

AN AFRICAN PEACE PROCESS

Mandela, South Africa and Burundi

Kristina A Bentley & Roger Southall



NELSON MANDELA
FOUNDATION

Living the Legacy



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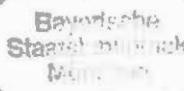
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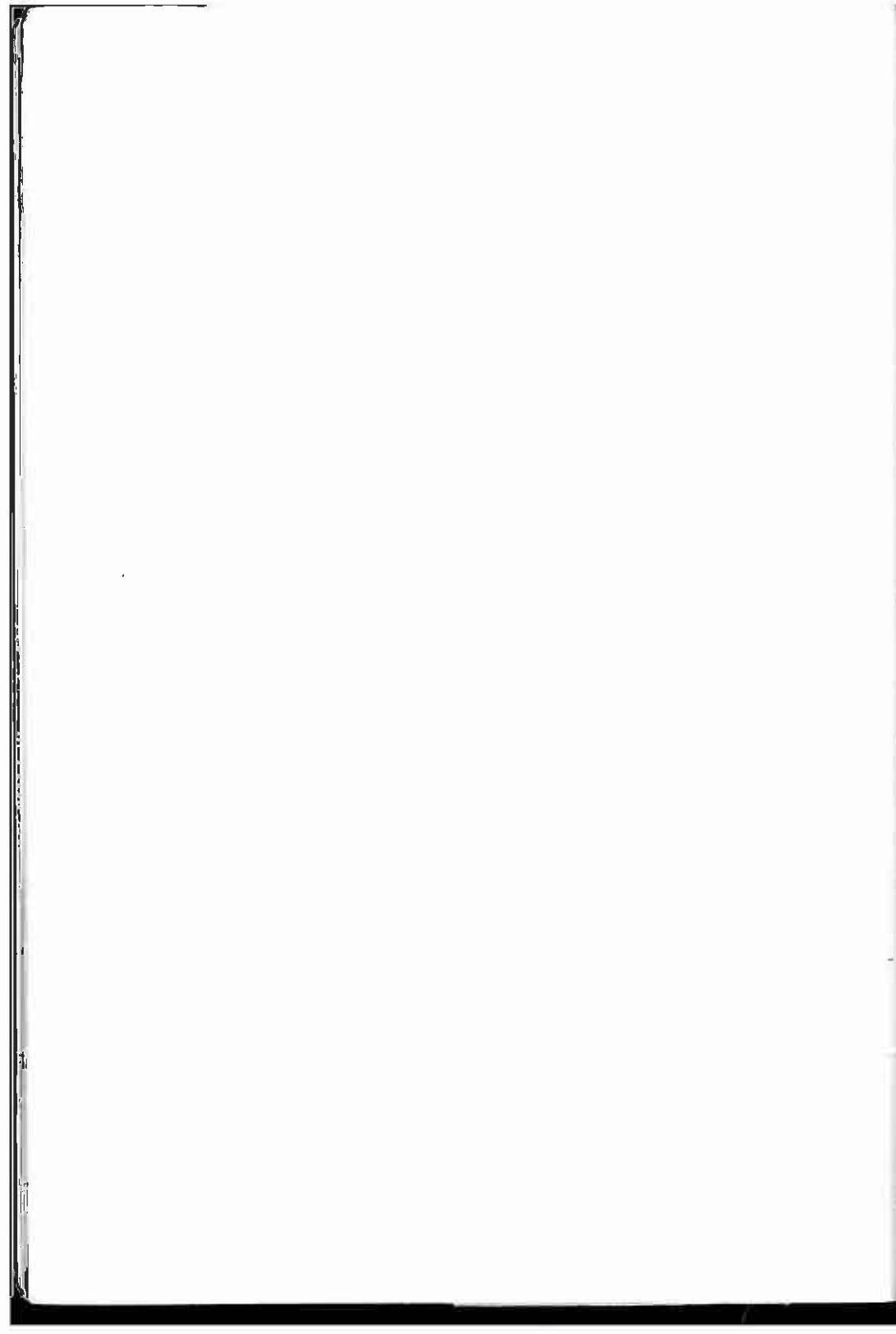
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Foreword

by Nelson Mandela

Africa has for too long been mired in wars which have brought untold misery to her peoples and stunted her development prospects. However, in recent years there have been enormously encouraging signs that Africa is putting her house in order. There are hopeful indications that peace and civil order are being brought to countries such as Liberia, Sierra Leone, Sudan, the Democratic Republic of Congo and Somalia, whilst major constructive initiatives, such as the New Economic Partnership for Africa's Development, point to the determination of the continent's peoples to forge a better and brighter future.

Burundi is one of those countries which has suffered greatly from political turbulence and civil war. From independence in 1962 it faced enormous developmental challenges which were to be greatly exacerbated by divisions between the Tutsi ruling minority and the Hutu majority. These tensions were to eventuate in a civil war in 1993 which, fueled by conflicts in neighbouring states (Rwanda, DRC and Uganda), dragged on interminably at immense human cost.

When, in late 1999, I was invited to serve as mediator of peace negotiations which had been set in motion by the Organisation of African Unity and regional presidents, like other South Africans, I knew very little about Burundi. I had to learn fast! Fortunately, I was able to build upon the impressive foundations for the peace process which had been laid by the late Mwalimu Julius Nyerere, whose untimely death had led to my being invited to take his place. Without his hard work, I doubt that we would have been able to make the progress we did. This was to culminate in the signing of the Arusha Accord by the Tutsi-dominated government and Hutu-dominated parties on 28 August 2000.

The Arusha Accord provided for a process of transition in which power would be shared between Tutsis and Hutus in a lead up to democratic elections. It

was undoubtedly an imperfect agreement, and has been roundly criticised by some observers for failing to secure the adherence of important Hutu rebel movements which continued to wage war against the government. Nonetheless, for good or ill, it was to provide a broad framework for continuing efforts to end the war. Although always extremely complicated and perpetually subject to delays, these appear, at long last, in 2004, to be bearing fruit in terms of securing the agreement of outstanding rebels to join their fellow countrymen in constructing peace through a shared political process.

I am immensely proud that, after I withdrew from active involvement in the peace process, following the signing of the Arusha Accord, South Africa has continued to play a major role in bringing this outcome about. Much praise is due to the indefatigable efforts of Deputy President Jacob Zuma who, with the full backing of President Mbeki and regional partner states, has engaged in exhausting rounds of shuttle diplomacy between the different parties. Equally, too, I am full of admiration for the crucial role which has been played by contingents of the South African National Defence Force, who are continuing to play an important role in safeguarding the transition process. South African civil society, too, has played its own vital part. This is something for all South Africans to be proud of.

We must be cautious, of course, that we don't assume too much. The peace process remains fragile, and it could yet unravel. South Africa must work closely with its regional partners and the international community to ensure that it doesn't. At the end of the day, only Burundians themselves can forge the peace that their country so badly needs, and deserves. We must all continue to give them our support.

The research presented by Kristina Bentley and Roger Southall of the Human Sciences Research Council attempts to understand the complex causes of the civil conflict in Burundi, to outline the dynamics of the negotiations process, and to assess the longer-term prospects for peace. However, their particular focus is to explain to ordinary South Africans why South Africa has become so intimately involved in Burundi, and why peace in that small, far away country, actually matters for our own prospects for development. This is an important task, and I would like to warmly commend this study to the South African public.

Preface

Burundi is a small, impoverished country in the Great Lakes Region of Africa that has been at war with itself since 1993. This decade of violence, which has claimed, in some estimates, up to 350 000 lives (from a population of around six million), has been punctuated by numerous failed attempts at peace, ceasefires and broken agreements. From 1996, these efforts have been driven by a series of initiatives that have come to be known as the Arusha peace process, in which, beginning with former President Mandela's involvement from 1999 as the principal mediator, South African diplomacy has been central. This book seeks to assess the strengths and weaknesses of this involvement, to locate it in the context of South African foreign policy in Africa more broadly, and to consider its contribution to laying the groundwork for a better and safer life for all Burundians.

Presenting an account of the present situation in Burundi, and how it came about, is no simple matter. The story of Burundi is an enormously complicated one, considerably obscured by the differences of opinion as to the salient points of that history insisted upon by opposing actors in Burundi today. Indeed, reaching an agreement between Burundians¹ on the need to differ about their history, whilst living peacefully with each other, constitutes one of the major challenges confronting the making of any long lasting peace. It is correspondingly incumbent upon outsiders attempting to trace and analyse the present state of the country to draw upon as diverse a range of information and sources as possible, and to present as balanced a view as they can if they are not to add fuel to fire further conflict.² That challenge is an even greater one to would-be peacemakers, and whether or not it has been met by South Africa constitutes an important factor in the drive for peace, and hence an important theme of this study.

Following a discussion of why it is important for South Africans to consider their country's role in the Burundian peace process, this study outlines background considerations to international intervention in Burundi, with particular reference to three factors: the legal basis for international intervention in conflict-torn countries, the limits to United Nations (UN)

action in Burundi, and the regional context of South Africa's involvement. A key thesis put forward is that South Africa's engagement in the peace process in this small country forms part of a far larger jigsaw of peace it is trying to construct in Central and Eastern Africa.

After a brief review of the calamitous impact of the war upon human security in Burundi, Chapter 4 of the study examines the historical context that gave rise to the civil war, which is conventionally over-simplified as a conflict between the minority Tutsi, who have historically dominated the government and state institutions, and the majority Hutu. The monograph makes no claim to reflect in any detail the enormous complexities of the history of Burundi as this is not its purpose. However, it is considered that a synopsis, however simplified, is necessary for achieving an elementary understanding of the current situation. Both ethnic division and a rigid hierarchical structure are deeply embedded in the history of Burundian politics, society and the exercise of power, and it is therefore essential to reflect, albeit cautiously, upon the roots of the contemporary manifestation of these divisions.

Chapter 5 addresses the causes and events of the so-called 'creeping coup' of 1993 and the resulting outbreak of civil war. The accusations of ethnic cleansing and genocide by parties on both sides of the conflict are considered, along with the role of the military apparatus and the Constitutional Court in upholding this usurpation of power.

Chapters 6 and 7 consider the gradual move towards a negotiated peace settlement in the face of ongoing violence, and how the intervention of the global community under the auspices of the UN was mandated. An overview of the internal workings of the Arusha negotiations is presented, with particular attention paid to the role of Julius Nyerere, the former President of Tanzania, as mediator.

Chapter 8 considers the choice of Nelson Mandela to replace Julius Nyerere as the mediator of the Arusha process following the death of the latter in 1999. The chapter examines the credentials which Mandela brought to the negotiations, analyses his exercise of his immense authority and diplomatic skills, and assesses how these appear to have contributed to his success in forging an agreement. However, although it is noted that the Arusha Agreement, signed in August 2000, laid a basis for a transition to peace and democracy, it is simultaneously recognised that the failure of the Agreement

to be fully inclusive, in terms of securing agreement between the Burundian government and all rebel groups, rendered it a limited achievement which needed to be built upon.

Subsequently, in Chapter 9, South Africa's continuing role is outlined, with particular emphasis laid upon the role of the country's military and the manner in which the Mbeki government, notably through the person of Deputy President Jacob Zuma, is attempting to build upon Mandela's diplomacy.

Chapters 10, 11 and 12 review the course of the political transition which was set in place by the Arusha Agreement of 2000, with particular attention to the roles, first, of the Tutsi president Pierre Buyoya, and second, of his Hutu successor, Domitien Ndayizeye. After outlining how modest progress has been made in implementing the Arusha Agreement domestically, analysis is provided of how concerted efforts made by South Africa and regional presidents to draw all the outstanding rebel groups into its orbit hit major obstacles. Questions are therefore raised as to whether the Arusha Agreement can ultimately be made a basis for lasting peace without being more extensively negotiated.

Having noted that one of the key flaws to the Burundian negotiation process has been its exclusion of civil society, Chapter 13 examines the solidarity extended to their Burundian counterparts by two South African non-governmental organisations (NGOs). Viewed as supportive to – yet independent of – the political negotiation process, such initiatives are seen as encouraging increasing demands from Burundian civil society that their politicians become accountable.

Chapter 14 then proceeds to suggest some points of convergence between Burundi and South Africa, and how these may contribute to the prospect for a long-term sustained peace. These considerations may also underscore why it was that Mandela's leadership in forging a peace agreement between conflicting parties in Burundi was appropriate, given his own personal example in dealing with similar issues in the context of South Africa's transition to democracy. The following points of similarity are singled out as being of particular significance:

- Like Burundi, pre-1994 South Africa had a pre-democratic dispensation characterised by the rule of a minority shored up by the support of a powerful and suppressive security apparatus that was able to operate with

virtual impunity and that was regularly accused of systematically violating the human rights of political opponents. The Tutsis, in this scenario, are compared to South Africa's whites.

- Both South Africa and Burundi are societies in which political tensions and mistrust are exacerbated by deep divisions along 'racial' or 'cultural' lines. South Africa, like Burundi, has issues of distribution and concentration of wealth along racial lines to confront, as well as the historic reservation of certain professions and educational advantages for the ruling minority.
- Both South Africa and Burundi also face difficult questions of national unity and democratic participation.
- Finally, the appropriateness of amnesty for those who have misused positions of power and perpetrated acts of violence and terror for political ends is an issue which confronted post-1994 South Africa and which now faces Burundi. A Truth and Reconciliation Commission, as was established in South Africa, was agreed upon for Burundi at Arusha, yet remains one of the most problematic aspects of the current transition.

The final chapter offers concluding observations on Mandela, South Africa and Burundi. It is noted that, given the as yet incomplete nature of the peace process, definitive judgements are premature. Nonetheless, it is proposed that Nelson Mandela played a critical role in pushing the peace process forward, and that his efforts have been complemented and sustained by South Africa's wider foreign policy in Africa. Yet these and any efforts to make peace cannot succeed unless Burundians seek to take control of their own destiny.

Notes

- 1 In this text, we shall refer to people of Burundi as Burundians (whereas sometimes in the literature, they are referred to as Barundi). The singular of 'Burundians' is 'Murundi'.
- 2 It is interesting to note that participants at early all-party talks on the Burundi peace process agreed that it might be necessary to ask 'independent' historians (a Murundi and two respected foreign historians) to write a history of Burundi that could be considered 'objective' and to which Burundians could refer in their search for a common understanding of their past (Mwalimu Nyere Foundation, Bunting, Mwanasasu & Bgoya 1999: 8). On the importance of the reformulation of history to act as an agency of reconciliation in post-genocide Rwanda, see Mamdani (2002: 266–70). This issue is taken up in our conclusion.

Acknowledgements

This brief study has as its aim the explanation of South Africa's role in the Burundi peace process and is largely directed to a South African audience, which – like the authors before they engaged in this work – knows little about Burundi. This necessarily entails our providing an overview of Burundian history and the roots of war in that country. These are inherently complex and stir huge debate amongst both Burundians and observers. Nor, indeed, is the South African involvement in Burundi, and notably the role played by former President Nelson Mandela as negotiator, uncontroversial. Whilst our interpretation is unlikely to satisfy regional specialists and many parties to the conflict, we are hopeful that our status as unambiguous outsiders has assisted us to provide an analysis which is balanced and constructive.

Attempting to keep up with all the twists and turns in the Burundian peace process is like trying to hit a moving target: by the time something has been committed to paper, the caravan has moved on. It is therefore necessary to state that this analysis is written from the perspective of mid 2004, following the conclusion of a peace agreement which has seen one of the two armed rebel movements joining the transitional government that was originally established following the signing of the Arusha Peace Accord of August 2000. This is presently being heralded as (another) beginning to the eventual end of the civil war which has brought so much misery to ordinary Burundians. We trust that our present optimism, which flows from this latest development, will prove to be justified by later events.

The authors would like to thank the Nelson Mandela Foundation, particularly its Chief Executive Officer, Mr John Samuel, for commissioning this work. Readers should note that at no time was the researchers' independence compromised by any sort of pressure from the Foundation.

The authors would also like to thank the many people in both Burundi and South Africa who agreed to be interviewed. Some of these were political actors, others were diplomats, and others were soldiers to whom it is not suitable to directly attribute insights. We owe a particular debt to Jan Van Eck (with whom we by no means always agree!) for all his insights and enormous

enthusiasm, which result from his total commitment to the cause of peace in Burundi. Henri Boshoff and Jean-Marie Gasana of the Institute of Security Studies have been generous with both access to their own work and to their contacts in Burundi. Thanks are also due to the Mwalimu Nyerere Foundation in Dar es Salaam for providing access to important documentation and for setting up valuable interviews.

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List of abbreviations

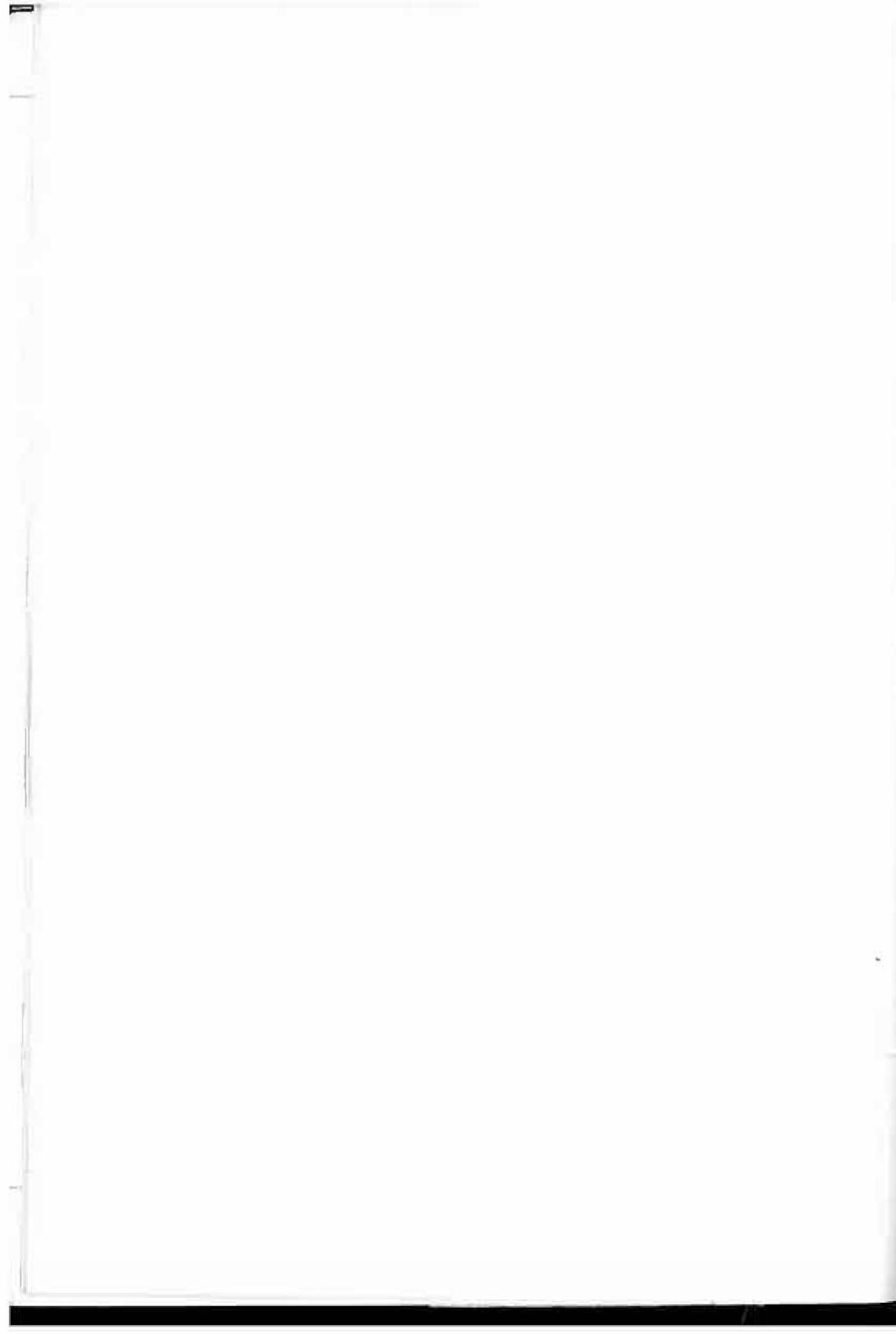
Burundi

ABASA	<i>Parti Alliance Burundo-Africaine pour la Salut</i>
AMIB	African Mission in Burundi
BNDF	Burundi National Defence Force
CNDD	<i>Conseil National pour la Défense de la Démocratie</i>
FDD	<i>Forces pour la Défense de la Démocratie</i>
FNL	<i>Forces Nationales de Libération</i>
FRODEBU	<i>Front pour la Démocratie au Burundi</i>
FROLINA	<i>Front pour Libération National</i>
G7	The group of seven Hutu parties which formed a bloc within the Arusha negotiation process
G10	The group of ten Tutsi parties which formed a bloc within the Arusha negotiation process
IDP	Internally displaced person
PALIPEHUTU	<i>Parti pour la Libération du Peuple Hutu</i>
PARENA	<i>Parti pour le Redressement National</i>
PDC	<i>Parti Démocrate Chrétien</i>
UPRONA	<i>Union pour le Progrès National</i>

Non-Burundi

ACCORD	African Centre for Constructive Resolution of Disputes
AFDL	<i>Alliance des Forces Démocratiques pour la Libération du Congo</i>
ANC	African National Congress
AU	African Union
DRC	Democratic Republic of Congo
Codesa	Convention for a Democratic South Africa
DFID	Department for International Development (UK)
EU	European Union

Frelimo	Front for the Liberation of Mozambique
GOMN	<i>Groupe d'Observateurs Militaires Neutres</i> (in DRC)
GNU	Government of National Unity (in post-1994 South Africa)
ICG	International Crisis Group
IMF	International Monetary Fund
IRIN	United Nations Integrated Regional Information Network
IRIN-CEA	IRIN-Central and Eastern Africa
Nepad	New Economic Partnership for Africa's Development
NGO	Non-Governmental Organisation
NP	National Party
OAU	Organisation of African Unity
PAC	Pan-Africanist Congress of Azania
RCD	<i>Rassemblement Congolaise pour la Démocratie</i>
Renamo	Movement for National Resistance (Mozambique)
RPF	Rwandan Patriotic Front
SADC	Southern African Development Community
SADF	South African Defence Force
SANDF	South African National Defence Force
SAPSD	South African Protection Support Detachment
Swapo	South West African Peoples Organisation
TRC	Truth and Reconciliation Commission
UN	United Nations
Unamir	United Nations Assistance Mission for Rwanda
Unicef	United Nations Children's Fund
UNDP	United Nations Development Programme
UNHCR	United Nations High Commission for Refugees
Unita	<i>União Nacional para a Independência Total de Angola</i>
Unitaf	United Nations Unified Task Force
Unosom	United Nations Operation in Somalia
Zanu	Zimbabwe African National Union
Zapu	Zimbabwe African People's Union



CHAPTER 1

South Africa's role in the Burundi peace process: why does it matter?

How horrible, fantastic, incredible it is that we should be digging trenches and trying on gasmasks here because of a quarrel in a far away country between people of whom we know nothing.

*Neville Chamberlain, Prime Minister of the United Kingdom,
radio speech, 27 September 1938*

It is absolutely sickening that these men and women are asked to put their lives on the line for people who are very far from home... These soldiers should be brought back immediately.

*(Former) Brigadier-General Kobus Bosman, Leader of the Federal
Alliance caucus, Gauteng Legislature, letter to the Sowetan,
26 September 2003*

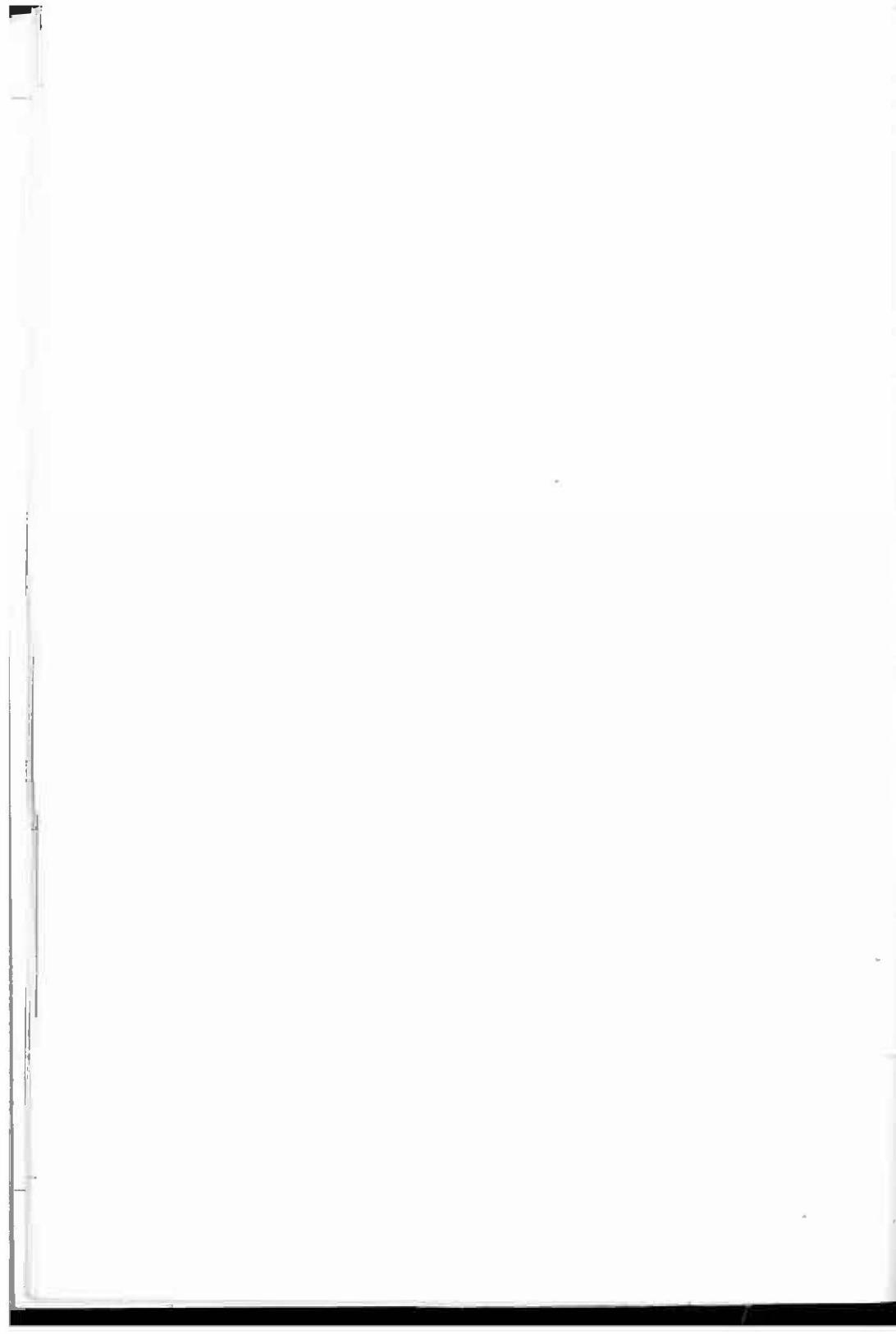
This book, commissioned by the Nelson Mandela Foundation, seeks to consider the part that South Africa is playing in current attempts to bring peace and democracy to Burundi. The authors have chosen to somewhat expand their original brief, which was, more specifically, to assess the crucial role played by former President Nelson Mandela as broker of the peace negotiations which culminated in the Arusha Accord of August 2000. It is this Accord which has provided the foundation for progress towards a political transition in Burundi, currently ongoing, which it is widely hoped will lead to a cessation of hostilities between the government and armed political groups and lead, in the not too distant future, to the reconstruction and development of this beautiful, but blood-soaked and conflict-torn land. It is also this Accord which has provided the foundation for the involvement of South Africa in the peace process, notably by the deployment of South African troops, initially as a protection force for Burundian politicians engaged in the negotiations, and latterly as a major component of the African Mission in Burundi (AMIB), composed also of soldiers drawn from Ethiopia and Mozambique, whose task it will be to police a fragile settlement. What a

delicious irony that, whereas in the 1980s the then South African Defence Force (SADF) was placing 'Our boys on the Border' to guard the white minority-ruled country's integrity against despoliation by Africa, the now South African National Defence Force (SANDF) is despatching 'Our boys to Burundi' as part of a home-grown, African peace plan! It is precisely because this much wider engagement in Burundi's affairs flowed directly from Mr Mandela's involvement that we, as authors, have found it necessary to extend the scope of our analysis. Indeed, our view is that no assessment of Mr Mandela's mediation efforts can be complete without this wider reference to South Africa's role.

Yet all this begs a question: why should South Africa be bothered about Burundi? Or to put it even more tendentiously, why should South Africa expose its troops to the very real prospect of possible death and danger, and its Treasury, already overstretched, to yet another burden, when – for the overwhelming majority of South Africans – Burundi is a far away country in which a quarrel is taking place between people of whom they know nothing? Most South Africans would agree that a bitter civil war in a distant African country is tragic. Most will shrink from the thought of senseless slaughter, of brutal killings of helpless innocents by either side in a vicious conflict which seems, to outsiders, so frenzied yet so meaningless. So many will say – in echo of Neville Chamberlain, who was widely thanked at the time by the large majority of Britons for keeping their country out of war – that what goes on in Burundi is not really South Africa's business. It's half-way up the continent, poses no immediate threat to South Africa, and the advantages of military involvement are not wholly plain to see. George Bush's America may arrogate to itself the right to impose democracy upon Iraq, but South Africa should restrict itself to worrying about its immediate region. Or, to put it another way, let's keep our boys (and, of course, 'girls' in today's SANDF) safe and closer to home where, writes Brigadier-General Kobus Bosman, they could be more usefully deployed in the war against crime.

The answer which this analysis will give to such reasoning is that, just as Britain did have a real interest in defending democracy in Czechoslovakia in 1938, so South Africa has a major stake in assisting a return of peace to Burundi. This concern is not simply humanitarian, although it is most certainly that too. However, the major point is that it is fundamentally important that South Africa and the moral and material interests of its people

become deeply engaged by the difficult quest for peace throughout the entire continent. Indeed, this is far less a commitment to a theoretical Pan Africanism than a down-to-earth recognition that democracy and development in South Africa are both inextricably linked to progress towards those goals throughout Africa as a whole. Critics may question the viability of Nepad, yet few query the fundamental assumptions upon which it is based: that Africa is one and is ultimately responsible for its own future, and that the attainment of peace is necessary for economic development, the relief of suffering and the establishment of foundations for a better life for all Africa's peoples. More specifically, it will also be argued that peace in Burundi is one vital piece of a Central African jigsaw, relating to a much wider peace process that South Africa is busily engaged in constructing.



CHAPTER 2

International intervention in Burundi: background considerations

South Africa, Ethiopia and Mozambique have committed themselves to the deployment of troops to Burundi under the auspices of the African Union (AU) with the objective of monitoring a plan for an end to conflict which was laid down by the Arusha Agreement for Peace and Reconciliation of 28 August 2000. The Arusha Accord, which was signed by the Tutsi-dominated government, political parties and most (but not all) Hutu-dominated armed militias, in the presence of a host of international observers, provided for:

- A process of pre-transition and then transition to culminate in the holding of democratic elections;
- The creation of a Senate and amendments to the existing composition of the National Assembly;
- Judicial reform, in part to decrease Tutsi domination;
- Military reform to decrease Tutsi domination and to facilitate the integration of rebel armed forces into the army;
- The establishment of a Truth and Reconciliation Commission (TRC), similar to that appointed in South Africa, which might have power to grant amnesty for politically motivated crimes;
- An international military force to assist in the management of the transition; and
- An independent investigation into alleged crimes of genocide. (Mthembu-Salter 2002: 31)

Agreement was subsequently reached whereby, Pierre Buyoya (a Tutsi), who had been installed by the military as Head of State in July 1996, would serve as President of a transitional government for 18 months from 1 November 2001, before handing over power to his Vice-President, Domitien Ndayizeye (a Hutu), on 1 May 2003, who would serve for a similar term to conclude with the holding of new elections. The plan remains that a newly elected government will take office thereafter, its power being based upon an agreed constitutional order, which – given international support to assist a very

difficult political transition – will provide a sustainable basis for peace, stability and democracy.

The political investment which South Africa, in particular, is making in the Burundian peace process is considerable. The full extent of this can only be appreciated against the background of four major factors: (i) the legal basis for international intervention; (ii) the political limits to involvement in the Burundian crisis imposed by international actors upon the UN; (iii) the regional context of African involvement in Burundi; and (iv) the dynamics of international interventions in conflict-torn countries.

The legal basis for international intervention in conflict-torn countries

Broadly speaking, it remains an established principle of international law that internal conflict within a state is a matter of internal jurisdiction and that the intervention of the international community is therefore *ultra vires*. However, this principle has been repeatedly challenged since 1945, as the horrors perpetrated on domestic populations by the Nazis, the apartheid state and by numerous other tyrannous regimes have become evident. Hence it is that, in particular, the 'magnitude of the human suffering generated by ethnic conflicts and the threats they pose to regional peace and security routinely results in calls for external intervention' (Wippman 1998: 17). However, unilateral action is generally not favoured because of the license to misuse such intervention on the part of individual states, and hence 'most demands for action are addressed to international organisations, the United Nations in particular' (Wippman 1998: 17). Where there is internal opposition from one of the warring parties, the UN may use its discretion to override this, but only if it considers that the conflict in question 'poses a threat to international peace' (Wippman 1998: 17). In the real world, of course, states often intervene directly in the affairs of others entirely without, or with only dubious, international sanction: apartheid South Africa's overt and covert illegal military assaults upon neighbouring states, notably in the 1980s, were as numerous as they were notorious; Tanzania's decision to commit its armed forces to the liberation of Uganda from Idi Amin's despotic rule in 1979 failed to secure the backing of the Organisation of African Unity (OAU) because of the strenuous opposition of key African states; South Africa's intervention

into the affairs of Lesotho in 1998, although formally carried out under the auspices of the Southern African Development Community (SADC), was widely condemned as illegal; and, more recently, of course, the action taken by the United States, Britain and others in invading Iraq and bringing about 'regime change' was taken in spite of strong opposition from within the UN Security Council.

Levitt (2001) argues that African affairs since the end of the Cold War indicate that there is a right under customary international law of humanitarian intervention by states into the affairs of others. African states have been the first to challenge holistically the classical notions of state sovereignty, territorial integrity and non-interference in the internal affairs of states to alleviate large-scale human suffering and to preserve international peace and security. Indeed, Levitt argues that:

The law *de lege lata* appears to recognise a right to unilateral humanitarian intervention by groups of states and regional actors in internal conflicts in three instances: 1) when there have been human rights abuses so egregious as to violate the *jus cogens* norms of international law; 2) when a government has collapsed and is spiralling into a state of anarchy; 3) to safeguard democracy when a democratic regime has been violently overthrown against the will of its domestic populace. (2001: 15)

These, Levitt argues, are the normative criteria on the basis of which humanitarian intervention may be assessed, although as he goes on to point out, numerous difficulties concerning unilateral intervention by states – even on the above grounds – remain. Hence although it would appear that there is now a pro-democratic right of external military intervention to safeguard democracy when militaries threaten or attempt to dislodge democratic and popular regimes, it remains unclear whether such a norm fits within the rubric of humanitarian intervention or forms an independent norm of international law. Meanwhile, international authentication for unilateral interventions taken by states, even on the above grounds, may often happen after rather than before the event.

Whatever the ambiguities which surround the armed intervention of states into the affairs of others, there is little doubt that the involvement of South Africa and other key players in the Burundi peace process fully enjoy the

sanction of international law, having the full backing, *inter alia* of the UN and the AU. Indeed, a case could be made that international intervention in Burundi could have been, or can currently be, justified on one or all three grounds for intervention cited by Levitt above. Nonetheless, this is not to say that just because an action is internationally legitimate, that there will be the international will to support it. This is particularly the case in Africa, where the international community as a whole appears peculiarly reluctant to get to grips with major crises, however disastrous for human rights these might be. This is demonstrated by the ambivalence of the UN towards becoming involved in Burundi's internal affairs.

The United Nations in Burundi: the limits to action

Genocide must surely be the worst of international crimes, yet just because it occurs it does not mean that the UN is either willing, or has the capacity, to act to prevent or halt it. The UN has very limited autonomy and for major peace interventions is heavily dependent upon the willingness of the world's major powers, notably the permanent members of the Security Council, to grant diplomatic, financial, humanitarian and, where necessary, military support to render such engagements viable. In the particular case of Burundi, these pre-conditions for action have not been present, and although, as will be detailed in Chapter 3, the UN is one of the few major actors providing humanitarian aid to Burundi, it has largely stayed on the sidelines diplomatically. Although the UN has lent its principled support to the peace process, as will be illustrated by reference to various UN resolutions below, it has in practice devolved international responsibility for resolving the conflict and establishing democracy in Burundi to the OAU and its successor body, the AU, which have in turn largely passed responsibility onto an unofficial group of states headed by Uganda, Tanzania and South Africa, colloquially known as 'the regional initiative'. In broad terms therefore, the actions taken by the regional initiative enjoy the support of the wider international community.

The reasons for the UN's hitherto limited role are not difficult to fathom. Bluntly put, African states would argue that the first reason is that African lives are valued more cheaply than American or European ones (hence genocide in Kosovo in 2000 became a necessity for action by Western politicians, unlike genocide in Rwanda in 1994). They would likewise argue that, whereas

US/British action against the regime of Saddam Hussein in Iraq may have been fuelled by a drive for oil and establishment of Western hegemony in the highly unstable Middle East, Western backing for vigorous action by the UN in African countries without either significant resources or strategic importance is likely to be lacking. Then there is the fact that Western, and particularly US, enthusiasm for becoming directly embroiled in Africa's seemingly multiple and far-off wars was severely dampened by events in Somalia.

By 1991 the Somalian state had virtually collapsed as a result of inter-factional fighting which had caused a massive humanitarian crisis. Following the termination of the Gulf War (1990–91), the conscience of the international community was sufficiently stirred to launch the United Nations Operation in Somalia (Unosom I), the basic objective of which was humanitarian – to protect aid workers and to ensure that food and medicine reached those in need without being intercepted by factional armies. In December 1992, the UN Security Council accepted an offer by the US to organise and command the United Nations Unified Task Force (Unitaf) which would provide a secure environment for humanitarian relief operations in Somalia. The basic idea was to resolve the Somalian problem quickly and on a grand scale by replacing a modest Unosom force of 3 500 troops with a massive force of 37 000 international troops, 25 000 of them American. This joint UN-US initiative, Operation Restore Hope, ran into trouble fairly rapidly. Whilst it may well have saved Somali lives overall, the initiative was accused of leading to some unjustified loss of life, indiscriminate damage to non-military installations, and overall, lacking a clear objective. The level of resistance of Somali factions was underestimated, leading to the US in particular attempting to impose a military solution rather than giving priority to a political settlement. In the event, not least when the pictures of dead US soldiers being dragged through the streets of Mogadishu by faction fighters were beamed around on the world on television screens, the US withdrew in some ignominy, well before UN operations had terminated (Esterhuysen 1998: 314; Ofcansky 2000: B398–99).

The particular relevance of the Somalian debacle was that it impacted directly upon the UN's willingness to act to prevent the Rwandan genocide of 1994. By 1992, states in the Great Lakes region had established the *Groupe d'Observations Militaires Neutres* (GOMN) in Rwanda to observe a ceasefire accord, forged at Arusha, between the incumbent (Hutu) Habyarimana

government and the rebel, Tutsi Rwandan Patriotic Front (RPF). The GOMN consisted of some 50 lightly armed observers mainly drawn from Nigeria, Senegal, Egypt and Zimbabwe. When the ceasefire broke down, largely due to violations by Hutu extremists, moves were put in place by the OAU for a larger team of observers, GOMN II, drawn from a wider array of African states, which took over on 3 August 1993. However, by February 1993 the latest ceasefire had broken down and the RPF had resumed the war. By October 1993 the UN had already succumbed to pressure for deployment of a full-scale peacekeeping force, the United Nations Assistance Mission for Rwanda (Unamir). Formal approval of the Mission took place only two days after the killing of 18 US soldiers in Somalia. Nonetheless, by March 1994, deployment of the fully authorised total of 2 539 UN soldiers (including 1 058 Africans, of which 80 per cent were Ghanaian, and the rest including Belgian and Bangladeshi troops) had taken place. But by that time the Arusha peace settlement had completely collapsed and the country was on the verge of an unprecedented disaster. The Arusha agreement provided for a 22-month period, beginning with the installation of a broad-based government, before the holding of elections in late 1995. Yet the various parties failed to agree on the installation of a transitional government – the Arusha mediators did not comprehend that the agreement was not really workable (not least because the conflicting parties had never really agreed to it) – and the situation polarised rapidly. Despite these developments, the well-meaning architects of the Arusha Agreement cajoled Habyarimana into implementing the accord, leading to his speedy assassination by Hutu extremists. A state-directed genocide of Hutu moderates and Tutsis followed (Anglin 2000: A40–A69).

The key point is that Unamir had had forewarnings of the disaster, and the Canadian Force Commander, Major General Romeo Dallaire, had received repeated warnings that widespread civil violence would erupt if Habyarimana was forced to implement the Arusha plan. He had sought to expand the UN mandate, and in essence, to crush the incipient insurrection by seizing arms caches before it happened. However, his warnings were ignored, and in the wake of the Somalian debacle, the UN Security Council was overwhelmingly concerned with cutting the size and cost of Unamir to economise. As a result, when the genocide began, Unamir had neither the mandate nor the capacity to prevent it. Indeed, by May 1994, weeks after the slaughter had begun, Unamir had been reduced in size to a mere 444 soldiers. To be sure, by this

time the Secretary-General, Boutros Boutros-Ghali, had effectively shamed the Security Council into accepting a proposal for the deployment of a more highly armed, credible and mobile force of 5 500, yet even this was delayed by US, wishes to phase the deployment over five months. The whole process was subsequently hampered by the reluctance of governments with the required resources to make them available. Of the 50 potential troop contributors, only nine – all African states – responded positively, although even their offers were dependent upon the UN equipping them and providing funding. As an interim measure pending their arrival, the UN Security Council accepted a French offer to field a rapid deployment force of French and African troops for a limited period of two months (Operation Turquoise). Even at the end of that period Unamir was far from ready to take over, and it only reached full strength in November 1994 (Anglin 2000: A4550–53).¹

The relevance of all this for the current Burundian peace process is threefold. First, the UN is constrained in its involvements by the unwillingness of the US in particular to become involved again in a far-off African quagmire. Even though the dismal failure of the UN to respond to warnings about the Rwandan genocide is now widely recognised as one of the most shameful lapses of the international community in the post-Second World War era, it remains the case that there is no widespread enthusiasm for active engagement in the Central African region. Second, this international hesitancy is underwritten by quiet recognition in the West that France regards Francophone Africa, and Rwanda and Burundi in particular, as part of its unofficial sphere of influence, and that Anglophone interference is regarded jealously. This reinforces US reluctance to become deeply involved, whilst strengthening the position of the European Union (EU) as a potential international actor. Third, the primary implication of the UN debacle in Rwanda is that the major global powers are more than happy to devolve almost total responsibility for resolving the interrelated conflicts of the DRC, Rwanda and Burundi to Africa.² And in the Congolese and Burundian imbroglios in particular, the US, UN and EU regard South Africa as having a leading role to play in brokering agreements which will bring peace and democracy as part and parcel of its responsibility as the emerging regional power (or hegemon) in Eastern and Southern Africa.

The regional context of South African involvement in Burundi

It must be constantly recalled that the South African government sees the bringing of peace and democracy to Burundi as just one piece, albeit an extremely important one, of a far larger jigsaw it is trying to construct throughout Central Africa. This in turn is closely related to President Mbeki's ambitions for promoting Nepad. This initiative argues that Africa's poverty will only be overcome by the collective effort of African states to reverse the continent's marginalisation from the global economy by rendering the continent a more attractive site for economic investment via a mix of international economic integration and good governance. In turn, these objectives will only be realised if major conflicts raging throughout Africa can be brought to an end, and democratic governments installed that are genuinely responsive to the economic and political needs of their peoples. This approach has meant that both the Mandela and Mbeki governments, but particularly the latter, have come to play a major role increasingly in continental conflict resolution, most particularly in Southern and Eastern Africa, the regions in which economic and political conditions have the most immediate impact upon South Africa, and importantly, which are increasingly major sites for South African foreign investment.

This is not to say that South Africa's role as mediator in disputes has always been successful or consistent: for instance, numerous observers argue that a failure of the Mbeki government to address the crisis of tyranny in Zimbabwe, flowing from the identification of the African National Congress (ANC) with Mugabe's Zimbabwe African National Union (Zanu) as a fellow liberation movement to the exclusion of seeing it as perpetrator of systematic violations of human rights, has in itself become a major obstacle to the international accreditation of Nepad. Beyond this lapse, however, South Africa's role as a regional peace-broker has been far more constructive, most notably with regard to its facilitation of the Inter-Congolese Dialogue. This has recently (in March 2003) culminated in the signing of an agreement at Sun City, which has established a transitional constitution for the DRC, which will follow a timetable for elections and a referendum on a final constitution within two years (by 2005). When placed alongside a non-aggression pact between the DRC and Rwanda, and efforts to forge peace in

Burundi, this constitutes an overall package, the importance of which for continental development can in no way be minimised.

Western powers, most notably the US, had long supported the hugely corrupt and deeply authoritarian regime of Mobutu Sese Seko in Zaire (DRC) as a bulwark against communism. However, with the end of the Cold War, his regime came under pressure to democratise. Mobutu responded with a series of moves which indicated his determination to control the process of democratisation from above. In the event, however, his regime proved unable to control the forces of opposition which the reform programme unleashed, and it eventually imploded. The particular flashpoint was the crisis in the far east of this huge, sprawling country, for the turbulent transition was taking place during the same era as the violent conflicts between Tutsi and Hutu in both Rwanda and Burundi. Hence during the period 1990–94, hundreds of thousands of Hutu and Tutsi fled into Zaire's Kivu region, where they continued to do battle. Mobutu's troops were sent to maintain order, but were unable to do so, not least because they aligned themselves with the Hutu who had lost power in Rwanda. Meanwhile, Tutsi refugees from both countries had aligned themselves with the Banyamulenge, ethnic Tutsi who had lived for many years in the Kivu region yet who had consistently been regarded as second class, or even, non-citizens by the regime in far-off Kinshasa. They were supported, in turn, by the RPF, which had taken power in Rwanda in July 1994 (Esterhuysen 1998: 142–3; de Villiers & Tshonde 2002).

Backed by the Museveni government in Uganda and the Kagame government in Rwanda, the Banyamulenge *Alliance Démocratiques Pour la Libération du Congo* joined with other forces opposed to Mobutu to form the *Alliance des Forces Démocratiques pour la Libération du Congo* (AFDL) under the leadership of Laurent-Desire Kabila, a veteran of the Simba rebellion of 1964–65. The outcome was a military offensive against the Mobutu regime by the AFDL, supported by the Rwandan army, which culminated in the fall of Kisangani, Mbuyi and Lubumbashi in March and April 1997. With the Zairean army totally unable to put up any effective resistance, the South African government, backed by the US, agreed to mediate, and President Mandela held talks with Mobutu and Kabila on board a South African vessel just outside Zairean territorial waters, and later on a ship outside Cape Town. On 16 May 1997 the Zairean army capitulated and the AFDL forces took Kinshasha. Mobutu, dying of cancer, went into exile and Kabila took power,

renaming the country the DRC. However, rather than establishing a broad-based regime, Kabila alienated many forces which had previously been opposed to Mobutu, and his AFDL regime rapidly became viewed as Tutsi oppressors, even though Kabila and most AFDL leaders were actually drawn from non-Tutsi ethnic groups. The fluidity of the situation was further enhanced by continuing instability and clashes between Hutu and Tutsi in the east (de Villiers & Tshonde 2002).

In July 1998, Kabila, who had already sought to shore up his popularity by now playing upon anti-Tutsi racism, announced the dismissal of the Rwandan troops which had assisted with the liberation of the country. There was resistance by Rwanda, as well as by Tutsis in the Congolese military. The outcome was that Rwanda, with the support of Uganda and then Burundi, chose once again to intervene militarily in the Congo, in what was, effectively, a remake of the events of 15 months previously. Yet this time around events turned out very differently.

The anti-Mobutu coalition which had been formed by Uganda and Rwanda in 1996/97 had subsequently been joined by Angola, Zimbabwe, Namibia, Eritrea and Burundi, whilst Zambia, Tanzania and Ethiopia supported the AFDL more discreetly. They had joined for security, geopolitical and economic interests, which remained largely the same in 1998. Hence it was very much a continental alliance that collapsed when Uganda, Rwanda and Burundi turned against Kabila, for by now Angola and Zimbabwe had extensive vested interests in the DRC. As indeed did Uganda and Rwanda, but they faced the very real security threat posed by the Rwandan refugee camps in Kivu and the various armed groups that opposed the regimes in neighbouring countries which they spawned, notably: the *Interhamwe*, the notorious Hutu extremists opposed to the government of Rwanda; the *Front pour la Défense de la Démocratie* (FDD) against that of Burundi; and the National Resistance Army against that of Uganda. In contrast, the Angolan government continued to need the support of the Kabila regime in cracking down on its own *União Nacional para a Independência total de Angola* (Unita) rebels which maintained various military camps and supply lines in the western part of the country. The effective outcome was an African war in which the armies of foreign countries, and a myriad of armed political groups, fought with and against each other, for a variety of different reasons. Yet an overriding fact in common was that all governments and armies involved in either supporting or opposing the Kabila regime were

determined not to miss out on the opportunities of material gain provided by the effective dismemberment of the resource-rich Congolese state: as a special commission subsequently appointed by UN Secretary General, Kofi Annan, was to report, virtually all Congo's neighbouring countries were guilty of activities whereby they were systematically and illegally plundering the country's natural (mainly mineral) resources (UN 2001). In other words, the DRC was paying for its own occupation by armies which were fighting on its territory.

