in building a security sector that is capable and willing to protect civilians.

Notes

- 1 International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001: Chapter II; p. 13)
- 2 Ibid. Chapter V; p. 39.
- 3 This paper is also the first output of a two-year research and policy-engagement project on security sector reform to protect the most vulnerable in Burundi. The project was launched on April 1, 2006 and is being undertaken in full partnership between the *Centre d'Alerte et de Prévention des Conflits* (CENAP) and the North-South Institute (NSI). The present paper provides a preliminary overview of the SSR problématique in Burundi and explores key questions and emerging issues for policy dialogue on human rights-based reform. CENAP and NSI will explore these and other elements in greater detail over the next two years. For more information on this multi-year policy research project, please visit www.cenap.bi and www.nsi-ins.ca or contact Kristiana Powell at kpowell@nsi-ins.ca
- 4 The government and the FNL signed a ceasefire agreement on 7 September 2006 that includes provisions for ending armed conflict and for the disarmament, demobilization, and reintegration of FNL combatants. According to the agreement a number of combatants may also be integrated into the restructured army and police.
- 5 International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001: Chapter V; p. 41).
- 6 Ibid. Chapter VII: 65.
- 7 OECD DAC, *Helping Prevent Violent Conflict, DAC Guidelines* (Paris: OECD Publications, 2001).
- 8 OECD DAC, *Security System Reform and Governance, OECD DAC Guidelines Reference Series* (Paris: OECD Publications, 2005).
- 9 Cf *Protocol III of L'accord d'Arusha pour la paix et la réconciliation: paix et sécurité pour tous*.
- 10 The National Defence Force (*les Forces de Défense Nationale* or FDN) replaces the *Forces armées burundaises* (FAB) as the new name for the regular army. These changes were articulated in the Arusha Accord.
- 11 It is worth noting that in most countries the post-conflict reform of the defence and security forces is based on the fusion of a single rebel group with the regular army. In Burundi, however, the post-conflict reform process involves the integration of close to half a dozen rebel movements and the former regular army. In addition, this process is taking place while the PALIPEHUTU-FNL rebellion is still active in several provinces in Burundi.
- 12 The modalities of provisional immunity are mentioned in the Pretoria Protocol of 2 November 2003 pertaining to political power, defence and security. The Protocol was followed by a November 2003



