

# SECURITY SECTOR REFORM MONITOR



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Cover Photo: Detainees being escorted by a police officer to the Gitega Tribunal de Grande Instance. Photo by Dieudonné Ndayishimiye, courtesy of International Bridges to Justice (IBJ).

## INTRODUCTION

The first issue of the *Security Sector Reform Monitor: Burundi* addressed ongoing reforms within the police and the judiciary, two crucial sectors in the Burundian security sector that figure prominently in both the Arusha Peace and Reconciliation Agreement of August 2000 and the 2005 post-transition constitution. Today, reforms undertaken in both institutions—as well as other organizations involved in the wider SSR field—face various constraints at different levels, including growing corruption. A challenging problem in many post-conflict societies, corruption in the security sector can result in poor service delivery and increased costs to cash-strapped governments, not to mention the profound and potentially lasting negative impact on public confidence in security sector institutions.

For many years, when compared with its African neighbours, Burundi was considered one of the region's least corrupt countries. Since corruption was limited to taxation, customs and public procurement and involved only a small proportion of the public administration, it did not affect on a large scale the daily life of ordinary citizens. Spurred by a decade of civil war, this social evil has now grown and become widespread. Indeed, a four-year embargo enforced by Burundi's neighbours following the 1996 coup led to the intensification of corruption in the country. It progressively took root in all sectors of society, largely due to a sharp decline in purchasing power resulting from the civil war, the paralysis of all economic activity and the suspension of international aid, but also because of poor governance and weakening social values.

## ABOUT THE SSR MONITOR

The *Security Sector Reform Monitor* is a quarterly publication that tracks developments and trends in the ongoing security sector reform (SSR) processes of five countries: Afghanistan, Burundi, Timor-Leste, Haiti and Southern Sudan. Every quarter, there will be separate editions for each case study country. Adopting a holistic definition of the security sector, the *Monitor* will cover a wide range of actors, topics and themes, from reforms in the rule of law institutions and armed forces to demilitarization activities and the role of non-statutory security and justice actors.

Research for the *Monitor* is field-based: a resident researcher in each case study country leads data collection and analysis, with support from desk-based analysts at The Centre for International Governance Innovation (CIGI). The same research guidelines are employed for each country. All editions of the *Monitor* are subjected to an external peer review process in addition to our internal editorial review.

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Paradoxically, the endemic character of corruption has intensified since the end of the war. Despite the presence of a democratically elected government and the resumption of international cooperation, Burundi is more corrupt today than it was a few years ago. Indeed, Transparency International recently ranked Burundi 168th out of 180 countries on its *Corruption Index*, a drop of ten places since last year. Transparency International's supporting data are particularly telling:

Among the company managers interviewed, almost two out of five claimed to have been asked to pay bribes within the context of a negotiation with a public organization. Half these people said that corruption increases project costs by at least 10 [percent]. One out of five claimed to have lost a contract due to bribes paid by competitors. (quoted in LDGL, 2009).

Transparency International's ranking is confirmed by the World Economic Forum's *Global Competitiveness Report* which ranks Burundi last out of the 133 countries surveyed, the country's lowest ranking in the past two years (Schwab, 2009).<sup>1</sup>

## THE EXTENT OF CORRUPTION IN BURUNDI

In October 2009, the Association of Institutions Fighting Corruption in Eastern Africa met in Bujumbura. At the opening ceremonies of the meeting, Burundian President Pierre Nkurunziza publicly recognized the acuteness of corruption in his country: "During and after more than a decade of civil war that has devastated our country, the phenomenon of corruption has intensified in most sectors of national life" (Nkurunziza, 2009). This opinion is widely shared by most Burundians: a May 2008 survey of 1,810 people found that 78 percent of household respondents, 92

<sup>1</sup> Rankings in the *Global Competitiveness Report* are calculated using publicly available financial data and a comprehensive annual survey based on twelve pillars of economic competitiveness undertaken by the World Economic Forum and its partner institutions in the countries covered by the report.