The series of events set in train by the war was enormously complicated, but key developments can be summarised as follows:

- Extensive diplomatic activity was entered into by a host of international actors to resolve the crisis. The DRC complained to the UN that it was the victim of aggression by Uganda and Rwanda, but the UN – whilst urging the respect of the sovereignty and territorial integrity of the DRC – also voiced concern about ethnic persecution (referring largely to the position of the Banyamulenge). The Western powers, which dominated the Security Council, although deeply concerned by a power vacuum at the heart of the continent, remained deeply reluctant after the Somalian and Rwandan debacles to engage themselves in the crisis. They therefore avoided any serious responsibility by calling for an 'African solution' to an 'African problem', and referred the matter to regional organisations.
- The OAU established a 'Mechanism on Conflict Prevention, Management and Resolution' to deal with the crisis, but strapped by resource shortages, delegated the leading role to the SADC, whilst limiting itself to assisting the peace process by co-ordinating regional and international initiatives.
- Confronted by the Ugandan and Rwandan intervention, Kabila appealed to SADC for support. This provided the opportunity in August 1998 for Zimbabwe, Angola and Namibia to declare that the DRC needed SADC support and to despatch troops to the country. In contrast, South Africa called for dialogue and negotiation. The SADC was therefore divided between an interventionist bloc, led by Mugabe, and a mediation bloc, led by Mandela. The latter, then Chairperson of the SADC, called an emergency meeting in Pretoria later that month at which the SADC confirmed the legitimacy of the DRC government and called for a ceasefire pending political dialogue.
- DRC, Angolan, Namibian and Zimbabwean troops defeated rebels in Kinshasa, but the rebels progressively took charge of territory equivalent to

one-third of the country. To limit division within the SADC, Mandela declared that the SADC had unanimously supported the military intervention by its member states (September 1998), but – outmanoeuvred by his rivals in the region who saw him as too close to Uganda and Rwanda – was sidelined by the appointment of President Chiluba of Zambia to mediate between the belligerents. Meanwhile, Chad, Libya and Sudan also declared their support for Kabilá.

- Chiluba's efforts and other initiatives made little progress until Colonel Gaddafi of Libya brokered an agreement between the DRC and Uganda in April 1999. This provided for a ceasefire, the withdrawal of foreign troops and the initiation of a national dialogue. Rwanda refused to implement it, arguing that it was not a signatory, but the agreement nonetheless paved the way for a diplomatic offensive which culminated in a ceasefire agreement. The inauguration of President Mbeki was used as an opportunity to convene a meeting between SADC leaders and the presidents of Rwanda, Uganda, Libya and Kenya to discuss the DRC crisis in June 1999. The resulting agreement was signed in Lusaka on 25 June, and provided for: an immediate cessation of hostilities; the establishment of a Joint Military Commission (comprising belligerent parties under an OAU chairperson to investigate violations and establish mechanisms to disarm militias and monitor the withdrawal of foreign troops); the deployment of an appropriate UN peacekeeping mission to disarm belligerents and provide necessary humanitarian assistance; the withdrawal of all foreign troops within nine months; and the initiation of an 'Inter-Congolese dialogue' to provide for the emergence of a new political dispensation.
- The Lusaka agreement violated international norms by, in effect, confirming the legitimacy of the DRC government, whilst simultaneously legitimising the occupation of part of its territory by the Ugandan and Rwandan armies. The rebel forces aligned with the latter were legitimised similarly, by implication, whilst various other rebel groups, such as the *Interhamwe*, were delegitimised. Despite these and numerous ambiguities, the Lusaka Agreement was recognised by most signatories and observers as the best available instrument for restoring peace.
- The implementation of the agreement was delayed by repeated ceasefire violations and lack of co-operation with the facilitator of the agreement, former president Ketumile Masire of Botswana. Faced by a confusing and

unstable situation, the UN was hesitant to mount a fully-fledged peacekeeping operation. Eventually, a plan for the disengagement and redeployment of troops in accordance with the Lusaka Agreement was adopted in Kampala in April 2000. Even after that progress was delayed by increasing tensions between former allies, Uganda and Rwanda, which resulted in clashes between their troops on DRC territory. Different initiatives to diffuse this tension undertaken variously by the UN and African governments, resulted in the signing in Harare in June 2000 of a further agreement regarding a disengagement plan.

- The second component of the Lusaka Agreement, the promotion of the Inter-Congolese dialogue, also ran into difficulties. Former President Masire, appointed as facilitator after extensive consultations, ran into major diplomatic obstacles posed by the Kabilia government, which proved unwilling to co-operate. This situation was only resolved after the assassination of Kabila on 16 January 2001, and his succession by his son, Joseph Kabila, who proved much more flexible and shrewd than his father. Importantly too, he also soon earned the respect of Western powers which, although initially wary of his lack of experience, found him prepared to implement economic reform, adopt a more liberal political posture towards his political opponents, and crucially, to commit himself to the Inter-Congolese dialogue.
- Although sporadic fighting continued around the country, progress was made towards political dialogue, notably through the signing of a pact in Gaborone in August 2001. This provided for the Inter-Congolese dialogue to begin in Addis Ababa in October, but once again the belligerents proved unwilling to commit themselves to implementing the terms of the Lusaka Agreement. It was at this point that South Africa, convinced that continuing diplomatic prevarication would do major damage to Mbeki's African renaissance plans, stepped in to offer Sun City as a venue for dialogue to take place from early 2002. From then on, South African pressure upon all parties was to prove critical.
- The dialogue began formally on 25 February 2002. Key developments subsequently were: the signing of a Memorandum of Understanding by Joseph Kabila and Paul Kagame of Rwanda in Pretoria (July 2002) – whereby the latter agreed to the withdrawal of Rwandan troops and the dismantling of the Rwandan Armed Forces and *Interhamwe* (Rwandan Hutu militias) in the DRC; and the signing of a similar memorandum

between Joseph Kabila and President Museveni of Uganda, in Luanda, (September 2002), which provided for the withdrawal of Ugandan troops from the DRC and for normalisation of relations between the two countries.

- The culmination of the process was the agreement reached on an interim constitution between competing DRC political groups at Sun City (March 2003). This allows for Kabila to remain as President of a transitional government, but with four vice-presidents provided by the three major domestic parties (the Kabila government, Jean-Pierre Bemba's Congolese Rally for Democracy, and the Movement for the Liberation of the Congo), as well as by the remainder of the opposition; for the *Rassemblement Congolais pour la Démocratie* (RCD) to take control of the Ministry of Defence; and for the holding of an election within two years. Importantly, too, the agreement provides for the Banyamulenge to be fully recognised as citizens of the DRC.
- The agreement was witnessed by the facilitator, Masire, his two co-mediators, Thabo Mbeki and UN envoy Moutapha Niasse, and three other regional heads of state (of Zimbabwe, Zambia, Namibia). However, neither Museveni nor Kagame attended; nor did Kabila and Bemba. Meanwhile, Ugandan and Rwandan troops were to prove reluctant to leave the DRC, whilst the various parties have yet to agree on the crucial issue of how to integrate the different, formerly warring parties into a single national army.
- In sum, whilst the Inter-Congolese dialogue has to be regarded as a major triumph of regional – particularly South African – diplomacy, the agreement remains extremely fragile, and there is no guarantee of its success. Yet this uncertainty only increases the determination of the South African government to help bring peace to Burundi and to neutralise its domestic politics as a significant cause of Congolese, and hence wider, regional instability.³

Enough has been said to indicate that the international and regional environment within which South African efforts to facilitate the Burundian peace process took place, are not only highly complicated but extremely fluid. Yet this does not even take into account the enormous difficulties confronting any external mediators which arise out of the labyrinthine complexities of the historically-rooted, yet contemporaneously-fuelled, conflict in Burundi.

Notes

- 1 On the Rwandan genocide generally, see Prunier 1995.
- 2 "The international response to the crisis in the DRC is clearly dominated by the concept of "African ownership" and what is colloquially known as "African solutions to African problems". The general economic marginalisation of the continent and the political withdrawal of the Great Powers from conflict resolution in Africa have given states in the region a greater manoeuvrability in regional matters. In the light of the Rwanda and Somalia debacles and the liberal ideology of cost-effectiveness prevailing in Western decision-making circles, combined with a view that wars in Africa are too complex to guarantee a successful outcome, full-scale conflict resolution in Africa has come to be seen as simply not worth the gamble. If this is the case for Africa in general, it is certainly the case for the conflict in the Great Lakes region." (Smis & Oyatambwe 2002: 427–28)
- 3 This summary draws variously upon de Villiers & Tshonda 2002; Smis & Oyatambwe 2002; van Hoyweghen & Trefon 2002; and newspaper reports by Cornish 2003 and Kabemba 2002.



CHAPTER 3

War and the decline of human security in Burundi

The present long round of conflict in Burundi began in October 1993 with the assassination by Tutsi army officers of President Melchior Ndadaye, the first Hutu head of state, who had been freely and fairly elected some months before. The background and outcomes of this key moment will be explored in some depth below, with particular focus on the Arusha peace process, which was inaugurated in 1996 and which continues to this day. However, prior to analysing the dynamics of that process and examining its prospects for success, it is instructive to sketch the impact of the war and violence on the human security of the mass of the Burundian population. Indeed, because the continuation of war is fuelled by struggles between Tutsi and Hutu ethnic elites who are vying for control of scarce economic resources, a study of the downward spiral of the economy is necessary for understanding the wider challenges which attend the making of political peace.

Geographic and economic fundamentals

Burundi is located in the scenic and well-watered Great Lakes region, bordering Rwanda to the north, Tanzania to the east and south, and the DRC to the west. It is small, totalling just 27 834 square kilometres, and is landlocked (although with access to Lake Tanganyika); no other African mainland country except its northern neighbour, Rwanda, has such a large proportion of arable land (about half the total surface area). Rainfall is plentiful, and the occurrence of two wet seasons permits intensive cultivation, making it possible to reap two harvests a year. Historically, this generosity of the land provided capacity for plentiful production of all the basic necessities of life. However, today, with some 6.2 million people, who are overwhelmingly rurallocated, the country is so densely populated (some 228 persons per square kilometre) that it faces acute environmental challenges of overcultivation, overgrazing, soil erosion and deforestation – crises which are

all exacerbated by the disorder, disruptions and refugee flows of war. As noted by Prunier (1995: 4) in relation to neighbouring Rwanda (which faces similar challenges), the willingness of peasant populations to engage in genocidal violence is clearly promoted by the sense that there are simply too many people living on the land, and that with a reduction in their numbers there would be more space for the survivors. Who should continue to live, and who should not, is of course determined by a host of cultural, ethnic and historical factors.

Even prior to the present war, Burundi was one of the poorest countries in the world, and since 1993, the economy has been contracting at an alarming rate. It is overwhelmingly agricultural, and heavily dependent upon the export of coffee (the price of which has declined in recent years), as well as tea, and relatively small outputs of cotton, palm oil and tobacco. Yet most of the land is devoted to subsistence farming, including cattle rearing, and fishing in Lake Tanganyika. There are various mineral deposits (notably of vanadium, of which there are extensive reserves), but the prospects for the proper exploitation of these are greatly hampered by the inadequate internal transport system, long distances from the nearest sea ports, and the reliability of passage through neighbouring countries, as well as by the acute political instability of the country itself. Meanwhile, manufacturing is minimal, almost wholly based in the capital, Bujumbura, and relies heavily upon the production of basics such as beer, soft drinks, cigarettes, soap, glass, insecticides, cosmetics, oxygen, textiles and small-scale processing of coffee and tea (Esterhuysen 1998: 99–100).

The socio-economic impact of war

The political crisis is simultaneously an acute economic crisis characterised by worsening poverty. Rural poverty is estimated to have increased by 80 per cent since 1993, with a doubling of urban poverty incidence. Overall, the extent and depth of poverty is considered to be close to the worst to be found anywhere in Africa. This is reflected in a sharp deterioration in social indicators, which had shown a significant improvement before 1993. As reported by the UN and World Bank:

- Malnutrition, measured by wasting among children under five, is estimated to have increased from six per cent to 20 per cent since 1993, whilst over

24 000 people are treated monthly for malnutrition in 233 therapeutic and supplementary feeding centres around the county (this figure would be higher if all the needy had access to relief).

- Reported cases of major endemic diseases have increased by over 200 per cent since 1993; vaccination coverage has fallen sharply (down from 83 per cent in 1983 to 54 per cent in 2001); HIV prevalence is rising fast with 20 per cent of the urban, and six per cent of the rural population estimated to be HIV positive, and the number of AIDS orphans now exceeding 160 000. Under-five mortality stands at an appalling 190 deaths per 1 000 live births.
- Primary school enrolment has dropped sharply, from 70 per cent in 1993 to 44 per cent. National social indicators show an even worse picture at the regional level: four provinces had primary school enrolment below 30 per cent in 1996–7, reaching a nadir of nine per cent in one of the most violence-stricken areas.
- War and violence have also entailed massive displacement of the population as people in the rural areas have been either forcibly resettled into *regroupement* camps by the army – a policy which was formally suspended in 1997 – or have simply fled their homes to safer areas. Almost one in six Burundians live away from their homes; almost 390 000 people are living in some 226 camps in their own country, constituting the largest internally displaced population in the Great Lakes region; an estimated 639 000 Burundian refugees live in neighbouring countries; and a further 200 000 have been living in Tanzania since 1972. (UN 2002: 6–7; World Bank 2003: 1–2)

The extent of poverty has been exacerbated by the collapse of public service provision throughout many parts of the country. Numerous schools and clinics have been closed; education and health personnel have been withdrawn to urban areas because of security risks; over one-third of local water supply facilities have been destroyed or ceased to function due to lack of maintenance; and agricultural projects funded by donors have ceased to operate. Meanwhile, the decline of social services has simultaneously been made worse the contraction in the government revenue base, from 20 per cent to 12 per cent of GDP since 1992 (World Bank 2003: 2).

At the same time, already acute structural problems in agriculture – limits of extensification in a crowded country, declining soil fertility, low use of

modern inputs, and low incentives in the state-controlled cash-crop sector – have been made worse by looting of households by both the army and rebels, the destruction of household goods and livestock, population displacement, and the collapse of distribution channels for agricultural inputs and outputs. Production and exports have also been hard hit by the recent world-wide decrease in the price of coffee. Meanwhile, in the urban areas industry has largely collapsed, with a drop in industrial GDP of almost 60 per cent since 1992, due to difficulties in the supply of materials from inside and outside the country, and from a drop in demand from the formal sector and expatriate workers (World Bank 2003: 2).

The capacity of the government to address poverty has also been hard hit by the devaluation of the local currency (which lost almost 30 per cent of its value against the dollar between 2001 and 2002), and a consequent rise in inflation. This has, in turn, increased the already high level of international debt; as much as 85 per cent of the debt in 2002 was multilateral and represented 178 per cent of GDP. Consequently, debt servicing (if paid) would absorb 98.8 per cent of all revenues and the accumulation of arrears was estimated at US\$115.7 million in 2001 (or approximately \$18.59 per head of an already impoverished population) (UN 2002: 7). Yet the most significant factor in terms of its impact on social development has been the reduction of international financial assistance which has resulted from the war, which fell by 66 per cent between 1990 and 2002, from US\$282 million to US\$97 million. Given that the state budget can barely meet the cost of its own direct employees (civil servants, the gendarmerie and the military), the reduction in external assistance has inevitably resulted in substantially reduced levels of expenditure on health, education and other social programmes (World Bank 2003: 2). As noted by the UN, this can impact negatively upon the peace process, for ‘poverty exacerbates ongoing conflicts and discourages the return of refugees and [may] adversely affect the response of armed groups to ceasefire negotiations’ (UN 2002: 7).

Violations of human rights

In a country where up to 350 000 people are estimated to have died as a result of inter-communal violence, the abuse of human rights has become systematised. According to Amnesty International (2002): ‘Both the armed

forces and armed opposition groups...show complete disregard for human rights and act with apparent impunity'. To summarise:

- Burundi struggles with a heavy weight of violent history. Post-independence history is strewn with coups, attempted coups, and inter-communal violence. A sequence of massacres by Tutsi against Hutu, and by Hutu against Tutsi has 'created a culture of violence which is hard to dissolve' (Mekenkamp, van Tongeren & van de Veen 1998: 199). In more recent times, government forces have been responsible for indiscriminate violations against the civilian Hutu population. There have been hundreds of extra-judicial executions, not excluding children, and property and crops have been deliberately destroyed. Such violations have been launched in reprisal for activities of the armed opposition, and indicate that the Hutu population in general continues to be regarded as hostile and complicit with the armed opposition.
- There was a marked increase in the unlawful and indiscriminate killing of unarmed civilians by the armed forces around the inauguration of the transitional government in November 2001. Meanwhile, the armed opposition groups, notably the *Conseil National pour la Défense de la Démocratie-Forces pour la Défense de la Démocratie* (CNDD-FDD)¹ (until October 2003) and the *Forces Nationales de Libération* (FNL)² did not feel bound by the Arusha peace agreement, and both conducted numerous ambushes in which scores of civilians were killed. 'Armed opposition groups repeatedly robbed, raped and intimidated local civilian populations and forced people to carry looted possessions or ammunition' (Amnesty International 2002). On April 23 2003, in the run-up to the 1 May transition from (Tutsi) President Pierre Buyoya to (Hutu) President Domitien Ndayizeye as prescribed by the Arusha Accord, nearly 30 civilians were killed and at least 15 injured (in crossfire or deliberately) during and after an attack by the FNL upon the national police brigade at Kabezi, south of Bujumbura. Human Rights Watch (2003: 20-25) has documented this and other atrocities in detail, and reports that both government soldiers and rebel combatants regularly deploy disproportionate and indiscriminate use of force with attendant injury and death to civilians. Neither the army nor the rebel movements accept adequate responsibility for such incidents, they deny their gravity or extent, blame each other, and fail to take action against their troops for excesses.
- Following the signing of the peace accord between the transitional government and the CNDD-FDD in October 2003, the latter has (in

theory) laid down its arms, but attacks by the FNL continue. Indeed, civilians (especially in Bujumbura and Bujumbura rural province) were caught in the middle of fighting between the FNL and CNDD-FDD as the former targeted members of the latter in a bid to disrupt the agreement. Combatants from both movements have also been guilty of human rights violations against civilians around their bases in the DRC (Human Rights Watch 2003: 35–38).

- The forced recruitment of children has been less than in some other African conflicts, (notably that between the Lord's Resistance Army and the Ugandan army, where up to 50 per cent of the former's armed forces are children). Nonetheless, many hundreds of children have been abducted by armed opposition groups, and hundreds of others have been recruited from refugee camps in Tanzania. In an interview with one of the authors, knowledgeable humanitarian officials estimated that the army, gendarmerie and the two minor rebel groupings inside the Arusha agreement may account for up to 3 000 children combatants, with the CNDD-FDD and FNL accounting for a further 5 000. Whilst children have not apparently normally been subjected to the extremes of violence their counterparts have suffered in the wars in Sierra Leone and Liberia, they have been used to commit some acts of violence and have been used as human shields to protect adults. Former child combatants have also alleged that the armed opposition groups deliberately damaged their hearing by firing weapons close to their unprotected ears, in order to render them less fearful amidst the noise of combat. It is reported that girls have been sexually abused. For its part, the army has also been responsible for compelling civilians to undertake humiliating forms of labour, and to participate in the payment of the war effort through special taxes, such as that introduced in May 2001 'to finance urgent security arrangements' (Reyntjens 2001: 16). The Burundian army has acknowledged that hundreds of children, called *doriya*, are used for various services, such as gathering information, and serving as porters and guides. Additionally, men and boys, many under 18, have been recruited by the government-run paramilitary force, the 'Guardians of Peace'. Although armed, they have received no salary, and have lived by preying upon the civilian population (Human Rights Watch 2003: 44).
- Rape – as an adjunct or weapon of war – has reportedly increased markedly in recent years, rendering the position of rural women

particularly vulnerable. Rape is perpetrated by both rebel combatants and soldiers, but disciplinary action against rapists is seldom instituted, and accusations of rape are usually summarily dismissed by the army. Women are reluctant to report incidents, not least because of fear of rejections by their husbands and families. Fear of rape and violence means that many families in rural areas fear to spend their nights at home (Human Rights Watch 2003: 39–43).

- A decade of war, the deterioration of the economy, the widespread availability of small arms, and the erosion of governmental authority have provided fertile conditions for banditry. Sometimes bandits are associated with the rebel movements, some have broken away from them, and others impersonate them to pass off criminal for political activities (Human Rights Watch 2003: 49–50).
- Despite the introduction in January 2000 of a revised Code of Criminal Procedure, suspects continue to suffer arbitrary detention, often in poor conditions, as well as torture and 'disappearance'. Those arrested by the military are often held incommunicado. Torture and ill-treatment in detention are routine. According to a report published by the Burundian Association for the Defence of Prisoners' Rights cited by Amnesty International (2002), 4 500 out of a total prison population of 8 500 were tortured or ill-treated at the time of their arrest. The Iteka League, a human rights monitoring group in Burundi, has raised serious questions concerning the independence of the judiciary (Reyntjens 2002: 14).
- The conduct and incidence of political trials is uneven, and falls below international standards, in particular due to the denial of the right to appeal and the use of statements extracted under duress or torture. Trials continue for people charged in connection with the massacres of Tutsi civilians in October and November 1993, and thousands of Hutu remain in detention awaiting trial. In contrast, few members of the security forces of Tutsi civilians have been prosecuted for their part in the killings of Hutu civilians. Capital punishment remains on the books, and over 440 people remained under sentence of death at the end of 2001. Whilst implementation of the death penalty seems in practice to be restricted, justice is often summary, as for two soldiers condemned to death by a court martial in Gitega for murder who were executed two days after their conviction without having benefit of assistance from a lawyer or their right to appeal (Rentjens 2002: 14).

- Journalists and the media are subject to severe official restrictions, and journalists have been subject to harassment under the transitional government. Peace groups have also been subject to restrictions, and their leaders to detention (Amnesty International 2002; Human Rights Watch 2003: 16–18).

The international response

For reasons which were indicated above, the wider international response to the crisis in Burundi has been muted, and the responsibility of mediation and peace-making has devolved upon regional countries.

The UN became involved initially through the United Nations High Commission for Refugees (UNHCR) and the United Nations Children's Fund (Unicef), which initially arrived in Burundi in order to help internally displaced persons and refugees who had fled from the 1994 Rwandan genocide. Furthermore, the UN also despatched a special envoy, Ould Abdallah, to Burundi, charged with heading off further violence. These efforts co-ordinated closely with those of the OAU, which had sent an observer mission to Burundi in 1994 to reduce tension by monitoring the activities of actors including the national army. These early forays bore fruit in September 1994 when Ould Abdallah brokered a political accord known as the Convention of Government, which provided for power-sharing³ between the Tutsi-led *Union pour la Progrès National* party (UPRONA) and the *Front pour la Démocratie au Burundi* (FRODEBU), the party associated with the Hutu majority. Yet this had little diplomatic weight behind it, and so although it was designed to promote national dialogue to bridge the gap between all the various parties and belligerents, it enjoyed limited success in containing the conflict, and by early 1996 there were renewed fears that the situation in Burundi would relapse into outright civil war. As explored in later chapters, these fears were to lead to a series of international and regional initiatives which gave rise to the Arusha peace process. In this case, devolving responsibility upon African regional countries to resolve African problems coincided nicely with the reluctance of the West to become heavily engaged.

Although having conceded the diplomatic initiative to regional players, the UN has continued to play a significant role in the provision and mobilisation

of international humanitarian assistance. In August 1998, the UN Humanitarian Co-ordinator assembled UN agencies and NGOs in Burundi to review the humanitarian situation and to discuss the course for future action. These consultations resulted in a joint strategy for assistance, as well as a call for increased investment in sustainable reintegration of the population and the promotion of community development in order to make progress towards a lasting peace. This strategy was formulated in the Consolidated Inter-Agency Appeal for Burundi by the Office for the Co-ordination of Humanitarian Affairs in December 1998. Subsequently, in 1999, the UN Humanitarian Co-ordinator for Burundi presented a broadened community assistance programme designed to complement and strengthen the peace process at grass roots level (Mekenkamp et al. 1998: 201–02).

As is detailed below, such initiatives have been complemented by involvements by such actors as the World Bank, the EU and a variety of NGOs. However, whilst international efforts to relieve suffering, provide humanitarian assistance, restore basic infrastructure and promote development are vital to any efforts to bring an end to violent conflict in Burundi, their long-term effectiveness is necessarily dependent upon the success of the peace process.

Notes

- 1 See Chapter 6.
- 2 Formed in 1980, *Forces Nationales de Libération* is the armed wing of the Hutu PALIPEHUTU movement.
- 3 See Chapter 5.



CHAPTER 4

The roots of the crisis

At one level, the present crisis in Burundi 'began' in 1993 with the assassination of President Ndadaye, the first democratically elected president of the country. However, the deeper roots of Burundi's conflict lie in divisions which pre-date the colonial period and which were exacerbated under colonialism. Furthermore, the shape of contemporary politics in Burundi owes much to a counter-revolutionary reaction to events that took place in neighbouring Rwanda at independence in 1962. In any case, many of the most influential actors in Burundi today appeared on the stage prior to 1993, and their past conduct is therefore an informative guide to their motives and their subsequent behaviour.

The population of Burundi is today described as constituted of around 14 per cent Tutsi, 85 per cent Hutu and one per cent Twa (pygmy).¹ However, these divisions are far from hard and fast for over the centuries there has been considerable inter-mixing with, for instance, upwardly mobile Hutu being absorbed amongst the Tutsi by virtue of power, wealth and familial connection. It is also the case that even if Tutsis were long politically and economically dominant, Tutsi and Hutu have lived at peace with one another over the centuries. This long history of mutual cohabitation helps explain why even today, after years of ethnic polarisation, political parties are still able to draw support from both ethnic groupings. To repeat, although Burundi's politics is so often reduced in analytical shorthand to being centred around 'ethnicity', 'ethnicity' is far from absolute, and indeed, as will be elaborated below, this characterisation has been strongly challenged by Mamdani (2002). Yet this is not to deny that the importance of Hutu-ness or Tutsi-ness as a political signifier has increased markedly in a country which, to state the obvious, has endured mass killings bordering on genocide. The problem of Burundian politics, even more so than in most other countries of Africa, is to approach an understanding of why 'ethnicity' has become more, rather than less, politically salient. The answer is not wholly obvious, yet it would seem to lie in the particular impact of the colonial and post-colonial political economy upon Burundi's socio-demographic composition. In short, this has

cross-
cleavage
voting

encouraged Hutu-ness or Tutsi-ness as a form of political identification rather than more unambiguously promoting an overarching sense of national identity and shared citizenship.

From ethnicity to race? The colonial hardening of difference in Ruanda-Urundi

The Berlin Conference of 1884–1885 designated the two kingdoms of Rwanda and Burundi as part of Germany's sphere of interest in Africa. However, military posts were only established considerably later, at Usumbura (now Bujumbura) in 1896, and at Kigali in 1907. Henceforth, the military district of Ruanda-Urundi, comprising both kingdoms, was administered from German East Africa, which later became Tanganyika. After having been occupied by Belgian forces in 1916, Ruanda-Urundi became a mandated territory of the League of Nations, administered by Belgium, from 1923. However, like the Germans, the Belgians treated the Kingdoms of Rwanda and Urundi as separate sub-regions, ruling through the two monarchies for administrative purposes.

Both Burundi and Rwanda are unusual among modern African states in that they are not artificial creations of colonialism. By the time that both Burundi and Rwanda were absorbed by the German empire at the end of the nineteenth century, both were long established kingdoms with a developed sense of territorial sovereignty. Their origins lie amongst the Eastern Bantu peoples, whose ancestors had migrated from central Africa to the north-eastern fringes of the equatorial forest of what is now Congo, bringing their cattle, sheep and goats with them and establishing themselves in dispersed homesteads. Their earliest settlements in eastern Africa were in the interlacustrine region around Lakes Albert, Victoria and Tanganyika; from here, during the first millennium AD, they spread eastwards to the Indian Ocean coast and southwards into Central and Southern Africa. Where their populations grew dense enough (and in present day Rwanda and Burundi this was greatly facilitated by the 'generous' and 'protective' highlands which provided for prosperous agriculture, and defence against tse-tse flies, malarial mosquitoes and human enemies), the Eastern Bantu 'formed states on a monarchical pattern, and the process of competition and conquest among the initial small states led gradually to the emergence of some larger ones' (Prunier 1995: 2). In the interlacustrine region, six large states (Buganda,

Bunyoro, Ankole, Karagwe, Rwanda and Burundi) had grown up by the end of the eighteenth century. These were ruled by 'divine kings' who governed through elaborate hierarchies of court officials and provincial chiefs (Oliver & Atmore 1994: 21–22).

The early European explorers who reached Rwanda and Burundi were immediately struck by the division of the populations into three groups, the Tutsi, Hutu and Twa. They inappropriately labelled these as tribes, which are proto-nations, yet in contrast they 'shared the same Bantu language, lived side by side with each other without any "Hutuland" or "Tutsiland" and often intermarried. But they were neither similar nor equal' (Prunier 1995: 5). The Twa, who constituted around one per cent of the population, were pygmoids who lived either as hunter-gatherers in the forests or served high-ranking individuals as servants. The Hutu, who constituted the majority of the population, were peasants who cultivated the soil, and physically resembled the inhabitants of neighbouring Uganda or Tanganyika. The Tutsi, who were the dominant group, tended to be tall and thin, and often displayed 'sharp, angular facial characteristics', which made them out to be, at least in colonial theorising, a different 'race' (Prunier 1995: 5).

Hence highly involved myths arose, developed by nineteenth- and twentieth-century anthropologists and colonial administrators, that the Tutsi were not Bantus, but were descended from superior and more advanced peoples who had migrated, variously, from Ethiopia, ancient Egypt, Melanesia or Asia Minor, or even the lost continent of Atlantis, and they had carried monarchical institutions with them and superimposed them upon the original Hutu and Twa inhabitants (Prunier 1995: 5–9). In later times this was to translate into theories that the interlacustrine kingdoms had been founded by Nilotc Hima pastoralists who, migrating south and west through Uganda, extended their control – via possession of superior resources such as warrior skills, tightly-knit political organisation and large herds of cattle – over local Bantu societies. Thereafter, according to this widely spread version of history, which is 'now thoroughly rejected' (Curtin, Feierman, Thompson & Vansina 1978: 168), assimilation occurred as the Nilotc Hima adopted Bantu languages and intermarried with their subjects, leading to the forging of nations as in Burundi.² However, historians now argue that the Tutsi are not more 'Hamitic' than the Hutu, and that the physical differences which arose developed over time through occupational and dietary specialisation. To quote Curtin et al. at length:

The meaning is clear. The pastoralist and agriculturalist communities of Rwanda and neighbouring states have been separate from one another – have not intermarried in significant numbers – over a long historical period.³ Their separation fits the pattern of other groups in the region that developed specialized economies with cultural and even biological adaptations to particular microenvironments. In the extremely varied environment of Rwanda and Nkore, some of the landscape was appropriate for agriculture, other parts for herding. **Specialized farming and herding groups lived side by side, each in its own environmental niche.** These bits of pastoral and agricultural land, however, were interspersed, so that the interaction was more frequent than was possible on many other pastoral-sedentary frontiers, such as the fringes of Maasiland or other Sahara. It is impossible to know, on the basis of current evidence, whether the pastoralists and agriculturalists all began as a single Bantu-speaking community whose economies became increasingly specialized with the passage of time, or whether they had diverse linguistic and cultural origins.

The large kingdoms ruled by pastoralists, like Rwanda, grew out of earlier symbiotic relationships (which survive today in some localities) between neighbouring herdsmen and farmers.
 (1978: 169–170)

Even though it is now dismissed by historians as false, the myth that the Tutsi were descended from a superior, ancient race was to have a major impact upon both Rwanda and Burundi. As Prunier (1995) argues for Rwanda (although his comments are equally applicable to Burundi), it conditioned the views of Europeans regarding the local social groups with which they had dealings. Second, its ‘scientificity’ governed the decisions made by both the German and Belgian colonial administrations. And third, it had a massive impact upon the local population themselves. For over 60 years they were to be bombarded with heavily value-laden stereotypes which inflated the Tutsi cultural ego and crushed Hutu feelings ‘until they coalesced into an aggressively resentful inferiority complex’ (Prunier 1995: 8). When combined with the objective political and administrative decisions of the colonial authorities which favoured the Tutsi over the Hutu, this created ‘a very dangerous social bomb

that was almost absent-mindedly manufactured through the peaceful years of *abazungu* (European domination' (Prunier 1995: 9).

In Rwanda and Burundi, the *mwami* (king) was regarded as divine, and his power was sacred rather than profane, and occupied the apex of a complex pyramid of political, cultural and economic relationships. Under the Rwandan king, for instance, were the chiefs, but these were of three types: first, *mutwale wa buttaka*, those who variously took care of attributing land and of agricultural production and taxation; second, the *mutwale wa ingabo*, who ruled men and *inter alia* were responsible for recruiting fighters for the king's armies; and third, the *mutwale wa inka* or *mutwale wa igikingi* who ruled over grazing lands. These functions were often allocated to different men (most of whom, but not all, were Tutsi). These chiefs, like all administrators, were essentially charged with controlling and extracting, but as in other such societies, control was tight close to the central core of the kingdom, and became ever looser as it went to the periphery, where, incidentally, various Hutu principalities survived with relative autonomy late into the nineteenth and even the first two decades of the twentieth century before becoming absorbed and 'tutsified'. However as the control of the king extended over the outlying principalities, the nature of their control tended to change towards 'ever greater administrative centralisations and more authoritarian forms of political control' (Prunier 1995: 19).

In Burundi, by contrast, the *mwami's* rule was less centralised. On the one hand, 'the crown acted as the single most important stabilising element in the political system', yet power was 'anything but despotic' (Lemarchand 1970: 301) and 'in fact rested in the hands of a traditional oligarchy (*ganwa*) which ruled in the name of the monarch, or in spite of himself' (1970: 305). The crown stood at the peak of a social pyramid in which the top positions, below the monarch, were occupied by the descendants of the royal family (*ganwa*), with the lower orders, Tutsi, Hutu and Twa, constituting the base. However, not every member of the royal family could claim the same degree of closeness to the court, and conferment of political or ceremonial functions upon members of an inferior caste implied significant variations. The point, argues Lemarchand, 'is not that kingship as such was unimportant, either as a source of legitimacy or an institution, but that its very loose connotations and structural malleability made it infinitely more adaptable to political change than was true of its counterpart in Rwanda' (1970: 305). Whereas in Rwanda

the normative implications of kingships were starkly *inegalitarian*, in Burundi it implied a dispersal of power, and because it was relatively free of the stigma of *caste supremacy* and was hence able to draw upon a well of symbolic affection from Hutu as well as Tutsi, its position seemed all the more secure. Only towards the end of the colonial period did the kingdom finally transform itself from a mere aggregate of more or less autonomous chiefdoms into a more unified entity; yet this process took place very slowly and incompletely, and then not so much under the leadership of the king as under the guidance of a particular royal lineage, the Bezi. The authority of the Bezi grew at the expense of their immediate rivals, the Batare, a competing lineage descended from Mwami Ntare Rugaamba, who occupied the throne from around 1795 until 1852, and whose descendants were steadily evicted from office after the accession of Mwami Mwezi Kisabo, to the profit of his sons, the Bezi (Lemarchand 1970: 311). As it happened, this widening rift between the Bezi and Batare was to have significant repercussions with regard to political party formation in the run up to independence, and was to prove instrumental in the eventual overthrow of the monarchy.

This *increasing centralisation of power*, even if less advanced in Burundi than Rwanda, *transformed existing patron-client relations of personal dependence into relations that were increasingly feudalised*; that is, rather than providing for possibilities for upward mobility by individual Hutu, they tended to become solidified and to reinforce unequal land and labour rights and duties to the advantage of Tutsi, who in effect '*established a regime of caste*' (Smith 1969: 127) and reduced Hutu to serfdom. Yet Prunier argues that this process of transformation was much more a centre-periphery affair than it was one of Tutsi versus Hutu. If the kings' agents were largely (but not all) Tutsi, their 'victims' in the situation of more centralised control were both Tutsi and Hutu, and they were defined by their geographical location. Yet *the more elites were co-opted* by the monarchy to be faithful servants of the new order, *the more they were 'tutsified'*, and the more that the complementarity that had previously existed in land and labour exchanges was eroded, the more that Hutu peasants were placed in a position where they had to sell their labour 'first as a social obligation, and then as a monetarised commodity in the colonial system'.⁴

The imposition of colonial rule served to encourage and harden these tendencies. Prunier argues that the *German presence*, although brief, was important because it *inaugurated a colonial policy of indirect rule*. This left

considerable autonomy to the monarchies in both countries and 'acted in direct continuation of the pre-colonial transformation towards more centralisation, annexation of the Hutu principalities and increase in Tutsi chiefly power' (1995: 25), even if in Burundi the Germans sought to contain the emergence of the king as a potential rival to their authority by simultaneously fostering the authority of outlying chiefs. When the Belgians took over, they extended and deepened this approach to rule in both Burundi and Rwanda. They continued to rule through the kings and the chiefs, who were overwhelmingly Tutsi (or 'tutsified'); they also initiated a draconian system of forced labour whereby mostly Hutu were drafted to work for the state without pay. Most importantly, they refused to view the land as belonging to indigenous lineages, enabling the state to dispose of Hutu land after paying (often inadequate) compensation to the owners, often to the profit of Tutsis who were close to the administration. In addition, Tutsi took huge advantage of their favourable access to education, which was run by Belgian Catholic priests. As Tutsis rapidly appreciated that schooling could benefit them, most converted to Catholicism in order to attend mission schools in order to improve their social position (Melsen 2003: 326–329).

In sum, therefore, the Belgians cast the Tutsis in both countries in the role of a natural elite who constituted a 'superior race', an identification which to a large measure became internalised by Hutu, who were poor and powerless, and internalised their inferiority. Hence princes of the royal blood, the *ganwa*, although of Tutsi origin, came to be viewed by both Tutsi and Hutu as the traditional rulers, a relationship which 'softened the impact of Tutsi domination' (Esterhuysen 1998: 101). This played an important part in providing for national unity and in structuring submission of the Hutu peasantry to the king, or *mwami* (even if there was a significantly greater tendency towards direct conflict between Hutu and Tutsi overlords in Rwanda as opposed to Burundi).

The use of the term 'superior race' is deliberate, for following Mamdani, what had occurred under colonialism in Ruanda-Urundi was the 'racialization of the Tutsi/Hutu difference' (2002: 24). The implications of this for the peace process in contemporary Burundi will be discussed at greater length below. However, in crude summary, what Mamdani argues is that the origins of ethnicity or race in Africa cannot be found in either any primordial or instrumentalist foundations, but are historical constructs.

At its outset, argues Mamdani, the Western colonial project claimed civilisational aims: all those subject to the power of the state would be governed through imported Western law, with the immediate implication that societies and subject individuals were intended to become Westernised. Modernisation was equated with Westernisation. To be sure, there were various bases of discrimination that set the colonisers apart from the colonised. However, within this universe, the legal basis of group discrimination was to be that of *race*.

indirect rule
 => creation of
 separate groups
 => different laws

The shift from direct to indirect rule marked a first major shift away from the civilisational project in colonial Africa. In addition to a racial separation in civil law between *natives* and *non-natives*, indirect rule divided natives into separate groups and governed each through their distinct 'customary laws'. Every *ethnic group* was now said to be governed by its own laws, and was rendered subject to its own 'native authority'. 'Thereby, the very category "native" was legally dismantled as different groups of natives were set apart on the basis of *ethnicity*' (Mamdani 2002: 24). From being previously only a cultural community, the ethnic group was now transformed into a political community as well. This was to have huge consequences for 'by politicising indigeneity, the colonial state set in motion a process with the potential of endlessly spawning identities animated by the distinctions indigenous and nonindigenous, and polarizing them' (Mamdani 2002: 33). Meanwhile, the construction of the native as an ethnic being implied the alternative category of 'strangers' or outsiders. Where such outsiders were from outside Africa, they were identified as 'settlers'. Yet the law spoke only of natives and non-natives, not of settlers. 'Settler', argues Mamdani, was a political identity 'of those identified with the conquest state' (2002: 32). This is why there was never a single definition of the term 'settler', for there were as many definitions as there were perspectives among natives. What is key for him is that there was never unanimity over whether settlers were those who were immediately connected to the colonial power, or whether it included other beneficiaries of colonial power, those subjects who under the law might have qualified to be treated as non-natives and thus were entitled to preferential treatment, however petty the difference.

Mamdani's key thrust with regard to Rwanda, although his perspective also applies to Burundi, is that for various historical reasons the difference between Hutu and Tutsi was to become racialised. His argument is that in

colonial Rwanda and Burundi, the Belgians instituted a half-way house between direct and indirect rule. As elsewhere in Africa, Belgian power constructed 'customary law' and 'native authorities' alongside civil law and civic authorities, yet unlike elsewhere, neither this law nor this authority were ethnicised. Hutu were not ruled by their own chiefs, but by Tutsi chiefs. Tutsi were transformed into a different race, 'strangers' and 'settlers'; in short, the Hamitic race:

This made for two important differences with indirect-rule colonialism. *One*, the bulk of the colonized population was not fragmented along ethnic lines into so many ethnically diverse identities, each with its own 'customary' law and enforcing authority; instead they were made into a single mass – the Hutu, said to be indigenous Bantu – who cut across all Native Authorities. *Two*, this Bantu majority was not ruled through their own chiefs but through those constructed as racially different and superior, the Hamites...

The Hamitic thesis was not articulated with reference to Rwanda only. In fact, it claimed to explain all signs of civilization in Bantu Africa...Not only the Tutsi, but also the Bahima and the ruling stratum in Buganda, too, for example, were considered Hamites. The important point is that only the Tutsi – and not the Bahima elite, nor the Baganda, nor any other group considered Hamitic – were constructed as a race as opposed to an ethnic group. Only in Rwanda and Burundi did the Hamitic hypothesis become the basis of a series of institutional changes that fixed the Tutsi as a race in their relationship to the colonial state.³ (Mamdani 2002: 34–35)

For Mamdani the consequences of the racialisation of the identities of Hutu and Tutsi were immense. Every nationalist movement in Africa was required to determine its attitude to the races subjected to colonialism. Those who occupied the middle ground, such as Indians in East Africa, found themselves having to declare their preference for a political community. The answers which were found to this dilemma testified to highly differentiated poles of African nationalism. The extremes were represented by Julius Nyerere, on the one hand, who stood for a single, unified, inclusive nationalism, both deracialised and de-ethnicised. On the other hand there was Gregoire

Kayibanda, who in Rwanda championed a racialised nationalism of the Hutu which was built on the very political identities of Hutu and Tutsi which had been institutionalised under colonialism. Whereas Tanzania was to emerge as a paragon of post-colonial stability, Rwanda was to be destabilised by a pursuit of post-colonial justice that was so ruthless that it was to target Tutsis as a group, and to end in the tragedy of genocide (Mamdani 2002: 32).

Post-colonial politics in Burundi was to be drastically shaped by Tutsi reaction to this deadly dynamic.

The Hutu revolution in Rwanda

minority Tutsi as losers of independence/majoritarian democratization

Given their positions of social dominance, the Tutsi minority in both Rwanda and Burundi were, almost inevitably, threatened not so much by independence (granted to both countries in 1962) but by the prospect of inaugurating a formally democratic order in which political power would devolve upon those best able to secure a majority vote.⁶

As in its other colonial possessions, Belgium made little provision for indigenous political advance in either Rwanda or Burundi, and was slow to realise the developmental obligations imposed upon it by the UN Trusteeship Council (which assumed the League of Nations' responsibilities for the mandated territories) in 1948. However, during the 1950s, the arrival of a new generation of priests and administrators who were more open to egalitarian ideas and democracy did bring about a reorientation of attitudes towards the Hutu, who were now increasingly favoured by policies in church and state. By 1957 in Rwanda this had encouraged the emergence of Hutu-led movements demanding an end to subordination and the overthrow of Tutsi hegemony. A 'Bahutu Manifesto' referred to the Tutsi as an alien race, and rather than calling for a new order based on equality, in effect called for the replacement of one system of domination by another. In 1959, with the aid of Belgian administrators, Hutu elites revolted against their Tutsi overlords and displaced one 'ethnocracy' by another. Commencing on 1 November, actively aided by Belgian troops on the spot, Hutu violence spread throughout the country, and in October 1960, Gregoire Kayibanda, one of the authors of the 'Bahutu Manifesto', emerged at the head of a provisional government stating that, 'democracy has vanquished feudalism' (Prunier 1995: 45-46). The

50s onwards:
 Hutu mobilization
 to replace
 Tutsi hegemony w
 Hutu hegemony

monarchy was abolished in January 1961, and independence was granted in 1962 with Kayibanda as President of what was, in effect, a Hutu ethnocracy dressed up as a populist majoritarian democracy that excluded "the Tutsi race" from the political order' (Melson 2003: 331). Many survivors of the 1994 genocide in Rwanda today regard the Hutu revolution of 1959 as having provided the foundation for that tragedy by having defined Tutsi as second-class citizens. More immediately, however, the political violence unleashed in the wake of the revolution prompted hundreds of thousands of Tutsi to flee to neighbouring states, notably Uganda and Burundi. By 1964, there were 336 000 Tutsi refugees in these countries, and the resultant Tutsi diaspora was to provide the manpower for the guerrilla forces which in later years were to attack and destabilise the Hutu hegemonic government (Melson 2003: 326–331; Prunier 1995: 45–46).

In the meantime an increasingly Tutsi-dominated army in Burundi had come to the conclusion that majoritarian democracy represented an immediate threat to minority survival.⁷

experiences with democratization in Rwanda informed
Burundi military dominance

Counter-revolution in Burundi: political struggles after independence

Developments during the post-war years had unravelled at a somewhat slower pace in Burundi, where it was only in November 1959, in response to considerable international pressure, that Belgium committed itself to a programme of reform whereby it would devolve legislative authority to an indirectly-elected council, with the *mwami* acting as a constitutional monarch. These arrangements were to be buttressed by armed forces, initially formed as a territorial guard in 1960. At first, recruitment was organised to ensure that both Tutsi and Hutu were reasonably represented. At independence in 1962, the guard became the national army, which in 1963 spawned a special elite unit of commandos which was placed under the control of a Tutsi officer, Captain Michel Micombero. It was not long before the armed forces were to be deeply divided along 'ethnic' lines.⁸

All these were belated arrangements, and events rapidly began to overtake the Belgians' plans. Political parties began to form, most notably UPRONA, associated most notably with Prince Louis Rwagasore, the *mwami*'s eldest

1959 Hutu Revolution
=>suppression of Tutsis in Rwanda

Belgium did little to prepare Rwanda and Burundi for independence; peaceful structured inter-ethnic relations

son.⁹ This was initially dedicated to the upholding of traditional institutions and the Bezi lineage, but appalled by developments in neighbouring Rwanda, Rwagasore took UPRONA in a genuinely nationalist direction, hence losing favour with the Belgian administration which depicted it as pro-communist. In contrast, the *Parti Démocrate Chrétien* (PDC), established by the Batare lineage as a counter to UPRONA, earned the support of the Belgians and formed a first provisional government in 1961. However, the PDC's closeness to the colonial power only undermined its credentials and promoted those of its rivals, resulting in its massive defeat in the country's first elections in September 1961, held in tandem with a similar contest in Rwanda. UPRONA won 58 out of 64 seats and Rwagasore became Prime Minister. He was not to rule for long, however. His assassination on 13 October by agents of the PDC split UPRONA, and destroyed the national cohesion he had sought to achieve, not least because of fear aggravated by the Hutu revolution in Rwanda (Esterhuysen 1998: 101–103). UPRONA as inclusive party only shortlived

In this tense environment, the monarch was the remaining source of power at the time of independence on 1 July 1962. To quell the 'ethnic' tensions, the *mwami*, Mwambutsa, attempted to balance the proportion of Hutu and Tutsi in four successive governments between 1963 and 1965 (although in the process he alienated both sides). In January 1965, he replaced a Tutsi prime minister, with a Hutu, Pierre Ngendendumwe, only for him to be assassinated three days later by a Tutsi Rwandan refugee. The *mwami* now sought to cool tensions by holding new elections, but these only served to raise the stakes, for Hutu candidates took 23 out of the 33 seats only to find that the monarch proceeded to appoint Leopold Biha, a prominent Tutsi, as prime minister. This in turn provoked an attempted coup by Hutu army and gendarmerie officers which was bloodily suppressed by loyal troops led by Micombero. In the mayhem that followed, the *mwami* fled to the Congo, and the Tutsis took their revenge. The army and gendarmerie were cleansed of Hutus, and the Hutu political class was all but wiped out, together with their rural supporters (some of whom had risen in support of the *mwami*).¹⁰ This marked the end of Hutu political participation for many years.

Mwambutsa sought to preserve the monarchy by despatching his son, Charles Ndizeye, back to Burundi to serve as Regent. However, in July 1966, Charles revoked the constitution, deposed his father and declared himself *mwami* as Ntare V. He simultaneously appointed Captain Micombero as Prime Minister.

nationalist = trans-ethnic

UPRONA wins
Hutu & Tutsi
votes

King tried
to balance;
Hutu's opposed;
Tutsi retaliated

But the alliance was unstable and Ntare was himself soon overthrown by Micombero who in November declared Burundi a republic, and appointed himself President, Prime Minister, Minister of Defence and leader of UPRONA. A further attempted Hutu coup in 1969 then provided the platform for a purge of those Hutu officers who remained, further entrenching Tutsi power.¹¹ Yet worse was to come, for following the outbreak of a Hutu insurrection in 1972, in which some 2000–3000 Tutsis were eliminated, the first of Burundi's mass killings took place. Ntare was summarily executed to prevent him from becoming a focus for Hutu support, and thereafter, between 100 000 and 200 000 Hutu were massacred, while a further 150 000 fled to neighbouring countries.¹²

The massacres of 1972 are rightly regarded as seminal in contemporary Burundian politics for their memory provokes the worst fears of both Hutu and Tutsi. For the Hutu, it confirms the genocidal intentions of the Tutsi and their determination to maintain them as an oppressed underclass. For the Tutsi, however, it generates images of the majority Hutu rising up and exacting bloody revenge were the Tutsi to relax their hold on power. Significantly too, the events of 1972 are seen to be the genesis of a culture of impunity enjoyed by the armed forces, for to this day no-one has been held accountable for that terrible slaughter (Reyntjens 1995: 7).

