

THE MANDELA EFFECT
Prospects for Peace in Burundi

18 April 2000

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EXECUTIVE SUMMARY

Involved in a civil war since the assassination in 1993 of Melchior Ndadaye, the first elected president, Burundi is now at a crossroads. Since 1998 the government of Major Pierre Buyoya (who returned to power in July 1996) has been engaged in a negotiation process with FRODEBU, winner of the 1993 elections, as well as with most of the Burundian political groups. This process, which began under the auspices of Julius Nyerere, has been in the hands of Nelson Mandela since December 1999. It finally seems to be on the point of reaching a peace agreement sponsored by the region and the international community: the most optimistic are talking of the agreement being signed within the next few months.

After three and a half years of isolation for the country as a result of regional sanctions and the suspension of international development co-operation, Mandela has breathed new life into the Arusha process and has put Burundi back on the international agenda. His appointment was a victory for the Burundian government, which has concentrated its diplomatic efforts since Nyerere's death in releasing the negotiation process from the grip of the region, particularly that of Tanzania, which it accuses of bias. The government has criticised the Facilitation team for the methodology applied in the Arusha process, especially its formation of negotiation groups on an ethnic basis, failure to take internal dialogue efforts into account and, above all, refusal to allow "dissident" armed bands, the Jean-Bosco Ndayikengurukiye branch of the FDD and the Cossan Kabura wing of the FNL, to participate in the negotiations.

Mandela's first priority is to terminate the Arusha process as quickly as possible. In order to do this, he proposes to conclude work in four committees (nature of the conflict; democracy and good governance; peace and security; reconstruction and development) and work directly on a draft agreement. By his unaccommodating approach to the conflict and his reminder to the Burundian political class that they must show a sense of responsibility, he has provoked a healthy debate on questions related to an amnesty for those guilty of war crimes and crimes against humanity, the integration of rebel forces into the army, power sharing and the transition. He has also put pressure on the government to dismantle the regroupment camps in rural Bujumbura, and to allow the political parties to become active and permit freedom of the press.

His hope for concluding the Arusha process rapidly is founded on the significant progress made since June 1998. Violently rejected by Tutsi public opinion in 1996, the idea of negotiating with the Hutu rebels is now more widely accepted. The great majority of Burundians, tired of the war and of their politicians, do not want to move backwards and lose what has been gained over 22 months of discussion in Arusha. As for the

government, it is confronted with huge social and economic difficulties. It is losing more and more credibility and is strongly rejected by both Tutsi and Hutu public opinion. In addition, the work in committees has produced encouraging results. The debate on the stakes of change and the modernisation of the state and of Burundian society has largely taken place. The participants have agreed on the setting up of an international commission of enquiry into the massacres that have taken place since independence, especially those of the Hutu elite in 1972 and of Tutsi in 1993, and a national committee of truth and reconciliation. Agreement has also been reached on the reform of the institutions and the principle that elections will be organised, the reform of the army, a repatriation programme for refugees and economic reconstruction. Finally and above all, Mandela has succeeded in obtaining a promise from the FDD and the FNL that they will participate at the next session of Committee III, planned for the end of April.

Nevertheless, with the tempting prospect of rapidly concluding an agreement, it must not be forgotten that the greatest challenge is not the signing of the document, but its implementation, nor that none of the major political compromises expected is yet on the table. In the first place, despite the agreement in principle of all the rebel factions to participate in the Arusha process, a permanent ceasefire has not been agreed. The rebels' entry into the process at this advanced stage in the negotiations is accompanied by the risk that what has been achieved so far will be thrown back into question and give rise to new divisions or new alliances. In addition, the Burundian conflict cannot be isolated from that of the DRC, which is on an almost continental dimension; nor can the application of the future Arusha accords from that of the Lusaka accords. The tactical alliances between Kabila, the ex-FAR, the Mai-Mai and the FDD on the one hand, and the Burundian Armed Forces and the Rwandan Patriotic Army on the other, as well as Kabila's strategy of bringing the war to the borders of "aggressor" countries, have raised the stakes in the violence on Burundian territory. It is now essential that the Burundian rebels are integrated into a strictly Burundian political process to avoid the risk of their being marginalised definitively by the Lusaka agreement, which already classifies them as "negative forces". And even if a ceasefire is signed between the belligerents, the regional instability leaves open the possibility that the two Burundian parties may challenge the agreement and resort to the war option.