percent of civil servant respondents and 91 percent of NGO and entrepreneur respondents identified corruption as one of the top ten “very important” issues facing Burundians (MPGG, 2008). The same survey identified the customs and taxation departments as the most corrupt institutions (MPGG, 2008). However, 94 percent of national NGO representatives cited the police as the most corrupt institution, a perspective supported by its ranking as the second most corrupt body in the country by entrepreneurs (84 percent). The judicial system is widely identified as a locus of corruption by civil servants (80 percent), entrepreneurs (84 percent) and NGOs (85 percent) but, interestingly, is not seen that way by the general public with only 36 percent of households surveyed ranking it among the most corrupt (MPGG, 2008).

A study on petty corruption in Burundi identified those with tertiary education (53 percent) and merchants (50 percent) as the groups most affected by corruption. Men and civil servants were also identified as groups heavily affected by the phenomenon.<sup>2</sup> At the national level, the survey revealed that on average half of Burundians are directly affected by corruption. Indeed, various forms of corrupt practices taint all sectors of the public service, whether in the form of bribes or kickbacks, influence peddling, sexual favours, or the provision of in-kind goods and services. Justice structures at the community level are riddled with corruption, which is especially damaging considering it is one of the most sought-after services and an institution of first resort to resolve all kinds of disputes, particularly conflicts over land. Ordinary citizens also identify corruption among the police, government administration, education, health services, and the provision of humanitarian assistance. These same people believe that the main causes of corruption are poverty, impunity, poor governance and a lack of political will to address the

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problem (Nimubona and Sebudandi, 2007).

<sup>2</sup> Forty-nine percent of respondents identified men as affected by corruption while 44 percent identified civil servants. Only slightly more than 20 percent of respondents identified women as being particularly affected by corruption (Nimubona and Sebudandi, 2007).

# CORRUPTION WITHIN THE DEFENCE AND SECURITY ESTABLISHMENT

## The Burundian National Police (BNP)

As noted above, survey data show that the PNB is perceived as one of the country's most corrupt institutions. Nimubona and Sebudandi's analysis is strengthened by that of the World Economic Forum which ranks Burundi 129th out of 133 countries on the reliability of its police services (Schwab, 2009: 105). Corrupt practices within the police service are found at a variety of levels. They involve both rank-and-file police who interact with ordinary citizens on a daily basis, and high level officials managing lucrative government contracts, the awarding of which is often tainted by procedural irregularities and a lack of transparency.

Moreover, Burundians view corruption as the principal failing of the police according to a survey of public perceptions of the institution (CENAP and NSI, forthcoming). As Nimubona and Sebudandi note, petty corruption is most common on the roads, where it manifests itself in the extortion of street merchants, bicycle- and motorcycle-taxi drivers, bus drivers and everyday individual drivers under a variety of pretexts such as incomplete vehicle documentation (2007). Petty corruption is also common in trial procedures and in the issuing of a variety of documents (Nimubona and Sebudandi, 2007). The broad "culture of impunity" within which the police operate is well-documented<sup>3</sup> and discussed at length in the first issue of the *Security Sector Reform Monitor: Burundi*.

At a higher level, cases of corruption and economic and financial embezzlement within the police mainly concern the provision of food supplies (often of very poor quality)

for police officers, as well as uniforms and equipment (OLUCOME, 2009a: 7-10). The daily food ration for police, in addition to being of low nutritional value, often lacks certain foods for unexplained reasons, something that could be attributed to corrupt practices. For example, in 2006, a contract for the supply of 2,500 tonnes of beans, 1,800 drums of palm oil and 72,000 kilograms of kitchen salt was awarded to a businessman whose main competitors were his children and members of his family posing as fictitious companies (OLUCOME, 2009a: 7). Reflecting this situation further, the November 2009 removal from office of the Chief of the Logistics Department within the Office of the Director General of the PNB may have been linked to embezzlement in the supply of food to police personnel.