Micombero's personalised administration became increasingly ramshackle and divided, for as the size and role of the army expanded, so regional differences began to assume an increasing salience. These had climaxed in 1971 when leading non-southern Tutsi officers had unsuccessfully attempted a coup aimed at overthrowing southern Tutsi hegemony, resulting in their arrest and condemnation to death. Although they were subsequently to receive an amnesty and to be restored to their commissions, the higher reaches of the army have continued to be dominated by southern Tutsi, mostly drawn from Bururi province.¹³

Such tensions formed the backdrop to Micombero's overthrow in November 1976 by his cousin, Colonel Jean Baptiste Bagaza, who sought to bring better order to the state and to more firmly entrench Tutsi hegemony. Initially Bagaza appeared to be attempting liberalising reforms. Explicit reference to ethnic groups was banned, a new constitution was adopted by referendum in November 1981, and land reforms were declared. However, his commitment

crumbling

1976 coup
against
Micombero

to meaningful reform was rapidly exposed as a façade. Elections were held for a new national assembly in October 1982, but he himself was returned as head of state by winning 99 per cent of the vote (in a contest in which he was the only candidate!) Thereafter, the period between 1984 and 1987 was one of gross human rights abuse. Tutsis were systematically favoured in the education system, and Hutu were largely excluded from the government, army, police and the judiciary. A campaign against the church, which was accused of succouring Hutu resistance, saw the government resorting to methods of brutal suppression including torture of political prisoners, numbers of which increased dramatically. This in turn alarmed donor nations, notably Belgium and France, which now sought to pressurise Bagaza by withholding development aid.

1987 coup

In the event, Bagaza's major problems were closer to home, for whilst he was out of the country in September 1987 he was deposed by officers concerned by his plans to economise by forcing early retirements. The leader of the coup, Major Pierre Buyoya,¹⁴ also a Tutsi,¹⁵ formed a Military Committee for National Salvation of 31 army officers and suspended the constitution. In October, Buyoya became the President and head of a 20-member government, four of whom were army officers. Buyoya relaxed the constraints on religious freedom and released hundreds of political prisoners, encouraging hopes amongst Hutu that their lot might be improved, whilst alarming Tutsi hardliners. Refusal by the latter to implement reforms caused Hutu confusion and disappointment.

Buyoya (T) becomes President

After a fresh outbreak of violence in August 1988 in the north of the country, in which a number of Tutsi were killed, some 20 000 thousand Hutu civilians died at the hands of the army, many more fleeing to Rwanda. Fortunately, international response was stronger than in 1972, and helped prevent the army's reprisals descending into wholesale genocide. In turn, Buyoya, who showed some awareness of the legitimacy of Hutu grievances, responded to pressure by instigating a series of potentially transformative reforms. A national commission to study the question of national unity – comprised of 12 Tutsi and 12 Hutu members – was appointed, along with a Hutu Prime Minister, Adrien Sibomana, as head of a cabinet composed equally of Hutu and Tutsi. The report of the National Commission published in 1989¹⁶ led to a 'Charter of National Unity' which was approved by referendum in 1991. However, even if not all Hutu were convinced by Buyoya's cautious moves

violence; severe Tutsi retaliation

Buyoya takes up Hutu grievances

towards democratic reforms, Tutsi hardliners were alarmed, and made various coup attempts between 1989 and 1992, and in 1991 Amnesty International singled out the security forces for their human rights violations in quelling sectarian violence. In short, the transition to democracy – and multi-party democracy at that – as part of Buyoya's reconciliatory approach, was rejected by powerful elements within the military establishment.

Tutsi hardliners against reforms by Buyoya

The general election of 1993

A great deal of emphasis was placed on 'national unity' by the Constitutional Commission in the approach to an election scheduled for 1993, as it was clear that the continuing ethnic divide would pose a massive threat to a peaceful outcome if the votes of the majority Hutu electorate were to prevail. The Commission therefore sought to build provisions into the constitution aimed at protecting 'diverse component parts of the Burundian population',¹⁷ which were intended to allay Tutsi fears by reserving a minimum number of seats for the Tutsi minority.

The run up to the election was dominated by two parties: the prevailing UPRONA, and the emergent (mainly Hutu) *Front Pour la Démocratie au Burundi (FRODEBU)*, which had a talismanic and committed leader, Melchior Ndadaye, who was able to mobilise all elements of the Hutu population, including followers of the outlawed radical *Parti Pour la Libération du Peuple Hutu (PALIPEHUTU)*. Thus in spite of the attempts of the Constitutional Commission, the 1993 election was inevitably one conducted along ethnic lines. UPRONA put forward Buyoya as their presidential candidate,¹⁸ while Ndadaye represented not only FRODEBU, but also the *Rassemblement du Peuple Burundais*, the *Parti du Peuple* and the *Parti Liberal*. A third, royalist candidate, Pierre-Claver Sendegeya, was the also-ran of the campaign.

The elections, held on 1 June 1993, were conducted in an atmosphere of peace and calm, with only minor technical difficulties. There were 100 foreign and 1 000 national observers and the prevailing opinion was that the elections were fair and transparent. The election results should therefore have been no surprise. Ndadaye was returned as the President with 65 per cent of the vote, in which 97 per cent of the electorate had participated. Buyoya received a

Ndadaye (H) becomes President

FRODEBU voluntarily
includes
Tutsis into
government

creditable 32 per cent and Sendegeya 1.4 per cent. However, in the elections for the legislative assembly, FRODEBU took 80 per cent and UPRONA just 20 per cent of the vote, winning 65 and 16 seats out of 81 respectively.¹⁹ Despite the fact that Ndadaye honoured his promise of appointing a (woman) Tutsi Prime Minister, Sylvie Kinigi, and seven other Tutsi ministers (in a 23-member cabinet of a government of national unity), the scale of UPRONA's defeat was to have severe consequences for Burundi – even though FRODEBU had attracted the support of some moderate Tutsis opposed to Buyoya, and UPRONA had always retained a degree of support amongst those Hutu who favoured close co-operation between the two groups.

Sad to say, this apparently promising new start was to fall foul of two features of the Burundian state which continue to form stumbling blocks to peace and democracy today. These were first, the sense of Tutsi officers that their dominant role in governing of the country was both necessary and desirable, and that in the absence of their dominance in the armed forces, a genocide against the Tutsi minority would be certain to ensue; Second was the exclusion of the civilian population (Tutsi and Hutu) at almost every level in the running of the state, despite the formal commitment to democracy. The resistance to democracy, and by extension civilian governance, is thus deep and intense, and any move towards democracy and power-sharing is therefore fraught with danger and instability.

Hence it is that the climate of distrust which exists between the various parties to the Arusha Accord today is one that cannot be dispelled easily or in the short term, and will have to be contended with by any new Burundian dispensation.

Notes

- 1 These figures are plucked from CIA (2002). But the plasticity of ethnicity is illustrated by Esterhuysen (1998: 99), for instance, referring to Hutu as 'perhaps' accounting for 'more than' 80 per cent of the population.
- 2 See, for instance, Esterhuysen's 1998 entries on both Burundi and Rwanda.
- 3 Historians still clearly disagree as to the extent of intermarriage of Tutsi and Hutu. But the implication is that Tutsi would marry upwardly mobile Hutu who would thereafter become 'tutsified'.
- 4 See Prunier 1995: 16–23 for the historical complexities.

- 5 It should be noted in this regard that the Hamitic myth had strong reverberations in South Africa, where the apartheid regime for many years denigrated Africans by labelling them as 'Bantu'.
- 6 See Reyntjens 1995: 7–9 for an account of the post-colonial period in Burundi.
- 7 We find Mamdani's hypothesis that the differences between Hutu and Tutsi have been racialised highly illuminating. However, it needs to be noted that his thesis, as well as being relatively recent, is also controversial. Consequently, whilst we try to minimise the use of the term 'ethnicity' (or its derivatives), it is not always possible to avoid it if we are to remain faithful to other texts from which we are borrowing. Where not citing directly we will therefore use the term 'ethnicity' within quotation marks to highlight our recognition of its problematic status.
- 8 Anon. *History of Burundi Army*. This eight-page document, held by the Mwalimu Nyerere Foundation in Dar es Salaam, is used cautiously. However, its detailed provision of names of army officers and of politicians and intellectuals involved in coups and executed indicates a high degree of familiarity with its subject.
- 9 Rwigasore's princely status debarred him from holding a formal leadership position in UPRONA. However, 'his prestigious personality had a determining influence on the political fortunes of the party....in spite of his patrician origins, he had strong affective ties with the Hutu population....his (university level) education made him sensitive to claims of the educated elite and gave him a "progressive" outlook which marked him off rather sharply from most other chiefs.' (Lemarchand 1970: 328).
- 10 43 military and police officers, and 11 leading Hutu politicians and intellectuals, were executed by firing squad in October 1965; many more were detained; and some 5 000 people were reported killed in rural areas, while several hundred Hutu fled to neighbouring countries. (Anon. *History of Burundi Army*).
- 11 Anon. *History of Burundi Army* claims 19 Hutu officers and five Hutu intellectuals and politicians were executed in December 1969.
- 12 According to Anon. *History of Burundi Army*.
- 13 The Tutsi are themselves composed of two sub-groups, the southern Tutsi-Hima (from which the royal line was drawn) and the Tutsi-Abanyaruguru. The 1971 attempted coup therefore displayed intra-ethnic as well as regional overtones. (Anon. *History of Burundi Army*)
- 14 As noted above, Buyoya became the first interim President of Burundi in terms of the political power-sharing agreement decided on at Arusha. Bagaza, who went into exile

- in Libya after the coup, has also made a comeback after Arusha as the leader of PARENA, one of the more conservative Tutsi parties that participated in the Arusha process and one which is opposed to the power-sharing arrangement.
- 15 Not just a Tutsi, but born in the same village, Rutovu, in Bururi province as both Micombero and Bagaza.
 - 16 It is interesting to note that this report denies the existence of ethnic groups in Burundi. The mantra repeated by consecutive Tutsi regimes and contained in the report was that 'Burundi is composed of only one ethnic group'. This is in contrast to the contemporary Tutsi claim to constitute an ethnic minority, and as a result are in need of protection, justifying their continued dominance of the army (Reyntjens 1995: 21).
 - 17 For more specific provisions see Reyntjens 1995: 9–10.
 - 18 Judge Paul Bomani of Tanzania, who was later to work closely alongside former President Julius Nyerere in seeking to bring peace to Burundi, maintains that before the election Nyerere had urged Buyoya to stand as an independent candidate rather than representing UPRONA. His thinking was that Buyoya had presided over the introduction of a democratic constitution, and had gained substantial support amongst Hutus, and that therefore he could continue to play a unifying role. However, by putting himself at the head of the Tutsi-dominated UPRONA, Buyoya – in Nyerere's view – paved the way for ethnic polarisation and the post-1993 military intervention. Judge Bomani argues that Buyoya clearly miscalculated the depth of his support amongst Hutus, whilst his leading Burundi towards democracy simultaneously lost him support amongst the more hard-line Tutsis in the military (Interview, Bomani with Southall, 12 August 2003). President Museveni is also said to have advised Buyoya that political party competition would promote rather than contain ethnicity.
 - 19 FRODEBU and UPRONA are not exclusively Hutu or Tutsi, although the former is Hutu-dominated and the latter mainly Tutsi. For a more detailed account of their ethnic composition see Reyntjens 1995: 11.

CHAPTER 5

Democracy aborted: from coup to civil war

The early days of June 1993 saw protests by students and civil servants against the 'ethnic inventory of Burundi' (Reyntjens 1995: 12) that they claimed the election had become. A more serious threat to the fledgling government was to come from the almost exclusively Tutsi army.¹ There were two attempts at seizing power in late June and early July, neither taken too seriously owing to the small numbers of officers involved, but President Ndadaye, mindful of the rumblings of discontent in this key area, had appointed two army officers to head the Ministry of Defence and the State Secretariat for Internal Security. He also made important gestures of reconciliation, including allowing former President Bagaza to return from exile, recognising PALIPEHUTU as a legal entity for the first time in its history, and establishing a Council of National Unity, consisting of equal numbers of Hutu and Tutsi, to advise him on ethnic affairs.

Even so, the new government had serious difficulties to contend with: massive numbers of returning refugees; a hostile press; and lack of co-operation and outright sabotage from major elements of the army, civil service and judiciary. Not least of these problems was the fact that while political power had now been transferred to the majority along formally democratic lines, both state institutions and the economy was still overwhelmingly dominated by the old elites (Mwalimu Nyerere Foundation, Anon. n.d.: 12–13). Hence Ndadaye found himself caught in the same cleft stick as his predecessors in that, whilst for many the transition was frustratingly slow, for others it was threateningly fast. Indeed, those to whom the greatest threat was posed were precisely those with the means to derail the entire process owing to their virtual monopoly control of armed force. As in the past in Burundi, assassination and military coup were the ineluctable result.

The 'creeping coup' of 1993–1994

On 21 October 1993, a small clique of soldiers attacked the President's palace in Bujumbura and occupied strategic positions around the city. At the same

time, high-ranking members of the FRODEBU leadership, including the speaker and deputy speaker of Parliament and the director of the State Security Bureau, were rounded up and assassinated. After a token resistance by supposedly 'loyalist' troops, President Ndadaye and his family were handed over. **Ndadaye was slaughtered**, while his family was permitted refuge in the French embassy.

Pres Ndadaye (H) killed

The coup lacked leadership and backing by key sections of the military hierarchy and was supported neither by the opposition parties nor Burundian civil society. In addition, it was **strongly condemned** by the international community, in particular donor nations such as the US, France, Germany, Belgium and by the European Community who all suspended their co-operation. This **widespread rejection** led senior officers to distance themselves from the coup, which they claimed was the work of maverick elements, although some of the chief coup-makers were allowed to flee the country. Formally, therefore, authority remained in the hands of the government led by Prime Minister Kinigi, yet it was so threatened that it could only operate behind the protection of a security detail of French soldiers. However, **the calls for revenge for the death of Ndayaye by Hutu leaders** were to unleash a wave of violence throughout the country, and while the army claimed to be obeying those constitutionally in power, **the military were in fact preventing those very authorities from taking control of the country and rejected any form of foreign intervention**. The violence that ensued was thus not quelled for weeks, and in the **power vacuum which followed**, a 'creeping coup' – the steady **seizure of power by opposition Tutsi forces with the complicity of the military** – was to evolve.

The creeping coup had four major elements (Brandstetter 2000: B285):

- First, the **army and local youth were employed to perpetrate urban and rural violence to intimidate members of FRODEBU**, thereby preventing the government from fulfilling its duties. The violence which immediately followed the coup was reported on by an International Committee of Inquiry established under UN auspices in 1994. The committee reported that **between 20 000 and 50 000 people (roughly equal numbers of Hutu and Tutsi) were killed** in a brutal 'pacification campaign', **with over a million (mainly Hutu) forced to flee** to neighbouring Rwanda, Tanzania and Zaire (now DRC). Responsibility for the civilian deaths, it argued, should be attributed to the conspirators because they had both anticipated

- this as a consequence and prevented the legitimate authorities from taking measures to pacify their constituents. Consequently, the excessive force used by the army and gendarmerie against the civilian population exacerbated rather than reduced the violence.
- Second, the opposition seized the initiative in a propaganda campaign in which the government, or more particularly FRODEBU, was accused of a Tutsi genocide. To be sure, Tutsi had fallen victim to violence in unprecedented numbers, the distribution of small pockets of Tutsi among larger settlements of Hutu having facilitated local massacres. However, although almost equal number of Tutsi and Hutu had lost their lives, the rumour-mongers made no mention of the role of the Tutsi army or Tutsi civilians in killing Hutus.
 - Third, state institutions were undermined by manipulations of the Constitutional Court. The coup had taken the lives of those in the line of succession. The Constitution provided that in the event of the death of the president, the speaker would take over as interim president. In the event of the death of the speaker, then the deputy-speaker would fulfil this role. Mindful of these provisions, the coup leaders had killed both the speaker and deputy-speaker, leaving a constitutional vacuum. Given that the instability in the country rendered new elections out of the question, there was an immediate constitutional crisis. On the one hand, the Constitutional Court – composed of mainly Tutsi, UPRONA-affiliated judges – ruled that the government should act as a collective body rather than choosing an individual leader. On the other hand, FRODEBU wanted the National Assembly to elect a new speaker, who would then become interim president. On October 13, the National Assembly duly elected Cyprien Ntaryamira, formerly Minister of Agriculture, to fill the presidential vacancy. Although Ntaryamira had emerged as a consensus candidate (securing 78 out of 79 votes in the Assembly), the Court threatened to declare the election of the new president unconstitutional. It was thereupon dismissed by the Assembly and Nyaryamira was sworn into office on 5 February 1994, yet at significant cost to the legitimacy of the constitution.
 - The fourth element of the creeping coup was the enforcement upon FRODEBU of Tutsi ethnic constraints. The constitutional crisis was played out against a background of escalating violence, with what were known as 'dead city' days deepening the crisis. These were episodes when organised

(H)
new President

Tutsi youth, encouraged by politicians from the Tutsi far-right, barricaded Bujumbura and other towns, setting fire to homes, killing Hutu civilians, civil servants and activists, while the army stood by. As a result, the Kinigi government was effectively paralysed and FRODEBU was forced into conceding more and more power to Tutsi extremists. The Kigobe talks and the resulting Kigobe accord – giving effect to the earlier constitutional amendment and Ntaryamira's presidency – were largely nullified by the violence of these 'dead city' days. Not only had FRODEBU been cajoled into accepting a consensus candidate for president, but it was also forced to concede the appointment of a new prime minister, Anatole Kanyenkiko, an UPRONA Tutsi, and of Tutsi ministers, who composed 40 per cent of the new cabinet, some of whom had been active leaders of the ethnic violence. Major posts in national intelligence, the police and information were also awarded to UPRONA.

In effect, these various developments had overturned the proto-democratic order established by the 1993 election and restored the Tutsi elite to power. This outcome was to be reinforced by the untimely death of Ntaryimana, who was killed when the plane in which he was travelling with President Habyarimana of Rwanda was shot down over Kigali on 6 April 1994. The perpetrators of this attack were unknown, but their actions precipitated an orgy of violence in Rwanda which made previous massacres in the Great Lakes region pale into significance. Many thousands of both Hutu and Tutsi died, yet Hutu-controlled state organs and Hutu militia were transformed into agencies of Tutsi genocide, a horror which was only brought to a close by the capture of Kigali in July by the RPF, led by General Paul Kagame (a former commander in Ugandan President Museveni's army).

The RPF operated from Uganda, and was led by Tutsi exiles but also included Hutu opposed to the Habyarimana regime. Alarmed by the horror which had befallen their ethnic brethren in Rwanda, Burundian Tutsi were greatly assured by the victory of the RPF, whilst UPRONA seemed determined to exploit the government's fears of a complete breakdown of law and order. Hence whilst FRODEBU retained the presidency (in the person of Sylvestre Ntibantunganya), it was greatly constrained by the horror of provoking a similar genocidal war in Burundi. This compromise was therefore confirmed in a political agreement, brokered by the UN, in September 1994.

FRODEBU government remains in power, but is controlled by Tutsi's; Hutus see RPF victory in Rwanda;

Yet this uneasy peace was unstable. The creeping coup had alienated the more radical elements of FRODEBU, which in August had created the CNDD with the FDD as its armed military wing. These groups operated from bases in eastern DRC, and were to become one of the most recalcitrant groups at Arusha, and only agreed to ceasefire negotiations in late 2002. Similar radical Tutsi movements were also to emerge and became active after 1994. The one-sided compromise of September 1994 could not prevent a wider polarisation which was to result in the fragmentation of both UPRONA and FRODEBU into myriad smaller parties, many with radical agendas. This was to fuel the descent of Burundi into perennial and deeply rooted conflict, whose flames have been consistently fanned by the tragedy of Rwanda, which has hugely exacerbated mistrust between Hutu and Tutsi, and led many amongst the latter to believe that democracy will result, inexorably, in genocide (Bullington 1997).

Note

- 1 Anon. (*History of Burundi Army*) suggests that at the advent of the Buyoya regime on 3 September 1997, there were only two Hutu officers with the rank of captain out of 400 army officers.



CHAPTER 6

Arusha I: the background to the Arusha Peace Accord

On 28 August 1995, the UN Security Council adopted resolution 1012 'to address the violations of international humanitarian law in Burundi' and requested (then) Secretary-General Boutros Boutros-Ghali to establish an International Commission of Enquiry charged with investigating the assassination of Ndadaye and the subsequent violence. Further, the resolution requested that the Commission be mandated to: no international court for Burundi

recommend measures of a legal, political or administrative natures [sic] ... and measures with regard to the bringing to justice of persons responsible for those acts, to prevent any repetition of deeds similar to those investigated by the commission and, in general, to eradicate impunity and promote national reconciliation in Burundi. (Cited in Graham, Khor, Marnica & Vandendorpe 1995: 16)

In response to this, a five-member commission was appointed, to be chaired by Edilbert Razafindralambo of Madagascar, on 15 September 1995.¹ In addition, Resolution 1012 indicated that other states, UN bodies and international humanitarian organisations should assist in providing information to assist the Commission in fulfilling its aims, and the Burundian authorities and institutions, including all political parties, were prevailed upon to co-operate. The Resolution reflected Boutros-Ghali's emphasis to the Security Council that 'the full co-operation of the Burundian authorities will be a necessary condition for the success of the Commission's work'.²

However, by February 1996 the escalating violence in Burundi had worsened. Many erstwhile supporters of FRODEBU and other Hutu militants were alienated by the government's apparent appeasement of Tutsi domination, and increasingly argued that UPRONA, the army and the Tutsi political class would have to be militarily defeated if the Hutu were to enjoy the fruits of democracy. Their sentiments were increasingly endorsed by the thousands of

Hutu president ordered Tutsi army to move

displaced Rwandan Hutu who now swelled refugee camps in Zaire (DRC) and Tanzania. Their ready access to arms supplies that were flooding the region, and the resulting provocative activities of Hutu militias, persuaded President Ntibantunganya to order the army to move against them. This provided the army with licence to engage in uncontrolled action against the Hutu population, which as a result became increasingly alienated from the civilian government, which was seen as having sold out. By mid-1996, it was estimated that in excess of 150 000 people had been massacred over the previous three years. By February of that year, the UN was warning that 'full-scale civil war and genocide' were possible and the Secretary-General urged the Security Council, via Resolution of 1049 of 1996, to consider the possibility of a standby multinational force to implement rapid humanitarian intervention should this prove necessary. However, any prospect of outside intervention was rejected by the Burundian army, which declared itself 'prepared to confront any expeditionary corps, regardless of its humanitarian or military label'.³ The Burundian government was strengthened in this resolve by Rwanda, which, following their failures to protect Tutsis from the 1994 genocide, was deeply hostile to the UN (Lemarchand 2001: 95).

The army had already been unnerved by attempts by Ntibantunganya to seek international assistance to save Burundi from outright civil war. He had contacted the Carter Centre, established by former US President Jimmy Carter, to kickstart a peace process. Carter, amongst others (including the OAU),⁴ became influential in the search for an individual to whom they could entrust a Burundi peace mission. The name of Julius Nyerere emerged as the leading contender, and the former Tanzanian president⁵ received requests to accept the responsibility from, amongst others, Presidents Nelson Mandela of South Africa, Yoweri Museveni of Uganda and Meles Zenawi of Ethiopia (the then Chairman of the OAU). Importantly, too, Nyerere was promoted as the only candidate under consideration who was capable of gaining the confidence of all the different groupings in Burundi by former Burundian President Pierre Buyoya (then writing a book on democracy in the US!) at a meeting on the Great Lakes in Washington. The request that Nyerere accept the role as mediator was formalised by the OAU at summits in Cairo in November 1995 and then in Tunis in March 1996.

The task fell to Nyerere because of his international stature and because his involvement with Burundian politicians went back to the early 1960s (even if

many Tutsis regarded him as suspect as he had openly supported Hutu demands for majority rule). Nyerere was initially reluctant, and insisted on assurances that Burundian politicians were both ready to engage in mediation and prepared to accept him as a mediator. To receive this assurance he made quiet visits to Burundi in October and December 1995, where he spoke with the government, all the major parties, civil society, religious leaders and the army, and former Presidents Bagaza and Buyoya (now back in the country, his writing ambitions apparently postponed). Having ascertained from all the different players and other actors – such as the UN and the French, Belgian and EU ambassadors – that outside intervention was desired and that he was deemed the person best suited to mediate, Nyerere made four other trips to Burundi to prepare the ground for formal talks (Bunting et al. 1999: 2–3).

Early summits: Mwanza and Arusha I, April–July 1996

Talks began with two meetings in Mwanza, Tanzania, in April and May 1996, at which Nyerere drew UPRONA and FRODEBU together to negotiate as the two parties represented in parliament. However, little was achieved as the latter refused UPRONA's demands that it condemn the Hutu militias, and the former declined Nyerere's demands that the government negotiate with the rebels. It was under these circumstances, with Museveni playing a key role at the instigation of Nyerere, that the regional heads of state called a summit on Burundi in Arusha in June 1996.⁶ This and other subsequent meetings are referred to here collectively as Arusha I.⁷

In addition to UPRONA and FRODEBU, smaller parties were invited to make the gathering more inclusive, but at the summit Nyerere and Presidents Mkapa and Museveni of Tanzania and Uganda respectively urged Ntibantunganya and Prime Minister Antoine Nduwayo to request the intervention of a regional peacekeeping force, which would be principally composed of troops from their countries. The latter was unenthusiastic, but joined Ntibantunganya in agreeing to do so (Mthembu-Salter 2002: 26–27).⁸

Yet this was a step too far for a military which was used to holding sway within its own territory. Faced by the looming prospect of foreign intervention, the army once again stepped into the political arena to assume control on 25 July 1996. With Ntibantunganya politically paralysed after being holed up in the

Ntibantunganya (H) is removed from presidency by army

Buyoya (T, ex-mil) becomes president US Embassy (to where he had been chased by Hutus after attending the funeral of 300 Tutsi killed by Hutu militias), the military removed the government and once again installed Buyoya as president, citing the restoration of order as its motive. Having presided over the return to democracy in 1993, Buyoya could lay claim to being a unifier, underlining this by appointing Pascal-Firmin Ndimira, who, although from UPRONA, was a Hutu, as prime minister. Again, although the majority of the cabinet was composed of Tutsi, the government included Hutu from both UPRONA and FRODEBU, and sketched out a three-year transition to democracy. In the meantime, parliament was suspended and political parties were banned. Hence, notwithstanding the appointment of a façade civilian government, the army's latest intervention only served to convince many Hutu political activists that their remaining hope for political salvation lay in military victory.

Neighbouring governments, fearing the further destabilisation of the already highly volatile Great Lakes region, denounced the coup as intended to sabotage the peace process, even if Kigali was quietly supportive. Yet they made no moves to despatch an intervention force. This was in part because Nyerere was opposed to military intervention because he thought that it was likely to complicate the situation further. Yet apart from the fact that regional leaders were probably reluctant to pit their armies against the battle-hardened Burundian military, they were also aware that they did not have the resources to deploy their armies in Burundi and sustain them there without backing from the great powers via a Security Council resolution (and Nyerere had been informed in New York that this would not be forthcoming) (Bunting et al. 1999: 5). Meanwhile, although they were disinclined to deal with Boyoya, they were persuaded to do so by Nyerere, who argued that if they were not prepared to displace him they were logically bound to talk with him, if only because he was a Tutsi, he had the ear of the army, and not least, he had set up and made way for elections in 1993. Consequently, only six days after the coup, regional leaders again convened at a further summit on Burundi.

At the Arusha meeting convened on 31 July 1996, the regional leaders found an alternative to military intervention in the form of the imposition of a blockade on all trade with Burundi. Nyerere was insistent that the embargo was the most effective means of international coercion available (Mthembu-Salter 2002: 27–28), and overcame the reservations of Presidents Museveni

and Kagame. The EU and the US, which had frozen humanitarian aid to the country some months previously on the grounds that it was inappropriate whilst conflict continued, remained silent on the issue of sanctions, but generally endorsed the regional initiative, as did the UN.⁹ In practice, Kagame in particular was to look the other way when truckloads of commodities made their way into Burundi in violation of the embargo, yet nonetheless the sanctions severely affected the economy and served as a constant reminder of the Buyoya government's international illegitimacy (Lemarchand 2001: 92).

The road to Arusha II, August 1996–June 1998

whereas most Hutu politicians welcomed the embargo as an example of forceful diplomacy aimed at pushing the Tutsi elite into negotiations, the latter condemned it as a hostile act and as proof of Nyerere's partiality. Consequently, the government effectively withdrew from the regional peace process for the next two years. In the meantime it launched a vigorous and not unsuccessful campaign against sanctions, gaining considerable support from the different groups affected such as the business community, civil society groups and not least, various humanitarian agencies which argued for a dropping of restrictions on the import of such items as emergency supplies and medicines. Given also the practical difficulties of implementing and monitoring sanctions, the regional governments were soon to resort to offering a steady relaxation of sanctions as a carrot to induce the government back into negotiations.

In the meantime, however, the government embarked upon a twin-track policy. On the one hand, whilst denying that he was acting in response to external pressure, Buoyoya lifted his ban on political parties in September 1996 and announced the imminent reinstatement of the National Assembly of 1993 (even though the majority of FRODEBU's deputies had either been killed or had fled the country). Then, when the regional governments insisted that they would only lift the sanctions once the Burundi government had agreed to return to fully inclusive and open-ended negotiations, he embarked upon the second plank of his strategy whereby he opened unilateral, internal talks with opposition parties as an alternative to the regional peace process. Negotiations with the CNDD began in Rome in September 1996, and made

GoB withdraws
from
negotiations
for 2 years

1993 Nat
Assembly

"internal"
solution

some progress. However, they came to an abrupt halt in May 1997 following deadlock over the refusal of the government to restore constitutional order. After this, Buyoya opened negotiations with members of FRODEBU who had remained in Burundi after the coup. In these he fared better, and in May 1998 he was able to announce an agreement whereby FRODEBU was brought back into government. However, the impact of this was severely lessened by condemnation of the move by FRODEBU members outside the country and a subsequent split in the party. All the while, the death toll in the civil war rose incessantly, notably in the so-called *regroupement* camps, which had been established to provide accommodation for displaced people and refugees returning from neighbouring countries. These deaths resulted not only from appalling conditions, but also summary executions by Hutu militants (Mthembu-Salter 2002: 27–28).

On 29 July, after consultations with special envoys to the Great Lakes regions, Nyerere announced the convening of All Party Talks on 25 August 1997. However, at the last minute, despite prior indications that it would come to this third Arusha summit, the Buyoya government declined to send a delegation and refused permission for other parties inside Burundi to attend. Nonetheless, delegations from political parties outside Burundi or those who had already left Burundi before the government had imposed its ban, met and made various declarations, most notably insisting that sanctions be maintained and that further measures might be implemented to deal with obstructions to the negotiation process.

In reflecting upon the dynamics of this situation, Nyerere decided that without external involvement including sanctions, parliament would have been abolished, political parties would have remained banned, Buyoya's opponents would have been in jail or dead, and Nyangoma (leader of the CNDD) would have been collaborating with the *Interahamwe* (the genocidal, Rwandan Hutu, rebel militia). There was therefore opportunity for applying leverage to secure further concessions, including the need for an international tribunal on past violence in Burundi, so long as it was linked to a renewal of development assistance.¹⁰ At the same time, however, Nyerere was concerned that his own role, notably any distrust felt towards him by Tutsi, should not become an obstacle to peace. He therefore offered to stand down as mediator, and had to be persuaded by the summit that his involvement remained crucial if a negotiated settlement was to be achieved (Bunting et al. 1999: 6–7).¹¹

FRODEBU back into
Tutsi gov => leads
to FRODEBU split

ongoing killings

Faced by the impasse, and keen to secure an end to sanctions, Buyoya at last agreed to re-engage with the regional governments, and to attend a second round of negotiations in Arusha which began in June 1998 (Arusha II). Mediated by Nyerere, this was attended by 19 delegations from Burundi, 17 from political parties, and one each from the government and national assembly. It was also attended by President Moi of Kenya, President Museveni of Uganda, President Bizimungu of Rwanda, and Prime Ministers Zenawi and Kengo wa Dondo of Ethiopia and Zaïre respectively, and was hosted by President Mkapa of Tanzania. Their presence reflected the gravity of the situation in Burundi for the Great Lakes region and Africa as a whole. Because the regional heads of state declined Buyoya's immediate request to lift sanctions before they could be assured of his government's good intentions, the first bout of these latest talks made little progress. Even so, the resumption of negotiations inaugurated a series of events which culminated in the signing of the Arusha Accord in August 2000, which still provides the present framework for peace.

Notes

- 1 The other four members were Abde El Ali El Moumni (Morocco), Mehmet Guney (Turkey), Luis Herrera Marcano (Venezuela) and Michel Maurice (Canada) (*UN Chronicle*, December 1995, 32(4)).
- 2 *UN Chronicle*, December 1995, 32(4).
- 3 *UN Chronicle*, Spring 1996, 33(1).
- 4 'I came initially (to Burundi) with an offer from the OAU to all parties to come to Addis. Facilities would be put at their disposal to discuss their business. Yet I was told that Burundi's business could only be discussed in Burundi. I got the same response next time I came as well. Yet ordinary Burundians wanted such a meeting—so we tried for a meeting in Nairobi...I saw Nyerere on behalf of the OAU, and asked him to open negotiations between Burundians...Nyerere put pressure on Museveni, and I played a role in pushing Nyerere. So we have always been working for a compromise.' Ambassador Mamadou Bah Theirno Gobihi, African Union Ambassador to Burundi, interview with authors, 12 March 2003.
- 5 Nyerere had retired from the presidency in 1985.
- 6 'Prior to the meeting, consultations had taken place between President Ntibantunganya and Mwalimu (Nyerere) in Dodoma, Tanzania (20 June), between

Prime Minister Nduwayo and President Museveni in Kampala (22–23 June) and between President Ntibantunganya, Prime Minister Nduwayo and the Burundian National Security Council in Bujumbura (24 June 1996)' (Bunting et al. 1999: 4).

- 7 Given the plethora of meetings there is some confusion in the literature as to whether each and every meeting in Arusha deserves its own appellation. This can lead us all the way up to Arusha V by June 1998. However, we are following what we believe to be the more conventional usage by referring to the various meetings at Arusha before June 1998 as Arusha I, and the meetings that happened after that, and which led up to the Arusha Accord in August 2000 as Arusha II.
- 8 Yet perceptions differ. Bunting et al. (1999: 4) suggest that Ntibantunganya and Nduwayo 'surprised' the regional heads of state by themselves making the request for an international peacekeeping force.
- 9 See UN Security Council Resolution 1072 of 1996 which reiterated its support for the Joint Communiqué of the Summit. See S/RES/1072 (1996). Full text of this and earlier resolutions at <http://www.un.org>.
- 10 Unwritten, undated handwritten memorandum by Nyerere concerning exchanges with Buyoya (Mwalimu Nyerere Foundation 1997). (Content indicates it was written in 1997).
- 11 Mthembu-Salter cites Nyerere offering to resign in May, but Bunting et al. cite a statement from the September summit requesting him to remain as mediator.

CHAPTER 7

The Arusha II negotiations: from Nyerere to Mandela

Mwalimu Julius Nyerere, acting independently yet ultimately at the behest of regional governments, had played a crucial role in pulling the Arusha negotiations together. He remained at the centre of the peace process until his death from a long illness in October 1999. His achievement in facilitating extremely complex negotiations is widely acknowledged, yet nonetheless his contribution remains controversial.¹ As already observed, although he was brought into the picture by the OAU because of his immense international stature, from the beginning he faced the disadvantage that he was deemed to be pro-Hutu by many Tutsi players; similarly it was difficult to disassociate himself from the Tanzanian government, whose motives were also deemed to be suspect. He is also described in some quarters as being rather too much of a listener, perhaps lacking the toughness needed to push the conflicting parties towards an agreement; whilst in other quarters he is described as having been too forceful in having pushed a pro-Hutu agenda.² Although his declining health may well have had a constraining impact upon his performance as facilitator, Nyerere was hampered from the beginning of the Arusha talks by the absence of major groups of rebels.

Who should be allowed to talk? The issue of inclusion

emphasis on
inclusive talks

The basic logic of the Arusha talks was that they should be fully inclusive. Nyerere insisted that instead of talking only to UPRONA and FRODEBU, all political parties, however small, should be involved. The idea was to bring together Burundians from across the entire political spectrum so that they would mix freely and move beyond the dehumanising stereotypes they held of each other. Unfortunately, however, the attempt to make the talks wholly inclusive faltered at almost the first step when attempts to bring in significant armed groups failed.

split within CNDD and PALIPEHUTU

Shortly after the talks began, the CNDD and PALIPEHUTU both split, and factions commanding the loyalty of the bulk of their respective armed wings, the FDD and the FNL, broke away from their representatives at Arusha. Their leaders then demanded representation in place of their former party presidents. Nyerere responded by putting forward three options:

- First, that the new leaders reconcile with their parties and join the delegations of CNDD and PALIPEHUTU under the leadership of the leaders they claimed to have displaced;
- Second, that the new leaders replace the old ones as leaders of their parties according to their parties' constitutions, and attend the talks in those elected capacities;
- Third, that the new leaders come to the talks as leaders of newly formed parties.³

A deadlock followed as the old leaders refused to be replaced, the new leaders refused to fall in behind the old leaders, and the new leaders insisted they were the legitimate representatives of their original organisations. **Unable to find any compromise, Nyerere ultimately chose to recognise the existing leaderships and to exclude the rebels from the talks (Mthembu-Salter 2002: 29).** This was a crucial moment for the FDD and FNL, which remained at war with the government. For some observers this remains a fundamental flaw of the peace process which continues to bedevil the Arusha Accord and its implementation.

Views vary as to Nyerere's responsibility to obtain full inclusivity. For instance, a long-time observer of the peace process, Jan Van Eck, argues that Nyerere's obsession with coups as illegitimate rendered him unnecessarily inflexible in recognising the rebel leaders as the representatives of their parties. His position was founded upon flawed intelligence for the established leader of the FNL had been called back from exile in Denmark, and had long lost support amongst followers and fighters on the ground.⁴ Tanzanian Judge Paul Bomani, chosen by Nyerere as his chief aide, and other Tanzanian officials insist that the FDD and FNL effectively excluded themselves by declining Nyerere's three options. Inclusion in the talks had to be by consensus, and to include the rebels whilst they were still claiming to represent their original parties would have invited a walk out from the talks by the established leaderships, as well as inviting the proliferation of other splinter groups. The risks of including the rebel groups unless they made the requested concessions

split by FDD and
FNL not included
into talksHutu military
factions outside
of negotiation
process

were therefore greater than those of excluding them.⁵ On the other hand, various Tutsi delegates have suggested that Nyerere deliberately kept the FDD and FNL outside the process so that their military activities would continue to exert pressure upon the government (Mthembu-Salter 2002: 32). Finally, as argued by Mthembu-Salter (2002), one of the more informed commentators on Burundi, the reasons for the FDD and FNL staying away were never convincing, and their prevarications indicate that they were simply not seriously inclined to negotiate, and preferred to continue fighting for military advantage. Nor were they subject to serious pressure from regional governments to join in. Whatever the reason, there can be little doubt that their absence from Arusha was to raise questions about the subsequent Accord which have not been adequately answered to this day.

Talking through committees

Once the talks had commenced without the FDD and FNL, they were formally managed by the Mwalimu Julius Nyerere Foundation (consisting only of Nyerere and two assistants), and assisted by a few Tanzanian civil servants and confidantes of Nyerere. (The latter included the South African human rights lawyer, Fink Haysom, who was seconded from the South African President's office for the purpose). Granted \$15 million by donors, the talks had been preceded by numerous informal consultations carried out by Nyerere and his team concerning their various expressed positions and the need for them to clarify their views with regard to such issues as an electoral system, the integration of fighting forces, the return of refugees and so on. This preparatory work led fairly naturally at the second round of talks (Arusha II), which began in June 1998, to the division of the issues facing the delegates amongst five committees (although appointment of the fifth, on implementation of the projected agreement, was postponed):

- Committee One was charged with compiling a document on which all parties could agree outlining the nature of the conflict and problems of genocide and exclusion, and proposing solutions to these;
- Committee Two was charged with outlining strategies for democracy and good governance;
- Committee Three was similarly tasked with devising strategies for achieving peace and security for all;

- Committee Four was to propose measures for economic reconstruction and development (Renda 2000: 32–34).

These committees began life under the auspices of Nyerere's mediation, and were to continue their negotiations on these broad themes under the tutelage of Mandela. The progress made in each eventually culminated in the signing of the Arusha Peace Accord, which outlines in detail the clauses each committee agreed upon in each of these categories. Each committee had, in addition to representatives of all the different Burundian delegations, a chairperson and a vice-chairperson to act as mediators, as well as resource people who were experts in that particular field.

Committee One's success was limited by the fact that it was almost impossible to agree upon definitions of such emotive issues as genocide and the relative rights and wrongs of parties to a conflict, even though agreement was reached that genocide and crimes against humanity had taken place in Burundi. In the end, the committee had to settle for merely outlining solutions to these problems, one of which was the development of bodies competent to undertake the historical reconstruction of the crisis in way acceptable to all parties (Renda 2000: 32–34).

Committee Two divided its task into seven categories with an individual working group to discuss each: political parties and the party system; the legislature; the executive; the judiciary; electoral systems; administration and transitional arrangements. This committee was unable to conclude, but agreed with the solutions proposed by the UN Security Council for an International Commission of Judicial Enquiry into Genocide and Exclusion and the establishment of a National Commission for Truth and Reconciliation. However, it was left undecided as to whether such bodies should have a legal mandate to prosecute or whether their principle focus should be upon reconciliation (Bunting et al. 1999: 8–9; Renda 2000: 39).

Committee Three, which came to have South African General Andrew Masondo as its vice-chairperson, had to negotiate the tricky and contentious issue of the proposed future of Burundi's security forces. As Renda remarks:

The issues of security and reform of the army are highly sensitive, due to the protected role attributed to the military by the Tutsi minority. Like the problem of excluding the Hutu majority, the

issues of security and army reforms are highly problematic due to the already large size of the Burundian army. (2000: 36–37)

The final document of the Arusha Accord was later to demonstrate that, despite various presentations by South African generals upon the course of the military integration process in South Africa,⁶ this issue proved the greatest stumbling block to the implementation of the peace agreement.⁷ Until late 2002, the FDD and FNL still refused to agree to a ceasefire, and the latter specifically stipulated that it would not negotiate with the government, but only with the Tutsis who controlled the army, before entering such an agreement. The rebels were given 30 days in which to comply, and were threatened with punitive measures if they did not.⁸ The main achievement of this committee was in making some progress towards getting the various factions to talk to one another.

Committee Four was able to conclude its tasks within the first week of the final session of the Arusha talks. Burundi has been wracked by civil war since 1965 and the need for economic reconstruction is as obvious as it is urgent. However, this will require a sustained peace in order to be realised. Nelson Mandela was subsequently to urge donors not to tie aid to peace,⁹ as this would merely increase the suffering of those who were not responsible for the impasse. The result of this was that on 10 October 2002 the International Monetary Fund (IMF) approved \$13 million of credit of post-conflict aid to be available immediately to assist in the reconstruction and economic recovery programme.

If the committee system pointed the way to the eventual Accord, that outcome was also eased by the decision of the regional heads of state to lift sanctions (whilst maintaining the ban on sales of arms to both the army and rebel movements) in January 1999.¹⁰ They announced that they were doing so because the Burundi government had indicated its ‘irreversible’ commitment to negotiations, although their actions were in practice a response to growing international pressure: the UN Security Council had called for sanctions to be removed in November 1998, and the EU had announced soon thereafter that it would resume aid to Burundi whether sanctions were lifted or not, reflecting pressure from an international community increasingly eager to reward Burundi for having participated in peace talks (Brandstetter 2004: 374). Nonetheless, removal of sanctions indicated to the government the

Jan '99 –
sanctions
are lifted

G7 and G10 only emerged during the negotiations

advantages that could follow from a return to peace. Meanwhile, negotiations had also been simplified by the decision of the largely Hutu parties to form themselves into a bloc, called the Group of Seven (G7), which prompted a speedy response by the predominantly Tutsi parties who formed themselves into a Group of Ten (G10) (Mthembu-Salter 2002: 29).¹¹ Even so, many blame the relatively slow progress towards an eventual agreement upon Nyerere. Haysom, for instance, argues that the committee system was extremely cumbersome, and that committees were stuck with procedures which rendered them inherently slow, notably the provision that they had to operate on the basis of consensus, which allowed them to fall hostage to even the smallest and unrepresentative political parties unless their demands were met.¹²

However, many observers regard the judgement that progress was slow under Nyerere as unfair. In retrospect, Nyerere achieved much. It is freely admitted that he was conscientious in listening to all the different parties at the talks, consistently sought compromises, and did much to build mutual confidence and trust between them. Many also argue that, as well as promising carrots, he was prepared to use the stick – for instance, in the form of his support for sanctions, or in terms of his alleged willingness to allow the rebels outside the talks to maintain pressure upon the regime – in order to cajole fractious elements into co-operating with each other. Yet it is also arguable that he was never really able to overcome the reservations, if not outright distrust, that the Tutsis had for him. According to one Tutsi politician, Nyerere was said to have declared at Mwanza in 1996 that:

The Tutsi ethnic group is a group like the South African Boers. He said Burundi was like South Africa during apartheid. He even thought that the Tutsis practiced apartheid. He saw it as a problem of society, bad governance, of discrimination of Tutsi against Hutu. (Mthembu-Salter 2002: 32)

Ironically, when Nelson Mandela took over the role of mediator he too was to be accused of viewing the Burundian conflict through South African lenses. Yet whereas Nyerere was viewed as having been implacably opposed to 'the Boers', Mandela – scarcely less opposed to apartheid! – was perceived as having sought reconciliation with them through the processes of the South African transition to democracy. It was precisely his reputation as a reconciler

consensus requirement
in negotiation
committeeslittle pressure,
but some stick

of opposites which was to make him the obvious person to carry on from where Julius Nyerere had left off, and to speed the Arusha process towards a conclusion. But whereas Nyerere's approach had been intrinsically intellectual, urging the belligerents towards a given course of action through logic and reason, Mandela's style was to be more down to earth, even impatient, and more forceful in pushing the warring parties towards an agreement.

Notes

- 1 It is appropriate to note that the Burundian situation was so polarised that it would have been an impossible task for an effective mediator to have earned universal popularity. Indeed, it was a requirement of the job that any mediator should be willing to endure criticism from diverse quarters in the interests of securing agreement.
- 2 Both views were expressed to the authors by different interviewees in Burundi in March 2003.
- 3 Bunting et al. (1999: 10) reproduce the text of Nyerere's criteria for inclusion as presented to the closing session of the July 1997 summit in Arusha. Interestingly, there was also a fourth possibility: 'We arrange discrete talks between Jean Bosco and President Boyoya'.
- 4 Interview, Jan van Eck with Bentley and Southall, 2 April 2003. Van Eck also suggests that Nyerere had previously given instructions to Tanzanian intelligence to promote divisions inside the FDD in order to make Jean Bosco Ndayikengurukiye, the challenger to the existing leadership, more amenable to being a second in command, and when this failed, could hardly recognise him as leader. We have no means of either confirming or refuting this.
- 5 Interview, Judge Bomani with Southall, 12 August 2003.
- 6 These included presentations to the committee in Johannesburg by Generals de Vries, Mortimer and Keeling of the SANDF.
- 7 According to Ambassador Rwimo, the current Burundian Ambassador to South Africa, section 3 is the fulcrum for the rest of the agreement: in the absence of the implementation of the clauses on peace and security for all, the other sections of the Accord cannot be implemented. In particular, the clauses on economic reconstruction and development require this as a *sine qua non* for their successful implementation. Interview, Ambassador Rwimo with Southall and Bentley, 16 October 2002.

- 8 Mthembu-Salter, *Mail & Guardian*, October 11–17 2002.
- 9 This point is owed to Ambassador Rwimo.
- 10 Prior to the regional summit meeting in January 1999, Human Rights Watch had appealed to Nyerere to require regional states to implement the existing formal arms embargo, noting that neither the army nor rebel movements had encountered serious obstacles in obtaining arms. Interestingly, it noted that many of the arms supplying rebel forces originated in South Africa, and were transferred to them via Zambia and eastern Congo. See Joseph Hilterman, Human Rights Watch to Nyerere, 22 January 1999. <http://www.hrw.org/press/1999/jan/nyerere.htm>
- 11 The formation of these groupings was encouraged by Nyerere, in order to consolidate opinions and simplify the negotiation process. See Bunting et al. 1999: 9.
- 12 Haysom, interview with Bentley, 1 October 2003.

CHAPTER 8

Madiba magic?

Nelson Mandela's role as mediator

Human Rights Watch¹ has noted the 'moral tone' which former President Nelson Mandela adopted when he succeeded Nyerere as mediator in the Burundi peace process and which was to dominate the period of his mediation. From the moment he took on the role in December 1999, he was forceful in garnering support from the international community by highlighting the plight of the Burundian people, arguing that they deserved peace, and emphasising the importance of the success of the negotiations for the stability of the region as a whole. In particular, he was able to harness the backing of the EU, as well as of the US. His presidential ally and friend, Bill Clinton, was to become personally involved and was eventually present at the signing of the Arusha Accord in August 2000. Meantime, whilst determined to bring the different Burundian parties together in a mutual understanding, he was not slow to take all or any of them to task when he felt they deserved it. From the very beginning of his involvement, he warned them of the dangers of wasting time whilst ordinary Burundians were dying, and of failing to put the welfare of their country as a whole above those of their sectional interests. He cited as examples to follow those of Namibia, where the South West African Peoples' Organisation (Swapo) had had to reconcile with the minority which had worked with apartheid regime; of Zimbabwe, where Robert Mugabe's Zimbabwe African National Union (Zanu) and Joshua Nkomo's Zimbabwe African People's Union (Zapu) had forged a Patriotic Front in the interests of national unity; and most particularly, Mozambique, where Chissano's Front for the Liberation of Mozambique (Frelimo) had recognised the need to make peace with the Mozambique National Resistance Movement (Renamo), the creature of 'dark sinister forces' which had wanted to destroy blacks and the entire infrastructure of the country. 'Compromise', he proclaimed, was 'the art of leadership. You do not compromise with a friend you compromise with your enemies.'²

Moving beyond generalities, he was quick to voice his opposition to the government's policy of forced *regroupement* of civilians. Although the

government claimed that the purpose of the *regroupement* camps was to provide for civilians' protection, their actual purpose – as in similar wars previously, from Vietnam to Rhodesia – was to separate them from the rebel groups they supported. In January 2000, President Buyoya announced that the camps would be closed in response to international criticism. However, by June these were still operational, and it was only on the extraction of a promise by Mandela from Buyoya that the government began to disband them.³

Mandela was equally vocal in his criticism of the opposition rebel groups who he took to task for ignoring a declared ceasefire and attacking civilians; nor did he spare regional leaders, who he blamed alongside the belligerents for their failure to reach agreement and to end the ongoing violence, proclaiming on his first visit to Burundi in January 2000 that the 'daily slaughter of men, women and children'⁴ was an indictment of every one of them. It was this even-handedness and hands-on approach that was to earn Mandela the reputation of being a tough, but fair, negotiator from the beginning of his involvement. Despite his candid manner, he was well received by almost all of the delegates at Arusha, who remarked upon his open-mindedness and willingness to hear all sides.