In the second place, acknowledgement of the genocide and the amnesty is an issue that still arouses impassioned reactions as the victims and survivors of 1993 confuse the amnesty with the notion of impunity. As a prerequisite to the signing of an agreement at Arusha, certain Tutsi radicals, who have always been against negotiating with the "génocidaires", want to see the 1993 genocide acknowledged as such. They are even threatening to take up arms if their demand is not taken into account. As regards the Tutsi politicians participating at Arusha – who have recognised the crimes committed on both sides and the necessity of enquiries – they are using the reappearance of the genocide issue at this advanced stage of the process as a tactic to block the negotiations.

Finally, talks about who will lead the transition, and hence the compensation for the other pretenders to power, have not yet taken place. In saying openly that the present regime must consider giving up power, Mandela has launched the debate on the transition and obliged President Buyoya to put aside his reservations and carry out a campaign in the region and among western diplomats to explain the need for a "realistic" solution that would ensure a degree of continuity and stability. It might be assumed that the intransigence shown by some on the genocide issue is in large part related to the debate on the choice of a leader for the transition. As the end approaches,

and after much opportunistic positioning dictated by the perception that the next government will be decided in Arusha, the parties are finally grouping into two camps: those for Buyoya and those against.

The stakes in this debate need to be set out clearly. It is undeniable that the ultimate objective of the negotiations is that the present oligarchy cedes power now or later and accepts the principle of an electoral process and a changeover of political power between parties. The real question is to know when and how, for it is absolutely essential to avoid a new wave of violence in the country. Enough blood has already been spilled on both sides and the fears are real. Yet the Burundian political actors still hesitate today between the benefits of violence and those of peace, between the continuity of a system or its rupture, between their individual interests and the interests of society

It is essential that the Arusha process should succeed if the violence is to end and if all Burundians are to be allowed to play an active part in the construction of a new, free and responsible society. Success is also required in order to complete and reinforce the Lusaka agreement and to save the credibility of the idea of negotiations as a mechanism for resolving conflicts in a region in which the logic of weapons and intolerance has dominated for decades.

RECOMMENDATIONS

A. To Nelson Mandela, the New Mediator:

Regarding the Rebels:

- A preferential framework for consultations between the rebels and the Facilitation team must be set up in order to guarantee them adequate information on what has been gained by the peace process, and to allow the soldiers and political leaders of the armed movements to express their views on the ceasefire, the reform of the army, their future (as a group and individually) and the transition.
- A suspension to hostilities should be negotiated as the first stage of a permanent ceasefire, with the objective of identifying the rebel forces and testing how much control the leaders have over their men.
- The FDD and the FNL need to be convinced that they should detach themselves from Kabila's defence force and commit themselves strongly to a strictly Burundian process. They must be made to understand that by continuing to fight on DRC territory they risk being permanently regarded as "negative forces to be disarmed"¹ by the negotiators in Arusha and thus losing their status as interlocutors.

Regarding the Transition and the Guarantees for the Agreement:

- An agreement should not be concluded unless the negotiations over the transition period and offer sufficient guarantees:

¹ According to the terminology used in the ceasefire agreement for the DRC in Lusaka.

- *To protect the interests of society:* The institutions of the transition should be negotiated first, bearing in mind the collective interests to be protected during this period: the end of the war; security for all; the sharing of power and wealth; the implementation of fundamental reforms; and the modernisation of the state. A formula must be found to reduce presidential powers, which should be decentralised and controlled by the emergence of institutions of transition capable of playing an opposition role. This discussion must be followed through and concluded in Committee II.
 - *To protect individual interests:* The interests of some particularly significant players (security, privileges and impunity) must be negotiated next, particularly those of individuals who consider that they have lost out in the negotiations. These discussions could take place within the framework of Committee V. It is essential that they are conducted by Facilitator Nelson Mandela in person.
- The regional heads of state and the international players acting as guarantors of the agreement must be encouraged in their role and support must be given to the transition government emerging from the negotiations.