Beyond the supply of food, problems with basic equipment including uniforms have plagued the BNP. In 2007, a company was awarded a contract to supply uniforms to the police responsible for public order (*Mantein/Rétablissement de l'Ordre Public*, or MROP). The company in question supplied 37,000 uniforms at a total cost of more than US\$520,000 as well as 3,000 pairs of boots for approximately US\$55,000. Due to the poor quality of the fabric, the uniforms lost their original colour within three months of delivery (OLUCOME, 2009a: 8). Furthermore, at the beginning of 2009, 4,500 lightweight police uniforms and 32,000 MROP uniforms were ordered by the United Nations Integrated Office in Burundi (BINUB). The cost for these uniforms totaled US\$712,157. In this case, the MROP uniforms lost their colour in less than a month, forcing the BINUB to launch a process to ensure that the supplier delivered better quality goods (OLUCOME, 2009a: 9). While faded uniforms may not seem to be a significant problem considering the panoply of challenges facing the Burundian security sector, when one considers both the symbolism of the uniform and the functional imperative that the police be easily and immediately recognized by both colleagues and the general public, one begins to comprehend the real cost of this kind of corruption.

<sup>3</sup> See, for example, BBC (2009).

High-level corruption within the PNB is not limited to procurement. For example, at the beginning of 2009, a number of fictitious police personnel were expunged from the records of the police service.<sup>4</sup> These “ghost officers” had been paid regular salaries and some had even received small loans, amounting to approximately US\$2 million (OLUCOME, 2009a: 21). While some police officers were arrested as part of this scandal they have all since been released. According to the Observatoire de Lutte Contre la Corruption et les Malversations Economiques (OLUCOME)—a very active Burundian anti-corruption NGO—money is still being disbursed to some fictitious personnel. Another troubling example of corruption within the police human resources structure relates to the posting of PNB officers to United Nations missions abroad, such as in Darfur, Sudan, or Côte d’Ivoire. Police officers wishing to take part in these missions, which come with a number of benefits, must pay close to US\$2,000 to a high-ranking police official to secure a slot.<sup>5</sup>

## The National Intelligence Service (SNR)

The SNR—also known as the “presidential police” because its commanding officer reports directly to the president—has been provided with a budget of roughly US\$3 million for the 2009 fiscal year. Unlike other services and institutions of the Burundian state, this amount is not subject to any oversight regarding its use, a situation which can only encourage non-transparent management. Moreover, civil society organizations do not have easy access to this body, and no investigation into whether it suffers from corrupt practices has ever been conducted. Notwithstanding the absence of a dedicated formal inquiry, top SNR officials were identified by the United Nations’ Group of Experts on the Democratic Republic of Congo as maintaining

## SSR RESOURCE CENTRE

[www.ssrresourcecentre.org](http://www.ssrresourcecentre.org)

On April 28th the Centre for International Governance Innovation (CIGI) will launch an exciting new initiative, the **SSR Resource Centre**. The Resource Centre is a website intended to serve as a hub and meeting place for SSR practitioners, analysts, policy-makers and interested observers from across the world. It will feature:

- A blog highlighting recent developments in the SSR field;
- A calendar listing SSR-related events across the world;
- Country profiles for countries/regions undergoing SSR;
- Multimedia content, including video and audio interviews of SSR experts;
- Access to CIGI’s SSR research, including the quarterly *SSR Monitor*.

The site will be dynamic – updated daily – and interactive – with all blog pages comment-enabled and external contributions welcomed.

To enter the SSR Resource Centre, please visit:

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relationships with the Forces Democratiques de Liberation du Rwanda (FDLR), a Hutu rebel movement operating in the eastern part of the former Zaire accused of, among other things, facilitating the smuggling of illicit gold into Burundi (United Nations Security Council, 2009: 36-37).

<sup>4</sup> The Netherlands-sponsored *Programme de Recensement et d’Identification du Personnel de la Police Nationale du Burundi* (PRIP) conducted a census of all PNB personnel.