Initially there was some effort by the Tanzanians to elevate Judge Bomani to the role of mediator; partly to secure the reputation of Nyerere, and partly to ensure their national interests. Although highly respected, Bomani suffered from the same disadvantage as Nyerere in that many Tutsi groups considered him biased against them. Meanwhile, other regional heads of state, notably Yoweri Museveni, were as concerned to remove any particularly Tanzanian imprint from the negotiations.⁵ Furthermore, Mandela had not only become available following his standing down from the presidency after South Africa's second democratic general election in April 1999, but he enjoyed quite unrivalled international reputation as hero and statesman. He was, on the one hand, freedom fighter, prison martyr, nationalist militant, and Pan-African icon rolled into one; while on the other, he was national peacemaker, political saint, democrat and man of wisdom. He exuded personal authority and charisma, and now enjoyed the added aura of a being an African president who had voluntarily stood down from office. But beyond his public image, Mandela was also, of course, a consummate politician and a master of his craft, and in the months that were to follow, he was to deploy his political skills and his personal authority to bring immense pressure upon all parties to sign

an agreement as soon as possible. As van Eck observed in 2000, nobody else could have got away with what he managed to achieve in such a relatively short time (cited in Mthembu-Salter 2002: 31). However, Mandela is cited as being insistent that he was only finishing up the hard work that had been accomplished by Nyerere.⁶

Weaving his magic: Mandela's approach to the negotiations

Mandela had known little about Burundi before he was drawn into the process.⁷ He therefore spent much time initially following his appointment as mediator in getting to know the delegates and leaders of the different parties and factions. He visited Burundi in preparation for negotiations, and made two visits outside the capital to meet the people (an astute way of indicating to the politicians that he was confident of the support of ordinary Burundians). Most importantly, Mandela – almost certainly drawing upon the experience of the Convention for a Democratic South Africa (Codesa), the bargaining forum at which South Africans from all political parties and groupings had crafted their transition – was insistent that the armed rebel movements which had remained outside (or in some versions of the story, excluded from) the negotiations had to be included now if an ongoing peaceful settlement was to be agreed upon (van Eck 2000).

Mandela
with
emphasis
on
inclusive
talks

The rebels' exclusion was widely regarded as the weakest link in the negotiations, as without their participation and agreement a permanent peace was likely to prove elusive. This resulted in an early meeting with the CNDD-FDD, led by Col. Jean-Bosco Ndayikengurukiye, and by March 2000, Mandela had secured the agreement in principle to enter negotiations, albeit with conditions, of not only CNDD-FDD, but also the FNL (led at the time by Kossan Kabura). This won him the respect and praise of President Buyoya, who himself agreed to meet with the rebel leaders in South Africa in July. These talks were unsuccessful in the sense that they did not culminate in the rebel groups signing the Arusha Accord, for at the end of the day Mandela proved unable to draw the rebels into the peace process. Despite early indications that they would join, their constant prevarication led to Mandela losing patience and deciding to continue the negotiations without them.⁸ Nonetheless, the very fact that he did make considerable efforts to include

even if inclusion of rebels failed => important for legitimacy

them was extremely important in enhancing the legitimacy of the subsequent Accord. Even though the final document was to be seriously flawed by the absence of the rebels' signatures, its international status was greatly enhanced by the fact that Mandela's determined efforts to make it fully inclusive and to bring about a compromise between all groups had been repudiated. As far as most members of the international community were concerned, the rebels had placed themselves in the wrong.

Like Nyerere, Mandela used his international status to garner support for the process and to bring pressure to bear upon the Burundian players to come to an agreement. Nyerere, of course, went further than Mandela in applying direct pressure in that, having intimate connections with the regional heads of state, he was prepared to use sanctions as a means of coercion. As noted, at the meetings at Mwanza in 1996, he had also been prepared to back the idea of regional troops (which would have included contingents from Tanzania) being deployed to, in effect, impose peace upon Burundians. In contrast, Mandela was wary of the national agendas of regional heads of state, and sought to dilute their impact by drawing in national leaders from outside the region (notably President Bongo of Gabon), to exert disinterested pressure upon the Burundians. On the other hand, he resorted more to moral pressure, either because he lacked direct means of coercion or because he felt that moral means were more effective. He employed various strategies and tactics, including those discussed below.

First, Mandela deliberately whipped up support for the peace process from the wider international community in order to provide it with legitimacy, backing, and resources. At his very first plenary meeting with the Burundian delegations in Arusha in January 1999, he informed them that he had invited King Fahd of Saudi Arabia, and Presidents Jacques Chirac of France, Olusegun Obasanjo of Nigeria and Bill Clinton of the US to attend the next plenary in February, as well as Presidents Mkapa of Tanzania and Museveni of Uganda (as Chair of the Regional Summit), and Salim Salim as Secretary General of the OAU.⁹ The important point, he argued, was to ensure that the international community was united in its quest for peace in Burundi, in contrast to the external divisions that had so long delayed solutions to the problems of the Middle East.¹⁰ After making this point, he flew to New York, where he addressed the UN Security Council in an effort to highlight the severity of the conflict for Burundi. This resulted in the adoption of Security

initial idea
to impose peace;
not followed up;

Council Resolution 1286 on Burundi which struck a more positive and supportive tone than that adopted previously, and was designed to 'create the kind of positive international environment in which the Arusha process [would] be able to flourish'.¹¹ Less publicly, he urged international politicians to put pressure upon Burundians. The ultimate effect was to give the peace process an international profile which it had previously lacked, and thereby to raise the cost to Burundian politicians of their being awkward and intractable.

Mandela
"international
ized"
situation in
Burundi

Second, as already noted, both Nyerere and Mandela viewed the Burundian conflict in quasi-South African terms, with Tutsis being cast in the role of oppressor whites and Hutus in that of oppressed blacks. Yet Mandela was extremely cautious about being accused of forcing the South African example down Burundian throats;¹² his approach was therefore, 'this is how we did it in South Africa, so draw your own conclusions and borrow what you think might be useful to your situation'. At the same time, he was highly conscious that participants in the talks could not be unaware of the much vaunted success of South Africa's negotiated transition in averting a race war. From this perspective, Mandela was far more prepared than Nyerere to analyse the Burundian conflict in explicitly ethnic terms, and thereby to compel Burundians to face the issue of ethnicity more honestly. Importantly, too, this resulted in his advocating ethnic power-sharing solutions, such as the idea of the presidency revolving between Tutsi and Hutu. His emphasis was on practicality and possibilities. Whilst he insisted that, in principle, the demographic composition of the army should reflect that of the population, he urged pragmatically that, initially, integration of the army should be based on equal representation of Hutu and Tutsi in order to allay the latter's fears of domination. The promotion of such ideas was deemed by many observers as crucial to the eventual construction of the agreement.

BuR as
similar to
SA

gepriessen

PSA of South
Africa =>
Mandela
promotes PSA
for BUR

Mandela was therefore by no means committed to an inflexible South African analogy unless this was helpful. According to Jean-Baptiste Mukuri, a member of a small party belonging to the Tutsi G10 grouping, Mandela may have arrived stressing the similarities between Burundi and South Africa, yet he rapidly came to appreciate that key differences existed. So for instance, he was initially convinced that Burundi required a Hutu president. However, when confronted by Buyoya and a delegation of ten senior officers to register their concerns, he responded by explaining to the Hutu parties that unless Buyoya was confirmed as president, a renewal of war was likely. (Mandela was

accepted that president won't be Hutu

April 2000
coup attempt

weak control of
T leadership over
army

doubtless mindful of the fact that the army's deep suspicion about negotiations had prompted a coup attempt, headed by a lieutenant in April 2000. This had failed miserably after only a few hours, but demonstrated the tenuousness of Buyoya's hold over the military).¹³ The idea of the rotating presidency was therefore a masterful compromise. Likewise, although convinced that the Hutu armed groups were fighting for a just cause, he labelled them 'terrorists' when they declined to join the peace process. Similarly, there were times when he harangued the Hutu, saying that whilst they should indeed enjoy majority rule and democracy, they should go out of their way to accommodate minorities.¹⁴ On the other hand, when certain Tutsi parties began prevaricating about signing the eventual agreement, he denounced them as being irresponsible.¹⁵

no veto power
during negotiations

Third, Mandela borrowed directly from the South African negotiation process by utilising the notion of 'sufficient consensus', which had emerged at Codesa as a necessary device for making progress. As noted, while Codesa was quite deliberately a negotiation forum inclusive of all significant political groupings, two particular participant groups, the ANC and the National Party (NP) government, were by far the most important players. Hence, rather than allowing small parties such as the far-right Afrikaner Freedom Front to hold the process to ransom by imposing a veto, matters of disagreement tended to be referred in practice to bilaterals between the ANC and NP, which after achieving agreement presented their solution to the wider forum. It was an imperfect yet necessary way of driving the process forward which did not exclude other parties from having their say.

This change in approach to the negotiations, hitherto constrained by the need for absolute consensus within committees, was essential to move forward a process which had made only very limited progress despite having run for over two years. So when he encountered key difficulties Mandela held bilaterals with, on the one hand, UPRONA and the military, and on the other, with FRODEBU. Unafraid to use blunt language (which initially came as a shock to delegates who were not used to such directness), Mandela would then stitch together an agreement which he would then present to the smaller parties as a *fait accompli* (Mthembu-Salter 2002: 33).¹⁶ In combination with the South African government, he was also to lend support to civil society programmes, discussed in Chapter 13, which sought to introduce Burundians to the mechanisms and dynamics of the South African transition process,

no veto power anylonger for small parties in negotiations; speed-up the process, but risk of spoilers?

and to learn from them what they felt could be useful to promote peace in Burundi.

Haysom reports that in general the strategy of negotiators under Mandela was to cluster the 19 parties into three groups: a majoritarian democracy, Bill of Rights group (mainly composed of Hutu parties); a radical segregation group (composed of hardline Tutsi delegates); and a more moderate group in favour of qualified democracy with minimum guarantees of representation for minorities. Negotiators then tried to steer proceedings on committees towards solutions based upon the third model. Although progress towards such compromise was always tortuous, Haysom argues that its relative success was indicated in that those parties which eventually signed the agreement, tended subsequently – on the whole – to stick with it.¹⁷

A fourth aspect of his approach to the peace process was Mandela's emphasis that it needed to be underpinned by the necessary international financial assistance to address immediate humanitarian and longer-term development needs. Donors¹⁸ aplenty, in the form of delegates from Western countries, the EU and the US, attended the initial plenary session over which Mandela presided as facilitator in January 2000, some promising immediate grants of aid. The essence of their position, collectively, was that so long as progress could be made towards peace in negotiations, a shortage of money would not become a problem.

Mandela's push for funds was to culminate in an International Donors Conference in Paris in December 2000, following the signing of the Agreement, and is dealt with below.

The signing of the Arusha Agreement

So it was that the Arusha Agreement was put together – through progress in the committees, a mix of moral suasion and strong-arm tactics, and significant international pressure. Importantly, Mandela imposed a deadline for the signing of an agreement on 28 August 2000, forcing the various Burundian players to concentrate their minds, not least because the ceremony was to be witnessed by regional leaders and other international dignitaries. Inevitably, the run up to the signing was tense and fraught, with rumours that the process might well be derailed by the failure of parties to find agreement.¹⁹

deadline as a from to pressure outcome

early Aug !!

In early August Mandela denied press reports that signing was to be delayed as all of the conditions of an agreement between him and Buyoya had not been met. At that time, the parties had still not resolved who was to lead the interim government, and there was no agreement on a ceasefire with the rebels, in the absence of whom the civil war would continue. This tension and speculation peaked in late August when Buyoya cancelled a trip to South Africa to meet with Mandela because of a feared coup attempt in Burundi. As late as 26 August, just two days before the ceremony, Mandela was in talks with the parties in order to convince all 19 delegations to sign the accord. The most outspoken opposition to signing came from the hard-line Tutsi parties, citing fear of genocide (and Rwanda as the example in support of this fear) as a reason to reject a power-sharing arrangement with Hutu opponents. They were to receive the lash of Mandela's tongue, and were denied the satisfaction of preventing the Agreement going ahead.

Eventually only 13 of the 19 delegations acceded to the accord, but nevertheless the signing of the Arusha Peace and Reconciliation Agreement went ahead as planned on 28 August 2000. The support of the wider international community was represented symbolically by the presence of President Bill Clinton of the USA, whilst African and regional backing was provided by the presence of Salim Salim, the General Secretary of the OAU, and Presidents Museveni of Uganda, Chissano of Mozambique and Moi of Kenya. South Africa was also represented in the person of Deputy President Jacob Zuma, who was soon to assume a prominent role in following up Mandela's hard work.

The six parties which declined to sign were Tutsi-dominated ones which had expressed doubts about security. Their failure to accede was condemned strongly by Mandela, who, in a statement reflecting his disappointment, said: 'We have a section of the leadership which does not care for the slaughter of innocent people'.²⁰ His determination to proceed soon paid dividends, as the outstanding six added their signatures at a further summit of heads of state held in Nairobi on 20 September.

The Accord provided for a 30-month power-sharing arrangement but many of the details of how this was to be implemented were not decided before the signing of the Accord, and so Mandela's role was to continue well into 2001 through meetings with the various parties until agreement could be reached on the nature of the power-sharing agreement, and on who was to lead the

important open points in the agreement on nature of power-sharing; were negotiated only after signing

Presidents
rotate;
first T,
then H

interim government. Mandela's proposed candidate for the presidency of the transitional government had been Leonce Ngendakumana, Speaker of the Burundi National Assembly. However, the pro-government, G10 Tutsi-dominated parties wished to see Buyoya in this role, while the Hutu-dominated, opposition G7 parties favoured FRODEBU's Domitien Ndayizeye. Eventually, after tortuous and lengthy negotiations (in which Mandela stressed that donors would be more likely to co-operate if a transitional government was in place), and – as noted above – after he had persuaded the Hutu parties of the necessity of noting the fears of the army, it was agreed that Buyoya would act as interim president for 18 months from 1 November 2001, with Ndayizeye as his vice-president, with the latter then taking over as president on 1 May 2003. This compromise was again opposed by some Tutsi parties, which claimed they were not party to it, but Mandela nonetheless pushed it through.

The peace process and other areas of agreement in the accord were to be overseen by a 29-member Implementation Monitoring Committee to be comprised of representatives of all 19 parties to the negotiations, Burundi civil society, countries of the region (the OAU), and the international community. Berhanu Dinka of Ethiopia, the UN Secretary-General's special representative to the Great Lakes Region, was selected to head the body.

The signing of a ceasefire

The issue of a ceasefire was more difficult to resolve, precisely because the major rebel groups had stayed outside the agreement. On 18 and 19 September 2000, Judge Bomani (representing Mandela as facilitator to the negotiations), assisted by General Andrew Masondo of South Africa (Vice-Chairman of the Committee on Peace and Security) and General Mbita, a member of the facilitation team, held talks in Nairobi with representatives of the three major protagonists, the Burundian army, the CNDD-FDD and the FNL. At the meeting, Bomani informed the delegations that there was an urgent need for the Peace Agreement to be supplemented by a ceasefire, and that he wanted to be able to report a cessation of hostilities to the summit of regional heads of states which was to be held on 20 September. Issues relating to integration of the armed militias into the army, the reform of the army and demobilisation could be dealt with subsequently.

CNDD & FNL
against ceasefire;
CNDD against
Arusha agreement

While the army delegation declared its willingness to negotiate with both the armed groups, the latter proved unwilling. For its part, the FNL delegation insisted that, whilst it recognised the progress signified by the Arusha Accord, the latter could serve only as a basis for new political negotiations and a ceasefire could only be declared after these had reached a successful conclusion. In turn, the CNDD-FDD put forward a 12-point position paper in which it attacked the G7 for having signed a document which had institutionalised ethnicity, and which in effect would serve to maintain a 'putschist military-civilian oligarchy' in power. Furthermore, it would perpetuate the political dispossession of those who had won the elections of 1993. It decried the legitimisation of the Accord by the international community, noting that, whilst it was desirous of seeking a negotiated peace, it would only do so once the regime in power had dismantled its 'Nazi-type concentration camps and freed all political prisoners', whilst also claiming that its views had been dismissed out of hand. In a stab at the South Africans, it claimed that the 'Arusha segregationists' were driving the Burundi towards the 'separate development' of the different ethnic communities, and stated that no solution could be found which embedded ethnic quotas. The CNDD-FDD would therefore maintain its armed struggle, and would only stop defending itself when the Burundian army stopped attacking the people.

Both of the rebel groups turned down appeals to suspend hostilities in order to engage in dialogue with the signatory groups. For their part, both Bomani and Masondo clearly felt that the rebel groups were unreasonable, irresponsible and uncommitted to the path of compromise. This view was also taken by the regional heads of state, and not least by Mandela, whose unequivocal position was that these parties should not be allowed to 'hold the country's peace process to ransom'.²¹ His clear calculation therefore, supported by the regional heads of state, was that the signing of the Agreement, whatever its shortcomings, would provide momentum and garner international and regional support that the rebels would be unable to ignore. They would, perforce, eventually be brought to the bargaining table as the situation around them changed.

The donors' conference of December 2000

Hosted in Paris by President Jacques Chirac of France, the donors' conference was called at the request of Nelson Mandela, as facilitator of the negotiations, with the purpose of mobilising the international community to assist the reconstruction and development of post-conflict Burundi. It was co-chaired by the World Bank and the United Nations Development Programme (UNDP), and attended by all the major Western governments, Russia and Greece (as observers), the European Commission, the IMF, a raft of UN agencies, the OAU, other international agencies, and not least, a delegation of the representatives of the 19 signatories of the Arusha Accord led by President Buyoya.

The key points Mandela made in his presentation were:

- A peace settlement was not an end in itself, for it should be the springboard for the mobilisation of material and financial support from the international community to assist with the reconstruction of Burundi;
- Since the fundamental cause of inter-communal conflict in Burundi was fierce competition over very scarce resources that were accessible mainly through control over state power, there was a need to find ways of developing a more diversified private sector;
- It was clear that a final and comprehensive peace agreement had not been concluded as, despite energetic efforts to involve still warring armed groups, they had not agreed to a cessation of hostilities. Given the agreement reached at Arusha, they had no reasonable excuse for continuing their brutal attacks, and progress and development could not wait for their approval;
- Details of the transitional arrangement still needed to be resolved, but the achievements of the Arusha Accord should not be underestimated. It was not just that 19 parties had appended their agreement, but Burundians had started talking to each other about a common national project;
- The Burundians needed to be assured that political progress would be matched by material, social and economic advance. Donors therefore needed to make firm commitments to make emergency aid, humanitarian relief and long-term development assistance available in an integrated manner, and to ensure that the advances made were not negated by insistence upon the unreasonable repayment of debt.²²

Overall, the conference was supportive, with the donors pledging in total some US\$440 million in future assistance, and the World Bank announcing its decision to establish a Trust Fund to which other donors could contribute to provide for Burundi's debt relief. However, apart from the expression of some considerable doubts about Burundi's capacity to effectively absorb large amounts of aid, there was a clear division among the donors of how to proceed with long-term development assistance. Whilst Belgium and France wanting to move in immediately, other donors were considerably more cautious, wanting to see the transitional government firmly in place and the major provisions of the agreement implemented before they realised their promises. Consequently, whilst the convenors of the conference declared its enormous success, the more sober assessment was that 'most of the pledges would be made good only after the Burundi government had fulfilled certain conditions of which the installation of a transitional government, the cessation of hostilities and a ceasefire agreement and basic reforms were paramount'.²³

Towards the transition

Mandela was eventually proved to be at least partially right in his view that international and regional pressures would bring the rebels into the Arusha fold, for in late 2002 the transitional government, headed by Buyoya, signed landmark agreements with both factions of a by-now divided FDD, as well as with one faction of the FNL.²⁴ This only took place after extensive further negotiations which are detailed below. Importantly, all these negotiations took place upon the foundation of the Arusha Accord, and reflected both the latter's triumphs and its travails.

Notes

- 1 See Human Rights Watch World Reports 1999–2002: Africa: Burundi, <http://www.hrw.org>.
- 2 Mwalimu Nyerere Foundation. Burundi Peace Negotiations. Heads of Delegation Plenary Session, 16–17 January 2000: 9–12.
- 3 This was not the first time Buyoya had equivocated about the *regroupement camps*. He had assured Nyerere in 1997 that all such camps would be totally dismantled within six months (Mwalimu Nyerere Foundation 1997).

- ⁴ *The Citizen*, 20 January 2001.
- ⁵ Although van Eck suggests that Museveni was actually opposed to Mandela's involvement as he wanted to contain the Burundi issue within the East African region (Interview with Bentley and Southall, 2 April 2003).
- ⁶ 'Nyerere did all the spade work. I merely tied up the loose ends.' Interview with Mthembu-Salter 2002: 31.
- ⁷ Judge Bomani, who made a special trip to Johannesburg to brief Mandela on Burundi, remarks that at first the latter knew nothing, but that he proved 'a very quick learner' (Interview, Bomani with Southall, 12 August 2003).
- ⁸ The key sticking point for the rebels was that they wanted the withdrawal of the Burundi army to barracks, and its subsequent reform. They also felt that the Arusha process provided inadequate opportunity for them to pursue their broader security concerns (Crisisweb: International Crisis Group 2002: 2).
- ⁹ Clinton was subsequently to lend his moral weight to the plenary's proceedings by 'being present' via a satellite video link.
- ¹⁰ Mwalimu Nyerere Foundation: Burundi Peace Negotiations, Heads of Delegation Plenary Session, 16–17 January 2000. Official Notes.
- ¹¹ Mwalimu Nyerere Foundation: Burundi Peace Negotiations, Heads of Delegation Plenary Session, 16–17 January 2000. Official Notes.
- ¹² This point is stressed by Professor Jakes Gerwel, former President Mandela's principal personal advisor at the talks. Interview, Gerwel with Southall, 18 September 2003.
- ¹³ The coup, attempted by a few dozen soldiers headed by Lieutenant Ntakarutimana, took place whilst Buyoya was in Libreville meeting with FDD rebel leaders. After announcing the suspension of the government, the putschists surrendered when, belatedly, they were confronted by loyalist troops. Reytjens (2001: 10) notes that use of a subaltern officer as a screen for political and military forces who do not want to show themselves is typical of the Burundian political class.
- ¹⁴ Interview, Gerwel with Southall, 18 September 2003.
- ¹⁵ Interview, Ambassador Jean-Baptiste Mukuri, Vice-President *Parti Alliance Burundo-Africaine pour la Salut* (ABASA), with Bentley and Southall, 11 March 2003.
- ¹⁶ Interview, Haysom with Bentley, 1 October 2003.
- ¹⁷ Interview, Haysom with Bentley, 1 October 2003.

- 18 We use the term 'donors' for its convenience, whilst recognising that much international financial assistance, such as that granted by bodies such as the International Monetary Fund, is actually in the form of loans.
- 19 Haysom (interview with Bentley, 1 October 2003) recalls that at the last moment, parties got cold feet and withdrew to their original positions, and that Mandela had in effect to read the riot act to them, insisting that they had agreed to abide by procedures and outcomes which produced a compromise.
- 20 *Africa Confidential*, 41(17), 1 September 2000.
- 21 Mthembu-Salter in *Mail & Guardian*, 3–9 November 2000.
- 22 Report on International Donors Conference. Document held by Mwalimu Nyerere Foundation.
- 23 Report on International Donors Conference. Document held by Mwalimu Nyerere Foundation.
- 24 In 2001, the FNL split into two factions, one led by Kossan Kabura, and the other by Agathon Rwasa. Kabura was later to be replaced by Alain Mugabarabona as leader of his faction. Mugabarabona's branch of the FNL is party to the ceasefire agreement, while Rwasa's group remained outside and continued to terrorise the civilian population in the capital city as well as engage in clashes with the army. See Crisisweb 221, ICG Africa Briefing Paper, 6 August 2002: 16.

CHAPTER 9

South Africa's continuing role

'Our boys in Burundi'

Reports that South African troops were to be sent to Burundi began to emerge in August 2001, although these were initially denied by the South African government because of the lack of progress being made towards an agreement on a ceasefire. However, by October 2001, Mandela had successfully secured agreement concerning the deployment of South African troops as peacekeepers in Burundi from a cautious President Thabo Mbeki and an initially reluctant General Simphiwe Nyanda (Commander-in-Chief of the SANDF), as well as backing for the venture from UN Secretary-General Kofi Annan. The initial task of the troops would be to protect returning politicians forced into exile by the war in the run up to the installation of the transitional government in November, which was set to go ahead despite the absence of a ceasefire. The peacekeepers would also be required to train a local Burundian force to take over from them. Other countries suggested at the time to assist in this role were Senegal, Nigeria and Ghana, but all three refused to participate in the absence of a ceasefire.¹

At the end of October 2001 it was announced that South Africa was to send two battalions – 1 500 soldiers in all – to Burundi. There was some initial resistance on the part of Burundi to this intervention, but Mandela managed to persuade the Defence Minister to accept the peacekeepers, and this acceptance was later confirmed by President Buyoya, and officially backed by the UN Security Council, which on 29 October unanimously adopted a resolution to back the creation of a temporary international security force for Burundi. However, whilst the UN endorsed the idea of a 'protection force', there was insufficient commitment to make this a UN operation. Whilst officially operating under the auspices of the AU, South Africa was essentially left to assume sole responsibility for the operation, even though it was said at the time that the mission was to be funded jointly by Belgium and the EU. By December the EU had donated 9.5 million Euros to this end and the Belgian

government US\$5 million, secured by Mandela from Prime Minister Verhofstadt.² Most significantly, the South African military presence was accepted by the rebels, provided that its role was limited to the 'bodyguard' function outlined above, although this was countered by the more extreme Tutsi parties expressing their disapproval, and referring to the proposed deployment as a 'foreign occupation force'.³

By early November, over 800 SANDF troops had arrived in Burundi to assume the role of protecting returning members of the new transitional power-sharing government and other opposition politicians.⁴ The deployment, officially named the South African Protection Support Detachment (SAPSD), initially encountered resistance from the Burundian army, which tried to force President Buyoya to have them based outside Bujumbura. However, the South Africans refused to move, and during the resulting stand-off, South African and Burundian troops drew weapons on one another at the site of a road accident. Fortunately, after a few months, Burundian officers came to accept that the South African troops were sticking to their mandate and had no intention of interfering with the autonomy of the Burundian army. In May 2002, the South African mission was extended for another six months, as the multi-party Burundian security force that they were supposed to train to assume their role had failed to materialise because the political parties had been unable to agree on its composition. By March 2002, the SANDF component amounted to some 750 personnel (based in the grounds of the presidential palace bombed out in 1993) drawn from all three services, who were serving in Burundi on four-month tours. Their limited political role was reflected in the lightness of their equipment, which was composed of kombis, landrovers, one Casspir, one armed personnel carrier and two helicopters for search and rescue purposes.

On the whole, the South African deployment was well received and enjoyed a positive response. The troops began by providing protection to some 35 opposition politicians (a figure reduced after former president Jean-Baptiste Bagaza was placed under house arrest in November 2001 for allegedly plotting to assassinate Boyoya). Subsequently, in late February/early March 2002 the force became responsible for the safety of a further 38 politicians, including 17 from Jean-Bosco Ndayikenguruviye's faction of the CNDD-FDD, and 17 from Alain Mugabarabona's FNL. Whilst the SAPSD on occasion accompanied politicians for short periods to the rural areas, all the latter were

required to be based in Bujumbura, where they were expected to find private accommodation after an initial period based in hotels. The South African military reckoned to deploy just three guards for individual politicians at any one time (although some politicians pressed for more as an indicator of their relative importance), and to provide them with around the clock protection.

Overall, the initial deployment worked remarkably smoothly. There were only a few instances in which the politicians and their protectors found themselves in physical danger, and opposition politicians appeared to be genuinely appreciative of the role played by the South Africans. They would have refused to have been guarded by the Burundian army, which they continued to distrust, and the political and security presence of the South African troops provided them with confidence that their return home could provide a genuine opportunity for a political settlement. Yet just as the opposition politicians drew confidence from the South African presence, so fairly swiftly did the Buyoya government and army. Inevitably, because it was located in Bujumbura, the SANDF had to work closely with the Burundian military hierarchy. They were formally dependent upon the latter for intelligence about rebel troop movements around the country, and of necessity had to hold regular meetings with the army to exchange information and make arrangements concerning the transition of 1 May (which was thought to be a likely focal point for violence). The danger, inevitably, was that the different rebel militias would view their liaison with the army as outright collaboration, and see them as allied to the Tutsi-dominated army rather than serving a properly neutral role. In these circumstances, the SAPSD had to perform a careful balancing act.

It is something of a tribute to the SANDF's success in facing these challenges that the South African troops rapidly came to feel appreciated by the Burundian public. They were able to wander freely about the town (in twos or more) during the day, although at night they were required to move around in larger groups, not because of any innate local hostility, but simply because of the dangers of robbery by the displaced human flotsam and jetsam whose urban numbers had swelled hugely as a result of the war. And the soldiers themselves seemed to be enjoying the experience; it was seen as a 'softer' option than deployment to the DRC, and one which offered extra financial gains (allowances for foreign service). Morale amongst the highly racially diverse force appeared high, and the troops undoubtedly took pride in what

they regarded as an important job. The troops were visited by Deputy President Jacob Zuma, Defence Minister Mosiuoa Lekota and senior generals, with the result that the contingent came to feel strongly supported by both the political and military hierarchy. On the downside, there was one incident in which a soldier shot another during an altercation, another was found strangled in a Bujumbura suburb in January 2002 in unexplained circumstances, and two drowned during a military exercise in October 2002. Yet these incidents were tragic exceptions to what was, during the first 18 months, a highly successful operation.

From protection to peacekeeping

The initial mandate of the SANDF was extremely limited: they were allowed to use proportional force and take measures necessary for self defence in guarding the politicians under their protection.

However, this was destined to expand after the political transition from Buyoya to Ndayizeze, for in terms of the search for a wider settlement, the Protection Force was to be merged with troops from Ethiopia and Mozambique into the AU's African Mission in Burundi (AMIB), which would have responsibility for, amongst other things, disarming rebels moving into the cantonments, feeding them and ensuring their security, assisting their demobilisation, and monitoring the peace. The dynamics of the situation were also such that this wider peacekeeping role could expand to enforcing peace between the army and rival armed groups throughout a country where the large majority of South African troops will be unable to speak a local language.⁵ AMIB was also likely to become centrally involved in the difficult and dangerous task of integrating elements of the different militias into a new Burundian Defence Force.

From this perspective, 1 May 2003 was probably something of a watershed, for subsequently the SANDF was to have its experience of receiving rebels (from Alain Mugabarabona's FNL and Jean Bosco Ndayikengurkiye's CNDD-FDD) into the first of what was intended to be a total of four cantonments. For the first time, some 800 troops of the South African contingent were deployed outside the relative safety of Bujumbura, and for the first time they were to be drawn into a skirmish with rebels (in which four rebels were killed). Even at

this early stage, this widened role placed a heavier burden upon the SANDF, which already admitted to being stretched, not least because of the general sense of insecurity provoked by an upward surge in the fighting which took place in July.⁶

Whilst this burden was, in theory, to be eased with the proper establishment of AMIB following the arrival of an Ethiopian battalion of some 1 200 to 1 300 troops and two Mozambican companies of 1 600, the patience and capacities of the SANDF are likely to be severely challenged as the mechanics of the peace process unfold. As yet, there have been no South African casualties in combat, but it would seem almost inevitable that these will occur in the highly unstable circumstances of Burundi undergoing what is an extremely contested transition. However, opposition voices have already begun to question the heavy expenditure involved for the taxpayer by the South African deployment (over the period 2003–05 this was expected to amount to some R2.6 billion),⁷ and there are wider concerns that South Africa's involvement in peacekeeping efforts in the DRC in addition to Burundi mean that the SANDF is seriously over-stretched. Indeed, it was for this reason that South Africa declined to deploy peacekeeping troops to Liberia in August 2003 following the fall of dictator Charles Taylor.⁸

Building on Madiba: South Africa's continuing diplomacy

Following the signing of the Arusha Accord in August 2001, Nelson Mandela's role as facilitator came to an end, and he was no longer officially involved in the Burundi peace negotiations. Nonetheless, he continued to take a keen interest in the unfolding of a process for which, in essence, he served as the moral guarantor. As such, he was still approached by different actors when things seemed to be going wrong, and there were a number of occasions when he was to use his considerable persuasive powers from a long distance to encourage both government and opposition politicians to stick to their agreements and to contribute to the making of a sustainable peace. However, following his standing down, the baton was officially passed to Deputy President Jacob Zuma, who since late 2001 began to deploy his own remarkable mediation skills to cajole Burundian politicians into implementing the Arusha agreement and forging a lasting political settlement. Bringing to bear the extensive experience he had gained from resolving the

political conflict between the ANC and the Inkatha Freedom Party in KwaZulu-Natal, he was to play a major role in encouraging the transitional government and the different rebel factions to underwrite the Arusha process. Displaying great patience in an arena where his role has at times been contested by regional governments, he variously cajoled, flattered, twisted arms and bullied often unwilling politicians into taking the risks of peace. Yet this was in a context of a transitional period during which the status of the Arusha Accord as a basis for viable political settlement was to be rudely and violently challenged.

Notes

- 1 *Mail & Guardian*, 17–23 August 2001 and *Business Day*, 15 October 2001.
- 2 Johannesburg SAPA 21 December 2001.
- 3 *The Saturday Star*, 27 October 2001.
- 4 234 troops under Brigadier-General Steven Kobe, general commanding officer of the 43rd South African brigade, arrived on 28 October; 236 on the 30 October; and a further 231 troops arrived four days later. The troops were drawn from a number of SANDF units, including paratroopers from the 44th Parachute Brigade, medical orderlies from the SA Military Health Service, VIP protection units from the SA Air Force, and signallers from Wonderboom Military Base. Headquarters personnel were drawn from the 43rd Brigade. (Neethling 2001: 47).
- 5 Very few South African troops speak French, although a few former MK soldiers speak Swahili, which is spoken by a number of Burundians, the vast majority of whom communicate in Kirundi.
- 6 Interview, General Binda with Southall, 14 August 2003.
- 7 *Business Day*, 7 November 2003.
- 8 *Business Day*, 8 August 2003; *Financial Mail*, 5 September 2003.

CHAPTER 10

Burundi's fragile transition: from Buyoya to Ndayizeye

The Arusha Accord provided for the emplacement of a government which would oversee the progression of Burundi to elections and a transition to democracy. Composed of a coalition of different G7 and G10 parties, but centred around UPRONA and FRODEBU, it is notionally akin to the Government of National Unity (GNU) which took power in South Africa in 1994. Yet unlike the GNU, which was headed by Mandela and dominated by his majority ANC, the transitional government in Burundi was (until 1 May 2003) led by Pierre Buyoya, who, whilst not without claim to being a genuinely national leader, retained the presidency largely because of the support of the minority Tutsi-dominated army. It was as if in 1994 NP leader FW de Klerk had retained the South African presidency, with the backing of the army, with Mandela and the ANC subordinated to him. Imagine also that this scenario was rendered even more complicated by the ANC's armed wing, Umkhonto we Sizwe, and various other smaller 'rebel' groups such as the PAC's Azanian People's Liberation Army, rejecting the ANC's commitment to the GNU and opting to maintain their armed struggle for liberation. In these circumstances, few would have offered much hope for South Africa remaining at peace!

From this perspective, it is patent that the Burundian peace process outlined by the Arusha Accord of August 2000 was **desperately incomplete**, and that the country was unlikely to take major steps forward to peace, reconciliation, and economic reconstruction until the different armed rebel groups could be brought into the agreement, and a ceasefire not only proclaimed but sustained. As described by one observer group, the International Crisis Group, this was 'neither peace nor war'. In this sense, the Accord was a beginning and not an end, and it was merely a foundation for a subsequent further process of highly complex negotiations between, variously, the transitional government, the rebel armed movements, regional leaders, and not least, the South African government.

Arusha
"desperately
incomplete"

Arusha as a framework; not an end

Regional attempts to stabilise the transition

In broad summary, the process was moved forward as follows:

- At a regional summit held in Nairobi in November 2000, the rebels were threatened with sanctions. Subsequently, President Bongo of Gabon hosted two meetings in Libreville in January and April 2001 which brought the transitional government and the CNDD-FDD together. They drew up an agenda for negotiations which they discussed further at another summit held in Pretoria in October 2001. But again the FNL stayed away from the negotiations, insisting that it would only negotiate directly with the Burundian army, and if various preconditions were met. Worse, the day after the finish of the Pretoria summit, a faction of the CNDD-FDD rejected its leader, Jean Bosco Ndayikengurukiye, and under the leadership of Jean-Pierre Nkurunziza, declared itself the legitimate CNDD-FDD.
- Delegations from Nkurunziza's CNDD-FDD and the Burundian government participated in talks at the Vaal Dam in South Africa in February 2002. They agreed on a code of conduct for talks and decided to reconvene to finalise a framework for negotiations.
- In March 2002 the Tanzanian government hosted a meeting in Dar es Salaam where all Hutu groups, including splinter groups, were invited to consider a joint position for ceasefire negotiations. Those participating included the three Arusha signatories from the G7 which held positions in the transitional government (PALIPEHUTU, the Front pour Liberation National (Frolina) and CNDD), and four armed groups (Ndayikengurukiye's CNDD-FDD, FDD-CNP, and two FNL factions). However, the two most active rebel groups, the FNL (led by Agathon Rwasa) and Nkurunziza's CNDD-FDD, swiftly rejected the process as an attempt to impose the Arusha Accord upon them. They also objected to being given the same status as groups they considered compromised by participation in the transitional government, and demanded their own exclusive forum to negotiate Burundi army reform.
- In April 2002, Jean-Bosco Ndayikengurukiye took part in another round of talks with the transitional government in South Africa and agreed on an agenda for ceasefire negotiations. But Nkurunziza's CNDD-FDD declined to participate unless the South African facilitators rejected their immediate rivals. The FNL meanwhile restated its position that it would only negotiate with the Burundian army. Nkurunziza proceeded to reject the facilitation of South African Deputy President Jacob Zuma for his refusal

to dismiss Ndayikengurukiye, and called for negotiations to be returned to Tanzania.

At a meeting held in Tanzania between 28 May and 3 June 2002, Nkurunziza's CNDD-FDD restated their commitment to a negotiated settlement, **but stated that they would only talk to the Burundian army, which they argued was the real power in the country rather than the transitional government.**

Ceasefire agreements between government and three rebel groups

- Subsequently, the facilitation team, led by Zuma, worked hard to organise direct negotiations between the Burundian government and the various groups of rebels. With the help of Tanzania, Gabon and UN experts, it produced a draft ceasefire agreement and circulated it to the different parties (over the head of the Burundian government, which rejected the draft as prematurely making inappropriate concessions to the rebels). This was preparatory to three weeks of talks held in August 2002 in South Africa between the government, both factions of the CNDD-FDD and the smaller faction of the FNL led by Alain Mugabarabona. These culminated in the government signing a ceasefire agreement with Ndayikengurukiye's CNDD-FDD and this smaller faction of the FNL in September 2002.² first
ceasefires
- After further extensive negotiations by the facilitation team, the transitional government signed a mediation agreement with Nkurunziza's CNDD-FDD on 3 December 2002 which was intended to lead to the finalisation of a detailed ceasefire agreement and the conclusion of outstanding political and military issues by the end of the month. However, in mid-December the CNDD-FDD refused an invitation to attend a meeting in Pretoria to conclude the agreement. Further momentum was then lost when reports came in of a resumption of heavy fighting between the army and Nkurunziza's CNDD-FDD.
- Nkurunziza was subsequently subjected to heavy regional and international pressure to go to Pretoria, where on 27 January 2003, the government and the three rebel groups signed an additional memorandum of understanding establishing a Joint Ceasefire Commission and setting a date for the return of Mugabarabona and Ndayikengurukiye to Burundi. It was further agreed that an AU peacekeeping force, (the AMIB),

- composed of troops from South Africa, Ethiopia and Mozambique would be deployed 'in the next few weeks'.³
- Failure of the ceasefire to take hold led to continuing violence and continuing negotiations. Hence on 21 February 2003, Nkurunziza's CNDD-FDD announced the suspension of its ceasefire talks with the government citing continued hostilities, the blockage of humanitarian aid and lack of consultation over the troops that were going to be sent to Burundi. The CNDD-FDD declared that it would regard the AMIB troops as 'peace disruptors'⁴ if they were deployed without its approval. However, following a two-day regional summit between the government, represented by Buyoya, and the CNDD-FDD, represented by its Secretary-General Hussein Radjabu, and attended by Presidents Museveni of Uganda and Mkapa of Tanzania and Deputy President Zuma of South Africa, the two belligerents recommitted themselves to implementing the ceasefire and ending ten years of war.⁵ Even so, they remained severely at odds, the CNDD-FDD declining to recognise the validity of the Arusha Accord, and the army insisting that it was unnecessary to re-negotiate it (Gasana & Boshoff 2003: 2).

The (limited) deployment of the African Union Peacekeeping Force

One of the more delicate questions facing the negotiators was the composition of the international military force needed to promote confidence in the transition, and if need be to enforce peace. As facilitator, Nelson Mandela had managed to persuade President Buyoya to accept the deployment of troops from the Great Lakes Region. However, the neighbouring states proved reluctant to take up the challenge, principally because of the dangers of being drawn into the conflict by being seen to be defending the government against the armed militias. Subsequently, it was agreed that the role of peacekeeping would be assumed by troops from South Africa, Ethiopia and Mozambique working under the auspices of the AU. The first contingent of troops from the SANDF, which was destined to assume the heaviest burden, arrived in October 2001, where – working alongside a small group of AU ceasefire monitors who were deployed around the country – their initial brief was merely to provide for the personal safety of politicians who had returned from outside the country to take part in the transitional institutions.

Following the EU calling for a 'neutral and independent' inquiry into the massacre of as many as 267 civilians by the army in September 2002 in Gitega Province,⁶ international pressure in favour of the ceasefire was stepped up. The arrival of eight Gabonese soldiers in Bujumbura brought the number of the AU's monitors (otherwise drawn from Tunisia, Burkina Faso and Togo) to its full complement of 43.⁷

On 3 April 2003 the AU outlined the mandate of its intended 3 500 strong peacekeeping force, which it stated was due to be deployed within 60 days. The peacekeeping force would be charged with: overseeing the implementation of ceasefire agreements; supporting disarmament and demobilisation initiatives and the reintegration of combatants; ensuring favourable conditions for the establishment of a UN peacekeeping mission; and contributing to political and economic stability. It would remain in Burundi for an initial 12 months, renewable every six months, pending its replacement by a UN peacekeeping force. South Africa would facilitate the planning, establishment and deployment of the force. Ethiopia would provide one battalion and two additional companies, Mozambique one company, and South Africa a battalion and 'other elements'. The force commander would be appointed by South Africa and his deputy by Ethiopia.⁸

Despite these declared good intentions, delays in the arrival of the troops from Mozambique and Ethiopia, as well as the limited mandate as yet assumed by the South Africans, were one aspect of the dynamic which saw an increase rather than decline in the level of violent conflict around the period of the presidential transition.

The presidential transition from Buyoya to Ndayizeye

Under the terms of the Arusha Accord, Pierre Buyoya was required to step down as President in favour of his Vice-President, Domitien Ndayizeye on 1 May 2003. The handover of political leadership from a Tutsi to a Hutu was destined to be an enormously symbolic moment, signifying not merely that the transitional process was working, but also a victory for the idea of power-sharing and national reconciliation. Extremely important, too, was the acknowledgement that the transfer of presidential power would represent a victory for South Africa, the regional presidents and the wider international

change of
pres during
interim

community, which had all been pressing Buyoya to honour the agreement, even though it was widely recognised that there were significant elements amongst the army and the Tutsi class who were pressing him to stay on. Furthermore, there was a sense that a successful handover would be a vital piece in the wider jigsaw concerning the promotion of peace throughout the entire Great Lakes Region. Yet what should happen was not necessarily what would happen, for the implementation and success of the Accord in bringing peace was being severely challenged by events on the ground.

change of PRES
as trigger for violence

The immediate problem was that the presidential transition, although a supposed harbinger of peace, was in practice something of a catalyst for violence by the different armed militias, which engaged in political and military manoeuvring in the months preceding the transfer of power. The result was that as the handover drew near, the level of violence increased dramatically. Both Bujumbura and Gitega (the country's second city), were shelled, whilst in Bujumbura Rural Province, some 80 000 people were said to have fled their homes to escape fighting between Nkurunziza's CNDD-FDD and the army.⁹ In short, the armed militias outside the Accord appeared determined to undermine its credibility and hence to drive home their demands for a completely new round of negotiations.

Amongst the leading commentators upon the situation was Jan van Eck, who had long argued that the Arusha agreement was always so seriously flawed by the non-involvement of the CNDD-FDD and FNL that even after their late accession to the Accord it could scarcely now provide a basis for progress. From his perspective, the peace process was rushing ahead of realities upon the ground. Violence had actually increased after the signing of the December 2002 ceasefire agreement with Nkurunziza's CNDD-FDD, severely damaging the credibility of all those external actors who were mandated to implement the Accord. He condemned the irresponsibility of the international community for its lack of support for the ceasefire, and the failure of either the AU or the UN to despatch the requisite numbers of peacekeeping troops. But while the UN was said to be reluctant to deploy a peacekeeping force without a stable ceasefire, African countries (notably Ghana, Nigeria and Senegal) which were candidates to provide troops were reluctant to do so under the auspices of the AU (presumably because it was less likely than the UN to be able to provide the requisite financing).

In any case, the complete absence from the agreement of Rwasa's FNL (the most active rebel movement around the capital) had not only aggravated the negative perception of the peace process, but had undermined the commitment of Nkurunziza's CNDD-FDD to the ceasefire and political negotiations, as they could not afford to be seen as having 'sold out' to the government. Meantime, on the one hand, the increase of violence following the ceasefire had led to a swelling of support amongst key military, political and civil society players for removing the entire 'system' of the transitional government; on the other hand, the prospect of rebel groups, notably the CNDD-FDD, returning home and acceding to the transition was equally destabilising in that it might disrupt the constructive partnership between UPRONA and FRODEBU, in particular undermining the latter. It was argued that support was draining from FRODEBU from within the G7, that FRODEBU was using the transition to further its own interests, and that the dissident members of FRODEBU were already joining up with the CNDD-FDD to forge a 'new FRODEBU' which would have both a military and a political component. The logic of this position, so it was said, was that the power-sharing idea of the Arusha Accord would be replaced by a new ethnic mobilisation which would see the Tutsi military and political class challenged by a new, more united Hutu party with significant political clout.

Arusha framework under pressure due to violence

those dissatisfied with Arusha moved from FRODEBU to CNDD-FDD

Van Eck noted that in the recent negotiations, the Burundian government and the various international mediators had impressed upon the rebels that whilst they had no choice but to accept the Arusha Accord, they would be allowed to 'discuss' it if they returned home and joined the transitional government. Given that such 'discussion' of the Accord would be extremely unlikely to provide for their concerns, there was therefore a strong possibility that it would become either completely opened up or fragment completely. In the meantime, van Eck continued, the agendas of all the different political players as they approached the 1 May deadline were so completely at odds that it had become clear that Burundians had not yet developed any degree of consensus about the way forward. Furthermore, even if the presidential transition did take place on 1 May, it was unlikely that the army would allow a Hutu president to manage negotiations with Hutu rebel movements and start the extremely sensitive process of integrating the army. Given also the emergent rivalry between Nkurunziza and Ndayizeye, there was major risk that the transition would see Burundi being saddled with a totally paralysed

government, just as it had been during the period 1994–96. May 1 therefore hovered like a ‘dark cloud’ over the whole Burundian political landscape and if not managed carefully could result in the unravelling of the whole process and a plunge back into chaos (van Eck 2003).

Van Eck’s warnings echoed the perspective of the International Crisis Group that the implementation of the ceasefire accompanying the transition was likely to be ‘the most difficult and most critical part’ of the process as it threatens important individual and collective security interests. It is bound to reveal a raw struggle for control of the security forces and other instruments of power.¹⁰ In short, the peace process could easily degenerate into war. The overwhelming majority of Burundians might long for peace, but this was no guarantee that they would not be held hostage by armed forces determined to impose their will.