Regarding Fears About and Resistance to the Peace Process:

- A visit to Burundi by Nelson Mandela should be organised as soon as possible with the intention of reassuring the Hutu and Tutsi populations about the peace agreement. In particular, he should make an approach to the lobby opposed to the negotiations and convince it of the need for a negotiated settlement to end the war.
- The Facilitation team should immediately open an office in Bujumbura to conduct large-scale campaigns aimed at explaining the agreement and leading debates on its contents.

B. To Western Governments and Institutional Donors:

- Support should be given for Security Council Resolution 1286 calling for:
 - a peace process including all factions of the rebellion and an immediate ceasefire;
 - the resumption of development co-operation. The international community must immediately assist in reviving the economy, firstly in order to demonstrate to the population the advantages to be gained from the negotiations and the normalisation of the political situation, and secondly to create an economic environment allowing a fairer redistribution of the country's wealth.²;
 - the civilian character of the camps in Tanzania to be maintained

² See ICG's Central Africa Report *Africa's Seven Nation War* on the resumption of development co-operation, 21 May 1999.

- Political, economic and military support should be given to the future transitional government and an active role must be played in ensuring guarantees for the implementation of the agreement.
- Funds to finance and implement the agreement must be mobilised rapidly, particularly the setting up of international commissions of enquiry and a national commission for truth and reconciliation, demobilisation and the revival of the economy.
- Expert advice should be offered in regard to the different technical recommendations contained in the agreement for: the reform of the army, the development of an electoral system, the reform of the justice system, the management of land and property, and repatriation.

NAIROBI/BRUSSELS, 18 APRIL 2000



THE MANDELA EFFECT

Prospects for Peace in Burundi

I. INTRODUCTION

In the seven years since Burundi's first elected President, Melchior Ndadaye, was assassinated, triggering the start of a long and vicious civil war, Burundi has known virtually every kind of formula for dialogue and political compromise – from failed democracy to a failed power-sharing agreement, from the 1996 coup and the "Partnership for Peace" government to the Arusha talks. Since June 1998, the warring parties have been engaged in a negotiation process – initially under the auspices of former Tanzanian President Julius Nyerere and, since December 1999, former South African President Nelson Mandela. Mandela's appointment has given a new dynamism and visibility to the peace process. For the first time, a peace agreement, sponsored by the region and the international community, may be within reach. Optimists are speaking of an agreement in June.

But a number of factors could delay an agreement; or, in the event that an agreement is reached, jeopardise its implementation. The main stumbling blocks are: the difficulty in getting all those involved in the conflict to sign a ceasefire, failure to implement the Lusaka agreement in the Democratic Republic of Congo (DRC), arguments over references to past genocide, army reforms and the leadership of the transition government.

The aim of this report is to make a detailed evaluation of the results of the Arusha peace talks and the challenges that have to be met if conditions for a lasting peace are to be created in Burundi.

II. THE ARUSHA PROCESS: POINT OF NO RETURN?

Since the launch of the regional initiative on Burundi in November 1995³, there have been ten summits of regional heads of state, including five since the beginning of the Arusha negotiations in 1998.⁴

³ The first regional summit on Burundi met under the auspices of Jimmy Carter in November 1995 in Cairo and was co-presided over by Amadou Toumani Touré, Julius K. Nyerere, and Desmond Tutu. At the second summit, in Tunis in March 1996, Julius K. Nyerere was designated as mediator of the Burundian crisis.

⁴ On 15 June 1998, to relaunch the negotiations, on 23 January 1999 to suspend sanctions, on 1 December 1999 to nominate a new Facilitator, Nelson Mandela, to replace Julius Nyerere who died on 14 October 1999, on 21 February 2000 to launch the negotiations under the auspices of Mandela, and on 27 March 2000 to encourage the Burundians to resolve key questions in abeyance as quickly as possible.

Between June 1998 and January 2000, the different parties to Arusha have met thirteen times: in June, July, October and December 1998, in January, March, May, July, September and November 1999, and in January, February and March 2000. On 21 June 1998, the participants signed a ceasefire declaration, which was immediately denounced by one of the rebel factions. In July 1998, they agreed on the procedural rules for the negotiations; in October 1998, they set up various committees. These comprise Committee I on the nature of the conflict; Committee II on democracy and good governance; Committee III on the security forces; and Committee IV on reconstruction and development. In February 2000, they approved the creation of Committee V on the guarantees for the agreement.