<sup>5</sup> Interviews with PNB and Ministry of Public Security personnel, Bujumbura, February 2010.



**TABLE 1: KEY CORRUPTION CHALLENGES FACING THE BURUNDIAN JUSTICE SYSTEM**

|   | <b>Entrepreneurs</b> | <b>NGOs</b> |
|---|----------------------|-------------|
| High cost of bribes                               | 80%                  | 87%         |
| Impunity of genocidaires                          | 88%                  | 87%         |
| Impunity of other criminals                       | 93%                  | 91%         |
| Failure to address land-related conflict          | 63%                  | 73%         |
| Influence of bribes on court decisions            | 79%                  | 87%         |
| Influence of politics on court decisions          | 76%                  | 70%         |
| Influence of private interests on court decisions | 52%                  | 70%         |
| Long duration of court procedures                 | 70%                  | 70%         |
| High cost of hiring a lawyer                      | 68%                  | 81%         |

Source: MPGG (2008: p. 5 of Executive Summary).

## The National Defence Forces (FDN)

Unlike the police, the FDN are seldom mentioned in discussions of corruption in Burundi. The military does not figure prominently in the various national-level surveys on perceptions of corruption and governance. On the one hand, ordinary citizens do not have much contact with the military, which is mainly confined to its barracks. On the other hand, the FDN leadership seems to be trying to fight corruption within the force. In the past, the FDN has come under fire from civil society watchdogs like OLUCOME for procedural errors in processes to award procurement contracts such as the supply of military uniforms in 2008; however, it is also recognized for its efforts at ensuring transparent and proper management.<sup>6</sup> In the recent past, particularly during the 1996–2000 embargo, several cases of embezzlement within the FDN were a hot topic of public conversation, including the purchase of antiquated combat helicopters that never saw service. Indeed, this case is still pending before the country's courts. On a less sensational level, there are also complaints concerning the supply of food products, which were delivered late and considered to be of poor quality, causing discontent within some barracks.<sup>7</sup>

<sup>6</sup> Interviews with the presidents of OLUCOME and the National Auditing Court, Bujumbura, November 2009.

<sup>7</sup> At the end of November 2009, leaflets mentioning these issues with FDN food supplies were found in Gitega, Burundi's second largest city.

## Corruption in the Official Justice System

Although a dedicated study on corruption in the justice system is not known to exist, survey-based studies on corruption and governance have addressed the issue. The state of the justice system is a central concern for Burundians. This is due to the simple fact that many Burundians have sought recourse through the justice system over land disputes, a pressing challenge in post-war Burundi. Indeed, land disputes constitute almost 80 percent of all pending cases before the lower-level courts (Réseau des Citoyens, 2009). Cases must be presented to local courts before being heard at the provincial level. According to Nimubona and Sebudandi's study of petty corruption, most Burundians' complaints are focused on the local courts, demonstrating that petty corruption is most visible at the local level where the bulk of judgments are delivered (2007).

Nonetheless, perceptions still vary depending on the respondent's area of residence and level of education. A study of governance commissioned by the Burundian government notes that 21 percent of respondents believe that the justice system is corrupt in general. This opinion is more common among residents of the national capital, Bujumbura (36 percent), and the provinces of Ngozi and

Karusi (34 percent). NGO respondents are the group most critical of the justice sector with 57 percent believing it is the most corrupt institution; entrepreneur respondents are not far behind at 40 percent. When asked to identify the principal reasons why they do not want to engage with the official justice system, responses were similar across the board, highlighting expensive bribes and the impunity enjoyed by some groups. Table 1 provides details on the key grievances as identified by entrepreneurs and NGO respondents.