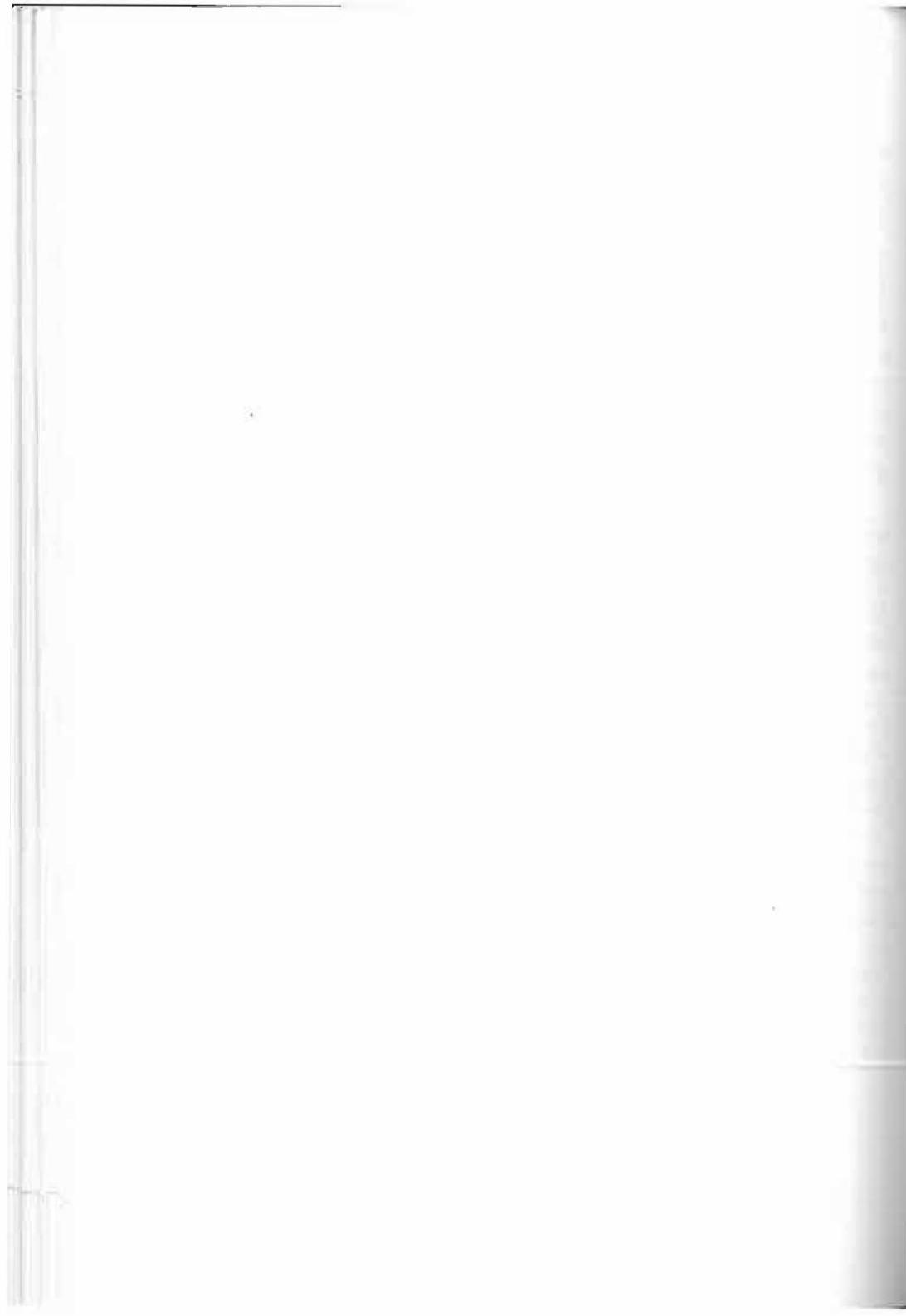
Despite these grim prognostications and clear attempts by the different rebel movements to discredit it, the transition went ahead. To his credit, although there were widespread rumours that he would find some last-minute reason not to stand down from the presidency, Buyoya provided considerable public assurance to the contrary. Jean-Baptiste Bagaza, the leader of the Tutsi opposition party, *Parti du redress National* (PARENA), who had been placed under house arrest in November 2002 for allegedly plotting to assassinate Buyoya and the Speaker of the National Assembly, was released in early April 2003.¹¹ As required under the terms of the Accord, Buyoya pushed a law through parliament prescribing heavy penalties for genocide and other crimes of war (although opposition critics decried it for not being applicable to past genocide) and another on the formation of a TRC,¹² and on 23 April, Alphonse Marie Kadege of UPRONA was nominated as the candidate for the vice-presidency for the second transitional phase beginning on 1 May.¹³ Then, on 24 April, Buyoya – who had twice headed coups – promised that he would never again seek to regain power by force in the future. However, he announced that he would remain active in politics, and would take his place in the Senate, as allowed by the Constitution, building up his standing as a candidate for a return to the presidency in future elections.¹⁴ And subsequently, defying the doubters, he duly vacated the presidency for Ndayizeze on 30 April 2003.

Hutu PRES
Tutsi V-PRES

Ndayizeze new
PRES

Notes

- 1 A small Hutu party.
- 2 Crisisweb ICG 6 August 2002: 1–2.
- 3 Crisisweb ICG 21 February 2003: 1.
- 4 UN-IRIN 24 February 2003.
- 5 IRIN 7 March 2003.
- 6 IRIN 8 March 2003. The army had found two officers deemed responsible for the massacre guilty merely of failing to obey orders, and had released them after they had been detained for just four months.
- 7 IRIN 12 March 2003.
- 8 IRIN 3 April 2003. For an overview of the role of the AU mission, see Boshoff & Francis (2003).
- 9 Africa Institute NFA 075/2003, 19 April 2003.
- 10 Crisisweb ICG 24 May 2002: 20
- 11 IRIN 11 April 2003.
- 12 IRIN 16 April 2003
- 13 IRIN 23 April 2003. The G10 group of parties had failed to agree on a candidate for the vice-presidency, so under Article 99 of the transitional constitution, the selection was made by Buyoya, Vice-President Ndayizeye, and the offices of the National Assembly and Senate.
- 14 IRIN 24 April 2003.



CHAPTER 11

Burundi's transition under Ndayizeye: from impasse to a fragile deal

1st ceasefire
not
implemented

As noted above, after the initial failure of the government of Burundi and Nkurunziza's CNDD-FDD to implement the ceasefire they had agreed upon in December 2002, they had been prevailed upon by the Regional Initiative to recommit themselves to peace via meetings in January and February 2003. As also noted, however, the protagonists remained deeply divided over the status of the Arusha Agreement, the government insisting that it was a satisfactory framework for settlement, the CNDD-FDD insisting that it needed to be renegotiated. Subsequently, in an attempt to overcome the divide, it was decided that a team of experts drawn from three countries participating in the Regional Initiative – Tanzania, Uganda and South Africa – would analyse the political and military problems that stood in the way of the completion of the ceasefire. However, whilst the CNDD-FDD submitted issues of concern, the Burundian government did not. Indeed, when President Museveni had prevailed upon the latter to react to the CNDD-FDD's submissions when Ndayizeye had visited Kampala on 7 May, Ndayizeye – who, having just succeeded Buyoya had little room for manoeuvre – had insisted that Arusha was sacred and that all that could be discussed was the mode of inclusion of the CNDD-FDD into the transitional institutions. The Burundian government wanted a regional summit meeting convened to bring this about.¹

While Ndayizeye sought international support in Europe to strengthen the government's foundations, the CNDD-FDD raised the stakes with a series of attacks upon the latter's positions throughout various parts of the country, kidnapping various officials and killing others. However, far more disruptive to the peace process was the assault by Rwasa's FNL (possibly with the support of the CNDD-FDD) upon the capital, Bujumbura, in early July 2003. The week-long intensity of this assault precipitated an exodus of residents from outlying suburbs to the centre of town and a decision by the UN to evacuate various of its workers, and issued a severe challenge to the entire peace process. FNL spokesman Pasteur Habimana stated that the attacks were

CNDD wanted
renegotiation
of Arusha;
GoBUR
against;

FNL with
military
upper-hand

carried out as a warning to Ndayizeye, and a reminder to the regional powers that the FNL rejected the Arusha Agreement, and demanded direct talks with the Tutsi-dominated army, which it believed to be the real power behind the transitional government: 'It is time the Tutsi army and the Tutsi community came to discuss with us the real problems of Burundi', Pasteur is quoted as saying.² Not surprisingly, this intractable position earned the wrath of regional governments, which had invested so much energy into the Arusha process. Fresh appeals were therefore issued to the FNL to join the peace process, backed by the increasingly explicit threat that unless they did they would face a regional, military clampdown.³

Regional differences in the run up to the September 2003 summit

These various developments had hardened differences of posture towards the Burundian peace process which had been evolving for some time.

On the one hand, Uganda and Tanzania had veered towards a more militarist solution, whereby a regional force would be deployed against the FNL and whereby the Burundian government and CNDD-FDD would be cajoled into negotiating their differences (Gasana & Boshoff 2003: 2). This was in essence an encouragement to the CNDD-FDD, for it gave effective substance to their position that the Arusha Agreement needed to be opened up to provide for a new 'charter of transition' (as Nkurunziza put it to the UN). The transitional government and the CNDD-FDD should both submit their proposals to the team of experts, who would work to provide the draft of a new framework to guide Burundi for the remaining period of the transition leading up to elections. Such a draft text should provide the basis for discussions at the forthcoming July summit.⁴

The alternative position, adopted by the transitional government itself, and promoted most actively by South Africa, was more strongly committed to the existing framework of the Arusha Agreement: sanctions should be imposed upon the FNL to increase its isolation; the CNDD-FDD should seek to gain access to the transitional institutions as presently constituted, rather than seeking to reshape them; and the mandate of the AMIB should be strengthened in order to support the transitional processes.

These differences were to be elaborated during following weeks as the regional leaders sought to keep the peace process on track despite the surge in violence. On the one hand, Museveni sought to persuade Deputy President Zuma, as the regional facilitator, that deployment of a regional force, principally composed of Tanzanian troops, would balance and strengthen AMIB in Burundi. Rebels should not be allowed to torpedo the peace process, and the immediate solution was for 'a military solution to defend the Burundi peace agreement'.⁵ His argument was that this would reassure Nkurunziza's CNDD-FDD, which perceived the South African military involvement as pro-Tutsi and as aligned with the transitional government. On the other hand, Zuma expressed South Africa's view that such a regional force would be likely to inflame the situation, and that efforts should be made to strengthen AMIB's mandate and confirm its neutrality.⁶ He gained support for this from Rwanda (keen to emphasise that it could place pressure upon the CNDD-FDD and nervous about any extension of Uganda's regional influence), Ndayizeye and the regional representatives of the UN and AU.⁷

These differences were to be accentuated by a regional consultative meeting, held in Dar es Salaam on 20 July 2003, which was chaired by President Museveni, and attended by President Mkapa, Deputy President Zuma (as regional facilitator), President Ndayizeye, and Nkurunziza, as leader of his faction of the CNDD-FDD. The official communiqué stressed that real progress had been made. The Burundian government had been urged by the Regional Initiative to finalise power-sharing agreements aimed at involving the CNDD-FDD in the transitional institutions, and both belligerents had been prevailed upon to complete outstanding issues in discussions about the Forces Technical Agreement (ATF) – which would structure the reform and integration of the army – in order to speed the implementation of the ceasefire. Representatives of the CNDD-FDD would be granted temporary immunity from arrest by the government to enable them to join the Joint Ceasefire Commission (JCC) in Bujumbura (tasked with monitoring the ceasefire) within two weeks, and this agreement was to be guaranteed by AMIB. Importantly, whilst the further appeal was made to the FNL to join the peace process, the Regional Initiative called for the complete deployment of the AMIB force as soon as possible. Finally, it was noted that a full summit, to 'finalise all outstanding matters' would be held in the near future.⁸ However, the bland statement belied the fact that the meeting had been riven with

tensions between the Burundian government and the South African mediators, on the one hand, and the Tanzanian and Ugandan delegations on the other, and it was only with some difficulty that the former had contained the latters' insistence that, as the Burundian government and rebels could not negotiate an end to the conflict, peace should be imposed by force.⁹

Although the South Africans and Burundian government had staved off any immediate threat of deployment of a regional force, the latter was under pressure to work on the issues identified by the communiqué. In the weeks that followed, its negotiators offered the following:

- Regarding the army, the government was willing to offer only deputy command posts, arguing that the rebels were untrained and lacked the necessary academic qualifications. Regarding the deputy posts, 100 of which were on offer to Hutus, 40 would be awarded to Nkurunziza's CNDD-FDD, 20 to the other armed movements and 40 to the Hutu already in the army. Overall, an even split between Tutsi and Hutu should be obtained within four years.
- In order to adhere to the spirit of the Arusha Accord, the CNDD-FDD could be offered two ministerial posts, in view of the fact that there were 22 parties amongst which 26 posts had to be divided. Given that provincial governors' posts and ambassadorial positions had recently been allocated in the wake of the presidential transition, just one governorship and one ambassadorship were on offer to the CNDD-FDD.

These offers were the least that the government could hope to get away with, and in practice Ndayizye was prepared to concede at least three more ministries to the CNDD-FDD. Indeed, in his eagerness to forge a settlement he was even prepared to concede up to 50 per cent of positions in the army to the CNDD-FDD, in the knowledge that this would require their being deployed to the cantonments. This would not only lessen their hold over the rural population (thereby enabling political penetration by FRODEBU), but it would free the army to deal with the remaining military threat posed by Rwasa's FNL.

In the negotiations that followed, the Burundian negotiators came to accept that integration of the army should be based upon a division of posts as follows: 50 per cent to Nkurunziza's CNDD-FDD, 40 per cent to the present army, and 10 percent to other armed groups. It also accepted the CNDD-FDD's demand that

the gendarmerie be abolished en route to which its numbers should be reduced to 20 000. Indeed, Ndayizeye even rejected the army's position that these reforms should be staggered over four years in favour of the CNDD-FDD's demand that they should be carried out immediately.

In the discussions that ensued, the points of agreement and disagreement between the negotiating parties are outlined in the table below:

Positions of Burundian government and Nkurunziza's CNDD-FDD on key issues

Issues	Position of Burundian government	Position of CNDD-FDD	Outcome
Ceasefire	Renewed commitment to ceasefire	Renewed commitment to ceasefire	Agreement to renew commitment made in ceasefire agreement of 3 December 2002
Joint Ceasefire Commission (JCC)	CNDD-FDD position not accepted	A combined guard unit should be formed and should accompany CNDD-FDD representatives to the JCC in addition to AMIB protection	Security problem not resolved and postponed for further discussion at forthcoming summit
Cantonment	Nkurunziza's CNDD-FDD should be billeted alone	Cantonment of all forces, including those of the Burundian army, should be simultaneous	Agreement
Deployment of AMIB	AMIB should be fully deployed	Additional countries should contribute troops to AMIB for deployment	Decisions concerning deployment and strengthening of AMIB postponed to summit
Forces Technical Agreement (ATAF)	Zuma and Burundian government argued ATF be negotiated within the JCC	The JCC was responsible for the implementation of the ceasefire, not for negotiation of reform of the army	CNDD-FDD position accepted. ATF would be negotiated during next three months and signed at summit

Issues	Position of Burundian government	Position of CNDD-FDD	Outcome
Division of power	CNDD-FDD should return to Bujumbura and receive posts according to their availability	A new division of political power should be negotiated to integrate achievements of Arusha and the CNDD-FDD's demand for a second Vice-Presidency and two extra ministries (Security and Local Administration). CNDD-FDD to be able to participate in organising elections at same level as FRODEBU and UPRONA. There should be 'parity in power-sharing' between the CNDD-FDD and the government	Backed by Zuma, it was decided that negotiations on a transitional political programme should be conducted over the next three months
Transformation of the rebel movements into political parties	A law on political parties, which stipulated that a political party could not have an armed wing, had been enacted. CNDD-FDD could be integrated into political process if it met the criteria	Acceptance of government position	Agreement that CNDD-FDD could be registered as a political party once its troops had been deployed to cantonments
Provisional immunity		Arusha Accord extended provisional immunity only to leaders of the various movements. Immunity should now be extended to all CNDD-FDD's members	

Source: Adapted from Table I, Gasana & Boshoff 2003: 6–7.

Although serious differences remained, what was becoming apparent was that, whilst the CNDD-FDD was knocking on the door to be admitted to the transitional agreement, the government was for its part beginning to make various concessions. Hopes were therefore further raised when it was announced that, in agreement with the regional leaders, the government and the CNDD-FDD had agreed to streamline negotiations by talking directly to each other, rather than through negotiations. Furthermore, at the conclusion of its visit to Bujumbura during the last week of July, to determine whether its party would join the JCC, the leader of the CNDD-FDD's delegation announced that it would and that Nkurunziza would soon arrive home to participate in it.¹⁰ Further optimism was raised by a government spokesman's statement that talks over the course of the next two weeks which would take place in Dar es Salaam could see the signing of the ATF and the beginning of the integration of the rebel forces into the national army.¹¹

Consultative talks at Sun City, 21–24 August 2003

Given the advances made, considerable optimism preceded the consultative meetings, held in Sun City in South Africa, and mediated by Deputy President Jacob Zuma, between the delegations of the Burundian government and the CNDD-FDD, headed by President Ndayizeye and Pierre Nkurunziza respectively. The talks, the first direct meeting between Nkurunziza and Ndayizeye since the latter had taken power, were designed to lead up to the regional summit on Burundi which was scheduled for 24 August, which was to be held in Dar es Salaam, ahead of a SADC summit. The talks were designed to harmonise the parties' respective ideas on power-sharing and transformation of the military.¹² Despite these fine hopes, the encounter failed to produce the anticipated results.

In summary terms, negotiations about power-sharing reached an impasse concerning the CNDD-FDD's demand for a post of second Vice-President, based on its reading of a particular passage of the Arusha Accord. This introduces the idea of a second Vice-President of the Republic, provided that the post be occupied by a member of a different ethnic group and from a different political party from the President. Not least because a Hutu already occupied the presidency, the government for its part rejected this demand as contrary to the spirit of the Arusha Agreement. Its position was that the

disagreement re: 2nd Vice-PRES during interim period

Agreement's reference to a second Vice-President related to the post-transition period. Technically, the government's position appears to have been the more correct, although the larger issue which the disagreement represented was the broader one of power-sharing (with the CNDD-FDD arguing that the existing Tutsi Vice-President needed to be counterbalanced by a Hutu in terms of the principle of 'parity').¹³ On the one hand, the demand for a vice-presidency was a negotiation stance adopted by the CNDD-FDD to secure major concessions concerning political positions. On the other hand, the government was determined to maintain the broad outlines of the political equilibrium represented by the transitional institutions (Gasana & Boshoff 2003: 9–10).

military command

Failure to find agreement around political power-sharing did not mean that the meeting was wholly abortive, for the teams of experts were able to report considerable progress around military reform. The government had indicated willingness to concede immediate command of 16 of the existing 60 battalions to Hutus: 6 to Nkurunziza's CNDD-FDD, 6 to Hutus already serving in the army, and the remaining four to other minority rebel groups. There was also agreement around the new names, and roles and functions of the defence and security organs, the provision of data concerning force levels to the parties to the agreement, and the size, composition and training of the army. Against this, whilst the CNDD-FDD wanted to see the abolition of the gendarmerie and the transfer of its functions to the police, the army wanted to retain it and subject it to a progressive transformation according to the dictates of the National Assembly and the government. Similarly, whilst the Army demanded retention of control of all five of the military zones into which Burundi has been divided since 1993, the CNDD-FDD laid claim to control of four. Finally, whilst the government proposed that the rebel movements be allowed to nominate deputies to command posts in the army, they insisted that they should now fall under its control (Gasana & Boshoff 2003: 9–10).

The Regional Summit of 15–16 September: the end of the road for Arusha?

Postponed by the previous discord, the regional summit brought together four regional heads of state (Thabo Mbeki, Benjamin Mkapa, Yoweri

Museveni and Joaquim Chissano) with the objective of sealing an agreement between the Burundian government and Nkurunziza's CNDD-FDD. Major preparatory work had been done by the regional experts, team to narrow the gaps between the two parties. According to a proposal by the mediators, the CNDD-FDD would have been awarded 40 per cent of the seats in Parliament, and 40 per cent of the posts in the army, while the remaining 60 per cent would be held by the government and other rebel groups. In addition, there was suggestion that Nkurunziza might be awarded a post of Prime Minister, based on the Tanzanian model, whereby he would assume a supervisory role with the responsibility of coordinating the government's political programme. However, Nkurunziza stuck to his demands that he become a second Vice-President and Commander of the country's armed forces, and that his party assume the Speakership of the National Assembly. However, in response, Ndayizeye rejected these out of hand, as most particularly 'discrediting Hutus who are not members of the (CNDD-FDD)',¹⁴ and walked out of the summit, leaving the peace process in disarray.¹⁵

talks break down

Why when significant progress had been made in the negotiations between the government and the CNDD-FDD – despite continuing disagreements – did the talks break down in such disarray? The answer seems to be threefold.

First, it would appear that in the wake of the upsurge of fighting following the transition, and the shock to its system given by the major assault on Bujumbura in July, Ndayizeye felt that he was losing ground, stuck between a rock and a hard place. On the one hand, he was desperate to draw the CNDD-FDD into the transition, fearing both that it was gaining regional support (notably from Museveni) and that, if fighting with it continued, his reliance upon the army would drain support from FRODEBU, leaving him increasingly isolated as President. On the other, whilst he had shown preparedness to make significant concessions to the CNDD-FDD as regards both military reform and political power-sharing, he was extremely wary of disrupting the existing transitional institutions. To concede a second vice-presidency to the CNDD-FDD would require a rewriting of the transitional constitution, and would upset the delicate ethnic balance hitherto attained at considerable cost. Likewise, the award of the Speakership of the National Assembly would grant major political influence to a party which had not been signatory to the Arusha Agreement (Gasana & Boshoff 2003: 10). Hence whilst he appeared to be prepared to push the Arusha Agreement to its limits, he was constrained by the

integration
of CNDD-FDD
as challenge
to Arusha
equilibrium

CNDD ready to join Arusha-PSA, but only if with strong role

precariousness of his position not to burst it wide open. Meanwhile, the position of the CNDD-FDD regarding power-sharing was that, if it was to enter the transitional process, it must obtain significant political leverage in order to situate itself favourably for the forthcoming elections.

third party military presence hampered due to lack of funding

Second, despite all good intentions to deploy AMIB, its credibility continued to be undermined by lack of funding. When it had come to the crunch, South Africa had been largely left to its own devices. Ethiopia and Mozambique remained committed to despatching their contingents, but lack of funding meant that they had yet to fully deploy.¹⁶ The AU has estimated that a peace-keeping operation would cost US\$180 million a year, but had yet to secure the necessary financial backing from the international community.¹⁷ AMIB was charged with securing a ceasefire and creating the conditions for the deployment of a UN peace-keeping force, yet any upsurge in fighting, such as that experienced in July 2003, served to diminish, or at least delay, UN involvement. In the meantime, despite talk of expanding AMIB's mandate, South Africa was understandably wary of intervening in fighting between the army and the rebels. This meant, on the one hand, that the CNDD-FDD was encouraged to continue to use its military muscle to strengthen its political hand; whilst on the other, it did nothing to crush the conviction of the fundamentalist FNL that it could fight its way to an overthrow of Tutsi power. Ndayizeye, in short, was signalling that any making of an agreement required the speeding up of promised, yet undelivered, international support.

The third reason why the summit failed at that point was that whilst the CNDD-FDD had now given fair indication that it would rather be inside the transition than outside, it feared that to leave the battlefield would merely be to vacate it for Rwanda's FNL. The rebel attacks upon Bujumbura in July were overwhelmingly the work of the latter, even though it appears that there was some logistical support provided by the CNDD-FDD (with or without Nkurunziza's permission). Nonetheless, despite such instances of collaboration, the FNL and CNDD-FDD remain rivals, and Nkurunziza was seemingly prepared to play for time, reckoning that increasing regional impatience with the FNL (which appears to have no coherent ideology, and is excessively dependent upon biblical quotations and the forcible recruitment of child-soldiers) would see it subject to military action by AMIB, Burundian army and perhaps also regional armies. By dragging negotiations out for longer, Nkurunziza may have been attempting to undermine the positions of

both the Ndayizeye government and Rwasa's FNL at the same time. Yet for its part, the FNL continued to hope to cash in on its prestige as the original Hutu movement to challenge ethnic oppression, and in the long run, to outpace both FRODEBU and the CNDD-FDD in the support of the peasantry, who constitute the overwhelming majority of a future electorate. In the interim, the FNL rebuffed repeated efforts by Jacob Zuma – which included quiet talks in Switzerland¹⁸ – to draw them into the negotiating process, on the grounds that South Africa had aligned itself with the Burundi government. Their objective, for the moment at least, was to attempt to sabotage any success which the transitional process might seek to enjoy.

It was evident that the failure of this summit – the 22nd attempt by heads of state to find a solution to the protracted conflict in Burundi – was a major setback. However, the negative tenor of much of the commentary that followed requires careful examination. Probably, the fairest statement was simply that 'the peace process in Burundi remains deadlocked' (Gasana & Rosoff 2003: 1). Meanwhile, Jan van Eck declared that the summit's failure was devastating for public opinion in Burundi and that Burundians had completely lost faith in Arusha:

Now we have to accept that Arusha was flawed from the start because it specifically excluded the FDD and the FNL....(It) must be revisited and probably reopened. Parts of it will have to be renegotiated to include the FDD and the FNL from the ground up. It was never feasible to come aboard late and be forced to accept a *fait accompli*.¹⁹

Van Eck was also sceptical about the role that had been played in the summit process by Deputy President Jacob Zuma, arguing that while he came away from it without any blame, he did not deserve any credit either. His argument was taken up by journalist Jean-Jacques Cornish who, concluding that the peace process was dead, attacked Zuma rather more frontally:

Zuma has been among the most stubborn proponents of Arusha's inviolability. He draws parallels between the tough tactics used to forge South Africa's Convention for a Democratic South Africa agreements and the struggle to negotiate a Burundi settlement. Many South Africans see Burundi in terms of a Hutu majority trying to wrest power from a privileged Tutsi minority. It is

South Africa analogy turns out to be unhelpful

becoming increasingly clear, however, that the South African template cannot be applied to Burundi. If South Africa is to continue playing a mediation role in Burundi – with or without Zuma – it has to bite the bullet and get back to basics.²⁰

Arusha as a problem

Quite what is meant by ‘getting back to basics’ was not specified, yet overall the implication was clear – that the Arusha Agreement was increasingly an obstacle rather than a means to peace, and that the framework for negotiations which had developed around it, in the form of the Regional Initiative and South African mediation, was failing to deliver necessary progress towards the scaling down of conflict and ultimately, an end to war. The Arusha process, it would seem to be implied, was fundamentally flawed from the beginning and that it had now reached a point where a completely new framework for peace was required.

The problem with this position was that it was ahistorical and uncontextualised, and failed to locate current difficulties within the complex dynamics of force-backed negotiations. As events were soon to confirm, the transition from Buyoya to Ndayizeye and the developments that occurred in its wake, were to provide a framework which, although highly contested, moved the process forwards rather than backwards.

Sunshine after the rain? The making of a deal

On 8 October 2003, Ndayizeye and Nkurunziza announced a new deal whereby the transitional government and the CNDD-FDD agreed to implement the ceasefire reached in December 2002. The implementation agreement, signed in Pretoria in the presence of President Thabo Mbeki and Deputy President Jacob Zuma, was known as the Pretoria Protocol on Political, Defence and Security Power Sharing in Burundi, and provided for the admission of the CNDD-FDD into the transitional government on a basis whereby:

- The CNDD-FDD would have four ministries, including a Minister of State for Good Governance. The Presidency would consult the Minister of State on all key matters, and the latter would in effect rank third in state seniority after the President and Vice-President.
- The CNDD-FDD would have two posts in the Bureau of Parliament (Second Vice-President and Deputy Secretary-General), as well as 15 members in the National Assembly.

- The CNDD-FDD would be awarded three Provincial Governorships, and two Ambassadorships (plus six secretaryships), and 30 Local Government Administratorships.
- The CNDD-FDD would lead 20 per cent of public enterprises.
- CNDD-FDD combatants would move to areas designated by the Joint Ceasefire Commission under supervision of AMIB. The Burundi army would be confined to areas agreed upon under supervision of AMIB, save for exemptions (relating to 'necessary security tasks') in accordance with the December 2002 Ceasefire Agreement.
- The formation of a newly integrated army, the Burundi National Defence Force (BNDF), would see 60 per cent of officers selected from the existing army, and 40 per cent from the CNDD-FDD, although the allocation of command posts would be allocated on the basis of ethnic balance (50:50). Composition of non-commissioned officers and rank and file would be determined by the General Staff according 'to the size of each party and of the agreed balance'.
- Combatants of both the CNDD-FDD and army not absorbed into the BNDF would be demobilised once an elected government was in place, taking into account the requirements of social stability and affordability.
- A new police force would be formed on the principle of a general staff composed of 65 per cent transitional government and 35 per cent CNDD-FDD, and an overall 50:50 ethnic balance. Composition of lower ranks would be guided by the principle of inclusivity.
- The gendarmerie would be treated as part of the army, and elements of the gendarmerie might be deployed to the new defence and police forces.
- A Ministry of Intelligence would be established, with 65 per cent of personnel drawn from the transitional government, 35 per cent from the CNDD-FDD, and an overall 50:50 ethnic balance.
- To address the continuing security threat posed by the PALIPEHUTU-FNL, certain elements of the army would be excluded from confinement. Joint military units might be constituted to perform certain tasks.²¹
- Provisional immunity would be granted to all leaders and combatants of CNDD-FDD and to all members of the government security forces (army, police and militia). A commission would be created to examine the cases of civilians then in prison in order to determine whether they would similarly have the right to provisional immunity. Those articles of the Arusha Accord that provided for the creation of an international tribunal

and commission of truth and reconciliation were supported. (This measure was considerably wider in scope than the resolution adopted by the National Assembly in August 2003, which had guaranteed provisional immunity for alleged political crimes for a period of two years, but which had specifically excluded any immunity for war crimes, crimes against humanity and genocide).²²

Issues which were outstanding, and left to later discussion, concerned the CNDD-FDD's participation in the Senate, and the transformation of the CNDD-FDD into a political party. The latest Accord was formally signed on 16 November, at a ceremony attended by Presidents Museveni, Chissano and Kabila, Deputy President Zuma, Prime Minister Zenawi of Ethiopia, and representatives of the governments of Gabon, Kenya and Zambia.²³

The agreement received international acclaim in separate statements from UN Secretary-General Kofi Annan, the EU, the AU and the US government, with the latter hailing it as: 'the most significant development in Burundi's peace process since the Arusha Peace Accords were signed in August 2000'. Pierre Nkurunziza himself described it as the 'sunshine after the rain'.²⁴

Although receiving such a warm welcome, the process whereby the agreement had been brokered had, reportedly, been difficult, and neither Ndayizeye or Nkurunziza were prepared to enthuse in public at the signing ceremony.²⁵ Agreement had only been reached after three extremely tough negotiating sessions, during which Mbeki and Zuma applied major pressure and most particularly to Nkurunziza, who was forced into significant concessions, notably concerning the substitution of the Minister of State for the hoped-for second Vice-Presidency, its failure to secure the Speakership and its overall level of representation in Parliament, and non-guarantee of CNDD-FDD control of command posts within the military. For his part, meanwhile, Ndayizeye was cornered into granting somewhat greater representation of the CNDD-FDD within the government, and had ceded the merging of the gendarmerie into the BNDF and police.

So what, apart from the South African arm-twisting, brought about the willingness of the transitional government and CNDD-FDD to make a deal in October after they had so rudely disappointed hopes in September? There are two factors which seem to have made the difference.

CNDD externally
pressured to
accept deal

First of all, the CNDD-FDD was becoming increasingly aware that concurrent developments within the Great Lakes region were narrowing its scope for manoeuvre. In the DRC, a transitional government – headed by President Joseph Kabila, drawn from the latter's administration, the pro-government Mai-Mai militia, rebel movements (notably the RCD and the *Movement de Libération du Congo*), unarmed political opposition groups and civil society – had taken office in July 2003, following protracted negotiations in Pretoria. In Rwanda, a month later, President Paul Kagame and his Rwandese Patriotic Front were to be confirmed in power by the outcome of the first, post-genocide general election (with whatever doubts that were expressed about the fairness of that poll being subordinated to wider concerns for regional stability).²⁶ **The wider implications of these developments were that both governments were evincing a new commitment to peace, and to that end, had firm interest in an end to civil war in Burundi.**²⁷ This had resulted in the signing on 30 July of an agreement between the DRC and Rwanda on the withdrawal of Rwandan troops from Congolese territory and the dismantling of the Interahamwe and former Rwandan armed forces, and agreement that repatriation would take place within twelve months.²⁸ This implied, in turn, a sharp reduction in, or prevention of, political and logistical support by either of the latter, or indeed the government of the DRC, to either the CNDD-FDD or the FNL. It was likely that both the Ugandan and Tanzanian governments would similarly commit themselves to denying supplies and sustenance to Burundian rebel movements. In short, after the breakdown of the September talks, Nkurunziza must have been sharply reminded by regional actors that he was living on borrowed time.

The second, and related factor, was that increasingly, the wider international community was beginning to have faith in the broader regional peace process and its individual country components, and to back that with more active commitments. This was soon to eventuate in announcements of financial aid. At the end of October, the IMF praised the Burundian government for its management of the economy in the face of continuing conflict, and released a second tranche of a budgetary package agreed on in 2002.²⁹ In November, the UK announced budgetary support of US\$140 for Rwanda for 2003–06 to help it reduce high poverty levels.³⁰ UNICEF and partner NGOs were soon to announce increased relief operations to help the war-displaced in Bujumbura.³¹ In November, Belgium published plans to co-host a donor

conference (also to be co-sponsored by the UNDP and the Burundi government) in support of the transition to peace in Burundi,³² whilst a visit to Bujumbura by a delegation from the UN Economic and Social Council resulted in pledges to lobby donors to resume aid to the country.³³ In December, the Netherlands government announced the donation of \$1 million towards South Africa's peacekeeping mission in Burundi,³⁴ whilst the UK government pledged \$38 million towards support for the peace process in the DRC.³⁵ It was therefore with considerable optimism that Deputy President Jacob Zuma appealed to the UN Security Council in early December to provide greater financial support for the AMIB in Burundi.³⁶

Overall, therefore, Nkurunziza had had little choice but to come to the conclusion that his options were narrowing, that the regional and international community were losing patience with the rebels, and that it was necessary to make a deal, even if he could not obtain all that he wanted, if the CNDD-FDD's position was not be weakened.

Whatever reservations he may have had, he and three party colleagues were soon to take up their posts in government, whilst some 20 CNDD-FDD officers and another 100 CNDD-FDD leaders returned to Bujumbura within weeks of the signing of the latest agreement.³⁷

But the question now was: would the deal hold? And how would it effect the balance of forces within Burundi?

Faltering forward steps: the FNL talks with Ndayizeye

As ever with Burundi, it was not long after the signing of the new peace deal between the transitional government and the CNDD-FDD before the prophets of doom were denouncing the limitations of the agreement and declaring it a shaky foundation for peace. Their doubts revolved around two developments.

The first of these was the inevitable repudiation of the agreement by the FNL as a non-event. In the view of the FNL spokesman, Pasteur Habimana, there could be no peace in Burundi until such time as the Tutsis, who run the army, and the transitional government negotiate directly with the FNL. This outright rejection of the latest deal was followed immediately by the launch of mortar attacks upon Bujumbura by the FNL, in which up to 300 people were

killed and thousands were forced to flee their homes, and by assaults on various army bases around the country. There were, in addition, reports of attacks by FNL fighters upon FDD forces in Bujumbura in revenge for what the former construed as the latter having sold out the interests of Hutus.³⁸ There were also doubts expressed that any agreement could hold and deliver a lasting peace. Hence Pie Ntukarutimana, chairman of the Burundian human rights group Iteka, observed that several accords had been signed before, to no avail, whilst Jean Bosco Ndayikengurukiye's CNDD-FDD complained that Nkurunziza's wing of the party had taken the lion's share of the positions up for grabs to the detriment of other opposition groups, which had been excluded. This might necessitate the recall of Nelson Mandela as arbitrator.³⁹ Jan van Eck, meanwhile, observed that the FNL was increasingly nervous that the transitional government and CNDD-FDD, together with the South Africans, would team up against it. Furthermore, the agreement could lead to deepening polarisation between 'two clear and opposing alliances' within Burundi, made up, respectively, between parties that had signed up to the Arusha Agreement (and its latest additions) and those, including both Hutu and Tutsi hardliners, who had either rejected it or been excluded. Within this context, there was a realignment of Hutu forces which could lead to more conflict, whilst Tutsi parties that opposed the Arusha agreement and had not yet taken up arms might do so if they were subject to government repression. A rushed election would make matters worse, and elections should only take place once Burundians were enabled to enjoy a level of internal stability which would provide for these to be fair.⁴⁰

The second development which raised doubts about the viability of the new agreement were various reports which suggested backtracking by the CNDD-FDD. These revolved primarily around announcements by the CNDD-FDD, just weeks after the signing, that its transformation from an armed group into a political party had been delayed indefinitely. This could only take place, a spokesman declared, after it had regrouped its fighters and had moved them into cantonments.⁴¹ The implication was that the CNDD-FDD was biding its time in its honouring of the agreement, with a view to pulling out if things were to go wrong.

However, the gloom was soon to lighten with the dramatic news, in early 2004, that the FNL had announced its willingness to meet with President Ndayizeye. The precipitant of this development was the brutal assassination

of Monsignor Michael Courtney, the Apostolic Nuncio, on 29 December 2003. Courtney died of gunshot wounds sustained during a roadside ambush in Minago, 50 kilometres south of Bujumbura, in the province of Bururi. Although killings are all too common in Burundi, the attack upon the Pope's Ambassador – who was well known for his peace efforts – sent shock waves throughout the country, and was met with widespread international condemnation, which appeared to concur with outright statements by both Ndayizeye and the Catholic Church itself that it was the FNL which was to blame.⁴² FNL spokesman, Pasteur Habimana, issued an immediate denial of responsibility. However, the veracity of his rebuttal was to be immediately challenged by his movement's issue of a threat to kill another prominent church leader, Archbishop Simon Ntamwana, unless he left the country within thirty days, after he too had openly blamed the FNL for Courtney's murder. This did not imply that the FNL had anything against the Catholic Church, proclaimed Habimana, but only that they had a quarrel with Ntamwana, who should have waited for an inquiry into the circumstances surrounding Courtney's death.⁴³

In an apparent early bid to rebuff international criticism in the wake of the assassination, the FNL announced, on 5 January 2004, that it had agreed to a meeting with Ndayizeye on 19–20 January, at a venue which was not revealed at the time. Explaining the decision, which represented a major shift in orientation from a movement which had sworn it would only enter negotiations with the country's Tutsi political and military leadership, Habimana denied that it had anything to do with Courtney's death, 'because we didn't kill him'. The encounter would be a 'friendship meeting', he declared, in response to Ndayizeye's expressed wish to learn from the FNL why they had not joined the peace process.⁴⁴

The talks between Ndayizeye and the FNL, which were facilitated by the Dutch government, subsequently took place in the Netherlands. These were not formal peace negotiations, for the FNL insisted that they were meeting with Ndayizeye only as the 'father of the nation' rather than as President. No Tutsis were present, and the talks were held against a background of Ndayizeye's previous reluctance to countenance talks between the FNL and Tutsi leaders which might exclude him, and derogate from his position as President. Meanwhile, the FNL stressed the nature of the conflict as ethnic, and insisted that they would like to hold meetings with former Presidents

Buyoya and Bagaza, and other representatives of the Tutsi community. As Habimana stated:

We always say that the Tutsi regime oppressed the Hutu population, so Buyoya and Bagaza are somehow responsible for this oppression. This is why we want them present when these talks will be held.⁴⁵

Nonetheless, even though the FNL maintained that the sole purpose of the talks was to foster 'goodwill', the meeting represented a first, if informal, contact between the FNL and the transitional government, and the hope was clearly that they would lead to greater things.

In the event, although the talks were designed to remove differences between the parties involved (notably Nayizeye's blaming of the FNL for Courtney's assassination and the FNL's refusal to acknowledge Ndayizeye as President), rather more progress was made than might have been hoped. Hence a joint statement which was issued at the end of the meetings was able to report four points of agreement:

- The assassination of the Apostolic Nuncio would be the subject of investigation by an International Commission of Inquiry (which might raise a problem down the road in that the government had already announced its own enquiry, which might possibly reach a different conclusion).
- The climate for dialogue should be promoted by an end to violence between all parties (or to put it another way, the army should refrain from attacking the FNL whilst talks and contacts between the latter and Ndayizeye continued).
- In particular, fighting between the CNDD-FDD and FNL (which had increased in recent months) should be stopped (that is, to end fratricidal violence between Hutus). why were they fighting eachother?
- The two parties to the agreement should meet again in order to continue talking.⁴⁶

These were clearly limited areas of agreement, and could equally easily be upset by developments on the ground, especially if fighting were to continue (if Ndayizeye was not able or willing to control the army, and if Nkurunziza was not able to rein in his own CNDD-FDD forces which remained at large). There were further dangers, too, that the Tutsi military and

political leaders would be distrustful of talks from which they were excluded, and conversely, that Ndayizeye and Nkuriniza might both be worried about being sidelined if the talks were to lead on to negotiations between the FNL and Tutsi power-holders. Despite these very real fears, the overall impression was that genuine progress had been made, and that in future, these talks might be able to be heralded as the beginning of the end.

Verwirrungen

The regional imbroglio: one step forward, two steps back?

The sense of optimism was encouraged by the wider developments in the Great Lakes region. As noted above, the installation in the DRC of the transitional government of national unity under President Joseph Kabila in April 2003 had given fresh hope of stability, even though sporadic fighting between rival militias continued to disrupt the eastern provinces of North and South Kivu, and Ituri Province in Orientale Province in the northeast (near the Rwandan and Burundian borders). Second, stability appeared to be returning to the Central African Republic, where President Ange-Felix Patasse's crisis-torn regime had been ousted by a coup by General Francois Bozize in March 2003. And third, despite the many queries about the fairness of the Rwandan general election in August 2003, the RPF's overwhelming victory had been widely welcomed and, combined with the wind-down of hostilities in the DRC, had encouraged the return of a steady flow of former Hutu *Interhamwe* combatants. Alongside the hopes for peace in Burundi, these developments contributed to growing international confidence that the region as a whole was moving towards stability, to which end the UN and the AU were by now busy making preparations for a regional peace and development conference to deal with a wide array of security, governance, economic and related humanitarian and social matters.⁴⁷ Meanwhile, an international conference on landmine clearance was convened in Bujumbura in February 2004, which served as a stimulus for the army and the CNDD-FDD reportedly agreeing to work together to map affected areas as a preliminary to de-mining.⁴⁸

In December 2003, Deputy President Jacob Zuma had made a presentation to the UN Security Council in which he had outlined the progress made in prompting Burundi towards peace over the last year, and in which he made an

urgent plea for increased and direct international assistance. Although indicating that there remained outstanding issues to be negotiated between the transitional government and the CNDD-FDD and that the FNL still needed to be brought into the peace process, he noted that the AMIB was 'a shining example and model of African solutions to continental security challenges'. Furthermore, he opined:

We can ... say without fear of contradiction, that the Burundi peace process has entered a decisive and irreversible stage.⁴⁹

Zuma's upbeat assessment was designed to mobilise international support, in part to secure financial relief to South Africa (which was still bearing the financial burden of the AMIB), but also to urge greater commitments by donors to the Burundi peace process. To this latter end, a donors' meeting convened by Belgium and the United Nations Development Programme in Brussels secured increased pledges amounting to more than \$1 billion from the European Union, World Bank and other players, yet it was generally accepted that this money was unlikely to flow unless the FNL could be drawn into the transitional government.⁵⁰ In the meantime, however, Zuma's appeal to the UN paid off when, in late February 2004, a UN evaluation team ended a visit to Burundi with a statement that it favoured converting the African peace-keeping mission in the country into a UN operation.⁵¹ UN mission only in 2004 !

This envisaged progress fairly soon appeared to be put at serious risk by renewed fighting between the army and the FNL in Bujumbura Rural, which forced up to 20 000 thousand panic-stricken residents to flee their homes and forced the cancellation of emergency food aid distributions by the UN World Food Programme.⁵² With the UN decision to deploy troops and support in the balance, this was hugely worrying, and resulted in another major effort to pull the FNL into the peace process. Given the continuing refusal of the rebel movement to negotiate with the government, the lead was taken by Jacob Zuma, who, in early April, arranged to meet with Agathon Rwasa in Nairobi. In the event, the meeting did not take place, allegedly because the South African Foreign Ministry claimed it had no budget to fund it, and was postponed until after South Africa's April 2004 general election.⁵³ However, Zuma remained in direct contact with the FNL, which in late April announced that it would suspend hostilities, and would only fight if attacked. Significantly, too, the FNL announced that it had relaxed its stance regarding

peace negotiations with the transitional government, although it insisted that it would continue to refuse to enter such negotiations until the international community had listened properly to its grievances.⁵⁴ Slowly, but surely, it seemed, the fish was being hauled in to consolidate Zuma's claim that the progress being made was irreversible.

Nonetheless, the situation was rendered somewhat more uncertain by developments elsewhere. As noted earlier, in July 2002, Rwanda and the DRC had reached a formal agreement whereby the former would withdraw its troops from the Congo in return for the latter's army demobilising and disarming the *Interahamwe* militias, which were based in the North East of the country near the Rwandan and Burundian borders. However, since that time, Rwanda and the DRC had each accused the other of breaching this agreement, leading to a rise in tensions along the border.

By April 2004, reports indicated that Rwandan troops were being massed on the Rwandan side of the border in response to intelligence that the *Interahamwe* were preparing to attack via Burundi's Kibira Forest.⁵⁵ Subsequently, it became clear that they were engaged in a pro-active assault upon the Hutu rebels when, on April 21, a patrol of South African troops who formed part of the UN peacekeeping force in the DRC encountered Rwandan troops near Bunangana in Kivu province near the Rwandan border. The Rwandans refused to withdraw, and the South Africans opted to back off, leaving no-one satisfied. Rwanda accused the UN and the DRC of having failed to clamp down on the rebels, the government of the DRC complained that the South Africans should have forced the Rwandans to leave the Congo, and observers described the UN as a symbol of impunity.⁵⁶

Worse was to follow in June, when two SANDF peacekeepers were killed and another nine injured in an ambush near the eastern city of Goma in an attack which was initially blamed upon the *Interahamwe*,⁵⁷ but which was more probably undertaken by troops aligned to the RCD. The RCD was part of the transitional government, yet its inclusion had failed to contain tensions emanating from claims that the DRC government was continuing to discriminate against the Banyamulenge (the Congolese Tutsi), who were also allegedly victims of persecution by a local Congolese army commander.⁵⁸ These culminated in troops loyal to the RCD, led by General Laurent Nkunda, who may have had the support of the Rwandan government, seizing control

of the town of Bukavu between 2 and 9 June 2004. After negotiations with the UN Mission to the Congo, Nkunda's troops withdrew to Minova, 50 km south of Goma, near to the Rwandan border, promising to remobilise if their concerns were not attended to. Overall, the series of incidents raised major fears concerning the durability of the DRC's transitional settlement. It was not known to what extent Nkunda enjoyed the direct support of the DRC's political leadership in Kinshasa; his rebellious actions highlighted the fragility of the DRC's army; and there were fears that if Kabila took strong action against the RCD's leader, Azarias Ruberwa (one of his four Vice-Presidents), the transitional government could dissolve and Nkunda could become the focus of an enlarged renegade militia dedicated to the defence of the Banyamulenge, who were demanding a Commission of Inquiry into alleged atrocities by the *Interahamwe*. With elections in the DRC supposedly just a year away, there were real fears that the country's peace agreement might begin to unravel.⁵⁹

For those involved in brokering the regional peace process, it was clearly a time for strong nerves. The good news was the UN Security Council had acceded to recommendations that it should deploy troops to Burundi, and in late May it was announced that from 1 June, the AMIB would become UN troops, which within a matter of months would increase to some 5 650 military personnel (from Pakistan, Nepal, Angola and Mozambique) alongside a clutch of 200 military observers, 125 staff officers, up to 120 civilian police and additional civilian personnel.⁶⁰ Against this, a major setback occurred when the CNDD-FDD announced that they were pulling out of the transitional government until such time as the latter had fully implemented the terms of the power-sharing agreement whereby it had agreed to join the peace process. FDD spokesman Hussein Radjabu declared that, whilst the integration of his movements' forces into the army was going well, the government had stalled upon the appointment of provincial governorships and district administratorships (powerful positions that were deemed particularly crucial in the run up to the forthcoming election).⁶¹ The government almost immediately backed down, and promised that the necessary appointments would be made within a week or two.⁶² However, this did not prevent CNDD-FDD MPs from opting to boycott Parliament in protest against the entry of 13 retired army officers into the Assembly in the run-up to the latter's finalisation of post-transition arrangements.⁶³ This

CNDD threatens
to leave PSA
local
powersharing

incident, and the crisis within the government itself, had suddenly cast a bright light upon developing tensions within the transitional process, notably between FRODEBU and the CNDD-FDD, which were increasingly locked in competition for the support of the Hutu majority.

intra-Hutu competition

FRODEBU wants postponement of elections

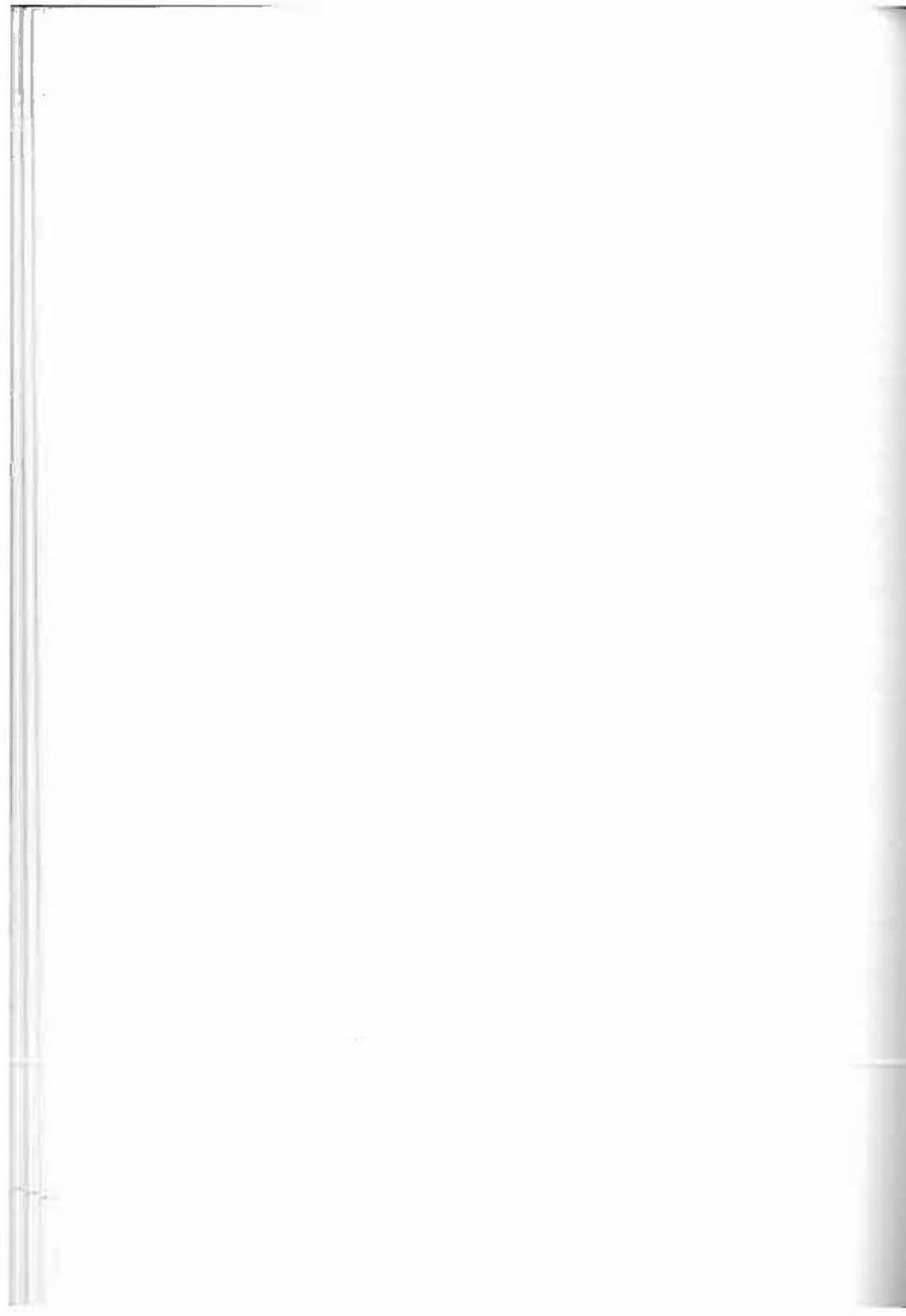
It was feared that FRODEBU was draining support to the CNDD-FDD, which led to a bid to Ndayizeye to postpone the election beyond the October 2004 date scheduled under the Arusha Agreement. He put this request to a summit on 7 June, held in Dar es Salaam, which was attended by all the major regional leaders (Mpaka of Tanzania, Museveni of Uganda, Kagame of Rwanda, and Mwanawasa of Zambia, as well as President Thabo Mbeki of South Africa). Objectively, there were almost undoubtedly a host of sound logistical reasons for postponing the contest, but politically, the leaders remained insistent upon the inviolability of the Arusha timetable (unless of course, consensus around its amendment could be achieved). In turning down the plea, the leaders promised major assistance to ensure the election ran smoothly (with South Africa offering to provide major help towards the establishment of an Independent Electoral Commission), whilst also undertaking to mobilise increased resources to support the processes of cantonment and integration of the rebel militias into the army. And most particularly, they resolved to impose 'immediate restrictions' upon the FNL, an announcement which was coincidentally followed by the arrest of one of the latter's leaders by the army in the house of Nephtalie Ndiakuma, who represented the CNDD-FDD in Parliament.⁶⁴ However, with pre-electoral tensions increasing within the government, and the FNL – although now talking to both Ndayizeye and the regional negotiators – continuing to formally reject the Arusha Agreement, the question of whether the elections could be held on time – and whether they could be held peacefully – was now being posed with urgency.