- law regarding immunity for political leaders and a March 2004 decree calling for the implementation of provisional immunity.
- 13 The Constitution of the Republic of Burundi, Title X: Of the Defence and Security Forces, Article 241.
 - 14 For example, in a letter to the President of the Security Council dated 23 November 2005, the new government of Burundi requested that the United Nations mission in Burundi – *Opération des Nations Unies au Burundi* (ONUB) – be scaled down so that the new government could assume full authority over its territory. ONUB was deployed in June 2004 to absorb and transform an African Union mission deployed to Burundi in April 2003 to help implement elements of the Arusha Accord. ONUB will disengage in December 2006 and will be replaced by a United Nations “integrated office.” For more information on the Government’s request for continued support from the United Nations, see “*Consultations entre le Gouvernement du Burundi et l’Organisation des Nations Unies sur l’après ONUB*,” Bujumbura, 21-24 May 2006.
 - 15 Interviews with Government of Burundi officials, Bujumbura, June and July 2006.
 - 16 This quota system calls for 50% Tutsi and 50% Hutu representation in the new FDN, with 40% of all of its members coming from the CNDD-FDD.
 - 17 These 20 701 demobilized individuals include 17 686 men, 494 women and 3015 child-soldiers: 8226 come from former members of the Armed Forces of Burundi, and 7049 are former CNDD-FDD combatants. The remainder are former combatants from other rebel movements. Source: *Secrétariat national de la commission de démobilisation, réinsertion et réintégration des anciens combattants*, September 2006.
 - 18 Declaration made by the Director of the Human Rights Division, Ismaël Diallo, on 04 August 2005.
 - 19 *Interview on Radio Bonasha FM*, February 2006.
 - 20 Seventh report of the Secretary-General on the United Nations Operation in Burundi, 21 June 2006, p. 3.
 - 21 These include the two main human rights leagues in Burundi, namely ITEKA and APRODH, and NGOs such as Human Rights Watch and Amnesty International.
 - 22 For more on this, please see: Nduwimana, Françoise. “*Le Canada et la mise en œuvre de la Résolution 1325 du Conseil de Sécurité de l’ONU dans la Région des Grands Lacs Africains: Défis et perspectives pour le Burundi et la République Démocratique du Congo.*” *ONUB Magazine*, No. 4. “Spécial Droits de l’Homme.” October 2005; p.14.
 - 24 See “*Rapport d’Avril 2006 sur l’identification et l’assistance judiciaire et psychologique des victimes de la torture, des violences sexuelles et des traitements inhumains*” by the *Association Burundaise pour la Protection des Droits Humains et des Personnes Détenues* (APRODH). Also see, *CARE International au Burundi, Projet “Renforcement de la prévention des violences sexuelles et prise en charge communautaire des victimes de violences sexuelles (PLUVIS): Rapport d’analyse de l’état des lieux de violences sexuelles dans la zone d’action du projet,”* December 2005. This study was based on 150 interviews in four communes and found that the majority of incidents of sexual assault and gender-based violence in these selected sites was reportedly committed by the military and demobilized ex-combatants.
 - 25 René Lemarchand, *Burundi: Ethnic Conflict and Genocide* (Cambridge: Woodrow Wilson Center Press and Cambridge University Press, 1996).
 - 26 This increase was decided in May 2006 and implemented in July 2006. It amounts to more than a 100% increase for the highest ranking staff and a more limited increase in accordance to grade for other ranks.
 - 27 Prior to the increase in pay, a FDN private would receive a monthly salary of FBU31 000, or about US\$31.00, whereas a high-ranking officer, such as a colonel, received FBU101 000, or US\$100.00. By way of perspective, the cost to rent a small house in an average neighbourhood in Bujumbura is currently higher than US\$100.00 a month. Even with the recent increase in pay, many stakeholders believe salaries are not sufficient for many FDN members.
 - 28 It is important to note that all the senior officers of the former movements, except for those holding high-ranking government positions, reside in Bujumbura’s working-class areas. This is a source of tension given that their ex-FAB colleagues – who are paid the same amount – often live in much better conditions because they are more accustomed to life in the capital and are therefore more resourceful.
 - 29 A regular demobilized combatant receives an allowance equivalent to 18 months of salary or US\$600.00 in several disbursements as well as up to US\$600.00 in material support for his/her reintegration. However, this amount can only cover the basic needs over a period of two months for a small family living in Bujumbura. In rural areas, the cost of living is significantly lower but the price of a heifer (cattle raising is a common income-generating activity in rural Burundi) ranges from US\$250 to US\$300.
 - 30 United Nations Security Council, *Sixth Report of the Secretary-General on United Nations Operation in Burundi*, 21 March 06, S/2006/163; p. 6.
 - 31 BINUB has inserted into its workplan the following objectives regarding its work with the national intelligence service: assistance in the preparation and implementation of a capacity building strategy; training in human resource management for senior officers of the SNR; and support for resource mobilization to address priority needs.
 - 32 The integrated office of the UN will have a specific SSR unit that will bring together ONUB’s disarmament, demobilization and reintegration (DDR)/SSR unit and other UN agencies such as the UNDP and UNICEF.
 - 33 In addition to Burundi, the MDRP manages the DDR of former combatants in Angola, Central African Republic, Democratic Republic of Congo, Republic of Congo, Rwanda and Uganda.

- 34 Interviews with representatives of a number of donor agencies based in Bujumbura, June and July 2006.
- 35 Interview with ONUB official, August 2006.
- 36 Republique du Burundi, *Cadre Strategique de*

- Croissance et de Lutte Contre la Pauvrete: CSLP-Complet.*
- 37 Vetting involves the removal of individuals responsible for serious crimes from active military or police duty.



About this paper

This paper is one of four outcome documents emerging from a High-Level Symposium on “Protecting Civilians and Building Sustainable Peace in Africa” co-hosted by the Centre d’Alerte et de Prévention des Conflits (Burundi), the Institute for Public Policy Research (United Kingdom) and the Institute for Security Studies (South Africa), and The North-South Institute (Canada). This event was held in Addis Ababa in March 2006 with funding from Foreign Affairs Canada’s Human Security Programme.

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