Since the last plenary meeting under Nyerere's presidency in January 1999, the committees have met in session eight times. There have been two consultations between the six so called "key players" – Front for Democracy in Burundi (FRODEBU), National Union for Progress (UPRONA), National Council for the Defence of Democracy (CNDD), Party for National Recovery (PARENA), the government and the National Assembly. The first took place in Dar es Salaam in September 1999, the second in January 2000. An additional consultation, among the heads of delegations, took place in March 2000, at which the Facilitation team distributed four "protocol projects", a compilation of the debates held in each committee.

A. State of the Discussions

1. Committee I on the Nature of the Conflict

Dealing with the question of the nature of the conflict and of the genocide, the participants reviewed the tragic periods of Burundi's history since independence: 1965, 1969, 1972, 1988, 1991 and 1993 up to today. They covered the definition of genocide and crimes against humanity, their deep-rooted causes, the way they are committed and the ideology behind them, the role of the political class and the national institutions, and the regional and international context of the killings.

The participants moved imperceptibly from expressing their positions to revealing their interpretations of the history of their country. For example, it became clear during the debates on the nature of the conflict that the political conscience of each party was formed around different traumatic periods.

According to Mathias Hitimana of the Party for the Reconciliation of the People (PRP), the overthrow of the monarchy in November 1966 was the beginning of the destruction of the Burundian nation. When the king was killed a few years later, in 1972, "someone hitherto sacred was killed, and if a king can be killed, then what is the value of a peasant's life?"⁵

For the Tutsi parties, the 1993 massacres confirmed the influence of "the genocide ideology" in Rwanda on the Hutus of Burundi. This was encouraged by the Belgian colonising power and sadly illustrated by the 1959 "social revolution" and the Rwandan genocide in 1994. According to the Tutsis, the existence of this extremist ideology justified a strong military regime dominated by the Tutsi.

⁵ Speech by Mathias Hitimana, plenary session, Arusha I, June 1998.

For the Hutus, the political conscience of their parties was conceived out of the massacres of their leaders in 1965 and then of their elite in 1972. They saw the state as an instrument of their oppression and of the confiscation of privileges by a minority. They rejected the argument that the Rwandan social revolution influenced Burundi's Hutus, pointing out that in September 1961 the majority of Hutu voted for UPRONA, the nationalist party led by Prince Rwagasore.

The various parties were unable to agree on a common view of history during their debates and it was clear that reconciling different perceptions could not become an object of negotiations. But at the last Dar es Salaam consultation in January 2000, consensus was reached on several important points including on the principle of an international judicial commission of inquiry. Its mission would be "to enquire into and establish the facts, to qualify them, to establish responsibilities, then to submit its report to the Security Council."⁶

However, the parties remain at odds over its "judicial" character – its authority to compel witnesses to supply all the elements necessary for its investigation, and its mandate to indict. From the outset, UPRONA has refused to agree that the commission would be judicial and called for the immediate adoption of a national law on genocide, which would allow the state to prosecute and judge those responsible even before the agreement is concluded.

But FRODEBU wants the work of an eventual international tribunal to begin only once a political agreement has been signed. It suggests that a law on genocide should be discussed during the transition period.

UPRONA has also called for the commission's work to make use of the United Nations August 1996 international commission of enquiry into the circumstances of the 1993 coup, which concluded in its final report that there had been "acts of genocide" against the Tutsis⁷. In that perspective, UPRONA criticises the formulation of the Project for Protocol I of Committee I "in case the report (of the future international judiciary commission of enquiry) concludes that there were acts that can be qualified as genocide". UPRONA's fear is that the 1993 genocide will not be recognised.

For its part, FRODEBU wants the commission to examine the massacres that have taken place since independence and contests the validity of the 1996 UN report's conclusions, quoting the cover letter from the President of the Security Council⁸ to the UN Secretary-General. This letter stated that "the commission of enquiry was unable to work freely and its members worked in extremely difficult conditions." FRODEBU is also calling for other reports to be included in the terms of reference of the future commission of enquiry; for example, the Whitaker report, which established that a "cold-blooded genocide" was committed against the Hutu in 1972⁹.