Notes

- 1 For a detailed analysis of these negotiations, from which this summary borrows freely, see Gasana and Boshoff 2003.
- 2 IRIN 7 July 2003.
- 3 'I hope they (the FNL) can rein themselves in,' declared Mkapa. 'As far as my government is concerned, this is absolutely the last (chance) I shall give.' IRIN 21 July 2003.
- 4 IRIN 11 June 2003.
- 5 'Burundi needs armed solution – Museveni', *Business Day*, 16 July 2003.
- 6 'Wider mandate for AU's Burundi forces', *Business Day*, 18 July 2003.
- 7 'Zuma insists talks will end fresh conflict in Burundi', *Business Day*, 17 July 2003.
- 8 IRIN 21 July 2003.
- 9 This account is drawn from Gasana and Boshoff.
- 10 IRIN 1 August 2003.
- 11 IRIN 28 July 2003.
- 12 'Zuma optimistic about Burundi's peace process', *Business Day*, 21 August 2003.
- 13 IRIN 8 August 2003.
- 14 *Business Day*, 18 September 2003.
- 15 *Mail & Guardian*, 12–18 September 2003.
- 16 226 of the committed total of 1 300 Ethiopians arrived on 27 September 2003. The 228 Mozambican troops were yet to be deployed (IRIN 29 September 2003).
- 17 IRIN 5 August 2003.
- 18 Jan van Eck was reportedly used as an intermediary to arrange contacts between the government and the FNL in Switzerland. The government despatched two senior military officers and three senior Tutsis to meet the FNL in what were regarded as constructive, trust-building encounters. However, a follow up meeting after the presidential transition on 1 May 2003, was less successful because the FNL was reluctant to meet a FRODEBU- rather than a Tutsi-led negotiating team.
- 19 *Mail & Guardian*, 18–25 September 2003.
- 20 *Mail & Guardian*, 18–25 September 2003
- 21 Institute of Security Studies (2003) *The Pretoria Protocol on Political, Defence and Security Power Sharing in Burundi*, 8 October. Mimeo: Pretoria.
- 22 Human Rights Watch 2003: 54.

- 23 Africa Institute, Current Affairs Newsletter, 44/2003: 19 November 2003.
- 24 IRIN 9 October 2003.
- 25 'They'll sign but they won't sing', *Mail & Guardian*, 10–16 October 2003.
- 26 'Tough poll for Rwanda', *Sowetan*, 25 August 2003; 'An unbelievable landslide', *Mail & Guardian*, 29 August–4 September 2003.
- 27 'DRC installs interim government', *Mail & Guardian*, 4–10 July 2003.
- 28 IRIN-CEA Weekly Roundup 22–28 November 2003.
- 29 'IMF praises Burundi for sticking to budget', *Business Day*, 30 October 2003.
- 30 IRIN-CEA Weekly Roundup, 22–28 November 2003.
- 31 IRIN 28 November 2003.
- 32 Africa Institute, NFA 216/2003: 19 November 2003.
- 33 IRIN 25 November 2003.
- 34 Africa Institute, NFA 228/2003: 5 December 2003.
- 35 IRIN-CEA Weekly Roundup, 6–12 December 2003.
- 36 IRIN 5 December 2003.
- 37 IRIN 8 December 2003.
- 38 'Burundi faces new spell of turmoil', *Business Day*, 29 October 2003; 'Mbeki outlines Burundi peace deal', *Business Day*, 3 November 2003.
- 39 IRIN, 13 October 2003.
- 40 'Burundi faces new spell of turmoil', *Business Day*, 29 October 2003.
- 41 'Hiccup in Burundi's step to peace', *Sowetan*, 21 November 2003.
- 42 IRIN 30 and 31 December 2003.
- 43 IRIN 2 January 2003.
- 44 IRIN 6 January 2003.
- 45 IRIN 22 January 2004.
- 46 *Business Day*, 19 January 2004; and confidential briefing. The words in italics indicate the authors' interpretation of the rather opaque statement.
- 47 IRIN 9 January 2004; *Mail & Guardian Online*, 11 December 2003.
- 48 IRIN 19 February 2004.
- 49 *Sowetan*, 9 October 2003.
- 50 *Sunday Independent*, 18 January 2004.

- 51 IRIN, 26 February 2004.
- 52 IRIN, 26 February and 4 March 2004.
- 53 *Mail & Guardian*, 8–15 April 2004.
- 54 IRIN 22 April 2004.
- 55 IRIN 22 April 2004.
- 56 *Sunday Independent*, 16 May 2004.
- 57 *ThisDay*, 7 June 2004.
- 58 IRIN 10 June 2004.
- 59 *Mail & Guardian*, 11–17 June 2004; 18–24 June 2004; *Business Day*, 14 and 21 June 2004.
- 60 IRIN 24 May 2004.
- 61 *ThisDay*, 4 May 2004.
- 62 *ThisDay*, 5 May 2004.
- 63 IRIN 17 June 2004.
- 64 IRIN 6 June 2004; Africa Institute NFA 113/2004 24 June 2004 and 115/2004 28 June 2004.



CHAPTER 12

The contradictory dynamics of democratisation and demilitarisation

The importance of the fact of the presidential transition from Buyoya to Ndayizeye is worth restating. For all its faults, the Arusha Agreement provided for the highly symbolic transfer of authority from a Tutsi to a Hutu president. Indeed, the very fact that the transition served to precipitate higher levels of violence, and particular antagonism from the FNL, indicates that the opponents of Arusha recognised that the change had some real substance and was changing the dynamics of power. From this perspective, the transition undoubtedly speeded progress, already started (if haltingly) under Buyoya, towards implementation of key aspects of the Agreement as steps on the road to elections, power-sharing and political stability. However, at the very same time that the Agreement was attempting to promote reconciliation between armed enemies, it was also encouraging them to compete electorally. Jan van Eck (2004) argues therefore that, in the run up to the scheduled elections, which according to the Arusha Agreement have to be completed by 1 November 2004, Burundian political actors are having to juggle two contradictory demands:

those of peace-making and those of electioneering. While peace-making requires a commitment to the principles of compromise, win-win, power-sharing, inclusivity, finding common ground, and transforming enemies and opponents into partners, elections – by their very nature – require the exact opposite: competition, confrontation, win-lose, exclusion and demonisation. Parties that became one's partners during the peace-making process, now again have to be treated as opponents and even enemies.¹

At the time when final revisions were made to this book (July 2004), it was impossible to predict with any certainty how the political drama in Burundi was going to be played out. As indicated throughout, our argument is that, for all its flaws, the Arusha peace process has provided a framework whereby – albeit reluctantly and cantankerously – the various Burundian political

contradiction
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on and
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schmeicheln um zu überreden

movements have been cajoled by external actors into forging a way forward to a situation where they will work and live together rather than fighting and killing each other. However, as van Eck points out, the dynamics of democratisation are not easily reconciled with those of demilitarisation. This is an observation which is also expressed – albeit in more earthy fashion – by ordinary Burundians on the ground:

Asked whether they want to return, most of the refugees replied that there was no question about it. However, the current political scene in Burundi reminded them too much of the 1993 pre-election phase.

Sylvain Nshimirimana, a *mushingantahé*, or traditional leader, in Mtendeli Camp (in Tanzania) said: 'We spend most of the day glued to our radio sets. What we hear is going on back home worries us. The same politicians from 1993 are now in Parliament, and the senate making the same debates. Are things ever going to change?'

However, despite such misgivings, many of the refugees interviewed were adamant on one thing: come elections, they will go home to cast their vote.

'If these reforms (of the army etc) have not yet been implemented, and the elections are scheduled for November, we will return to vote – even if we are to die the following day.'²²

These citations should serve to impress us forcefully that ordinary Burundians recognise the fragility of a democratisation process if, as in 1993, military and political power are divided between a largely Tutsi-controlled army and a Hutu-dominated executive and legislature. The Arusha Agreement has attempted to overcome such a divide by providing for extensive and institutionalised power-sharing within both the military and polity. Importantly, too, the regional leaders' determination to stick to the electoral timetable, despite widespread fears that it is too rushed, appears to be governed by the instinct that political movements which opt to stay out of the electoral process may eventually find themselves left out in the cold. However, such a dynamic requires that steps towards democracy be accompanied by simultaneous moves towards first, demilitarisation, and second, the setting in

place of minimum conditions of peace and security in which, realistically, an election which is recognisably 'free and fair' can take place. Both these tasks impose enormous challenges to a fragile transition process, the success of which depends simultaneously upon the promotion and containment of electoral competition.

Cantonments and reform of the army

The mechanics of the Arusha Accord and subsequent ceasefire and power-sharing agreements call for government troops to return to their barracks, and rebel groups to gather in 'cantonments' – to be supervised by the UN (which has now replaced AMIB) – in which soldiers from the armed militias will be encamped prior to either their demobilisation and return to civilian life or their integration into a reformed, national army. Children and those not selected to continue in military service are to be reintegrated into their communities, while those remaining as soldiers are to join the government's army in a newly integrated force that may number as many as 100 000 soldiers, although the plan is that this new national army will be reduced to a far more appropriate size through the demobilization of 14 000 troops every year for five years. The demobilization process is overseen by the JCC, composed of representatives of the various Burundian parties under the supervision of the Implementation Monitoring Commission, which operates under joint Burundian and international auspices. However, despite regular assurances that progress is being made, demobilisation has become fraught with political dynamics.³

In the first place, the JCC has not completed the basic task of defining the term 'combatant', and determining the number and rank of combatants in each rebel force. Paradoxically, the process of demilitarisation is leading to an increase, rather than a decrease, in the number of combatants, because the rebel movements are eager to swell their numbers to increase their political bargaining power, despite a prohibition against recruitment in the ceasefire agreements. The size of militias will also determine the amount of food to be delivered to the cantonments, as well as the amount of money to be made available for distribution to their supporters. For their part, many displaced ordinary people are joining the militias precisely to be demobilised, as the official demobilisation process holds out prospects of their securing food, a modest financial settlement and the chance of being returned to their home

communities. Not surprisingly, therefore, observers from the AU have begun investigating claims about the size of armed militias, and have found these have been exaggerated. However, the JCC has, as yet, been reluctant to confront the political movements.⁴

A second problem is that although the Arusha Accord provides for the exclusion from the new army of government soldiers or rebels known to be guilty of 'genocide, violations of the constitution and of human rights, as well as of war crimes',⁵ the government and the political parties have **not yet developed a vetting** process to implement this provision. Related as it is to the difficult issues of reconciliation and amnesty, it is peculiarly sensitive politically. Meanwhile, many combatants fear that demobilisation will mean a loss of weapons, which will simultaneously deprive them of defence against reprisals and of an illicit, but easy, means of livelihood.⁶

Thirdly, cantonment has been slowed by logistical and political difficulties. Initial progress towards cantonment was delayed by the late arrival of the military forces for AMIB, and most particularly by the lack of an effective ceasefire. Nonetheless, a small beginning was made in late June 2003, when a first group of 22 fighters of Alain Mugabarabona's faction of the FNL were cantoned at Muyonge, 30 km northwest of Bujumbura, followed swiftly by a group of a further 36. A first group of 150 fighters loyal to the smaller faction of the CNDD-FDD also reported to Muyonge in early July, their leader, Jean-Bosco Ndayikengurukiye, committing his force to the weekly despatch to the camp of 200 fighters until it reached capacity. AMIB sources promised that other cantonment sites would be identified for more fighters, and indicated that they expected to receive a total of 3 500 fighters from Ndayikengurukiye's faction and 1 800 from that of Mugabarabona.⁷ The cantonment process was also given encouragement by the EU's decision to resume food distribution to CNDD-FDD rebels at Kayange, in the northwest province of Bubanza, on the edge of the Kibira forest. Food distribution, conceived to prevent rebel attacks on civilians, had previously taken place in February, but had been halted when fighting resumed.⁸

The Muyonge cantonment was quick to draw the hostile attention of Nkurunziza's CNDD-FDD, which launched an attack upon the site just three days after the first batch of FNL fighters had handed in their arms. Ironically, the latter now found themselves defended by the Burundian army.⁹ This

merely confirmed the highly contested nature of the entire cantonment process, for Nkurunziza's larger faction of the CNDD-FDD was to link the issue of cantonment to implementation of a ceasefire and military reforms. However, whilst the government stated that a ceasefire must precede military reforms, Nkurunziza argued the reverse, and threatened to return his fighters to the bush if a national ceasefire failed to take hold and there was no progress towards the integration of rebel militias into a new national army.¹⁰

The CNDD-FDD has subsequently challenged the nature of the cantonment process by assembling its forces at places of its own choosing, rather than at the sites determined by the JCC. For instance, it has installed some 4 000 combatants in Mubimbi, and others at Karindo in the eastern province of Ruyigi. In addition, FDD combatants have established themselves in the Kamenge and Kinama sections of the capital, and at Gihanga in Bubanza province, as well as setting up outposts along the border between Bujumbura Rural and Bururi province.¹¹ Such a dispersal of its militia creates difficulties of international supervision, whilst providing opportunities for political mobilisation of local populations in the lead up to the election.

Despite differences over cantonment, the government and the CNDD-FDD have made progress towards integration of their armies. This has resulted in the establishment of a new General Staff, composed largely of senior officers from the existing army and the CNDD-FDD. However, Human Rights Watch records that the present situation remains fluid and ambiguous. On the one hand, their shared interest in combating the FNL has led to co-operation on the ground between the army and the CNDD-FDD. On the other hand, the day after the joint General Staff was set up, Major General Vincent Niyungeko declared that it did not replace the existing staff (of the army of Burundi). This implies not only parallel command structures within the same army, but also impacts upon discipline and reduces the prospect for establishing accountability for crimes against civilians.

Refugees, resettlement and the challenge of domestic order

The Arusha Agreement called for 'repatriation, resettlement of Burundians living outside the country and the rehabilitation of war victims'. This is a

500 000 refugees

massive task, for the war has seen the relocation of an estimated 350 000 Burundian refugees to Tanzania and another 150 000 to the DRC. Because the overwhelming majority of them are Hutus, and hence deemed by Tutsis within the army and government to be supporters of the rebel movements, their repatriation is seen as a threat, particularly in an electoral context where numbers count. Not surprisingly, therefore, the transitional government has been subject to contrary pressures. On the one hand, whilst the various Tutsi parties – notably UPRONA – have recognised the necessity and inevitability of the refugees' return, they have been reluctant to relax their controls of the security apparatus. On the other hand, the CNDD-FDD argues that reform of the military should be a necessary and simultaneous accompaniment to the repatriation and resettlement of their supporters.¹² Clearly, if the fate of displaced people was left to the politicians, they would be unlikely to be able to enjoy a timely return home. Fortunately, in this case, this aspect of the peace process is likely to be resolved by actors beyond the immediate control of the political parties.

As indicated by the quotations cited earlier in this chapter, the majority of refugees and displaced persons appear desperate to return to their homes, even though many appreciate that their houses may have been razed or appropriated, their land occupied and the infrastructure of their communities – such as schools and hospitals – destroyed. Interestingly, reports suggest that many individuals have fair knowledge of the local conditions they are likely to encounter, and are prepared to undergo many hardships in order to re-establish normality and familiarity to their lives. Encouragingly, too, many refugees appear determined to re-settle in Burundi in order to be able to participate in the elections. Broadly speaking, therefore, the repatriation and resettlement process appears to be dictated by two main factors. On the one hand, displaced Burundians are likely to make their own decisions about whether to return home, in accordance with their individual assessments of their personal security options. On the other, neighbouring states, most notably Tanzania, which are hosting refugees, are exerting pressures upon them to induce their return.

The security options of refugees and internally displaced persons (IDPs) are dictated by some calculus of the availability of food supplies and an absence of fighting. For instance, refugee agencies reported that some 6 000 refugees in Tanzania had opted to return to Burundi spontaneously after the

presidential transition on 1 May, before official repatriation plans had been concluded.¹³ The overwhelming majority remained, yet aid workers reported that increased confidence in the peace process was encouraging large numbers of refugees to organise their own transport and head for the border.

Yet these refugees are being pushed as well as pulled. Increasingly, there are strong signs that the Tanzanian government is becoming unable or unwilling to continue to host large numbers of refugees for much longer. Indeed, the governments of Burundi and Tanzania signed a tripartite agreement with the United Nations High Commission for Refugees (UNHCR) in May 2003, which provided for the repatriation of all Burundian refugees in Tanzania. Subsequently, there have been numerous reports that refugees in Tanzania are facing increasingly difficult conditions in the camps, in the forms of a reduction in food rations and a restriction on movements imposed by the government.¹⁴ Refugees International, whilst allowing that the behaviour of the Tanzanian government does not rise to the level of refoulement, argues that it creates 'conditions under which the refugees conclude that they have no real option but to return home'.¹⁵ Whatever the truth of the matter, it remains the case that the UNHCR has now launched a voluntary repatriation scheme whereby approximately 500 refugees are crossing back into Burundi per week. It was reported on World Refugee Day in June 2004, that Burundians were 'leaving camps in droves'.¹⁶

A key factor in encouraging repatriation has undoubtedly been Tanzanian pressure upon Nkurunziza's CNDD-FDD. Historically, there has been major controversy concerning the extent to which the Tanzanian government has actively allowed the refugee camps to serve as bases for the rebels (with allegations of such assistance being countered by arguments that the authorities do not have control over their own, very extensive territories). Whatever the truth of the matter, the upshot of rapprochement between the Tanzanian and Burundian governments was that any freedom which the CNDD-FDD rebels might have enjoyed in operating from Tanzania was increasingly curtailed. This pressure was at least partially instrumental in at last bringing the CNDD-FDD into the transitional government.

The resettlement process remains a major challenge, and however much the humanitarian agencies plan for the return of refugees, it is very possible that they will be overwhelmed. (Apart from the 350 000 odd refugees in Tanzania,

there are at least another 150 000 awaiting to return from the DRC).¹⁷ Meanwhile, the agencies are also having to cope with the added burden of looking after Congolese refugees, including some 30 000 who recently fled the renewed upsurge of fighting in the north-east of the DRC.¹⁸ In addition, there are an estimated 280 000 Burundians who have been displaced internally by clashes between the army and rebels, and between the various rebel groups. Unable to cultivate their fields, dependent upon uncertain deliveries of food aid and denied adequate medical assistance, such people suffer extensively from malnutrition and illness. Worse still is the fact that human rights organisations report that large numbers of civilians continue to fall victim to human rights abuses from all the different military forces. Pillage, theft and looting by undisciplined soldiers is standard, and there are disturbing reports that the rape of women by the army, militias and civilians too has become, in the words of the mother of one victim, 'like an epidemic'.¹⁹ Meanwhile, the present integration of the army and the FDD has not progressed sufficiently to allow for a unified command, and in practice they continue to act on the ground separately. As noted above, this results in a blurring of the lines of accountability.²⁰

Such alarming conditions are scarcely the most favourable backdrop for the conduct of a successful election.

The conduct of the prospective elections

Within weeks of Ndayizeye having assumed the Presidency, the government drafted an electoral law to be put before Parliament in preparation for the election, which is required to be held at the end of the transitional period under the Arusha Agreement. However, from the beginning, it was argued that any such electoral law at this time was premature, for until a proper ceasefire is in place and holding, the possibility of holding free, fair and orderly elections seemed unlikely. More to the point, opponents alleged that FRODEBU and UPRONA had deliberately colluded together while they ruled the political roost, in order to draw up an electoral law which would be tailored to their particular interests, and which would work to the detriment, particularly, of those movements (notably Nkurinziza's CNDD-FDD) which were presently outside the transitional process.²¹ However, against this, whilst it was clear that any attempt to exclude outsiders would be counter-

CNDD-FDD joined agreement in order no to leave elections to FRODEBU

productive, early debate concerning the qualities and nature of an electoral system implied a serious commitment of the internal parties to move beyond the transition. It simultaneously increased the incentive to the CNDD-FDD, in particular, to become involved, for delay in leaving the battlefield could well mean that FRODEBU would steal a march upon them in terms of electoral mobilisation. It was precisely such fears that led, in July 2003, to the CNDD-FDD's arrest of four FRODEBU Members of Parliament who, they complained, were encroaching upon what the movement considered to be its territory for purposes of electoral campaigning. Having made their point, the CNDD-FDD subsequently released the MPs unhurt.²² Yet this merely underlined the fact that the CNDD-FDD feared the consequences of a *de facto* UPRONA-FRODEBU coalition and the electoral inroads that a Hutu-led, transitional government might make upon amongst a population desperate for peace and stability. In short, the early focus upon elections seemed to encourage the CNDD-FDD to begin thinking rather more as a political party, and rather less as an armed militia seeking to seize power. It was therefore a major factor in prompting it to climb aboard the transition. Inevitably, however, its decision to do so was to bring about a significant change in electoral dynamics.

Van Eck (2004: 4) has listed a set of conditions which he feels would have to precede the holding of elections. These are:

- The drawing up of a post-transitional constitution;
- The holding of a referendum to approve the new constitution;
- The passage of a new electoral law;
- The passage of a new law on political parties;
- The holding of local elections;
- The holding of a national population census;
- The conduct of an extensive campaign of voter education;
- The return of refugees and internally displaced persons to their homes and the resolution of land disputes;
- Disarmament and demobilisation of the armed movements, the return of the army to barracks, and the creation of a new Burundian army and other security services;
- The release of political prisoners; and
- The undertaking of necessary material, logistical and financial arrangements.

Van Eck also stresses that a truly stable environment in which the population can feel free to vote is still lacking, and that whilst order has (more or less) returned to the majority of the country, the war continues to rage in Bujumbura Rural province, and to create a sense of insecurity within the capital. He argues that war logic runs directly counter to electoral logic.

Van Eck's list of conditions for elections is formidable – and, bluntly, unrealistic. All his conditions are of course *desirable*, but they are not all *necessary*, and attempts to fulfil all of them would delay any election indefinitely. For a start, the South African analogue would suggest that:

- An interim constitution, establishing fundamental constitutional values, can provide an adequate basis for the founding of democracy, and a democratically elected National Assembly can provide the basis for a Constituent Assembly which can hammer out a final constitution.
- A successfully conducted founding election can act, in essence, as a simultaneous referendum.
- Local government elections can be postponed until after a national election.
- Neither a census nor the registration of the population is necessary to the conduct of a founding election. Indeed, both may well be completely impossible in the short term given the complexity of both tasks and the massive displacement of the population.³³ (In South Africa in 1994, all that was required of voters was their ability to produce an identification document). What is needed, instead of either a census or a registration process, is a massive security operation, supervised by the international community and strongly backed by all the states which border Burundi, to ensure that neither the Burundian army nor the armed militias are able to influence, or indeed, terrorise local populations (as occurred in many areas in Zimbabwe in 1980 and 2001/2!). All persons who can give reasonable indication that they are Burundian, and who are resident in the country at the time of the election, and are of eligible age, should be enabled to vote. Whilst this would not exclude abuse (for instance, Congolese Banyamulenge crossing the border in order to vote), the numbers of such persons who would do so would probably be limited compared to the size of the entire voting population, and would make a limited impact under a proportional representation electoral system. Meanwhile, if refugees who do not return to Burundi are allowed to participate in the election, they

should do so under close international supervision so that allegations of fraud would not detract from the legitimacy of the election.

Of course, van Eck is correct in urging that during an election, the Burundian army should be confined to barracks, and the armed militias should have been demobilised (or at least, confined to cantonments). And similarly, the release of all political prisoners (except conceivably any who threaten to disrupt the electoral process through violence) is essential, as is agreement around an electoral system. Again, in this context, the South African example suggests both the **simplicity and utility of a national list proportional representation** system, so as to **maximise inclusion** and to **minimise problems of demarcation**, and in turn, it easily lends itself to some principle of proportional power-sharing after the election in order to promote both national unity and stability. Finally, it goes without saying that any election should be conducted according to proven international standards, which will have to include a very significant presence of international electoral monitors.

As noted in the previous chapter, it appears that South Africa – with its experience of having successfully held three free and fair democratic elections – will probably play a central role in the conduct and organisation of Burundi's elections. Although this will not be free of risk – in that South Africa will almost certainly find itself accused by some electoral contestants as biased (in all likelihood towards the parties which have been central to the Arusha process) – it is a responsibility which seems as sensible as it seems unavoidable, and is in any case likely to be carried out under joint UN and AU auspices with other extensive international collaboration. Nonetheless, for all that van Eck's list of requirements may be too demanding, this discussion does suggest that, if for only technical and logistical reasons, the holding of an election on or around 1 November 2004 would be premature.

As was also indicated in the previous chapter, the timing of the election has already become a matter of acute contestation, with President Ndayizeye having lobbied for a postponement. In contrast, **(South African and the regional powers have remained adamant that the election should go ahead as timetabled, raising a danger that the process will be inappropriately rushed (given both logistical and continuing political difficulties)).**

The logic of the regional powers' stance would seem to be twofold. First, there is a reluctance to countenance an extension of Ndayizeye's power when the

regional powers were so utterly insistent that Buyoya stand down at the end of his own allotted term. Second, insistence upon the present timetable would seem to be viewed as exerting major pressure upon the FNL to join, and hence legitimise, the electoral process (rather as a deeply suspicious and resentful Inkatha Freedom Party was enjoined, albeit at the last moment, to participate in South Africa's general election in 1994). How this plays out remains to be seen, yet a practical scenario that does beckon is that, as election day nears, the principle of the Arusha process could be sustained if all the parties subscribing to it were to agree to a postponement. Yet to do so, the contesting parties would have to find some common ground, and feel that a postponement would not disadvantage them. This raises the question of whether they can put consideration of Burundi's long-term needs beyond calculations of their short-term political interests.

Political competition and electoral dynamics

While the Arusha Agreement is about power-sharing and reconciliation, it is also about political competition between parties in the lead up to the envisaged general election. What has eventuated is a remarkably fluid situation which will put the entire process to a severe test, for, having successfully negotiated the inclusion of the CNDD-FDD, the original major signatories to the Agreement now found themselves facing a growing political threat.

The G7 and G10 groups of political parties which emerged during the negotiation of the Arusha Agreement represented competing tendencies. On the one hand, the G7 parties which clustered around FRODEBU, and which claimed to embody the interest of Hutus, argued in essence for majoritarian democracy. In contrast, the Tutsi-based G10 parties, centred around UPRONA, stressed the necessity of constitutional and security bulwarks for minorities in any democratic order against Hutu majority rule. The essence of the success of Mandela's mediation was that it brought about a compromise based around the sharing of power and established a framework for continuing negotiation.

As was noted above, the initial continuation of Buyoya as president had been critical in assuaging the worst fears of the army and the G10 parties. Yet the implementation of the Arusha Agreement imported a new political dynamic,

Buyoya (T) as first president was crucial to start with

for it fostered a *de facto* alliance between UPRONA and FRODEBU, in which both found themselves in considerable measure dependent upon one another. Whereas UPRONA recognised the advantages of doing business with FRODEBU as a party of Hutu 'moderates', FRODEBU saw, in working with UPRONA, a way of promoting itself as representing the entire national interest and in marginalising the Hutu-based parties which had refused to sign up to the agreement. Nor was that all, for when the time came for Buyoya to stand down in favour of Ndayizeye, the smaller Tutsi-based (mainly anti-Bururi) parties perceived an opportunity of weakening Bururi (and UPRONA) domination of the polity and military, whilst the smaller G7 parties saw a similar chance to increase their own standing within transitional structures at the expense of both UPRONA and FRODEBU.²⁴

Yet these shifts were merely a prelude for an even more dramatic change in the political landscape, for following the CNDD-FDD's inclusion in the transitional government, it has attracted significant support at the cost of both FRODEBU and UPRONA. Even prior to its accession to the agreement, the CNDD-FDD had been assuming *de facto* control of the civilian administration in various parts of the country. Subsequently, having agreed to join the government, its strength on the ground was increased by its installing its forces at places of its own choosing rather than at previously agreed upon sites. Then, in April 2004, and much to the concern of the established parties, over 50 MPs crossed the floor to the CNDD-FDD; about half of them from FRODEBU, a couple from UPRONA, around a dozen from the FDD, and a handful from smaller parties. This was a major boost to the CNDD-FDD's aim of replacing FRODEBU as the dominant party representing Hutus, even though it insists that it wants to go beyond the ethnic approach inherent in Arusha and to adopt an inclusively national stance. The CNDD-FDD was soon to use its new-found strength to demand a greater say in the running of Parliament, announcing a boycott of plenary meetings of the legislature. Some few days later, it made its calculated withdrawal from government, complaining that it had received too few administrative posts. Meanwhile, FRODEBU seemed to be losing support by the day, whilst UPRONA's claim to being the party of unity of both Hutu and Tutsi was similarly being radically undermined.²⁵ CNDD-FDD also with appeal to Tutsis

CNDD-FDD
aims to
replace
FRODEBU

The drift of support to the CNDD-FDD points to the possible emergence of an electoral dynamic in which UPRONA and FRODEBU, the parties around whom the Arusha Agreement was originally constructed, face off against a

whole range of parties, centred around the CNDD-FDD, which – although formally always or now adhering to the Accord – are keen to distinguish themselves by maintaining their distance from it.²⁶ Hence although the CNDD-FDD is now part of the transitional government, it is not shy of declaring that the latter has failed to bring about reform, whilst many of the smaller parties claim that they have consistently been excluded from decision-making and office by the UPRONA-FRODEBU coalition.²⁷

UPRONA & FRODEBU interested in postponing elections

It is in this context that UPRONA and FRODEBU have sought to postpone the elections. UPRONA is urgently seeking to revive its alliances with the smaller Tutsi parties, not least by raising anew a demand for ethnic political guarantees in post-transition institutions. Its fear of losing its hold on power is increasing, and it may be that it is being increasingly thrust back onto reliance upon the army, and could even look again to Buyoya (who remains influential). For his part, Ndayizeye has been determined not only to secure UPRONA's backing for his staying in office if the elections were to be delayed, but also to gain time to recover the ground that FRODEBU is losing to the CNDD-FDD.

One of FRODEBU's strategies for gearing up against the CNDD-FDD is by making overtures to the FNL. In part, this has driven Ndayizeye's enthusiasm for capitalising upon the wider international interest in luring the FNL into the Arusha process. On the one hand, FRODEBU is eager to counter the CNDD-FDD's growing political influence by reviving the alliance with PALIPEHUTU, with which it successfully fought the 1993 general election. On the other, it is equally keen to counter the CNDD-FDD's coercive hold over large swathes of the country by, in effect, acquiring the FNL as its own military wing. Ironically, given the surprising degree of collaboration which is developing between the Burundian army and the CNDD-FDD, such a linkage could also provide FRODEBU with a bargaining chip against the former. Nonetheless, FRODEBU continues to remain suspicious of the FNL, which it reads as continuing to receive covert support from Tanzania. Consequently, Ndayizeye's forging of an agreement with Rwanda would have to overcome many obstacles.²⁸

The principal irony, however, is that whilst it is the original Arusha parties that are attempting to postpone the election, it is the CNDD-FDD which is pushing hard to ensure adherence to the original calendar of the transition. At

one level, the CNDD-FDD is concerned that the longer the transition drags on, the more its own credibility will erode if its supporters experience delays in the benefits which are meant to accrue from army reform and official demobilisation. At another, it feels it is gaining the upper hand against the FNL. It is said to control the heavily populated provinces of Gitega, Ngozi, Cibitoke and Bubanza, driving FRODEBU and FNL supporters from their strongholds, and preventing other parties from engaging in pre-electoral campaigning. Meanwhile, having engaged alongside the army in a major offensive against the FNL in Bujumbura Rural province at the time of Ndayizeye's talks with the FNL in the Netherlands, it now controls many of the FNL's strategic positions in the south. It is precisely because it now senses that the FNL is on the run that it is insistent that it should be included in any further talks between the former and the government as an equal partner.²⁹

The logic of the present situation is that the CNDD-FDD is determined to beat the original Arusha parties at their own game by winning early elections. If this were to occur, then the Arusha Accord would be put to its ultimate test.

The prospects for peace

generosity moment

Robert Hislope (1998: 64–66) has argued that in the course of regime change in multi-ethnic societies there arises a critical juncture – a ‘generosity moment’ – at which dominant ethnic groups must decide how to respond to minority demands. His hypothesis is analytically separable into three distinct theses: (i) elites are significant causal agents during the transition and consolidation of a new regime; (ii) there is an identifiable moment (or moments) which is (or are) auspicious for generous overtures and interventions; and (iii) generosity soothes ethnic tensions and produces consent for the regime. If elites in the dominant group are conciliatory and promote avenues of dialogue and co-operation with minorities, the prospects of inter-ethnic violence will be dampened and the outlook for the legitimacy of the state and the consolidation of democracy enhanced. If, in contrast, dominant groups fail to be conciliatory or face recalcitrant minority elites who reject generous overtures, then a ‘slippery slope’ dynamic may be precipitated which leads to strained inter-ethnic relations, and the collapse of consensus and a common state.

Hislope describes South Africa as the 'show case model for the generosity thesis' (1998: 75). During the transition, the ANC – overwhelmingly representative of the black majority – sought to allay white fears, and institutionalised concessions by guaranteeing jobs for civil servants and the security forces for the first five years of democracy. Mandela went out of his way to give personal assurances to every other significant leader that the ANC was bent on the accommodation of minorities, and outflanked the extremist pressures posed by both the Inkatha Freedom Party and the white right wing. Overall, Mandela exhibited 'extraordinary political instincts' (Hislope 1998: 78) in both offering substantive concessions to his most politically significant adversary (the National Party) and in skilfully fostering divisions amongst obstructionist forces. Furthermore, the close working arrangement that developed over four years of ANC-NP negotiations enabled ANC and NP elites to cultivate mutual understandings, recognise common interests, and practice politics-as-bargaining: 'In this respect, elite interaction in South Africa exemplified the paradigm of generosity' (Hislope 1998: 78).

Hislope's analysis shines a strong light upon the potential of the present pre-election period in Burundi as either an opportunity for mutual accommodation or a slide back down the slippery slope to renewed violent conflict and war. This chapter concludes by assessing the prospects for peace in Burundi according to his focus upon: (i) the role of elites; (ii) the need for a 'generosity moment'; and (iii) the impact of 'generosity' upon ethnic tensions.

emphasis on the behavior of the elites

Can Burundi's elites make a pact for peace?

Arusha criticised
as outcome of
intransparent
negotiations

The Arusha Accord has been widely criticised for having its foundations in closed-door agreements drawn up by political elites, which have excluded the interests and views of the mass of ordinary Burundians from its considerations. However, whilst any settlement which enjoys longevity and even a modicum of legitimacy will require, at least, the *acquiescence* of the wider population, a mutual accommodation of the hitherto conflicting elites is clearly a necessity, as otherwise they can so easily resort again to war. There can be no doubt that there are enormous dangers in the present pre-electoral situation, for the leaderships of the army, the government and the different political parties are engaged in rapid and perpetual recalculation of self-

interest. On the one hand, the established Tutsi elite, represented by the senior ranks of the army and UPRONA, are increasingly nervous about the implications of losing an election and re-articulating the case for ethnic quotas in a final constitution with new fervour. On the other, the leadership of FRODEBU is hugely threatened by the growing influence of the CNDD-FDD, which for its part is increasingly mobilising around a majoritarian constitution, much like that of 1962, which provided for minority rights yet not for explicitly ethnic quotas. In this regard, the CNDD-FDD is playing to widespread feelings amongst Hutus that Tutsis have enjoyed predominant political and military power for too long. It also represents a common Hutu distrust of the traditional political class which is shared by the FNL. Yet, as van Eck opines, Tutsi elites view ethnic quotas and protections as their precondition for having agreed to Arusha in the first place. Hence, for all that the Arusha Accord is based upon ethnic power-sharing, it would seem that electoral mobilisation is encouraging what Mamdani would point to as a racialised political polarisation. In this context, the determination of all the major political players to retain or acquire military influence in the run-up to the election is hugely detrimental to any prospect of a contest that is peaceful, and credibly 'free and fair'.

Against this somewhat alarming scenario, it needs to be recalled that the great virtue of the Arusha Accord is that it has promoted a sharing of power between Tutsi and Hutu elites, and between the different political parties, not least because their different armed forces have failed to defeat each other. As in the case of their South African counterparts in the late 1980s, these increasingly realise the unlikelihood of their securing a military victory. Furthermore, for all their fractiousness, Arusha has pushed elites into dialogue about constitutional and political rules. Despite the incompleteness of military reform, and the dangers of dual control within the army, former opposing forces are now working together. Finally, however much it may detract from any political settlement, the formerly conflicting elites have a mutual interest in promoting a general amnesty (even if, as in South Africa, extreme and symbolic cases of human rights abuse are pursued to assuage the demand for justice). Yet is the time right for securing their mutual accommodation?

power-sharing in Arusha concluded on the realization that no party can win militarily

Towards a 'generosity moment'?

At the time of final revision of this manuscript (July 2004), there are grounds for optimism that the peace process will remain on track.

First, the move towards peace throughout the wider region is narrowing options for the continuation of war by rebel movements which depend upon regional allies and use of territory in neighbouring countries to maintain their armed campaigns. This applies as much to the FNL as it does to the CNDD-FDD, and will hopefully see the former jumping aboard the Arusha train in the relatively near future lest it be left behind.

Second, there are repeated reports of war weariness amongst the general population, upon whose patience the rebel movements and the army depend. Individual rebels are slipping away from their movement and seeking assistance from the humanitarian agencies. Refugees are returning home slowly, and neighbouring countries are increasingly eager to repatriate them. Support for an armed solution amongst regional states and ordinary Burundians is decreasing.

Third, active international support (financial and logistical) for the regional and Burundian peace processes is increasing. The flow of donor money to aid demobilisation, population resettlement and general rehabilitation is steadily increasing. The UN has joined up with the African peacekeeping mission, whose numbers are being increased and which will receive much needed financial backing. In short, even though it is unlikely that Burundi will ever receive the degree of international assistance that a country richer in resources and with a more high-profile strategic location would attract, the rewards of peace being dangled before the country's politicians are becoming increasingly attractive.

These factors are all inducements towards elites reaching a 'generosity moment'. Yet will there be sufficient 'generosity' to soothe historic tensions between Tutsis and Hutus?

Towards reconciliation?

Hislope accords Mandela an outstanding role in promoting reconciliation in South Africa, yet there is no equivalent majority leader of stature in Burundi. Nonetheless, there will be major international and regional pressures upon the victors in any election to act in a conciliatory fashion to the losers, and to include them in the benefits of a post-electoral settlement. An emphasis upon the sharing of power and political inclusion will need to win out over the competitive tendencies which will have been promoted by the election. The opportunities of peace and reconciliation will need to be encouraged and contrasted to the costs of continuing crisis and war. Burundian politicians of all persuasions will need to be prepared to manufacture and respond to a 'generosity moment'.

The Burundian peace process remains fragile and uncertain. Yet major credit accrues to all those – from Nyerere through Mandela and his successors – who have promoted and sustained the momentum of the Arusha initiative and rendered it the framework through which peace, at long last, can be attained for and by the Burundian people.

Notes

- 1 Van Eck 2004: 3.
- 2 IRIN 18 June 2004.
- 3 The following summary depends heavily upon Human Rights Watch 2004.
- 4 Human Rights Watch 2004: 14.
- 5 Arusha Accords, protocol III, article 14e, cited by Human Rights Watch 2004: 14.
- 6 Human Rights Watch 2004: 15.
- 7 IRIN 7 August 2003.
- 8 IRIN 13 August 2003.
- 9 IRIN 30 June 2003.
- 10 IRIN 7 August 2003
- 11 Human Rights Watch 2004: 15.
- 12 IRIN 7 August 2003
- 13 IRIN 14 January 2004.

- 14 IRIN 18, 24, 26 June; 28, 15 July; 7 August 2003
- 15 IRIN 15 April 2004.
- 16 IRIN 18 June 2004
- 17 Estimates of the number of refugees vary wildly. For instance, Refugees International claims that there are as many as 800 000 Burundian refugees outside the country, 'most of them in Tanzania'. See IRIN 4 March 2004.
- 18 IRIN 23 June 2004.
- 19 Human Rights Watch 2004: 6. See also 'Focus on rape', IRIN 15 January 2004.
- 20 Human Rights Watch 2004: 10–13.
- 21 IRIN 7 August 2003.
- 22 IRIN 7 August 2003
- 23 As the South African experience in 1996 and 2001 demonstrates, the holding of a census is a major logistical and highly technical task. Despite the best efforts of Statistics South Africa, the results of the 1996 census are widely queried. At the time of writing, the 2001 census results have not yet been finalised. Although the Independent Electoral Commission was probably more successful in undertaking the still difficult, yet undoubtedly less complex task of registering the electorate in the lead up to the 1999 election, the process took many months.
- 24 Gasana 2004.
- 25 Human Rights Watch 2004: 2–3; Gasana 2004.
- 26 Van Eck 2004: 5.
- 27 Gasana 2004.
- 28 Gasana 2004.
- 29 Gasana 2004.

Burundian civil society and South African linkages

What Samuel Huntington has termed the 'third wave of democracy', whereby numerous countries of the world shifted from authoritarian rule to democracy over the last quarter of the twentieth century, was often brought about by what theorists refer to as an 'elite transition'. The basic idea behind this concept is that when elites which have been locked in military and/or violent political combat come to appreciate that they are unlikely to defeat the enemy, and that the costs of continuing conflict are coming to outweigh the potential benefits, they will seek a mutual political accommodation in which they make major concessions to each other. In so doing, they will often make key concessions at the expense of their followers, which they will justify in terms of the need for all parties to make sacrifices in order to forge a new social contract with their erstwhile opponents so as to achieve an over-arching 'general interest', often expressed in abstract notions of peace, justice and equality. Yet importantly, because the sacrifices demanded of followers, notably those of mass political movements, may be such as to undermine some of the gains that are being promised (so that, for instance, working classes may be admitted to political equality whilst remaining subject to the economic inequalities of capitalism), the process of 'elite pacting' will require the marginalisation of 'hardliners' on either side of the conflict, and the political demobilisation of active supporters (Huntington 1991; O'Donnell, Schmitter & Whitehead 1986).

Considerable debate attends the issue as to whether South Africa's own democratic transition fits this model, and if it does, whether this is a good thing. On the one hand, for instance, Adam and Moodley (1993) refer with approval to the reluctant reconciliation between the then ruling NP and the ANC as an historic compromise. Even if an unwritten contract has been concluded between elites (whereby whites have conceded political power to blacks whilst retaining control of much of the economy) at the expense of unorganised and weaker sections of the population, South Africa has moved from war to peace and from racialised authoritarianism to non-racial democracy (Adam & Moodley 1993). In contrast, whilst Bond (2000) similarly

celebrates the defeat of apartheid, he argues that in the context of a rapidly globalising world capitalist economy, the macroeconomic concessions required of the ANC were such as to inflict such significant material damage upon the interests of the poor and working class as to threaten the very viability of the compromise. Meanwhile, there are those who argue that, whilst elites may have played a necessary and important role in forging a new social contract, the transition in South Africa cannot be described as elite because the liberation movement's momentum and strength at the bargaining table was dynamically linked to mass protest, demands and organisation (Guelke 1999).

The view of South Africa's as an elite transition leans heavily upon the fact that the principal forum which hammered out the 'historic compromise', Codesa, was composed exclusively of governments (South African and 'homeland'), political parties and liberation movements, and excluded actors from civil society (notably business, trade unions and traditional leaders) who had hammered on the door to be allowed in. However, even if the centrality of politicians to the deal is crucial for some in defining South Africa's move to democracy as an 'elite transition', the element of debate is introduced by the fact that, at several times during the negotiation process, the ANC interrupted proceedings at key points by going back to its mass constituencies to listen, report back, revive linkages and resolve crises. Civil society might not have been inside the bargaining chamber at Codesa, but its voices and demands could not be wholly ignored. This was crucial in a number of respects, not least in bringing about the final agreement of the previous authoritarian power-holders, the NP, to what is often now described as one of the most democratic constitutions in the world.

The Burundian peace process, like South Africa's, is also being driven largely by elites. However, it is arguable that the major reason why it has proved so intractable is because those elites are overwhelmingly disconnected from civil society and hence are driven by their narrow, sectarian interests.

Civil society in Burundi

In classic definitions, the conceptualisation of civil society derives from a particular perspective of state and society, where the state is associated with power and civil society belongs to the realm of freedom and liberty. However,

as Abrahamsen argues, 'such a narrow conception of power gives rise to the rather romantic representation of civil society as implicitly democratic, and the mere existence of organisations outside the state is assumed to be sufficient to limit the power of the state and enforce a transition to democracy' (2000: 54–55). Yet many associations in society do not seek to limit the state or influence its policies, some may espouse authoritarian ideologies, and some may pursue undemocratic goals. 'Civil society cannot therefore be seen as either inherently democratic or undemocratic; rather, its character may vary across time and space' (Abrahamsen 2000: 54–55). She suggests that such observations are of particular relevance to post-colonial Africa, where a blossoming of informal associations is largely a result of the inability of the state to deliver basic services. Africans have tended to withdraw from an increasingly oppressive state, and turned instead to community networks for their social welfare.

Such a view is an important corrective to widespread yet excessively narrow views of civil society in Africa as composed of 'interest associations or the modern forces of trade unions, professional associations, grassroots organisations, NGOs, etc.' (Mohamed Sali 2001: 10), as this leaves little for indigenous political institutions, and fails to leave them any significant role in the governance debate. In contrast, civil society in Africa is 'heterogeneous and segmented', embodying 'a diverse set of traditional, ethnic, professional, class, local, regional and national interests' (Abrahamsen 2000: 55). Whilst heterogeneity does not itself prevent voluntary associations from mobilising for democracy, it does increase the likelihood that some will become the vehicles of ethnic or parochial interests, especially where nation-building is incomplete.

These warnings and correctives are particularly apt for any consideration of the state of civil society in Burundi, about which in any case too little is known. Yet we may hazard three propositions. First, the collapse of the infrastructure of service delivery (hospitals, schools, even churches and so on) caused by the enduring conflict will have pushed ordinary Burundians back onto greater reliance on informal, societal (often 'traditional') networks. Second, the degradations of war have weakened civil society by interrupting the reproduction of an educated middle class, a significant proportion of whom have fled the country to seek opportunities elsewhere. Third, the 'civil society' that is most visible to international organisations (and hence likely to

receive aid and support) is based overwhelmingly in the towns, notably the capital, Bujumbura. Overall, therefore, whilst detailed investigation might well reveal that informal networks play a major role in providing for the survival of the mass of the rural population in a war-torn society wrought with insecurity, civil society in Burundi – viewed from the classic conception of civil society as a constraint on the state – is weak and undeveloped. This is the principal reason why Burundi's rulers and politicians, of all stripes, have been able to largely ignore the views of civil society and to exclude it from participation in the negotiations process. Nonetheless, despite this inherent weakness, there are various indications that suggest that voluntary associations in Burundi are stirring in favour of peace, and that the political parties would do well to heed their call.