While it is unsurprising that those outside of the system might view it with a critical eye, a shocking 91 percent of civil servant respondents within the justice department saw their appointments in the sector as linked to politics. Moreover, a worrisome practice which is becoming increasingly widespread is the “purchasing” of positions—paying a bribe to secure a position—within the judiciary, where salaries are much more attractive than the rest of the public service. A justice sector union official recently spent six months in prison for exposing the practice; he was only released because of strong pressure exerted by both national and international stakeholders.

## ANTI-CORRUPTION INITIATIVES

Following the 2005 national election, the incoming government officially cited the fight against corruption as one of its priorities. Since coming to office, the government has created several anti-corruption institutions including an anti-corruption court, a dedicated prosecutor’s office within that court and a special anti-corruption brigade with an interdisciplinary mandate to cooperate with new and existing anti-corruption bodies.

The anti-corruption brigade has already processed more than 200 cases since its inception in 2006. Regrettably, however, these new anti-corruption mechanisms are generally inefficient in the overall fight against corruption

### MANDATE OF THE SPECIAL ANTI-CORRUPTION BRIGADE

In 2006, a special anti-corruption brigade was created by the Burundian government. The brigade’s mandate is to:

- Fight corruption and other forms of organized crime with an interdisciplinary approach integrating intelligence, investigation and prosecution;
- Record acts of corruption as well as economic and financial embezzlement;
- Seek out grievances or complaints over suspected acts of corruption or related offences;
- Inform the Office of the Attorney General of the Anti-Corruption Court of acts likely to constitute corruption or related offences upon completion of an investigation;
- Cooperate with national and international organizations that fight corruption or related offences.

Source: UNECA (n.d.)

due to a lack of political will supporting them. They are subject to pressure by the executive branch of government and, to date, have not proved a credible deterrent to the primary offenders, most of whom are well known. A number of cases involving public officials have been referred by the special brigade to the anti-corruption court, but no charges have been laid.<sup>8</sup>

Other anti-corruption bodies that existed before the formation of the dedicated institutions mentioned above have displayed more independence, including the National Auditing Court (created in 2004), the General State Inspectorate (IGE), and the Burundian Auditor General (which replaced the previous General Financial Inspectorate in 2004).

The report on the IGE’s activities for the fiscal year 2008

<sup>8</sup> Interview with a former officer in charge of the special anti-corruption brigade, Bujumbura, December 2009.

notes that its officials conducted 128 audit missions, of which 62 led to final reports. In addition to mandating financial transparency and commissioning performance audit reports, the IGE has uncovered irregularities in the management of government revenues, government expenditures, public companies and projects. During these investigations, the IGE uncovered sums amounting to US\$1.75 million that needed to be recouped (IGE, 2009).

The IGE has recommended that the individuals identified as perpetrators of corrupt acts be held accountable for their mismanagement and justify their actions before the authorities. For example, the IGE has become quite well known for a scathing report on the management of the national disarmament, demobilization and reintegration (DDR) program for former rebel and government combatants. The IGE report noted serious cases of embezzlement involving the DDR program's managers. The report languished in the president's office for an extended period before pressure from the World Bank—the DDR program's main funder—led to the dismissal of the head of the program. Not long after the report's release, the president took over direct responsibility for overseeing the IGE, removing it from the portfolio of one of his cabinet colleagues.<sup>9</sup> Some analysts see the action as an attempt to reign in the institution.

The National Auditing Court of Burundi “is responsible for analyzing and certifying all public service accounts. It provides assistance to Parliament in controlling the administration of finances.”<sup>10</sup> To that end, it produces an annual report on the administration of the budget and provides comments on budget proposals. Unfortunately, despite the relevance and potential utility of these reports, the parliament and executive (to whom the court reports) rarely take heed of their recommendations.

The parliament—apart from the gestures of a few elected members—seems resigned to the prevailing culture of corruption. A positive development, however, was the establishment in 2008 of a parliamentary committee to investigate the conditions under which a presidential jet had been illegally sold. Although the committee has submitted its conclusions, recommending the prosecution of certain individuals and further investigation of officials at the highest levels of government, its findings have not yet been debated in parliament due to administrative obstructions (OLUCOME, 2009b).