⁶ Committee I: Project for Protocol I, March 2000.

⁷ Report S/1996/682, paragraphs 483 to 486.

⁸ S/1996/780, 24 September 1996.

⁹ Whitaker report, E/CN/4/sub, 1985, 2 July 1985.

The negotiators also agreed on the setting up of a national truth and reconciliation commission to look into crimes since independence, to arbitrate and "to propose pertinent measures likely to promote reconciliation and pardon"¹⁰ and to clarify historical events. This committee would be composed of members of parliament, civil society, political parties and women's and church-related associations.

The most controversial question concerns the amnesty, which was raised by Nelson Mandela in his first speech during the session in Arusha in January 2000. This arouses a great deal of passion because most Burundians confuse this issue with the notion of impunity. For the majority of Tutsis, amnesty is perceived as impunity for the *génocidaires* (those responsible for the genocide) of 1993. In contrast, Hutu leaders highlight the fact that many of their numbers have already been assassinated or imprisoned, or have gone into exile since 1993. They consider that an amnesty is of more interest to the Tutsis, who have been in power for 35 years, than the Hutus, who have only had access to government for three years (1993-96).

In reality a fair number of the negotiators and their supporters have good reason for concern about any eventual legal proceedings and could profit from this amnesty. These range from the perpetrators of the 1972 massacres against the Hutus, the officers and civilians presumed to be behind the assassination of President Ndadaye, the organisers of the *villes mortes* (city-wide strikes) to the members of the rebel movements, and the organisers of the 1993 massacres.

Consequently, those who are negotiating for themselves also have the power to block the negotiations, if their interests are not preserved. Thus, we find ourselves facing a delicate debate between the need to satisfy the demands of the powerful for impunity and the preservation of the idea of justice called for by both Hutu and Tutsi victims. In order to maintain the support of their constituencies, none of the parties can allow itself to show favour for an immediate and total amnesty. All of them are bound to argue that all crimes of genocide and crimes against humanity should be excluded from the amnesty law.

2. Committee II on Democracy and Good Governance

Committee II deals with the institutions, the electoral system, the functioning of political parties and the transition (program, institutions and duration). At the last session on 10 April 2000, the discussions covered a number of issues:

The electoral system: Although there is consensus on the principle of elections, there are profound differences over how they should be carried out and over the timetable, (though it is generally accepted that a general election cannot be held very soon). But the crucial differences are on how the elections should be held. The predominantly Hutu parties want to keep the one-person/one-vote system, while the mainly Tutsi parties favour an indirect electoral system. PARENA and the PRP propose adopting the Belgian system of community voting. This view, which implies that the Tutsis and the Hutus would organise democratic elections within their respective groups, corresponds to the vision of "two peoples, one nation" system developed by the mainly Tutsi-dominated parties.

¹⁰ Project for Protocol 1, Committee I.

The Agreement Protocol of Committee II proposes that communal, legislative and presidential elections should be held within 36 months following the beginning of the period of transition. In the countryside, the heads of the *collines* (hills) would be elected by universal suffrage and would constitute an assembly together with the Bashingantahe.¹¹ This assembly would elect a "council of the collines", which would in turn appoint a communal administrator. At the level of legislative elections, the Protocol proposes an electoral system on the basis of "blocked lists with proportional representation". UPRONA proposes that only 80 per cent of the deputies would be elected directly. PARENA and FRODEBU support setting up a co-option mechanism "to correct the imperfections of the elections". At the level of presidential elections, FRODEBU wants to keep the majority vote system, while the government wants the president to be elected by at least two-thirds of the National Assembly. The Protocol Project of Committee II has to date kept both options.