The exclusion of civil society from the peace process

Apart from any lack of organised presence, there are basic structural reasons why civil society has been overwhelmingly excluded from the Burundian peace process.

First of all, the governing class is made up almost entirely of politicians and soldiers, who are competing and collaborating with each other for a very limited number of positions and resources within a small and extremely poor, African state. Entry to this class is via the military apparatus or attainment of leadership positions in the principal political parties, or failing that, invention of political parties. On the one hand, although the major parties like UPRONA and FRODEBU may be long established, their existence revolves around limited patronage networks (dependent largely upon their access to state resources) which are urban based, and otherwise are reliant upon the mobilisation of ethnic sentiment rather than organisation (which is in any case rendered immensely difficult by war conditions, not least probable outright intimidation by the military of the Hutu parties in at least some rural areas). On the other hand, as in other impoverished societies where there are limited economic opportunities and the state is central to the allocation of resources, parties tend to proliferate as ambitious individuals or groups create vehicles for personal advancement. Whilst these will usually lay claim to some programme or the promotion of particular interests, in Burundi they often rest upon the mobilisation of ethnic interests, as these are the easiest signifiers

by which to secure support in a society where ideology means very little. Meanwhile, although there are women politicians (and, as noted above, Burundi at one time boasted a female prime minister), politics is an overwhelmingly male preserve, with the inevitable outcome that – as the peace talks centre around negotiations between the political elite – they are an almost wholly male-dominated process. Yet such gender exclusion is dangerous, for whilst the normal stereotype presents women's participation as likely to lead to a gentler, less violent form of politics, there is no inherent reason to assume that Burundian women are any more moderate, or less extreme than their male counterparts. After all, it needs to be recalled that many Rwandan women were complicit in implementing that country's tragic genocide.

The second reason why civil society has been largely excluded is because international relations between states are similarly principally an activity of politicians, who may be more or less connected to significant constituencies in their societies. In the case of Burundi, the Arusha negotiations were brought about by regional and international pressure upon the then military government to return the country to civility. As a result, both the principal facilitators, Mwalimu Nyerere and Nelson Mandela, were engaged to bring the warring parties together, and were constrained by the norms of African and international diplomacy. From this perspective, however much they might privately have wanted to engage with Burundian civil society, they were required to pragmatically accept that the different political parties with which they met in Arusha represented historic and genuine constituencies. Hence whilst Mandela in particular was forthright in his demands that Burundian politicians should rise above particular concerns and seek to pursue the general interest, neither he nor Nyerere made any significant attempt to make the Arusha negotiations inclusive beyond political parties. On the one hand, to have done so would have been to humiliate and undermine the parties with which they wanted to deal, in effect by 'interfering' with their internal affairs. On the other hand, they needed to ensure that the negotiations remained manageable, whereas opening negotiations up to civil society might have led to multiple and confusing claims to entry. Against this, although a few symbolic representatives of civil society, including women's organisations, were present as observers at some of the early sessions of the negotiation process in Arusha,¹ there was simply no concerted demand by civil society to

be admitted. The arena of politics was simply left vacant by civil society for the politicians.² In retrospect, the exclusion of women was supremely unhelpful for, as Haysom suggests, if women are left out of negotiations, these become ‘more brittle’.³

Despite these dynamics of exclusion, Mandela, in particular, was conscious of the dangers of the negotiations being carried on in isolation from Burundian society. Doubtless recalling that, whilst Codesa was composed only of governments and parties, the major political parties had intimate connections to major societal forces – the NP to the state apparatus and the military and the ANC to the Congress of South African Trade Unions, the United Democratic Front and the South African Communist Party – he was greatly concerned that the political parties should maintain linkages to their constituencies and represent genuine interests on the ground. Accordingly, his famous early visits to Bujumbura were made with the intention, not merely of assessing the ‘weight’ of the different parties,⁴ but of reminding them of the importance of keeping in touch with a wider range of societal interests. He was, of course, also concerned to drum up popular support and legitimacy for the negotiation process. Indeed, when the moment came for the signing of the Arusha Accord in August 2002, he wanted it endorsed by symbolic civil society signatories, although the Burundian politicians proved unable to agree on who those might be.⁵

It was precisely to compensate for what Mandela recognised as the disconnection of the political parties from their society that he sought to encourage a process, complementary to the negotiations, of support for and linkage to Burundian organisations and interests. The chosen instrument was the Durban-based African Centre for Constructive Resolution of Disputes (ACCORD), whose Chair of the Board was his principal personal advisor, Professor Jakes Gerwel. Accord also had the advantage of having established something of a track record in Burundi.

ACCORD’s engagement in Burundi

International Alert, a United Kingdom-based organisation with funding from the British government, had contacted ACCORD⁶ in 1995 in order that they might they might undertake conflict resolution activities in Burundi which

would draw on the experience of the South African transition process. For the next two years ACCORD set up a series of visits by various Burundian political and civil society actors whereby they might meet with their South African counterparts and learn from their experience. The programme had four major elements:

- Burundian parliamentarians and retired diplomats were brought to South Africa to visit South African political parties and to discuss how the latter had engaged in the transition process and embraced the culture of negotiations. In particular, meetings were held with President Mandela (at Shell House, as leader of the ANC) and General Constandt Viljoen, leader of the Freedom Front, who stressed how his command experiences in the Caprivi Strip had convinced him that there could never be a military solution to the South African conflict. Both Mandela and Viljoen stressed that both sides to the conflict had arrived at the conclusion that it was necessary to find an accommodation with their political enemies if there was to be peace in the long term.
- A group from the Burundian military visited their South African counterparts and Constandt Viljoen (again), to learn about the formation of the SANDF. Stress was laid upon the complexity of the South African military restructuring process, which had involved the integration of the old SADF with homeland armies, as well as the guerrilla movements of both the ANC and Pan Africanist Congress (PAC), with the strong implication that what had been achieved in South Africa could be replicated in Burundi. Viljoen, in particular, is reported as having played a constructive role in striking up a good relationship with Tutsi officers and seeking to allay their understandable fears concerning integration.
- Women parliamentarians from both Rwanda and Burundi were brought to South Africa to meet with women parliamentarians, the Gender Commission, the ANC Women's League and various community-based organisations and to share experiences. They were also introduced to the Truth and Reconciliation Commission, from which the message was drawn that acknowledgement of past atrocities by all parties was not only a necessary step to forgiveness but to mutual political accommodation.
- A group of Burundian youth drawn from a variety of organisations with no particular political affiliations were brought to KwaZulu-Natal (itself an arena of violence and conflict) to join with youth from Sweden and South Africa in mutual discussions concerning how they could relate to

political organisations and structures. Two further such sessions were subsequently held in Sweden, but plans to take Swedish and South African youth to Burundi later fell through due to an upsurge in fighting.

The subsequent lull in ACCORD's contacts with Burundi was brought to an end in 1999, when the organisation decided to monitor Mandela's role as facilitator of the peace process. Having observed Mandela's initial meetings with the Burundian parties in Arusha, the decision was taken (with the encouragement of Graca Machel, who was on ACCORD's governing Board) to attempt to complement what he was doing by engaging with Burundians on the ground. Consequently, Accord's Deputy Director, Jerome Sachane, and Hayden Allen visited Burundi to talk about the peace process with different elements of civil society. Using the services of the head of the women's delegation which had earlier visited Burundi, as well as the Principal of the University and independent journalists, meetings were held with civil society organisations to ascertain how they felt about the Arusha negotiations and whether they thought that the politicians had a mandate. On the basis of this, ACCORD compiled a dossier of their impressions which they sent to Mandela. As their thinking was in line with Mandela's, it was not surprising that Mandela invited them to bring a delegation from civil society in Burundi to meet him in South Africa.

The resulting visit by Burundian academics, women, youth, journalists, church representatives and traditional leaders entailed two days of meetings, one of which was held exclusively with Mandela. They received feedback from him on the Arusha negotiations, which they were denied by the government-dominated media in Bujumbura, and expressed their views on the process. Acknowledging that they were not directly represented at the negotiations, Mandela reportedly assured them that they would have a chance to react to its proceedings— they would be able to embrace, amend or reject them—and also implied that eventually the process would move from Arusha to Bujumbura. Meanwhile, he even met separately with an individual Tutsi delegate who had refused to sit down with representatives of those he described as *genocidaires*, and stressed the necessity of political accommodation, a message pressed home further in a separate meeting with Viljoen.

In the wake of this visit, ACCORD's good offices were used to prepare the way for Mandela's visit to Burundi to meet the people, and to facilitate his meeting

with organisations of civil society. Again, ACCORD was faced with the refusal of certain Tutsi interests to attend a plenary session with those regarded as Hutu extremists, and in due course this resulted in their gaining a separate audience later with Mandela at his home in Houghton in Johannesburg.

In retrospect, it would seem that too little was made of ACCORD's initiatives, for the negotiation process was never brought home to Burundi, and it remained the preserve of politicians. This, it is argued, was less Mandela's fault (for he had a clear idea of the importance of civil society engagement) than a reflection of the sheer intractability of the process, and the immense difficulty the mediation team had in securing any sort of agreement amongst Burundi's fractious political elite.

Realisation of some of the limits of the Arusha process resulted in three major prongs to ACCORD's continuing involvement, financed by Britain's Department for International Development (DFID):

- First, on the suggestion of Jacob Zuma, ACCORD have been brought in to assist the rebel movements which returned to Burundi as a result of the Arusha Accord to upgrade their negotiation skills, so as to assist them in future constitutional negotiations.
- Second, ACCORD is engaged in civic education and development work around the forthcoming elections which are meant to eventuate from the transition. This entails work with the political parties, without looking to favour any of them, concerning the basic functions they should be performing, electoral organisation and so on.
- Third, ACCORD has a programme with the Ministry of Peace and Reconciliation assisting them to explain and implement their mandate. Whilst anxious not to become identified with the Arusha process as such, which ACCORD views as flawed, the organisation is working with consultants from De Loitte and Touche to set up strategies which will empower civil servants from that ministry to assist Parliament.

Although wary of becoming entangled in local politics, ACCORD has been persuaded to establish an office in Bujumbura, in order to network and work with local civil society organisations on an ongoing basis. Their objective remains to cultivate a parallel, second-track process which will complement and assist the political negotiations and give them added depth, without becoming identified as part of the South African government programme.

The involvement of the Action Support Centre in Burundi

Whilst ACCORD is the South African NGO that has been most extensively engaged in Burundi, their work is complemented by that of the Action Support Centre,⁷ a conflict resolution organisation which was drawn into the peace process through its membership of the Coalition for Peace in Africa. The latter is a network for community-based organisations and NGOs in Africa which engage in peace-building throughout the continent, with its headquarters in Nairobi. Formed in 1995 to overcome the isolation of individual organisations and to share experiences, the Coalition undertakes lobbying, advocacy and training for peace. It also responds to calls for assistance from its affiliates, and the Action Support Centre became involved in Burundi in response to one such request.

Under the auspices of the Ministry of Peace and Reconciliation, the Action Support Centre is working on various development and reconciliation projects in the Gitega district. Linking up with local organisations, the initiative is designed to prepare the path for former combatants to re-integrate with society, and for local society to achieve reconciliation and mutual accommodation in the run up to elections. The principal vehicle for this work is the conduct of extensive seminars, conducted over a period of weeks, in which members of different organisations and communities are encouraged to divest themselves of ethnic stereotypes, and to devise their own strategies for peaceful reconciliation and development. Again, while this initiative deliberately attempts to steer clear of identification with the involvement of the South African government in the Burundi process, it engages in constructive informal exchanges of information with it.

The major outcome of the programme as perceived by the Action Support Centre is the gradual overcoming of the sense of powerlessness of ordinary Burundians. The organisation emphasises that the success of the South African transition was in large part due to the fact that politicians involved in negotiations had to refer to significant organisations and processes. The implication that Burundians are invited to draw is that their politicians must be made accountable to the people they claim to represent. There are already welcome indications that at least some Burundians are coming to the same conclusion.

Knocking on the door: calls from civil society for inclusion in the peace process

Any attempt at generalisation of the views of Burundian civil society on the peace process is fraught with obvious difficulties. Nonetheless, the following are the sort of views which are commonly expressed by independent journalists, NGO activists and academics in Bujumbura:¹⁰

- There is recognition that the Arusha Agreement was a step forward, yet there is a scepticism concerning its potential for bringing about a transition to democracy. Attitudes towards the transitional government itself are ambivalent. The peaceful change from a Tutsi to a Hutu president, as well as the composition of the government being drawn up from political parties rather than just unrepresentative individuals (as under the military) has been welcomed as engendering societal trust, yet at the same time the fact that there have been no changes in the control of the military and intelligence structures is regarded as a major constraint upon Ndayizeye. There is therefore widespread doubt whether the latter will be allowed to make sufficient concessions to draw the rebel movements into the peace process.
- The role played by former Presidents Nyerere and Mandela in the Arusha process is widely appreciated, yet there is criticism that they did too little to involve civil society. 'No-one in South Africa would have allowed the South African peace process to have been hi-jacked by outsiders' is a widespread sentiment, as are related views such as: 'we don't own our own process' and 'the negotiators have not respected us'. The view that foreigners cannot and will not solve Burundians problems is widely expressed. And the South African negotiators don't even speak French!
- Again, whilst the efforts of Deputy President Jacob Zuma are respected, there is considerable scepticism about the possibility of his making an impact. It is felt that Burundi is merely one of the many responsibilities that he has to carry, and that in consequence, he cannot apply his full and adequate attention to the peace process. His role is widely seen as reactive rather than pro-active.
- Ideally, therefore, the negotiation process should be managed by Burundians themselves, who should report back to Deputy President Zuma and the regional leaders. Burundians understand the internal

situation more intimately than others, and the elite – even those on opposing political sides – often know each others' backgrounds and families.⁹ Increased inter-elite communication would allow for recognition of mutual fears and interests.

- At some point, an internal negotiation and constitutional process is inevitable and necessary. This will probably require the extension of the present transition stage. It is recognised that there will be a need for some figure to convene and chair the talks if Burundians are to take control of their own process. There are presently ways in which civil society organisations mediate between the government and the rebels. For instance, it is claimed that independent journalists played an important role in securing the release by the FNL of the Tutsi officials and FRODEBU MPs they had kidnapped. (Interestingly, this is facilitated by the fact that the rebel leaders now have cellphones with which they can communicate with the media and the government). Nonetheless, there is no senior figure in society with the moral authority and respect of both sides – equivalent to Archbishop Desmond Tutu during the South African transition – to cajole the conflicting parties into recognising common ground. Indeed, the Church in Burundi is seen as deeply compromised. The population may be formally overwhelmingly Catholic, yet the Catholic Church itself is seen as tainted by its colonial past and is divided along ethnic lines. In any case, the FNL is subject to considerable fundamentalist influence by Adventism, and could well be resistant to Catholic mediation. Who would convene and chair an internal negotiation process therefore remains a considerable problem which needs to be resolved.

Underlying this sort of thinking is the notion of a national convention, composed of political parties and civil society players, which would go well beyond the present Arusha Agreement and provide the opportunity for Burundians to make their own peace and devise their own constitutional solutions. However, the problems of such a convention are obvious: it would require sufficient trust between the army and the rebel movements to allow for implementation of a proper ceasefire; it might require the government to admit hitherto excluded political parties; and it implies that civil society engagement would propel the political parties, hitherto extremely fractious, to a mutual accommodation. This in turn assumes that civil society in Burundi has a largely progressive and united character, when in practice significant

sectors may be subject to reactionary tendencies and division. (For instance, the role of the Adventist churches in the recruitment of child soldiers for the FNL requires serious interrogation). Finally, in its understandable emphasis on Burundians finding internal agreement, this perspective tends to overlook the vital role that external pressures (from the regional powers, donors, and so on) are inevitably bound to impose, for good and ill, upon any constitution-making process.

Nonetheless, the fact that such sentiments appear widespread amongst societal activists suggests that it is important that politicians listen to these views.

This is emphasised by the fact that NGOs are going to be required to make a major contribution to peace-building on the ground, notably with regard to the reintegration of demobilised soldiers and armed militia into their local communities. NGOs are already being lined up to play such a role by international bodies like Unicef, which is taking a lead role in the return of child soldiers to their families. The integration process is viewed as a complex intervention involving not only attending to the psychological needs of individual ex-combatants (and many children will have witnessed and committed appalling brutalities), but also providing a package of support measures to the recipient communities in terms of health, educational and basic infrastructure provision, and HIV/AIDS prevention and treatment, all of which should be related to regular programmes of societal reconstruction. These are tasks which cannot be achieved by either international bodies or any government based in Bujumbura on their own, but necessitate them forging partnerships with local NGOs and community-based organisations.¹⁰

The various hiccoughs in the negotiations may have stalled progress towards 'bringing the peace process back home'. However, pessimism about the future should be countered by recognition of key countervailing factors: apart from an increase of regional pressures upon both the government and rebels to find an accommodation, the overwhelming majority of the population are widely reported to be desperate for an end to the war. Furthermore, the return of rebel politicians to Burundi is propitious. Once involved in the transition and engaging in politics as discussion rather than war, and enjoying the relative security and comfort of Bujumbura, they will be drawn into deeper and constructive connection with both local civil society and the international

community. It is then that they will be forced to grapple with the sort of problems that faced South Africa in forging its own democratic transition.

Notes

- 1 For instance, representatives of civil society and of Burundian women attended the third session of the peace negotiations in Arusha in October 1998.
- 2 Although Haysom suggests that resistance to inclusion of a special delegation of women (which had been pushed for by Nyerere) was significantly motivated by delegates fear that opposing parties would attempt to manipulate women to their own advantage. Interview, Haysom with Bentley, 1 October 2003.
- 3 Interview, Haysom with Bentley, 1 October 2003.
- 4 As described by Professor Jakes Gerwel (Interview with Southall, 18 September 2003), Mandela's principal personal advisor, quite a number of the Burundian parties represented little more than 'a man and a dog'. Yet necessarily, as at Codesa, it was diplomatically and pragmatically necessary to admit such canine entities to the negotiations, safe in the knowledge that they had more bark than bite.
- 5 Interview, Gerwel with Southall, 18 September 2003.
- 6 The summary that follows is drawn from an interview by Southall with Jerome Sachane of ACCORD, 11 September 2003.
- 7 The following section is drawn from an interview by Southall with Richard Smith of the Action Support Centre, 23 September 2003.
- 8 Our interpretation of these views is drawn from various interviews conducted in Bujumbura.
- 9 An interesting angle to this is the tale told by one interviewee, who reported that after his brother, who served in the military, had been killed in action, he received a cellphone call of commiseration from a leading figure in the CNDD-FDD militia, with whom his brother had gone to school.
- 10 Unicef 2003.

Sustaining the peace: lessons from South Africa?

South Africa is deeply involved in the Burundian peace process for a host of reasons, yet the one that is most intriguing is that Africa and the wider world looks to South Africa as a key model for resolving intractable conflicts after the experience of the transition from apartheid to democracy. Nelson Mandela's stature as a peacemaker was forged in the crucible of the negotiation process in South Africa, notably between 1990 and 1994, and elaborated by the mission of national reconciliation which he pursued during his subsequent presidency. Hence it is that in recent years outsiders have often looked to Mandela personally, and to South Africa more generally, to help bridge differences between governments¹ or to make peace between warring communities.² More particularly, of course, Mandela's skills as a mediator and South Africa's experience in navigating turbulent waters to reach democracy were widely hailed as providing lessons for Burundi. Yet, in retrospect, how appropriate was that hope? The South African and Burundian conflicts may well exhibit some similarities, yet the differences between the two countries are simultaneously manifold and legion. What follows is an attempt to draw lessons from the South African transition which may prove useful indicators of the way forward for Burundi, whilst also recognising that any such proposals must be extremely tentative.

The areas of comparison are regarded as being inter-related in the sense that their resolution is contingent: the issue of military dominance and minority hegemony cannot be separated from that of race and ethnic tension, which in turn impacts upon questions of inequality and economic access, as well as democratic participation. This in turn is contingent upon the satisfactory resolution of questions of amnesty and justice. Consequently, in so far as these are areas that South Africa has had to grapple with for the success of its transition, it is both instructive as well as a source of hope for Burundians that these issues may be constructively dealt with in a way that builds rather than undermines their ultimate cohesion as a nation. As Ndikumana observed:

The negotiation process may benefit from Mandela's international reputation and, through him, the experience of South Africa in dealing with tragic history. South African leadership offers probably the best chance for convincing Burundian leaders that nation-building involves hard choices in a give-and-take process where primitive revenge has no place. (2000: 444)

Overcoming race and ethnicity as tools of division

Up until 1993, the ruling group claimed that there was only one ethnic group in Burundi (Reyntjens 1995: 21). Even though this claim was utilised to obscure Tutsi domination, it is not without foundation. Burundians – whether Tutsi (often depicted as Nilotic in accordance with the Hamitic myth), the 'Bantu' Hutu or pygmyoid Twa – all speak the same languages (French and Kirundi) and share similar customs, and it is difficult to identify 'racial' or cultural differences between them with any certitude. However, as has been elaborated at length, the distinctions between Tutsi and Hutu have come to assume (a deadly) political salience which extend even beyond the border to have a regional import, for the simple reason that both Tutsi and Hutu diasporas are spread across significant reaches of neighbouring counties – notably the DRC, Uganda and Tanzania – and have been greatly swelled following the political and genocidal upheavals in both Rwanda and Burundi. Tensions between Hutu and Tutsi have therefore been exported beyond Rwanda and Burundi, and the alleged difference between 'Bantus' and 'non-Bantus' was used to fuel the fire between the DRC and Rwanda and Uganda. Hence Robert Mugabe, who deployed Zimbabwean troops to support the 'Bantu' (Congolese) side of the conflict, and the late Laurent Kabilà, who had turned on his erstwhile Rwandan Tutsi supporters, both manipulated this aspect of the war to justify their positions and to cast themselves in a defensive rather than an offensive role. Yet as van Eck notes, this type of terminology and crude over-simplification is incendiary given the already high tensions in the region, and jeopardises the possibility of long-term peace:

While the 'Bantu' obviously form the majority in this larger central and east African region, African peoples of Nilotic origin (the so-called 'non-Bantu') comprise more than 20 million people.

Creating conflict between the majority 'Bantu' and such a substantial minority of so-called 'non-Bantu' is playing with fire.
 (Van Eck 2001: 25)

Playing with fire it might be, yet history has demonstrated amply that the division between Tutsi and Hutu has become real. It runs much deeper than crude *perception* of difference, and has become an instrument of political mobilisation and separation, with the outcome of genocide in both Rwanda and Burundi. Consequently, even if peace is to come to Burundi as a result of the present negotiation process, and is to be sustained by Kagame's post-genocide regime in Rwanda, the political salience of Hutu-ness or Tutsi-ness has clearly to be overcome.

South African involvement in the Burundi process has been legitimised, to a considerable extent, by the analogy of its democratic settlement having brought a racial war to a peaceful end. Indeed, as has already been noted, Nelson Mandela himself was to turn to the South African precedent as a means for pushing forward the Burundian peace process. So what can be learnt from the South Africa experience more exactly with regard to the resolution of 'racial' or 'ethnic' conflict?

It is here that Mamdani's conception of the conflicts in Rwanda and Burundi as racialised rather than ethnicised is particularly useful and promising. It will be recalled that Mamdani (2002) argues that the particular form of colonialism which was instituted in the two countries was a 'halfway house' between direct and indirect rule. Rather than being subjected to their own 'native authorities', 'Hutus' were ruled by 'Tutsis', who were cultivated as a political and chiefly class. The definitions of 'Hutu' and 'Tutsi' therefore became identified with the non-possession and possession of political power, a political identification which was reified by the Hamitic myth, which emphasised the origins of Tutsis as 'strangers', 'aliens' and 'settlers'. In Rwanda, the response of Hutu nationalists to this was a tragic one, albeit consonant with a conservative stream of African nationalism: the dominant settlers were to be expelled. Yet unlike colonial rulers, the Tutsi minority had no obvious other country to 'go home' to. As they were deemed alien as non-Rwandan, the solution was found in genocide. The Tutsis' reaction in Burundi was, unsurprisingly, determination to resist majority rule, to secure their grip on their military, and to meet the potential for their own extinction by their own counter-genocidal measures.

Although the apartheid government sought to decompose the African majority into distinct ethnic groups by transforming 'native authorities' (the instruments of indirect rule) into a multiplicity of quasi-nation states via the homeland system, its efforts failed to remove racial dimensions from the battle in South Africa. This was quite simply because citizenship was identified with race. Only whites were citizens, and as such, only whites could participate as full members of the political system. In Mamdani's parlance, blacks were 'subjects', even though Indians and 'Coloureds' were granted a relatively higher status than Africans, who were forcibly compelled to adopt the 'citizenship' of their tribal homelands. Indeed, by the granting of 'independence' to homelands, the apartheid government sought to overcome its crisis of citizenship (the prospect that the concession of citizenship of blacks would replace white minority with black majority rule) by notionally *exporting* blacks to the Bantustans as 'neighbouring states'.

The historic response of the liberation movement in South Africa to white minority rule and apartheid was its insistence upon non-racialism, that is, the disconnection of citizenship from race. Despite the long history of colonial oppression, despite the alienation of 87 per cent of the land by the white minority, despite the overwhelming disparity of wealth between whites and blacks, the ANC came to insist (albeit not without difficulty over the years) that – in the words of the Freedom Charter of 1956 – 'South Africa belongs to all who live in it'. The ANC therefore identified with the progressive stream of African nationalism as exemplified by Nyerere, which:

was determined to reform citizenship consistently, both to deracialize and to de-ethnicise it. From this point of view, it was not enough to do away with just the settler's prerogatives; all prerogatives, racial as well as ethnic, would need to be abolished.
(Mamdani 2002: 274)

This thinking was to guide the ANC's strategies throughout the entire negotiation process of 1990–94, and was to force the then ruling NP to abandon any idea of using race or ethnicity as a tool for re-engineering the constitution. The result was a constitution which was completely 'race' free, and which was founded upon recognition of individual political and social rights in the best liberal tradition. Of course, this did not mean that the everyday salience of race was simultaneously abolished: rather the reverse, for

racial (and ethnic) identities continue to resonate to this day, with (to state the obvious), the majority of Africans aligning themselves with the ANC, and whites aligning themselves with either the (New) NP, the Democratic Alliance or a smattering of other parties. However, the enormous transformation which has been achieved is that race is no longer a principle of political organisation. Indeed, such a strategy is outlawed by the constitution, and all significant political parties seek to appeal to all racial groups and to move beyond any racially confined origins to expand their support. To be sure, the ANC in particular seeks to overcome the inequalities and divisions of the past by attacking 'historical disadvantage' by such strategies as 'black empowerment'. Whilst this inevitably tends to excite racial identities, its ultimate aim is to *abolish* race as an organising or empowering instrument throughout society at large, whether in the sphere of economy, education or elsewhere. The objective, however improperly or imperfectly expressed or realised in practice, is to achieve a state where race is no longer salient, politically or economically.

The idea of a common citizenship, with the ideals of racial equality and the equality of individuals which it embodies, is overwhelmingly the most important lesson which the South African example holds for Burundi today. Operationally, this is clearly difficult, for the legacy of history is both brutal and complicated. However, as Mamdani has noted, the only way to overcome the political identities of Hutu and Tutsi in Rwanda, Burundi as well as in neighbouring states in the region is:

first of all to reform the state and citizenship within their own borders so that power recognizes equal citizenship rights for all based on a single criterion: residence...without a reform in power, one that recognizes both the importance of a majority in politics and the need for fearful minorities to participate in the exercise of power, there can be no sustained reconciliation between Hutu and Tutsi. (Mamdani 2002: 280)

This is obviously more easily said than done. However, it clearly warns against any idea of building explicit ethnic elements into the writing of a new constitution, such as, for instance, providing 'guarantees' for defined Tutsi representation in government or parliament. Rather, whilst 'ethnic' balancing of Tutsis and Hutus may be necessary in the short term, as is provided for by

the present power-sharing agreements, such devices must be recognised as being transitional and as designed to build confidence. If they were to become institutionalised beyond a transitional situation they would almost certainly prove a source of future instability, as they would 'freeze' definitions of Hutu and Tutsi, and continue to privilege the latter and provoke resentment amongst the majority.

Is this unrealistic? It does not have to be. For a start, and importantly, it must be recalled that, notwithstanding the foundation of parties such as PALIPEHUTU and the FNL on an explicitly ethnic basis, there is an alternative tradition within Burundi (however imperfectly realised) of political organisation around parties which have sought to espouse a common Burundian nationality. For instance, despite UPRONA's identification with Tutsi and FRODEBU's with Hutu, both parties hark back to wider aspirations and retain linkages with both sides of the 'ethnic' divide. This sense of a broader, shared nationality will need to be fostered by the transitional government and actively championed by the more visionary politicians during any forthcoming constitutional process. Yet such progressive thinking will not rely merely upon the whims of politicians, for it will also be guided by other factors. For a start, as implied by Mamdani (2002), Burundi has the positive advantage that it is not divided into discrete 'native authorities' or vertical 'tribal groups' which might be pitted against each other in a bid for resources. In other words, regional variations and uneven development are unlikely to be expressed in terms of ethnic difference. Secondly, the making of a common citizenship will hopefully be shored up by war weariness amongst the population, wider regional determination to protect the peace process, and wider international backing in terms of provision of financial, humanitarian and developmental support.

Meanwhile, this will need to be complemented by what Mamdani (2002) terms 'a reconciliation with history', a search for justice and reconciliation, a depoliticisation of the military, a strategy of redress, and a move to a culture of civic responsibility. His argument is versed in terms of Rwanda, yet it also speaks loudly to the present case of Burundi.

A reconciliation with history

Mamdani points to the sharp contrast between post-1994 genocide Rwanda and post-apartheid South Africa. Amongst the white population in apartheid South Africa, there were relatively few perpetrators of violence but many beneficiaries. Amongst the Hutu in Rwanda, there were fewer beneficiaries but many more perpetrators. Furthermore, whereas political violence in South Africa had a secret cloak-and-dagger character (and was conducted largely by the police and military), in Rwanda genocide was undertaken not by shadowy death-squads but openly by mobs of machete-wielding citizens. Hence, as Mamdani writes, whilst the 'identity of the perpetrator was not always known in South Africa, it is known in Rwanda' (2002: 267). Even so, he argues, the identity of the perpetrator and the genocide survivor in Rwanda is not as transparent as this would suggest, because the 'identification of both perpetrator and survivor is contingent on one's historical perspective' (2002: 267). Hence any reconciliation between Hutu and Tutsi has to be preceded by a prior reconciliation with history. To break the stranglehold of Hutu power and Tutsi power on politics in Rwanda, it is necessary to break their stranglehold on history writing, and history making: 'this exercise requires putting the truth of the genocide, the truth of mass killings, in a historical context', and linking political outcomes more to political institutions than to political agency. In brief, he argues:

- The genocide should be presented as an outcome of the civil war, as political violence emanating from a power struggle between Hutu and Tutsi elites. This would recognise the problem of Rwanda as first and foremost one of political power.
- The civil war which preceded the genocide should be seen as a development of a regional dynamic (the decision to 'return' to Rwanda by Tutsi exiles within the Rwandan Patriotic Front previously absorbed into the Ugandan National Resistance Movement as a result of the latter's decision to marginalise them and deprive them of benefits).
- The degradation of the Hutu and the privileging of Tutsi should be recognised as an outcome of colonial engineering.
- The writing of the history of Rwanda should be acknowledged as having become subordinated to the imperial project, for just as the colonial state underscored racial origins as a key attribute of status and citizenship, so did historians become preoccupied with the search for origins (in terms of

- the Hamitic myth). Cultural differences were translated into political differences, and hence the unscrambling of cultural from political identities becomes a prerequisite to rethinking the question of citizenship.
- The Rwandan Hutu Revolution of 1959 should be problematised as both *historically legitimate* (in that it overthrew Tutsi minority privilege) yet seen as having been *historically limited* in that it failed to transcend the political legacy of colonialism. Instead, it built upon the racialised political identities which had been generated by colonial rule.
 - Finally, it is necessary to distinguish between Hutu power and *genocidaire*. Whilst Hutu power saw itself asserting itself within a bipolar world of Hutu and Tutsi, the *genocidaires* looked for a final solution through the physical elimination of Tutsis. (Mamdani 2002: 268–270)

It should be noted that Mamdani feels that in this context the South African example is not particularly helpful, for the focus of post-apartheid enquiry has been on unmasking *individual* perpetrators of injustice (through the TRC and other processes), whereas in Rwanda, the number of *genocidaires* runs into many thousands. However, it may be argued that his perspective on how post-apartheid South Africa is seeking to grapple with its past is simply too limited, and perhaps, too uncomplimentary. To be sure, the interpretation of history remains, and will always remain, highly contested, yet there are numerous signs that there is considerable movement away from the racially and ethnically skewed history which was propagated by the previous government. Increasingly, past history is viewed from the perspective of the present assumptions of the right of all South African citizens to equality and of all non-citizens to a host of basic rights. This entails a realisation of the acute need for the rewriting of history (and of school textbooks in particular) from the perspective of the historically disadvantaged (in terms of both race and gender), as well as of the dangers of a re-interpretation of history in terms of liberationist triumphalism. And whilst there is a conscious attempt, promoted by government (and others), to change popular remembrances and interpretations of the past by the launch of such ventures as Freedom Square in Pretoria and the Apartheid Museum and Constitutional Hill in Johannesburg, such efforts are explicitly inspired by the non-racialism of the constitution and are hence based on the idea of a common and shared history, and are thus intended to be inclusive rather than exclusive.

No such exercise can be uncomplicated nor unambiguous. Yet the South African aspiration underscores for Burundi what Mamdani prescribes for Rwanda. Burundian history needs to be written and understood as the history of a people, set in a regional context, who have cultural differences (which can be celebrated and legitimated), yet who have been divided by the transformation of these cultural differences into political differences by colonialism and its imprint upon post-colonial differences.

How such history is to be written by Burundian historians, as opposed to outsiders, and how it is to be fed into popular consciousness, remains highly problematic. Much may depend upon how Burundi chooses to grapple with the issue of justice.

Amnesty and justice: will a Truth Commission work for Burundi?

One of the provisions of the Arusha Accord is the decision to establish a National Commission of Truth and Reconciliation. Taking its bearings from the South African experience in which amnesty was promised to all those, on all sides of the conflict, who fully disclosed crimes and human rights abuses committed for political reasons, the Accord is explicitly underlining the fact that in a society which has been torn apart by a brutal civil war, a just and stable peace cannot be built upon a *tabula rasa*. As noted by Ndikumana, one of the ironies of democratic development is precisely that 'as the future is being planned, the past intrudes with increasing severity. In this field, there is no such thing as a fresh start. The first enemy Burundi now has to face is its tragic past' (2000: 437).

This is pertinent in a number of respects, not least because all such exercises, as well as international criminal tribunals established to try individuals charged with human rights violations, are regarded as being in the first instance cathartic, and in the second a matter of justice.¹ These are relatively new developments in international law, and as such they are very much still under construction. There are therefore no hard and fast rules governing how emerging democracies should deal with tragic past events, and to a large extent this is to be determined in the particular context of a given country. The experiences of Chile and South Africa, for example, are quite distinct, and

thus Burundi needs to carve out its own path in this regard, and perhaps not be tempted to follow too closely the example of any other state. Indeed, it is probably the case that it should avoid following too closely the example of its sister nation Rwanda, where according to Mamdani, *victors' justice* is triumphing over *survivors' justice*.

Rwanda has established an international criminal tribunal for the prosecution of *genocidaires*. Mamdani argues that within this context three convictions underlie the character of post-genocide Rwanda. The first is an overwhelming sense of moral responsibility for the continuing survival of Tutsis. The second is that Tutsi power is a condition of Tutsi survival. The third is that the only peace that is possible between Tutsi and Hutu is an armed peace, which in turn serves to lend credibility to Hutu oppositionists who claim that they must be armed if they are not to return to the servile condition under which they suffered before the 1959 revolution. In contrast, Mamdani proposes an alternative form of justice, *survivors' justice*, which relies upon the victors reaching out to the vanquished on terms that have the potential of transcending the earlier opposition between the two. From this perspective, the term 'survivors' refers not to surviving victims of genocide, but to all those who are blessed with life in the aftermath of civil war. Again, he relates this to the contrast between Rwanda and South Africa. In the latter case, where perpetrators of violence were few but beneficiaries of apartheid were many, the key to reconciliation lies in the attainment of social justice. In the former case, where the perpetrators were many but the beneficiaries were few, the key to reconciliation is political justice. This shifts the focus away from individuals to institutions – the question not just of *who* should govern but *how* they should govern (Mamdani 2002: 270–276).

Whatever course is taken, it has to be recognised that the considerations of justice may be in conflict with the reconciliatory role of a TRC, and it is important to make a distinction between these two courses of action.⁴ This distinction is also made by Inger Agger in commenting on the post-conflict healing process in the case of Bosnia. She observes that notions like truth and moral right and wrong are extremely difficult to define in instances of inter-ethnic strife, unlike in cases of state suppression of their political enemies. In so far as this makes the case of Bosnia distinct from Chile (Agger 1998), so too it may make the case of Burundi distinct from South Africa.

Burundi has two pressing issues to deal with in this regard. First of all, the allegations of genocide need to be addressed, and given that a common understanding of what constitutes genocide has not been agreed upon by any of the parties to Arusha,⁵ it will be impossible to deal with this to everyone's satisfaction. However, insofar as it is agreed between the parties that '[d]ebates on genocide and exclusion [are] goals in themselves, and [offer] both parties a way to express the drama of their people' (Renda 2000: 38), it may be the case that this debate could best take place within the structure of a TRC, with the objective as much to bond a political compromise and forge mutual understanding between previously warring nationals as to seek the outright pursuit of justice. In this context, Mamdani's distinction between the pursuit of victors' justice and survivors' justice appears particularly apposite, not least because it could be argued that whereas post-genocide Rwanda represents a *Tutsi victory*, the Burundian settlement appears much more likely to be founded upon a *stalemate* between contending forces, much as was the case in South Africa.

Gerard Prunier, the renowned chronicler of the Rwandan genocide and one of the advisors to Committee Two at Arusha, suggested at the time that each party should discuss their *own* side's violations in this regard (Prunier 1995). While this proved most unpopular, it is the spirit of the truth and reconciliation process that one comes to the table ready to reveal the truth and to express remorse. This idea is echoed by Archbishop Desmond Tutu, the Chairman of the South African TRC:

It is crucial when a relationship has been damaged or when a potential relationship has been made impossible, that the perpetrator should acknowledge the truth and be willing to apologise. It helps the process of forgiveness and reconciliation immensely. It is never easy. We all know just how difficult it is for most of us to admit that we have been wrong... Thus it is not at all surprising that those accused of horrendous deeds and the communities they come from, for whom they believed they were committing these atrocities, almost always try to find ways out of even admitting that they were indeed capable of such deeds... But if the process of healing and forgiveness is to succeed, ultimately acknowledgement by the culprit is indispensable... Acknowledgement of the truth and of having wronged someone is important in getting to the root of the breach.
(Cited in Steiner & Alston 2000: 1245)

The second issue that Burundi will have to confront is the holding of individuals responsible for past atrocities. It has been noted above that the Burundian army has traditionally operated with virtual impunity, and that to date, nobody in the army has been held accountable for the 1993 coup and assassination of President Ndadaye and other senior Hutu politicians. Those who resisted the coup and participated in the subsequent revenge exacted on Tutsi civilians were ruthlessly pursued and by 2002 many of them were still being detained without trial.⁶ Likewise, the different rebel movements have themselves been guilty of numerous excesses and human rights' abuses. It is in this respect that some sort of criminal tribunal to try individual perpetrators may be appropriate for Burundi. In the same way that some former members of the South African security forces have been held criminally liable for their part in the worst abuses of their political opponents, and were deemed to have been able to act with impunity, this could also prove to be a powerful psychological tool of unification in Burundi.

However, the political and practical problems relating to such an option are obvious. On the one hand, the political-military elites, which are presently engaging in negotiations and will doubtless play a leading role in the near future in drawing up a new constitution, are unlikely to want to render themselves accountable to post-civil war justice. Indeed, as elaborated above, the protocol signed on 2 November 2003 between the government and the CNDD-FDD provided sweeping immunity to all leaders of the latter and to members of the security services.⁷ On the other hand, there is the difficulty of deciding who should be the focus of post-war attempts to implement justice. Should it be the principal objective of a judicial process to try the senior commanders or politicians (government or rebels) who masterminded slaughter, without perhaps themselves becoming directly involved? Or should an attempt also be made to root out the foot soldiers who undertook genocidal acts of mass murder? As South Africa's experience has demonstrated, it is precisely the unwillingness of political and military elites to accept responsibility for crimes and to blame their inferiors for 'excesses', which renders any process of transitional justice incomplete, and calls its final outcome into question.⁸ In this context, it would appear that the attainment of *survivors' justice*, especially if founded upon the *confessional* opportunities offered by a tribunal, would be a sounder route to reconciliation than pursuit of punishment or revenge. Even so, it must be recognised that, without threat

of some potential sanction (punishment of those who choose not to confess), any such process is likely to be horribly incomplete. Yet as in South Africa, the theatre and symbolism of mutual confessions of guilt by all sides to the conflict would likely be an important step towards societal healing.

Even apart from such issues, practical and political issues concerning the establishment of a TRC in Burundi abound. In South Africa's case, the TRC process was part of the package which saw majority rule tempered by the drawing up of a new constitution which entrenched human rights and introduced new constraints (notably a Constitutional Court and statutory commissions) upon the executive. Importantly, too, an implicit part of the deal was that whilst majority blacks would fairly swiftly assume political power, whites would – for the moment at least – remain largely in control of Africa's most advanced economy. Even if Burundi's political warring elites can strike a political deal based on similar principles of executive constraint and power-sharing, the implicit side of the South African bargain would be far more difficult to parallel, for as in most other African states, control of the state overlaps or dictates control of the economy. It is precisely for this reason that external pressures exerted by international actors – South Africa, the regional initiative, the UN and so forth – upon the elites will be so important in cementing a deal. Yet equally, there will be a need for economic incentives, alongside personal and collective guarantees of safety, for present power holders – notably the Tutsi military – to withdraw from the political arena if a democratic settlement is to be attained. Those who wish to forge such a settlement must outline *an economy of peace which is potentially more prosperous for power holders than the present economy of war*.

It is here that the international community has a far more extensive role to play than in the case of South Africa, for it is manifestly obvious that any serious attempt to reverse Burundi's economic decline will require extensive, and long-lasting international aid. Burundi will face the dilemma that whilst it may be necessary for the past to be dealt with openly to achieve a genuine national reconciliation, the desired peace may only be attained through an elite pact which deliberately underplays the past commission of crimes and atrocities. Amnesty for truth may well provide a desirable bargain, yet Burundi's attainment of even that imperfect goal will undoubtedly be more difficult to achieve than in South Africa.

Military dominance, minority rule and human rights

Numerous observers argue that the greatest stumbling block to the full implementation of the Arusha Accord is the continuing armed violence and, until recently at least, the refusal of key rebel elements to agree to a ceasefire. This problem is considered as a separate issue below, but it is worth noting in comparative context that the recalcitrance of the rebels cannot be seen in isolation from the dominant role played by the army in Burundi.

As has been noted already, the military is inextricably linked with the politics of Burundi, and the ranking officers who wield the most power are mainly Tutsi from Bururi province. Furthermore, the army is the entity that is most resistant to change. Indeed, some hardline Tutsi parties – notably Bagaza's Parti du redress National (PARENA) – that do not trust Buyoya (let alone Ndayizeye) and are deeply wary of the entire peace process, are actually led by military leaders. Their resistance to accepting a peace deal with the rebels is based on the suspicion that, without the Tutsi-dominated army to protect them, the minority Tutsi would fall victim to a genocidal slaughter such as that which occurred in Rwanda in 1994 (Reyntjens 1995: 9).

As was the case in apartheid South Africa, control of a powerful security apparatus that understands its mandate in terms of the needs of a dominant, racially-defined minority, is deemed indispensable to physical and political survival. Two unsuccessful coup attempts, in April and July 2001, pointed to the deep dissatisfaction of some members of the army with the negotiations process, and indicated the potential of military hardliners to scuttle the process and set limits to the scope of actions that Buyoya was able to take. Yet at the same time, whilst having positioned itself as a force restraining change and as a protector of the Tutsi, the army has also undermined its potential for playing a constructive role in any transition to peace and democracy. Precisely because of its domination by Tutsis, and the anti-Hutu bias of its actions, it is widely feared and mistrusted by the majority of the population, not least for its backing of 'dead city days' in the mid-1990s, but also its more recent role in herding people into *regroupment* camps and its undoubtedly responsibility for a whole catalogue of other human rights abuses (as identified by such organisations as Amnesty International and Human Rights Watch).⁹

The problem, in short, is that of the blurring of the lines between the military as an instrument of the state and the armed forces as a political force independent of, and largely unrestrained by, the civilian authorities. The numerous coups in Burundi, as well as the assassination of Ndadaye by the army in 1993 which sparked off the civil war, indicate that the military has difficulty in seeing itself as subordinate to any force but itself. It regards itself as the essence, as well as the guardian, of the state, which in turn presumes a certain ethnic order. It is scarcely surprising that the army has found it difficult to agree to a ceasefire with rebel groups that have challenged its monopoly of arms, or to agree to a transition in which power would be located in civilian hands.¹⁰

In this regard, the role of Buyoya as a key figure of the transition has become difficult to assess. On the one hand he can claim that his role in engaging in the Arusha peace process has been largely constructive, notwithstanding his early reluctance to admit the principle of a foreign peacekeeping force. On the other, he is himself a veteran leader of two military coups, and has not yet come to power democratically. Indeed, van Eck argues that he remains deeply suspicious of democracy, or rather its suitability for Burundi, and blames himself for having inflamed ethnic passions and precipitating civil war by standing down in favour of a projected multi-party democracy in 1993, having ignored advice from Yoweri Museveni that such a move would end in bloodshed. His present position remains ambiguous. On the one hand, his retirement from the presidency may be destabilising in the sense that it signifies the weakening of his moderating influence over the military. On the other, although he has taken up his place as an ex-president in the Senate, his role as an elder statesman, somehow 'above society', has been compromised by his avowed intent to return to the political fray by standing in future elections as the head of a political party. Hence Buyoya appears as both a nationally respected figure and reluctant democrat, presently sidelined, who could still play either a constructive or spoiling role during an attempted progression to democracy.

South Africa's transition took place against a not dissimilar backdrop. The political agreement that had to be struck was between two fundamentally different adversaries (de Klerk and Mandela) and at the risk of antagonising their respective constituencies by appearing to concede too much. The majority of white South Africans, the traditional privileged minority, feared a

violent backlash should the ANC come to power and democracy prevail – the fear of the so-called ‘*swartgevaar*’¹¹ – and preferred to live under the domination of a highly militarised state than risk this possibility. Black South Africans, on the other hand, were concerned that the process of change was moving too slowly and that concessions to the fears of the minority in the form of interim power-sharing agreements would merely prolong white domination and privilege. In the background loomed the threat of the liberation movements that disapproved of Mandela’s agreement to suspend the armed struggle in favour of negotiations,¹² compounded by dissatisfied rumblings within the largely white Afrikaner-dominated SADF, well-known for its resistance to change and integration. Furthermore, the role of neither of these two was limited to the military realm, for both the SADF and the various branches of the armed liberation movements were influential actors in the politics and decisions of those on both sides of the negotiations. While the details of this period and the ultimate bargain that was struck cannot be dealt with here,¹³ it is important to note that compromise proved not only possible, but indeed largely successful.

The former SADF has today been transformed into the integrated SANDF. The Burundian army could note that, in many ways, this has been achieved more on the terms of the SADF than those of the liberation armies (the ANC’s Umkhonto we Sizwe and the PAC’s Azanian People’s Liberation Army). This was not only because the former was larger, better armed and more powerful militarily, but also because it was a longstanding, conventional, modern and technologically advanced military force in contrast to the liberation armies which, because of their nature, had not progressed far beyond their irregular origins. Although the integration process has, critically, entailed the transformation of the officer corps, with the majority of leading positions now staffed by blacks, white officers continue to play a major role, especially in the more technical positions, and enjoy career prospects. Inevitably there have been tensions – often acute – during the integration process, but the SANDF’s withdrawal from the political sphere has been key to the success achieved. From an army which was deeply implicated in the suppression of dissent (via its imposition of a violent order upon the townships), the SANDF has become a force which, domestically, has engaged in disaster relief when called upon by the civilian power, and more symbolically, assisted in the logistics of running democratic elections. Meanwhile, its international

engagements have been in the spheres of peace enforcement (Lesotho) and peacekeeping (Burundi and the DRC) rather than in making war.

Whilst the successful transformation of the South African military may serve as a constructive model for Burundi, there are key differences in the two military legacies which belie too easy comparability. Above all is the fact that, for all its political involvement, and for all the increasing influence of the security forces in the 1980s under President PW Botha, the military in South Africa never challenged ultimate civilian control. Indeed, apartheid South Africa always insisted that it was only a special type of democracy. In contrast, the Burundian army actually overthrew democracy in 1993, and has remained ideologically opposed to democracy as representing rule by the Hutu majority and incipient Tutsi genocide. Interestingly, however, the army has largely eschewed direct military rule, preferring to exercise its influence at long distance, through civilian coalition governments, Uprona and other political parties, and parliaments (albeit of dubious legitimacy). A key challenge for effecting a democratic transition in Burundi, therefore, lies not so much in securing a formal military withdrawal as in *rendering the army accountable to civilian power*. And of course, this stricture applies no less to a future military which has integrated elements from the diverse political groups than to the present overwhelmingly Tutsi-dominated army.

Material inequality and the need for redress

The virtual monopoly on political and military power in Burundi over the last 40 years, held by one particular group of Tutsi, has been replicated at almost every level, such that the education system, for instance, from the primary to the tertiary level, reflects these ethnic tensions (Reyntjens 1995: 24). Furthermore, since independence successive military regimes have sought to exclude the Hutu from education, especially above high-school level. While there is no indication of 'ethnic' identity on official identity documents, unlike in pre-genocide Rwanda, in practice the Education Ministry in collaboration with the National Intelligence Services has kept records that identified children as either Hutu or Tutsi, and used these to exclude Hutu candidates from admission to high school and college (Ndikumana 2000: 452).