Within civil society, OLUCOME is a leader in the fight against corruption, regularly conducting rigorous investigative work concerning cases of corruption and embezzlement. Hardly a week goes by without a local media story of mafia-like practices in the public administration revealed by OLUCOME's work. Indeed, the NGO has been the primary whistle-blower in most of Burundi's corruption scandals. OLUCOME's relentlessness in trying to bring order and transparency into the management of public affairs has had tragic and deadly consequences. In April 2009, OLUCOME's vice-president, Ernest Manirumva, was abducted from his office and murdered (BINUB, 2009). While the official investigation has resulted in the arrest of a number of suspects, there has been no official word on the likely motive for the killing. However, information leaked from parallel investigations conducted by civil society actors and the US Federal Bureau of Investigation<sup>11</sup> seems to suggest that Manirumva's murder was a state-organized crime perpetrated by officers within the BNP and SNR.

Burundi's primary donor partners have not focused specifically on anti-corruption programming. Apart from providing some equipment and logistical support to government anti-corruption bodies, they have preferred to support more general projects promoting good governance,

<sup>9</sup> The Minister of Good Governance, Privatization, General Inspection of the State and Local Administration.

<sup>10</sup> Article 178 of the Constitution.

<sup>11</sup> Following the assassination, the United States Embassy offered the services of the FBI to the Burundian justice authorities, which accepted them.



human rights, and decentralization.<sup>12</sup> Donors are even quieter on this issue when it comes to the security sector, though they do support numerous programs to improve management and governance practices within the security and justice institutions. The international community does, at times, play a role in the fight against corruption by exerting pressure on the government. For example, donors such as the World Bank have imposed conditions on their financial support requiring the government to investigate cases of corruption. If enforced, this conditionality would lead to the loss of considerable streams of revenue for the state, making it a potentially powerful lever to promote action on corruption. However, such threats have never been enforced despite the continuance of institutionalized corruption within the Burundian state. In addition to strengthening and enforcing their accountability measures, Burundi's development partners could support the fight against corruption by increasing political pressure, sharing good practices and lessons learned, assisting in coordinating the country's many anti-corruption mechanisms and supporting NGOs that provide informal oversight.

## CONCLUSION

Despite the introduction of several structures to address Burundi's endemic corruption, corrupt practices remain pervasive both at the level of ordinary citizens and in the highest echelons of the state. With the support of the international community, the government has strengthened the legal and regulatory system in order to fight corruption; however, in practice these measures have had little impact, and corruption continues to threaten development and stabilization efforts.

It would be naive to believe that corruption could be eradicated within a few years. In a context where extreme

poverty is a fact of life for most of the population, particularly in rural areas, wide economic and social disparities provide a fertile ground for corruption. Nonetheless, societies with socio-economic realities similar to those in Burundi have made significant progress in the fight against corruption. Neighbouring Rwanda, for example, has been applauded by the Bretton Woods institutions and NGOs alike for the progress to contain and eliminate graft and corruption.

In Burundi, as in many countries, the main obstacle to fighting corruption is a political one. Despite the creation of institutions responsible for fighting corruption and the significant resources made available to them, corruption and embezzlement have not diminished. In fact, they have increased due to the lack of real political will to put a stop to them and because the ruling party, the CNDD-FDD, has institutionalized corrupt practices. Government contracts, some public service jobs and numerous government appointments tend to be awarded according to party membership, patronage ties or bribes to the ruling party rather than merit. These practices are well known among the general public as well as the civil service who administer public services and are themselves living in very harsh conditions. Regrettably, in such a context, it would be unrealistic to believe that efforts made would bear fruit without strong and coordinated action on the part of national and international actors. Action taken to bring those responsible for the murder of Ernest Manirumva to justice will send a strong signal of the seriousness of the government and international community to tackle this critical issue.