The political parties: FRODEBU hopes to see the parties continue to be a part of the political scene, while the government and UPRONA want to see their influence decline. According to the latter, the political parties are responsible for the ethnic polarisation of Burundian society. The compromise now emerging is for the law covering political parties to be discussed during the transition. The Protocol proposes that "the parties commit themselves in writing to fight against any political ideology aiming to encourage hate or discrimination... No party will be admitted to participate in the transition arrangements if it does not respect the commitments made..."¹⁰

The institutions: The government proposes to create a Senate as a way of channelling and containing people's ambition or ability to create problems within an institutional framework, while also giving status to former dignitaries. In addition, the institutionalisation of a right of veto for the minority could provide reassurance and act as a counterweight to a mainly Hutu National Assembly. But FRODEBU and the CNDD do not agree on the creation of a Senate, arguing that this would be an anomalous grouping intended to guarantee immunity for some and to diminish the power of the Assembly by a right of veto. FRODEBU and PARENA propose a High Council of State charged with "following through on the implementation of the peace agreement and interpreting the terms of the agreement in the event of dispute between signatories, and with former presidents of the Republic automatically appointed members".¹³ On the other hand, all the parties are in agreement on the reform of the judiciary system, particularly the modernisation of laws and the correction of ethnic imbalances within the magistracy.

The transition: This constitutes a major obstacle to the process and is at the centre of debates¹⁴. All parties agree on the responsibilities of the transitional

¹¹ The Bashingantahe are the "wise men", to whom the population has recourse to decide on current disputes. In previous times the king was also subject to justice dispensed by them.

¹² Protocol Project, Committee II.

¹³ Conclusions of the consultation between FRODEBU and PARENA, 30 October 1999.

¹⁴ The project was confidentially transmitted to Nyerere in May and immediately aroused his anger for several reasons. First, this was tactlessly presented as definitive and the product of a "negotiation by the internal factions" and had already been the object of consensual agreement. However, it was prepared by two three-person teams, (a government team and one from FRODEBU) and has not even

government, but not on who is capable of leading it. The Protocol Project proposes that: "during the period of transition a widely representative government of national unity should be constituted, comprising representatives of the different parties in proportions agreed in Arusha."¹⁵

This government would have a president and a vice-president, a transitional legislature and a transitional executive. At the beginning of the negotiations, the period of transition proposed by the different parties varied from six months to ten years. Today it varies between two and three years. This period should allow for the adoption of a constitution, the creation of a constitutional court, an electoral law, reform of the justice system and the administration, and finally, the implementation of the agreement. The Project already outlines the founding principles that the constitutional court must establish, for example that "the armed forces cannot be composed of more than 51 per cent of any ethnic group whatsoever."¹⁶

On the question of a choice of leader for the transition, the positions and approaches remain opposed and inflexible. The government expressed clearly in September 1999 that "a government in place does not negotiate its own departure", and President Buyoya hopes that this question will be resolved by the mediator. FRODEBU hopes that the people who will lead the transition, the presidents of the Republic, the National Assembly and the Senate, will be approved at Arusha, and is presently seeking to create a public anti-Buyoya consensus by mobilising the most parties possible in Arusha. This central question cannot be answered in Committee II. It must be resolved within another framework. The next session, at which the rebels are supposed to participate, will be a major test. In fact, the stance taken by the rebel movements

been discussed by the Council of Ministers. FRODEBU now even says that although its team was composed of party members, it was not officially mandated by it, and that Buyoya would have rejected the first team chosen by the party¹⁴. Finally, the project had hardly been submitted before a group of Tutsi parties decided to suspend the debates in Arusha on 6 July 1999 in memory of the recent victims of the ambushes and killings by the rebel movement¹⁴. Nyerere perceived this gesture as a form of blackmail and pressure for the project to be considered as a priority. Finally, the proposed duration of the transition – 10 years for Buyoya or his system – was regarded as provocative.

After this first reaction the project was further discussed by the president of the Assembly and President Buyoya and it was decided that protocols of agreement on the questions that posed a problem should be appended to it. During the July 1999 session in Arusha, the Bujumbura-based FRODEBU insisted on changing the working teams, arguing that some members of the government team, advisers close to the president, were voluntarily blocking all possibility of compromise. But these advisers had hardly returned to Arusha in July when they insisted on reviewing the text. Finally, the president decided that the two groups should work together. It seems that one of the novelties in the protocols would be a reduction of the transition period to three years. However, the protocols have not yet been made public. In fact, in place of the new partnership project, Convergence presented its own protocol, which seems to take up some of what was established under the first project.