These marked inequalities are undoubtedly exaggerated by a militarisation of wealth. Although impossible to quantify at the moment, it would appear that

the close connection of military officers to the state has enabled them to appropriate resources and to use their office to engage in economic activities, whether this be land-holding, private taxation of citizens or overt or covert engagement in import and export activities (upon which life in Bujumbura in particular continues to be reliant).¹⁴ Meanwhile, although they are far from untouched by the war, the urban Tutsi have remained *relatively unscathed*.¹⁵ The consequent widening inequality that results from this serves to deepen the divisions between Tutsi elites and the Hutu majority who bear the brunt of the crisis, as well as heighten resentment.

The results of such material inequality and discriminatory practices have been inevitable. The Hutu not only feel alienated and resentful of state institutions, but as Ndikumana (2000) observes, this discrimination is not only morally wrong, it is also economically unsound and stunts the development of human potential, resulting in a deepening of Burundi's already desperate economic crisis.

Basic indicators of the severity of this crisis bear repetition. GNP per capita has shrunk since 1990. In 1999 GNP per capita was only US\$140, which is far lower than it was in 1980. Even more critically, food production has declined steadily by 2.4 per cent per annum since 1993, undermining the self-sufficiency of Burundi in the agricultural sector (Ndikumana 2000: 441). This is compounded by rising inflation, whilst the collapse of the global coffee price has deprived Burundi of its primary source of foreign exchange earnings. Furthermore, the disruption of agriculture is all the more devastating as it is the primary occupation and source of income for more than 95 per cent of Burundians (Lemarchand 1994: 586). Health indicators are similarly critical: Burundi is confronting a mounting HIV/AIDS crisis, and it has the highest rate of tuberculosis in the world. Burundi's high population density places absolute pressure upon scarce resources, and serves to heighten tensions between differentially advantaged groups. Meanwhile, it has been estimated that the population of Burundi will double by 2015.

In these circumstances therefore, the issues of aid, reconstruction and development, and regional co-operation are vital. While it may be possible to pull back from war under circumstances of gross privation, exhaustion and inequality, it is almost certainly impossible to build peace where such conditions are systematically and deliberately reproduced. In other words, there is a need to take seriously the associated issue of *redress*.

The deployment of economic and social privilege using education and, implicitly, job reservation as leverage, has tremendous resonance in South Africa, where under apartheid blacks were victims of systematic discrimination on racial grounds. Inevitably the process of dealing with this legacy will preoccupy South Africa for generations to come. However, South Africa offers evidence that it is not only possible to make peace under such circumstances of inequality and division, but also to sustain efforts made to redress historic imbalances. Again, this flows from the constitutional and political emphasis upon citizenship as implying not only formal political rights but as involving basic social and economic rights to life and a decent living for all, regardless of their past status. Thus it is that the post-1994, democratically elected governments have made concerted efforts – through budgetary allocations designed to redress past racial disadvantages, equalisation of welfare payments, and systematic strategies such as those of 'black empowerment' – to redress material imbalances between black and white, while efforts at stimulating the growth of the economy have been aimed at reducing at least some of these inequalities.

Inevitably, perhaps, the results are mixed, with – for instance – recent statistics indicating that disparities of wealth are widening rather than lessening, even if the rapid emergence of a black middle class indicates the importance of the fact that such divisions are becoming 'de-racialised' at the apex of society. However, what is of prime importance is that, precisely because the credentials of the present ruling party are founded upon the 'liberation' of its constituency within a framework of democracy, it is constrained to justify its performance both politically and economically in terms of promoting equality.

In short, whilst South Africa's far greater wealth and economic potential clearly provide its government with options that any Burundian counterparts can never have, it is germane to note that the broad shift towards the construction of 'one nation' (however imperfect and incomplete), could only have taken place under democracy.

It is precisely the notion of national identity, and the impact that this has on sustaining a peaceful *modus vivendi*, which is of crucial concern to the maintenance of peace in post-conflict societies.

Achieving civic responsibility

The importance of Burundians overcoming differences between Tutsi and Hutu to achieve a common political identity and common citizenship has already been addressed. It is nonetheless perhaps worth concluding this chapter by elaborating on how the idea of a single citizenship may be underpinned by a sense of civic responsibility.

In considering the problem of ethnic divisions and discrimination, Bryan Barry (2001) argues that a *formal* conception of nationality is insufficient to generate the level of 'equal concern and respect' for other citizens with whom one does not identify in any other way. He is specifically thinking of cases of ethnic discrimination of a majority against a minority, but the argument is equally appropriate to the opposite situation. He argues that if there is discrimination at the level of state apparata, such as in the military, access to education and therefore certain jobs, allocation of housing, roads and hospitals, then this becomes replicated in the private sector too. The inevitable result is antagonism, mistrust, and perception that 'the other' is not to be trusted, often resulting in their brutal oppression by the security forces (Barry 2001: 77–78).

Yet Barry is not arguing that the solution is homogeneity or attempts to create a homogeneous national identity. On the contrary, what is required is a more inclusive notion of national identity, which would entail empathy for the fate of others and an ability to identify with them. According to Barry, the way to achieve this and realise a sense of solidarity is by the sharing of institutions and a reduction of material inequalities, as what is frequently seen as a cultural difference is in fact one of material circumstance (2001: 79).

So the success of a liberal democracy depends on citizens having certain *attitudes* towards one another, most importantly that they regard everyone's interests as counting equally, and that they are able to identify a common good and are prepared to make certain sacrifices for that common good. Barry labels this 'civic nationality', in contrast to 'formal nationality' (as embodied in a passport) and 'ethnic nationality' that can prove so divisive. This definition of nationality does not explicitly include reference to culture, but nor does it exclude it. Rather, in this account of nationality culture is one facet among many that make up the complex identity of every individual. Identity is not a

'constant sum game' that requires one identity be supplanted by another. Rather identity has an 'additive' quality to it, which is analogous to the ability to learn to speak more than one language (Barry 2001: 81). So while there must be a certain degree of overlap in people's identities in order for the required level of mutual recognition and empathy with one another to exist, this does not entail expunging differences. The important point to note is that what democracy requires in order to succeed, is that this mutual recognition exists, or as Mamdani would argue, cultural differences should be distinguished from political differences.

The question of a ceasefire aside, Barry's approach suggests that the construction of a sustainable democracy for Burundi will require Burundians, who have been divided along 'ethnic', educational, and economic lines, to regard and understand one another in the way outlined above. There are two important steps in this process: making the peace and keeping the peace. The former requires negotiation and agreement, the latter requires a common sense of national identity of the civic kind argued for by Barry. Is this possible in Burundi? Again a comparison with South Africa may shed some light on the question.

Firstly, as Barry points out, ethnic division is most acute in circumstances of inequality and exclusion. While it is undoubtedly the case that this is a factor in Burundi, what is interesting to consider is the extent to which this may be addressed. Ndikumana argues that both political and economic liberalisation in Burundi will serve as a 'prophylactic device against future ethnic violence', presumably because this will entail people's fates being inextricably bound up with one another. He goes on to say that this 'argument is based on the realisation that violence has resulted from decades of political and economic exclusion and oppression along ethnic and regional lines. Therefore once the problem is diagnosed as political and economic, it is reasonable to address it politically and economically' (Ndikumana 2000: 441–442). He goes on to say that past failures in democracy in Burundi came about because the process was not 'owned' by the people. It has already been noted that a *sine qua non* for transformation in Burundi is a transfer of power from the military to civilian hands, but Ndikumana's point is that this cannot work if those civilian authorities merely replicate existing elites. Rather, he states that the 'country needs democracy from the grass-roots level to give the people a sense of ownership of national institutions' (2000: 456).

How is such a sense of ownership to be achieved, especially if – as has been suggested – the political-military stalemate and the ending of the war display, perhaps necessarily, the features of an elite pact? The answer, in broad outline, is that no constitution-making process which follows can be allowed to become the exclusive property of the military men and the politicians, so many of whom have done so much to keep the war going before being brought to the peace table by external pressures and popular exhaustion. Reference has already been made to the fact that the peace process has been so troubled and drawn out, in part at least, because of the exclusion of civil society from the negotiations. However, now that war is apparently drawing to a conclusion, and now that the politicians of all stripes are returning home, there is less and less excuse – and opportunity – for civil society groupings – business, trade unions, academics, women's, peasants' and other groups – to be excluded from the constitution-making process. Indeed, however problematic the ambitions of civil society activists to secure a National Convention to draw up a constitution, they are nonetheless an indication that there is a growing realisation within the country that to work, democracy must be home-grown rather than artificially imposed from outside. This in turn implies an obligation upon the international and regional community to extend sufficient financial and logistical support (and doubtless patience) to underpin such a process, and to avoid the temptation of opting for an elite-driven, 'quick fix'. Indeed, it may well be that the envisaged Arusha process of moving towards relatively early elections may have to be delayed if adequate, popularly based discussions are to take place (an admittedly awkward proposition given the potential interest of certain elites, such as, perhaps, the military, in delaying any move to democracy). It is obvious that there is a potential role for a continuation of South African assistance in such a procedure.

An inclusive process of constitution-making will be an important first step. Other moves, which should be seen as simultaneous and complementary, should entail, particularly, the efforts to ensure the imposition of various 'rules of the game' upon forces which could otherwise play a particular role in disrupting a fragile peace. As envisaged by the present peace plan, this will necessarily involve controls upon the military and the rebel forces and the creation of a unified force. The objective must be to ensure that, during the transition and after, the forces of law and order come to accept their duty of

dealing with the entire population in a transparent and even-handed way. Meanwhile, as emphasised by Reyntjens, the media will need to be subject to rules in order to ensure that the freedom does not become licence (1995: 24). Hence journalists will need to be trained to report in an ethical and impartial manner. The private press, which commonly uses inflammatory language calculated to incite ethnic division, and the public media, in the form of Radio Burundi (widely deemed to be a vehicle of government propaganda), will need to be monitored and urged to promote the values of a civic nationality. The jamming of 'hate radios' (a phenomenon which greatly inflamed the genocide in Rwanda) is just one step that could be taken.

Again, South Africa's transformation sets an instructive example in this regard. Under apartheid the state imposed severe controls upon all media in the country, but most particularly upon the electronic media. Yet, post-1994, the press enjoys levels of freedom in South Africa which are unparalleled, and which cannot be tampered with constitutionally. While this press freedom almost certainly does nothing to prevent national tempers from flaring, it does not do anything to provoke them either, because it is something in which all South Africans can regard themselves as having a stake. Whilst there are often allegations that the national broadcaster, the South African Broadcasting Corporation, is biased towards the ANC, protests in this regard can be presented to regulatory commissions for (designedly) neutral review. Furthermore, the relatively high quality of journalism in South Africa (at least compared to the rest of Africa), as well as the fierce competition amongst the media, guarantees that South Africans are constantly exposed to diverse views and positions, and that whatever their own views might be, it is difficult to avoid being made to at least consider the interests of others. Whilst it is unlikely that the media in Burundi can be moved to such a position during the transition, it is nonetheless important that the ideal of media responsibility be stressed, and that the most blatant excesses of media irresponsibility be curbed.

Finally, early recognition should be given to the fact that education, like the media, can be as effective a tool of 'nation making' as it can be of 'nation breaking'. In this context, apart from the urgent need to simply rebuild the educational system and to get the mass of children back into school, Burundi needs to retrain teachers and guide students in an effort to sensitise them to the interests of others. Furthermore, schools and universities alike must be

open to all and fully integrated.¹⁶ This is particularly effective in the case children, as they learn to live together by learning together, and a shared classroom bond is one of the most effective tools of unification available to any country. Burundi has been left with a shortage of teachers, particularly at secondary school level, owing to the return home of the Rwandan refugees who formerly largely filled this lacuna (Reyntjens 1995: 24). However, this may be seen as an opportunity to train new teachers and inculcate in them a sense of national civic identity and a responsibility to disseminate this in the classroom.

Again, the South African example may prove useful in this regard because under apartheid the education system was deeply divided. Not only were schools and universities separated along racial lines, but the type of resources and curriculum were determined according to the 'race' of the institution. White schools and universities were at the top of the pile and able to compete with the best in the world, Indian and coloured schools and universities provided an adequate education for the type of professions children of those races would be expected to enter, and black schools provided the minimal level of education regarded as necessary for the menial role that almost all black children would ultimately be required to play. Black students were strongly discouraged from entering the professions and had to overcome enormous difficulties in order to gain entry. Post-apartheid, all educational institutions have been thrown open to all. Of course, given past disparities and the apartheid legacy of hugely differential racial residential patterns, access to education is still largely determined by economic background, and this is closely related to race. Nonetheless, the formal unification of the education system, alongside progress towards equalisation, will almost certainly have the effect of creating a more unified national psyche in future generations.

Clearly, the challenges to promoting a common citizenship and civic nationality in Burundi are immense. Yet if the present moves towards ending the war are to translate into the building of a sustainable peace, Burundi has no option but to attempt to meet these challenges.

Notes

- 1 Note, for instance, the key role which Nelson Mandela and South African government officials played in persuading Colonel Gaddafi to hand over two Libyan agents suspected of the bombing of Pan Am Flight 103 above Lockerbie in Scotland, which killed 270 passengers and people on the ground. Following a long stand-off between the US, UK and French governments, working through the UN, and Libya, British Prime Minister Tony Blair's request to Nelson Mandela to intervene in 1999 proved critical in Colonel Gaddafi eventually agreeing to hand over the suspects for trial by a Scottish Court sitting in the Netherlands in 2000.
- 2 For instance, apart from facilitating the peace talks in the DRC, South Africa is currently also actively involved in resolving the long running conflicts in Sudan and Somalia.
- 3 Of course, other motives, such as that of the revenge or triumphalism of victors, may also intrude, yet these have a political rather than legal basis.
- 4 This point is owed to Norman Geras, who has questioned the appropriateness of the TRC in South Africa given that this relied upon the exchange of amnesty for truth. Geras argues that as a matter of justice, people who have committed massive human rights abuses ought to be held to account and appropriately dealt with. However, Mamdani would respond that the individualisation of justice is simply beyond the capacity of a state such as Rwanda, where the perpetrators of genocide were in their multiple thousands, to implement, and that in any case pursuit of *genocidaires* can easily translate into state pursuit of all individuals, whether guilty or not, who belong to the group deemed to have perpetrated genocide.
- 5 The Tutsi parties insist that genocide is by definition the targeting of a minority, while the Hutu parties hold that the definition of genocide must entail that it be committed by state powers.
- 6 Amnesty International Report 2002 – Africa – Burundi. <http://web.amnesty.org>.
- 7 Human Rights Watch 2003: 54. Reportedly, the CNDD-FDD insisted that protection from prosecution was a prerequisite to any settlement.
- 8 As noted above, in April 2003 the Burundian parliament voted (by 99–3 with 26 abstentions) in favour of a bill repressing genocide and other crimes of war. The law provides for the constitution of an international judicial commission of enquiry for crimes committed between 1 July 1962 and April 2003. Yet critics professed disappointment, noting that a neutral commission carried out an enquiry in 1996 which determined that genocide was committed against ethnic Tutsis after the assassination of Ndayaye. A report was forwarded to the UN Security Council, yet

subsequently no action was taken in its wake. Parliament has also adopted a law on the appointment of a TRC (UN-IRIN 16 April 2003).

- 9 Professor Gerwel recalls that Buyoya was insistent that the *regroupement* camps were as much for local communities' protection as they were for its control. Yet it needs to be stressed that, whatever the reality, it is apparently widespread perception of *regroupement* camps as oppressive that matters in this context.
- 10 Crisisweb ICG Africa Briefing Paper, 6 August 2002.
- 11 An Afrikaans word that literally translates as the 'black danger' and which in the past denoted the supposed terror that would be unleashed on the white population when the black majority came to power.
- 12 Khathu Mamaila recalls Mandela's courageous step in the early 1990s in signing the Groote Schuur Minutes suspending the armed struggle which was regarded by many as a sell-out, as it obliged the freedom fighters of the liberation movement to lay down their weapons while the SADF was still armed against them. As it turned out, however, it was this suspension of the armed struggle that was to prove crucial to the continuing negotiations, and an ultimate peaceful settlement acceptable to almost all the parties. *The Star*, 14 November 2001.
- 13 There are numerous overviews of the South African transition, but for a valuable, blow-by-blow contemporary account, see Friedman 1993.
- 14 Clearly this needs to be explored systematically. However, its military aspect would seem to be endorsed by tales related to the authors. Civilian Tutsis who previously held estates outside Bujumbura would seem to have been driven away from them by actual violence, or fear of violence. In such circumstances, only those with the means to defend their occupation or ownership, such as military officers, can continue farming or enjoy the fruits of landed property.
- 15 When we say 'relative', we mean 'relative'. Urban Tutsi may be able to live in decent houses, send their children to school and engage in profitable activity, yet they cannot escape the consequences of war. Many have to flee from their houses when towns are under fire, and all undergo material shortages and interruptions of staples (supplies of water and electricity as well of basic foodstuffs). In such circumstances, middle-class Tutsi parents for whom Burundi remains home are in many cases more than happy to see their children leave the country, so that they can be guaranteed a decent future. This is clearly an immensely more fraught situation than confronts white South Africans, yet nonetheless does bear cautious comparison to the relatively high emigration rate of young whites from South Africa.

- 16 Note however, that unlike apartheid South Africa and Rwanda, Burundi has no official policies or laws that discriminate in the education system and the job market. Such practices therefore must occur covertly, and according to Emelyne Kaneza our research assistant in Burundi, sometimes allegations of discrimination have no basis in fact, but rather reflect an impression that one group has that they are being deliberately marginalised. Such claims have to therefore be carefully assessed in order to evade the charge that one is partial to one side in the conflict.



Concluding observations: Mandela, South Africa and Burundi

At the time of writing, there can be no definitive appraisal of the role played by Nelson Mandela and South Africa in helping to bring peace and democracy to Burundi. Any judgements must be tentative, their thrust open to rude challenge by the unravelling of events in the future. Yet the effort – and risk – of offering some concluding assessment is unavoidable. We concentrate on three aspects of this analysis: Mandela's personal contribution, South Africa's wider involvements, and the responsibility of Burundians for forging peace in Burundi.

Mandela's contribution

Analysts have made much of the fact that the Arusha Accord was highly imperfect as an instrument for bringing peace to Burundi, most particularly because it failed to secure the agreement of key rebel groups and, in essence, it was imposed upon Burundian political actors.¹ By implication, they would have been happier to carry on fighting, and as a result, they have never felt that they have 'owned' the Arusha process. Broadly speaking, Mandela is seen by observers such as van Eck as having been brought into an already flawed process, with limited opportunities to put it back upon the correct track. What he achieved was praiseworthy, but it was built upon foundations of sand which have yet to demonstrate their capacity to provide a basis for peace. The war has continued, the various ceasefires have been repeatedly violated and thousands more killed, and the army remains largely unconstrained by the transitional government. We put a counter-argument as follows.

The characterisation of the Arusha Accord as a flawed deal is correct, yet grossly inadequate. It is not only that it is 'the only game in town', but that it represents the single most important step forward yet taken to reverse the spiral of war. It is, certainly, in considerable part, a result of external pressures by the OAU (later the AU) and regional governments, which wanted, for

reasons of their own, to bring the Burundian conflict to an end. Yet it is also, in very large measure, the product of the mediation skills of two of Africa's most remarkable men, Julius Nyerere and Nelson Mandela. Even if Nyerere's contribution has its critics, in that he is deemed by some to have made inadequate efforts to secure the participation of the CNDD-FDD and FNL, the larger judgement must be that he set in motion the process of getting Burundians from across most of the political spectrum talking to each other, and beginning to consider the outlines of a settlement. Subsequently, Mandela – who insists that he built upon Nyerere's foundations – came in to complete that job. To be sure, he came with advantages that Nyerere, who was weighed down by accusations of anti-Tutsi bias and by perceived identification with the national interests of Tanzania as a regional player, did not have. Yet he used those advantages enormously well.

Burundian politicians admit that without Mandela they would not have reached any agreement, nor so quickly. He was tough, exacting but fair, and ultimately seen as disinterested. His experience gained during the transition process in South Africa was crucial both in knitting a deal and convincing delegates of the viability of an outcome. Was the Arusha Agreement too rushed? Perhaps, but how long should the politicians go on talking whilst people are dying? Was it *fundamentally* flawed by the absence of key rebel groups? Not if it is considered that, by pointing out the road to peace, the Arusha Accord undermined the legitimacy of those rebels who insisted on continuing to fight whilst simultaneously securing the support of regional governments and the international community. Indeed, it needs to be stressed that Mandela made concerted efforts to include all armed movements in the negotiation process. Furthermore, to this day, there is a standing invitation to the FNL to join the process, to join the transitional government and to commit itself to the formation of a new national army. In recent times, Agathon Rwasa has demanded that Mandela return to the peace process as negotiator, in effect replacing Zuma. Yet this request is founded upon both his earlier rejection of Mandela's requests that his movement join the process, and more fundamentally, upon an effective rejection of the entire Arusha process, in that the FNL is demanding direct negotiations with the army. Were Mandela to accede to such fundamentalism, it would penalise those who have already chosen a more pragmatic path to peace, and negate the major gains that have already been made most painfully.

Again, was the Arusha Agreement externally imposed, and hence did it lack an indigenous foundation? In part, certainly, it *was* forced upon Burundian political actors, yet so is any such agreement usually. Even if the South African transition was not the product of physical exhaustion by either side of that conflict, it was in significant part an outcome of changing international circumstances and alliances which prompted both the government and the liberation movement into reassessing their goals and opting for a compromise. Furthermore, even the still belligerent rebel movements have now to justify their actions in relation to the Accord and the institutions and road map it has established.

Given the bitterness and complexity of Burundi's war, and the clear imperfections of the Arusha peace process, warnings about the latter's flawed nature need to be taken seriously. Yet it is equally vital that the peace process should not be paralysed by fear of taking risks, or be overwhelmed by the potential dangers involved, of which regional players are all highly aware. *Indeed, Arusha is probably better assessed not by the distance yet to be covered, but by the distance that has already been completed – and that is immense.* Despite regular reference in journalistic commentary to the effect that the peace process is a long-running, tragic soap opera, it is only just over three years ago that the major parties were brought together at Arusha. For all the continuing violations of promised ceasefires, for all the related stalling and restarting this necessitates, the various parties (with the exclusion of the FNL) felt the need to continue to negotiate just as, in the late 1980s, both the then South African government and the ANC were drawn to a similar conclusion when faced by looming political and military stalemate. At long last, this was to culminate in the agreement by the CNDD-FDD to join the transitional government in October 2003. To be sure, at the time of writing, much needs to occur for that deal to become firmly rooted, yet there are strong reasons for hoping that this development represents a major step forward to a lasting peace. Such an outcome could never have been secured without continuing faith in the process on the part of those attempting to draw the warring parties together – *in short, no apparently intractable conflict can ever be resolved without an optimism of the will.* This is precisely why the role of South Africa, and the ongoing interest of Nelson Mandela, remains so important.

In this complicated sense, then, Mandela has played, and continues to play, a crucial role in pushing forward a peace process which, even if uncertain and

perhaps reversible, is a major milestone on the road towards ending Burundi's civil war. His critics must answer the charge of demanding perfection from a brutally imperfect situation, or offer realistic proposals of how, under the circumstances, the Agreement could have been manifestly bettered.

South Africa's involvement in Burundi

It has been central to our argument that South Africa's involvement in Burundi must be viewed as part of a picture of a much grander strategy for Africa. Current commentary upon South African foreign policy tends to focus upon the perceived contradiction between the Mbeki government's commitment to Nepad, which puts good governance at its core as a basis for attracting foreign investment, and its diplomatic support for the present regime in Zimbabwe. The failure of the government to condemn Mugabe's blatant rigging of recent elections to sustain himself in power, the identification of the ANC with Zanu-PF as a fellow liberation movement – despite the latter's clear involvement in a multitude of human rights abuses, and the endorsement of land grabs by the Zimbabwean political and military elite as justified 'reform' – have all sullied Nepad's concept and led to widespread questioning as to whether ultimately Africa's rulers will submit themselves to the sort of wide-ranging accountability required for Nepad's proper functioning. We have no doubts that the criticisms of the South African government's actions and posture in this regard are valid, and worse, an insult to the traditions of democracy that the ANC stands for. Yet at the same time, we also argue that this debate has tended to obscure a much more positive side of South African foreign policy which South Africans can be proud of.

In short, South Africa has increasingly begun to engage itself as a major actor for peace and development throughout the continent, most particularly in Central and Eastern Africa.² From this perspective, as argued above, the importance attached to the Burundian peace process by South Africa is that it is integrally linked to ending related conflicts. South Africa, notably in the persons of President Mbeki and Deputy President Jacob Zuma, has played a major role in promoting the Inter-Congolese Dialogue as a basis for a transitional government in the DRC. Likewise, South African diplomacy is quietly assisting the quest for peace in Sudan and Somalia. Inevitably, mistakes

will be made, wrong horses backed, imperfect deals forged, inconsistencies spotted, and peace plans disrupted. Yet the government has a long-term vision of the future for Africa as a continent in which the wars in Mozambique, Angola, DRC, Sudan, Somalia, Rwanda and Burundi are but a distant memory. Perhaps this aspect of South African policy has received less attention than the imbroglio over Zimbabwe partly because the backgrounds to these conflicts, as in Burundi, are so enormously complicated. If this is the case, then it clearly deserves more attention for, as the present case study shows, South Africa's involvement in continental conflict resolution will almost inevitably also involve a much greater (active and dangerous) military engagement in peace enforcement and peacekeeping.

Finally, critics of South Africa's involvement might note that, although the government has not engaged in either Burundi or the DRC out of narrow self interest, peace might well bring an economic dividend in the form of opening up of investment opportunities in Central Africa for South African companies. Indeed, according to Deputy Minister of Foreign Affairs, Aziz Pahad, there is some prospect that Burundi could even join the SADC in the not so distant future.³ Stability, let alone democracy, in both Burundi and the DRC could well be good for South African business. After all, that peace is a prerequisite for development and Africa's more equal participation in the global economy is the fundamental logic that the South African government is pursuing through Nepad.⁴

Working for peace: the responsibility of Burundians

This analysis has concentrated principally upon the motives and actions of the politicians and the military men. The Arusha Accord and the subsequent ceasefires and deals between parties have been presented as the activities of elites. Indeed, the widespread view that the Arusha Agreement's principal weakness is that it is not owned by the people of Burundi is a confirmation of this perspective. Yet, as also discussed above, the *ordinary people* of Burundi are judged by most commentators to be desperate for the end of war. So how are the ambitions and fears of the elites going to be conjoined with the hopes and fears of these ordinary Burundians? There are no easy answers, but in conclusion we would venture three further observations.

First, the international community must play a major part in providing the incentives for peace. As has been noted, this is already beginning in a small way. For instance, the EU has already committed itself to a 300 million Euro envelope from the European Development Fund to support the peace process (apart from additional humanitarian and development support attached to particular actions). Burundians will only be able to obtain access to such funding if they stick to their commitments under the Arusha peace process. Some of this funding has already been provided for food aid which has been supplied to rebel groups which have respected the different ceasefire agreements – and been withdrawn when they have not. This relates to the much wider issue of demobilisation of all the different military forces, their separation into cantonments, and the subsequent process of military integration. This has already begun in a relatively modest way, yet its success will require a major financial and logistical commitment by the international community which has not as yet been forthcoming. In the short term, this will entail the underwriting of the physical presence of the AMIB as their present deployment has been delayed by lack of funding, and later, the arrival of, and financial provision for, a UN peacekeeping force. At the present, critics allege, due responsibility is being taken neither by the UN (which has taken the position that it will not send a peacekeeping force into Burundi whilst conflict is continuing) or by the US (which, as some would say, has huge historical responsibility for the Great Lakes inferno through its long-term Cold War backing for the Mobutu dictatorship in then Zaire).⁵

The idea of the AU playing the long-term key role in peacekeeping and peace building may be attractive, partly on the grounds of its assuming responsibility for Africa, and partly because it would relieve the UN of a risky commitment. Yet the AU has neither the financial nor institutional capacity to maintain that role without active partnering by the UN, which – although always slow to move – has both. Meanwhile, what is certain is that, South Africa is still bearing the major, albeit unspecified, part of the burden, although it has received financial support for its role from the EU (and recently from the Netherlands). It is unlikely that carrying this burden will be sustainable in the longer term, and South Africa may legitimately argue that the international community should underwrite its role as a regional peace-maker.

A second conclusion, as urged strongly above, is that the Burundian peace process needs to be supported by the more active involvement of civil society.

At present, the political elites appear disconnected from, or perhaps *unconstrained by*, ordinary people. Even if peace deals can be made by elites, they cannot be sustained – nor democracy constructed – without politicians seeking out the support of citizens more generally. Again, Horowitz (1991) proposed for South Africa, any constitutional and electoral settlement for Burundi should deliberately avoid zero sum calculations and deliberately engineer institutions which bridge ethnic divisions and encourage accommodation, not conflict. Such solutions are unlikely to be arrived at exclusively by politicians, nor will their ideas take root more widely, without the involvement of informed opinion and the creation of a supportive public environment (via workshops, media debates, reportbacks by politicians to constituents, and so on). In this regard, external actors such as South African NGOs, like ACCORD and the Action Support Centre, can continue to play a constructive, active role. Meanwhile, in the Burundian context, we would argue that key to this would be the much greater involvement of women, whose almost total absence from the ranks of politicians makes the peace process a male-dominated activity. Neither peace nor democracy can be built upon the exclusion of women or of any group on ethnic grounds.

Hence our final comment is that, ultimately, Burundians must seize the responsibility of forging peace and democracy rather than complaining that the Arusha Agreement has been imposed on them. While resentments about the external nature of the process are understandable, Burundians should recognise that the mediators have gone to considerable lengths to draw the war to a close. Ultimately, it is not any mistakes by South Africa or other regional powers which are causing the war to continue, but deliberate decisions taken by belligerents. At the end of the day, only Burundians can achieve national reconciliation, rediscover their common interests, and reconstruct their own society. The following observation from Reyntjens, that shrewd observer of Central Africa, is therefore an appropriate note upon which to conclude:

A final point on the role of the international community needs to be restated explicitly, even though it is obvious. It is for the Burundians themselves to find solutions to the problems outlined above and to implement them. Outside partners can act to facilitate, to create meeting points, to bridge gaps, to assist, but always at the request and in close consultation with the Burundian

social and political forces. As has been shown on numerous occasions elsewhere in Africa and the rest of the world, solutions imposed from abroad and not genuinely supported by the domestic players simply do not work. (1995: 24)

Burundians face a daunting task in achieving peace and stability, yet in this at least, they can take heart from the remarkable story of the making of democracy in South Africa.

Notes

- 1 For once such view, see Reyntjens 2001: 18–89.
- 2 Department of Foreign Affairs: White Paper on South African Participation in International Peace Missions. (Updated 8 May 2001) <http://www.dfa.gov.za/docs/peace1.htm>.
- 3 Parliamentary Monitoring Group. Foreign Affairs Portfolio Committee. Burundi Peace Process; Briefing by Deputy Minister, 10 September 2003.
- 4 Initial investment opportunities would seem to present themselves in the form of the start of direct flights by South African Airways between Johannesburg and Bujumbura, and the restoration of the hotels (which would accommodate an inflow of personnel accompanying a greater presence of international agencies and firms) which line Bujumbura's attractive Lake Tanganyika waterfront. Further opportunities, notably in the rebuilding of roads and physical infrastructure damaged by the war, would doubtless follow.
- 5 During his recent visit to Africa, George Bush was reportedly surprised to hear that deployment of Ethiopian and Mozambican troops to Burundi has been delayed by a failure of the US to honour promised commitments. According to Cornish (*Mail & Guardian*, 18–24 July, 2003) 'He promised to clear up what was obviously a bureaucratic blockage'. It was earlier reported to Parliament by Aziz Pahad, Deputy Minister of Foreign Affairs, that the EU has recently committed €67 million to the Burundi peace keeping mission. (Parliamentary Monitoring Group 2003).

POSTSCRIPT

'We cannot accept to die like hens': Tutsi fears and regional peace

On 13 August 2004, Hutu rebels armed with guns and machetes massacred 160 *Banyamulenge* (the term used by people in the DRC for Tutsis), most of them women and children, who had taken shelter at the Gatumba refugee camp in Burundi, a few kilometers across the border near the town of Uvira in the eastern DRC. The FNL immediately claimed responsibility for the attack, claiming that they had targeted a military objective, meaning a base of the Burundian army which was a mere 500 meters from the refugee camp. Pasteur Habimana, the FNL's spokesman, claimed that the movement's forces were fired upon from the refugee camp, and they decided to retaliate. Adolphe Manirakaza of the Burundian army dismissed the excuse, claiming that there was not a single soldier amongst the dead: 'this is a plan of genocide against the Tutsi'. The refrain of 'genocide' was immediately taken up by General Laurent Nkunda, the renegade commander in the DRC's army who had temporarily seized control of Bukavu in early June, claiming to be acting in defence of the *Banyamulenge*. He would take unilateral action to arrest the Hutu rebels, who were widely thought to have been assisted by the Interahamwe and Mai Mai militias, unless the DRC government took action against them saying, 'We cannot await to be exterminated'. The next time he captured Bukavu, he declared, he would never withdraw. 'There is that genocidal ideology...which sporadically targets Tutsis' explained a senior Rwandan military source when asked about a possible motive for the attack. The brutal entanglement of the Congolese and Burundian crises and the apparently deliberate provocation of Tutsi fears threatened a renewal of war throughout the Great Lakes region. The Burundian and Rwandan armies massed on the Congolese border and threatened hot pursuit against the Hutu rebels. 'We will not wait until a second massacre', warned General Germain Niyoyankana, Burundi's army chief of staff: 'We cannot accept to die like hens'.¹

The massacres had taken place against a background of disturbing political developments in both Burundi and DRC. In the latest rounds of South African-led negotiations, which were aimed at finalising an agreement preparatory to elections in Burundi, Tutsi parties – including UPRONA – had refused to accept the latest proposals around power-sharing. Meanwhile, in the DRC, acute tensions between the Kabilas government and the RCD-Goma (RCD-G) were threatening to destabilise that country's own transition and progress to elections in 2005. The question now was: would the massacre at Gatumba inflame Tutsi-Hutu tensions throughout the region and destroy hopes for peace?

'The last steps are the hardest': Tutsi parties baulk at election

As the deadline for the completion of elections by the end of October 2004 neared, the various political parties and actors began to calculate their future prospects and to adjust their short-term strategies accordingly. Nkurunziza's CNDD-FDD, a late convert to the Arusha process but increasingly confident of a victory with some Tutsi support, was eager for the election to be held on schedule. Ndayizeye, anxious to staunch a drain of support from FRODEBU to the CNDD-FDD, urged postponement, citing the multiple practical difficulties of conducting an early poll. Buyoya's UPRONA was simultaneously torn between an insistence that Ndayizeye should enjoy no more than his allotted eighteen-months in power, yet anxious about what an election would bring. Smaller Tutsi parties, only ever reluctant signatories to the Arusha Accord, feared for their survival and Tutsi interests under a Hutu-dominated government. For its part, the FNL remained outside the political process, balancing the potential carrot of participation in a future government against the looming stick of threatened regional action against it. No wonder then that the International Crisis Group warned in June 2004 that the transition to democracy risked ending in a dangerous political vacuum if the international community did not make a strong and immediate commitment to finalising a constitution and moving the country forward to the elections.²

As Carolyn Mcaskie, the newly appointed head of the UN Mission in Burundi, engaged in talks with the FNL to secure a ceasefire, South Africa hosted a meeting in Pretoria, beginning 19 July, with President Ndayizeye and leaders

of Burundi's political parties in a bid to break the deadlock over the elections. Together, President Mbeki and Deputy President Jacob Zuma were determined to finalise a post-election power-sharing arrangement as preparations for a poll. Opposition parties raised a raft of issues, including those about the conduct of a free and fair election, complaining about the government's unfair use of national resources to fund FRODEBU activities, and their continuing ability to campaign freely throughout the country. However, the problem that threatened to derail the process concerned the agreement around who could claim to best represent the Tutsi interest.³

The Tutsi parties' key success during the power-sharing negotiations which had led up to the signing of the Arusha Accord had been the agreement that Tutsis should enjoy 40 per cent of positions for at least the first five years of a post-transitional government. Critically, the CNDD-FDD had signed up to this when they had eventually climbed aboard the transitional government – yet even more critically, as they had begun to gain ground on FRODEBU as the major representative of Hutus and to emerge as the potential winners of an election, so they had begun to attract support from Tutsi parliamentarians and their followers. Increasingly, the future appeared to revolve around Nkurunziza. He still claimed to have a 35 000 strong rebel army under his command (even though he was about to announce its formal merger into the CNDD-FDD at a forthcoming party congress), and his ability to attract Tutsi support had by now earned him the apparent support of regional power-brokers, notably Presidents Kagame and Museveni. His situation was likened to that of Robert Mugabe at the Lancaster House negotiations that ended the Rhodesian rebellion in 1979 – he would secure a political settlement if he could, as he was confident of winning a transitional election; but if he couldn't, he was prepared to go back to the bush. This was immensely troubling to the parties which had originally signed the Arusha Accord, notably FRODEBU and UPRONA, who having enjoyed the fruits of legitimate power and worked collaboratively together, now faced marginalisation. It was in this context that UPRONA now gummed up the works.⁴

After long and difficult discussions, encouraged by a visit to the Burundian delegates from Nelson Mandela who came to lend his weight to the search for a solution to outstanding problems, agreement was reached around a formula for a post-transition government. Ministries and vice-ministries, as well as the National Assembly, would be split in a 60:40 ratio between Hutus and Tutsis

respectively, whilst in the Senate, a 50:50 split would apply. The President would be elected by a two-thirds vote of the National Assembly and Senate sitting together, with Hutus and Tutsis each providing a vice-president. Hutus and Tutsis in the civil service, military, police and intelligence services would hold agreed quotas of positions. This was all in keeping with the power-sharing principles originally agreed at Arusha and confirmed the status of the Accord as the basis of a final political settlement. It also reflected a degree of détente between CNDD-FDD and FRODEBU, with the latter hailing the agreement a success. However, the parties departed from Pretoria with the agreement unsigned, because – now that CNDD-FDD was claiming significant Tutsi support – UPRONA insisted that not only should it be guaranteed a vice-presidency with co-management powers with the President but that it should be awarded all 40 per cent of the seats allocated to Tutsis in the first five years of the new parliament. UPRONA, and other Tutsi parties, argued, in other words, that once a Tutsi had gone over to the CNDD-FDD, he or she ceased to represent the Tutsi interest. UPRONA therefore declared the negotiations a failure, and insisted that the parties composed of Tutsis were simply concerned with Tutsi survival in a political system ‘where the Hutu parties had total control of the country’s institutions’.⁵ Yet the CNDD-FDD dismissed this position out of hand, denying UPRONA’s monopoly right to represent Tutsis and insisting that any allocation of positions to parties in advance of the election would short-circuit the will of the voters. Commentaries spoke of ‘deadlock’, and of UPRONA holding the process ‘to ransom’.⁶

Zuma chased the Burundians back to Bujumbura to hold further talks, but enjoyed limited success. UPRONA and five other Tutsi parties walked out of a meeting with Zuma after he refused to meet separately with them declaring that he was not prepared to listen to them.⁷ Zuma remained upbeat however, declaring that issues of power-sharing were always on-going. They take place ‘before elections, after elections and perhaps decades from now’.⁸

The scene now moved back to Pretoria for a two-day emergency meeting in early August. This was attended by delegates from of all the parties involved in the peace process (including eight newly formed parties) except, significantly, the CNDD-FDD. Ostensibly this was because it was holding its party congress, yet in effect it was indicating that its stance was non-negotiable.⁹ At the end of the meeting, 19 political parties signed the agreement previously negotiated concerning power sharing, but ten did not – these latter including UPRONA.

Nonetheless, under pressure the latter had shifted its ground significantly. It departed the conference complaining that its concerns had not been attended to, but it had now withdrawn to a demand that it should be awarded only 70 (rather than 100) per cent of the seats and positions allocated to Tutsis.¹⁰ Meanwhile, Zuma was determined to push the process forward by putting his full weight behind the appointment of an Independent Electoral Commission (IEC). The Burundian cabinet had recently put forward five nominees to this body, which now awaited endorsement by the Assembly.¹¹ Zuma appeared to calculate that if an IEC could get the electoral ball rolling, parties would fall in behind them and the debate about the details of power-sharing would take second place to campaigning and, if need be, could be sorted out after an election.¹² Not for the first time, a South African negotiator was forcing the momentum, and raising the stakes of non-participation by those players not prepared to join the game. Crucially, too, he was assured of the backing of external forces: Heads of State of South Africa, the DRC, Kenya, Rwanda, Tanzania, Uganda and Zambia, backed by representatives from the UN, AU and EU, prepared to attend a summit in Dar es Salaam on 11–12 August 2004 to ratify the Pretoria agreement and to reconfirm Burundi's election timetable. In the event, the meeting was postponed to early September, ostensibly because Zuma's timetable was too complicated for him to attend, and his report-back was deemed necessary.¹³ Whether the postponement was, in fact, induced by desire for last minute negotiations is unclear. Even so, there was no doubting the eagerness of the regional heads of state to press forward.

It was at this point that the FNL chose to commit its heinous massacre of refugees at Gatumba. It is manifestly evident that this was a brutal spoiling tactic, designed to foment Tutsi fears, promote ethnic/racial polarisation, and torpedo the Arusha framework and timetable. Whether its intent was simultaneously to imperil the transition in the DRC is less certain, yet that was nonetheless its effect. The Dar es Salaam summit, called to endorse the Burundi process, now became a crisis meeting on security throughout the Great Lakes region.¹⁴

Crisis in the Great Lakes

The temporary seizure of Bukavu in June by General Laurent Nkunda had represented the greatest crisis to the transitional government in the DRC since its inauguration, threatening to re-ignite full-scale war in the eastern part of

the country. The DRC government had responded by sending thousands of troops to the region, which now threatened to engage Nkunda's faction in extended hostilities. A dialogue between the different components of the DRC government in Kinshasa had come to a standstill as latent tensions between its different components came to the surface. Yet the greatest differences lay between the RCD-G, and its two major partners in the government, President Kabila's *Parti pour la Reconstruction et le Développement* (PPRD) and the Ugandan backed Movement for the Liberation of Congo (MLC). In essence, the various components had maintained their various command and control structures in their different parts of the country, and mutual suspicions ran so deep that there had been severe delays in implementation of the peace accord, most notably around reintegration of the army, the nomination of provincial governorships, regional military commanderships and promulgation of key laws around amnesty and nationality. In this context, the RCD-G was by far the most isolated component of the government. Having been backed throughout the preceding years of war by Rwanda, and long demonised by Kabila as the cause of post-Mobutu strife, the RCD-G was widely detested throughout the rest of the country and its legitimacy was undermined by the widespread allegation that it was President Kagame's puppet. Indeed, the strong dislike for the RCD-G was aggravated by its domination by *Banyamulenge*, many of whom had ethnic links to the government in Rwanda, even though many *Banyamulenge* did not actually feel that it represented their interests. This complicated the situation hugely for the RCD-G's Vice President, Azarias Ruberwa, who had the difficult task of mediating between the hardliners in his party, notably Nkunda, and those in the transitional government who did not trust him. Overall, the RCD-G was uncomfortably aware that, were it to dissolve its military structures, it would have little leverage to negotiate key issues within the government. It was thus going through an internal crisis that was pitting its more militant elements who were ready to scupper the transitional government, against those such as Ruberwa who felt that there were important things to be gained from it.

Nkunda had justified his rebellious actions by allegations that the transitional government had sent its military forces to the Bukavu region to commit genocide against the *Banyamulenge*, allegations which had been rejected by MONUC's human rights division. Nonetheless, Nkunda had appointed himself the guardian of the *Banyamulenge*, even though thousands of the

latter had fled Bukavu (many to Burundi) to escape the fighting and possible reprisals against them. Furthermore, an unofficial UN report which was leaked to the media gave an indication that the world body had proof that Rwanda had actively supported Nkunda's seizure of Bukavu and was continuing to arm him, in violation of UN Security Council Resolution 1493 of July 2003, which imposed an embargo on all supplies of military material to armed groups in the DRC. Meanwhile, for its part, the PPRD was itself subject to internal divisions, not least between those who wanted the transition to go forward and a powerful grouping, many of them close to Kabila, who had been named by the UN as having been heavily engaged in the illegal exploitation of natural resources, and who feared that their influence would not survive democratic elections. It was this group which had been widely blamed for two coup attempts during the previous six months which had been apparently designed to stall the transition. Overall, there was a widespread sense that the transition was steadily imploding, and that the country might soon be in the throes of a civil war once more (Wolters 2004).

South Africa had continuously viewed the Congolese and Burundian crises as intimately related. The focus of this book has been upon Burundi, yet it has been stressed that South African diplomacy has been designed to bring peace to that country within a wider context of regional stability and security. Hence the enormous concerns aroused by the Gatumba massacre, which had only recently been preceded by South Africa's signing a security agreement with Rwanda. Committing South Africa to assisting with the development and training of the Rwandan army, this agreement was also centred around the creation of a South African-Rwandan defence committee, which would meet (at least) annually to lend coherence to peace efforts in both Burundi and the DRC.¹⁵ Was the Gatumba massacre now to smash the jig-saw puzzle of peace and reconciliation which Thabo Mbeki and South Africa had been so central to constructing throughout the Great Lakes region?

The transitional processes in both DRC and Burundi seemed at severe risk as a result of the Gatumba massacre. Tutsis could be forgiven their cries of 'genocide', and for wondering if they should not withdraw behind the protection of the armies of Burundi and Rwanda, which they still largely controlled, and of Nkunda's RCD-G in eastern DRC. At this moment, the determination of South Africa and the international and African communities prevailed to pull Central Africa back from the brink. The leaders of Rwanda,

Burundi and DRC were all enjoined to caution. President Obasanjo, chairperson of the AU, condemned the massacre as barbaric, and promised that the African body would send an investigative mission to Burundi and Congo. It would join a separate one already ordered by the UN Security Council, which had swiftly demanded that the perpetrators be brought to justice. The UN High Commission for Refugees urged that a new and safer camp be provided for the Congolese refugees in Burundi. South Africa proposed that the forthcoming regional summit should declare the FNL a terrorist organisation and impose sanctions upon it for its crime in murdering the Congolese refugees. The UN Mission suspended talks with the FNL, and deployed more troops to the trouble zone.¹⁶

At the regional summit in Dar es Salaam a sober gathering of regional leaders linked their condemnation of the massacre to an endorsement of the power-sharing agreement signed in Pretoria earlier in the month, describing it as the appropriate compromise and mechanism for ensuring ethnic balance in the spirit of the Arusha Peace and Reconciliation Agreement. It also declared the FNL a terrorist organisation, yet left the door open for further negotiations, and urged the appointment of an IEC.¹⁷ A five-person IEC, composed of both men and women, and representative of both Hutu and Tutsi and different geographic regions was subsequently created by the National Assembly, and was tasked with preparing for an early election.¹⁸ Not long afterwards, Mbeki was in the DRC seeking to bolster the peace process in that country. He was officially leading a delegation of seven cabinet ministers to launch a South African-DRC bi-national commission, but the more pressing task was to defuse tensions between Congo's opposing factions.

There remain numerous obstacles to the conduct of elections in Burundi. Logistical issues such as voter registration, if it is to occur, disarmament of combatants, and creation of free and fair conditions for political campaigning remain. More pressing are the political challenges of finalising the constitution and restoring the trust of UPRONA and the Tutsi parties in the Arusha process, or more precisely, restoring their faith that they have more to gain by its implementation than by the country returning to war. Fortunately, UPRONA has been so involved in Arusha, and has so committed itself to the principle of power-sharing, that it seems unlikely that it will be unable to adjust to a CNDD-FDD led post-transitional government which, in its own interests and under external pressure, should prove accommodating to Tutsi fears.

The Burundi peace process has proved an endurance test for the South African government, and it is one that, so far, it has passed with stamina and resolve. South Africa's efforts at resolving conflict and building peace in both Burundi and the DRC deserve and demand the greater support of the international community. There can now be no going back if Central Africa is to prosper.

September 2004.

Notes

- 1 'Hutu slaughter of 159 refugees "a plan of genocide"', *Sunday Independent*, 15 August 2004; 'Rwanda, Burundi might track killers', *ThisDay*, 16 August 2004; IRIN 19 August 2004.
- 2 IRIN 6 July 2004.
- 3 'Zuma aims to finalise election deal', *ThisDay*, 19 July 2004.
- 4 IRIN 20 July 2004; 'Ethnicity bedevils peace', *Mail & Guardian*, 23–29 July 2004.
- 5 IRIN 24 July 2004.
- 6 'Burundi delegates get Burundi pep talk', *ThisDay*, 22 July 2004'; 'Democracy first in Burundi', *ThisDay*, 23 July 2004.
- 7 'Tutsis walk out of Zuma's peace meeting', *Sowetan*, 28 July 2004.
- 8 IRIN 29 July 2004.
- 9 IRIN 3 August 2004.
- 10 'Burundi peace "not in jeopardy", *Business Day*, 10 August 2004.
- 11 IRIN-CEA Weekly Round-Up 238, 30 July–6 August 2004.
- 12 'Zuma to host emergency talks on Burundi today', *Business Day*, 4 August 2004; 'Burundi peace "not in jeopardy"', *Business Day*, 10 August 2004.
- 13 IRIN 9 and 10 August, 2004.
- 14 'Shadow of regional war looms after latest massacre of Tutsis', *ThisDay*, 18 August 2004; 'Scramble to limit bloodshed in Congo', *Business Day*, 19 August 2004;
- 15 'Lekota signs peace accord in Rwanda', *ThisDay*, 6 July 2004.
- 16 'AU team to probe Burundi slayings', *Business Day*, 17 August 2004.
- 17 Africa Institute, NFA 149, 19 August 2004.
- 18 IRIN 2 September 2004.



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