<sup>12</sup> BINUB has also granted US\$1.5 million to support the strengthening of mechanisms that fight corruption and embezzlement; this was provided in the form of equipment and training workshops for the anti-corruption court and special brigade.

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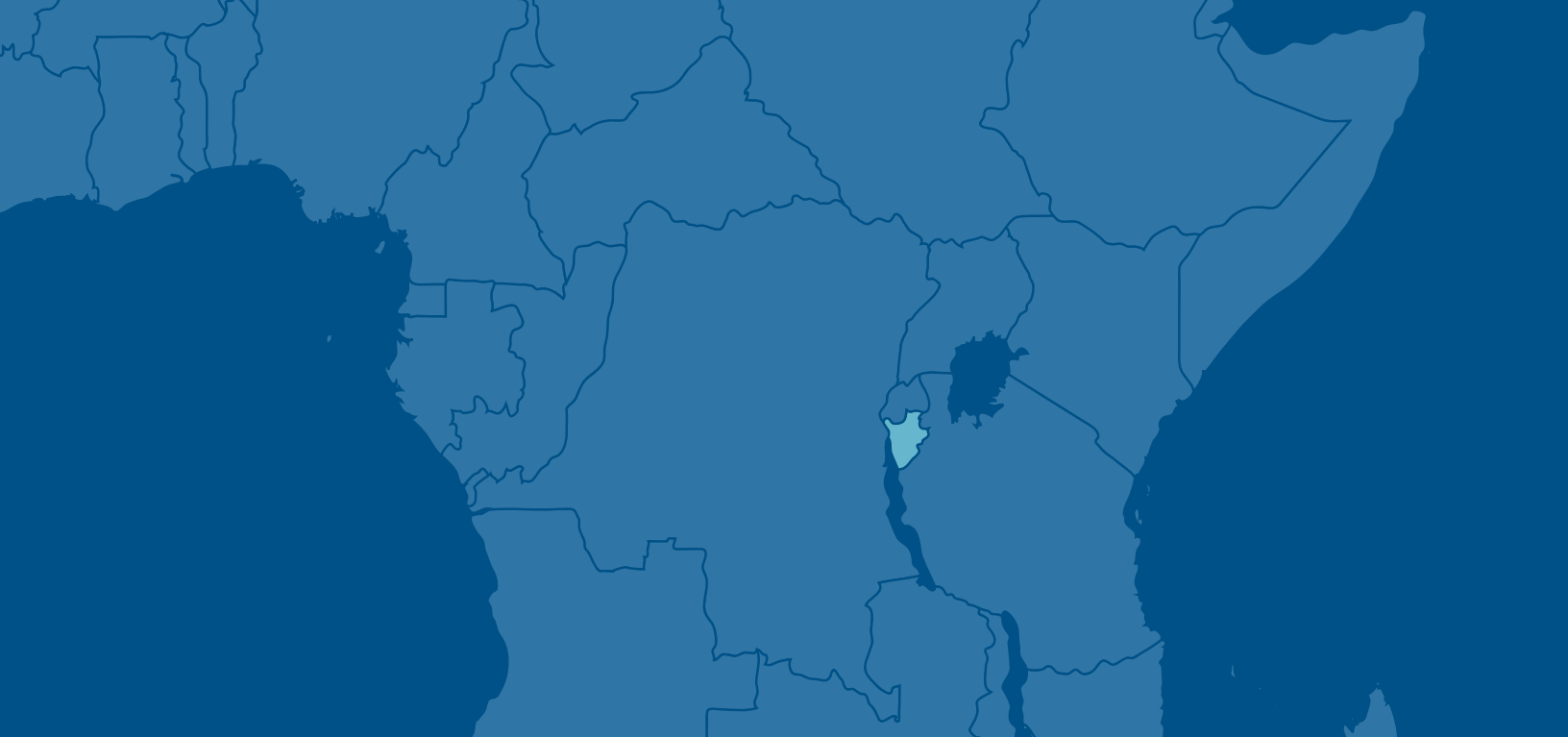
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