Faced with these criticisms, the government explained that its project was only meant to express a negotiating position. For its part, FRODEBU says that the G7 project arising from the Moshi meeting was intended to force the government to bring out its own project.

¹⁵ Protocol Project, Committee II, March 2000.

¹⁶ Constitutional principles of the definitive constitution, fifth outline, 26 February 2000.

on this issue could tip the balance either way. The continuation of the peace process¹⁷ will depend on this question being resolved.

3. Committee III on Peace and Security

Committee III deals with the reform of the defence and security bodies (the size of the army, demobilisation, recruitment and the future of the rebels), the end of hostilities and a permanent ceasefire. The parties agree on the principles governing the armed forces: political neutrality and no discrimination in recruitment, as well as on separate missions for the army, police and secret services. The parties have not reached any agreement on the size of the armed forces. On the question of its composition, the Facilitation team¹⁸ has proposed that "the National Defence Forces will have members of the present defence force as a base, along with members of the armed political groups". It also proposed "that members of the present National Defence Forces recognised as guilty of acts of genocide, violations of the constitution or of human rights, as well as of war crimes, will be excluded from the new army. The armed political groups recognised as guilty of crimes of the same nature will also not be accepted."¹⁹ Another major divergence concerns the gendarmerie: the government wants to keep the gendarmerie within the army, while FRODEBU wants to detach it from the military body. FRODEBU has counted on the gendarmerie since 1993. Composed of soldiers from the north and centre of Burundi, it could act as a counterbalance to the army, which is recruited mainly from the south.

Questions concerning the end of hostilities, a permanent ceasefire and the demobilisation of the armed groups could not be dealt with, partly because of a lack of time, but above also because the armed groups have not yet participated in the talks. The dissident Forces for the Defence of Democracy (FDD) and Cossan's National Liberation Forces (FNL) are supposed to join the debate at the Committee III session that was scheduled to begin on 24 April 2000. The Facilitation team proposes the creation of a sub-committee for Committee III to tackle the chapter on the cessation of hostilities.²⁰ It would comprise the government and representatives of the armed groups, presided over by a South African.

4. Committee IV on Reconstruction and Development

Committee IV has dealt with three chapters: the rehabilitation and reinstallation of the refugees and internally displaced, reconstruction, and economic and social development. It has practically finished its work, with the exception of a few questions dealing with the recovery of property by refugees and the displaced, and the social and professional reintegration of demobilised soldiers and rebels.

It has established that 345,000 refugees have crossed into Tanzania, Rwanda, Kenya, the DRC, Zambia, Angola, DRC-Brazzaville, Malawi and Cameroon since

¹⁷ See the section: "Strategy for political survival: evolving alliances between parties and political fragmentation in Burundi."

¹⁸ The Facilitation team is composed of the former, mainly Tanzanian team of Nyerere, the presidents and vice-presidents of the four committees, and Mandela's advisers.

¹⁹ Revised proposal of the Facilitation team, Committee III, March 2000.

²⁰ Proposal revised by the Facilitation team, Committee III, March 2000.

1993. Around 200,000 have been living in Tanzania since 1972. The total number of internally displaced people is 808,000, of whom 44 per cent are in rural Bujumbura. Committee IV estimates that 650,000 of these will want to return home.²¹ It recommends that the UNHCR undertake a census among the refugees aimed at "noting the wishes and grievances of these refugees concerning the recovery of their lands or alternative measures"²². It also recommends that the national commission for the rehabilitation of the victims of war – to be created on the conclusion of the agreement – carry out a similar census with the same objectives.

The committee suggests that information sessions to raise awareness of the peace agreement should be organised, as well as visits to places of origin before any definitive return home. The participants agree on a series of measures aimed at repatriation, but not on the modalities and conditions regarding compensation for lost properties.

As regards land, Committee IV established a principle that "each refugee/internal victim must be able to recover his/her goods. If recovery should prove impossible, each must receive a fair compensation and/or indemnity".²³ A national fund should be set up for victims. A calendar still has to be established for the return of the refugees, but this depends on the calendar for the transition itself, which is to be decided in Committee II.

As regards reconstruction, Committee IV estimated that between 150,000 and 200,000 houses will have to be rebuilt, along with at least fifteen per cent of hydraulic structures, a dozen hospitals and 120 schools. It established a series of measures for political reconstruction: a programme of national reconciliation, the promotion of human rights, education on peace, the role of women, reform of the judiciary, aid for democratisation and for parliament, promotion of civil society and the media, and support for political parties.

Regarding development, Committee IV proposes an economic reform plan, aimed particularly at reforming and privatising public enterprises, the reform of the coffee sector, reform in the education sector, and regional decentralisation and integration. An emergency reconstruction plan must be drawn up within six weeks of the agreement, followed by a more in-depth plan for the transition period, which should be worked out with the help of the World Bank, UNDP and the European Union. It concluded that a minimum of 80,000 jobs would have to be created to meet the employment needs of the demobilised, the repatriated and civil servants (unemployed after the reform of the administration).²⁴ Committee IV estimated that 60,000 soldiers would be demobilised at a cost at \$US 50 to 100 million, which would include a transitional salary and training for former soldiers. Discussions on demobilisation will have to wait for the conclusion of work in Committee III.

²¹ Working document of Committee IV, p. 10, 27 March 2000.

²² *Idem*, p. 11.

²³ *Idem*, P. 17.

²⁴ ICG interview with the president of Committee IV, Arusha, December 1999.

5. Committee V on Guarantees for the Implementation of the Agreement

Mandela immediately wanted to make the question of the guarantees a priority and put it on the agenda for the February 2000 session. In Nyerere's view, there was no use in setting up this committee before the agreement was signed. Accordingly, no steps have yet been taken with the UN and the Organisation for African Unity (OAU).

Mandela was appointed President of this Committee at the February session. The Facilitation team hoped that the Tanzanian judge, Mark Bomani, responsible for the Burundi Peace Negotiations (BPN), would be elected Vice-President, but his candidacy was unanimously rejected by the predominantly Tutsi parties. It was finally decided that the presidents of the other committees would elect the vice-president.

Committee V must consider the monitoring mechanisms to be included in the agreement; the calendar to be implemented; the sanctions to be applied in case the agreement is not respected and the eventual use of force; as well as the funding for the measures contained in the agreement. It must also consider demobilisation, the return of refugees, and the different commissions that will have to be set up, as well as reconstruction and economic redistribution. This is considered essential for ensuring that the benefits of the peace are visible to the combatants and to the population. The committee must also examine guarantees of security for all and particularly for those returning from exile; respect for human rights and mechanisms for dealing with a possible abuse of power by the transition government.

The initial debate on the guarantees for implementation has not yet taken place, but some proposals are beginning to appear. The seven Hutu parties grouped with G7²⁵ are hoping for a regional intervention (South Africa, Uganda, Tanzania and Kenya), and an international force to protect institutions and state dignitaries. FRODEBU/PARENA are proposing that 2,000 men should be sent to protect new and former state officers, as well as an international peacekeeping force. The government would prefer that international observers are sent, and a national committee established to follow up on the agreement. The army, supported by most of the Tutsi parties, categorically rejects any form of foreign military intervention.²⁶

6. An Evaluation of the Achievements

The general political debate on policy questions came to a virtual close in June 1998 with the participants reaching a consensus on a certain number of principles. These include the need to hold enquiries into the massacres, the principle of elections and the institution of a state of law, the integration of rebel forces and reform of the army, the return of the refugees and development centred on social justice. Committees I and IV have almost finished their work; Committees II and III was supposed to meet once again in April 2000.

²⁵ See below.

²⁶ The threat of a regional intervention in June 1996 was one of the factors behind Major Buyoya's *coup d'état* in July 1996.

Arusha has been a real learning experience for all those participating in the talks. The negotiators have been obliged to revise their definition of genocide according to the 1948 Convention, to learn what a demobilisation program implies²⁷ and, within the framework of Committee II, to reflect on electoral systems and institutions, etc. In short, the Arusha process has brought about a kind of "technical catching up" for all the participants who have benefited from the expertise of the Committee presidents. There were very wide gaps between the participants in terms of knowledge and technical competence; some already had experience of managing a state, while the experience of others was purely militant. By going into the details of each subject, important issues such as genocide were demystified making demagoguery and propaganda less possible.

Arusha also made it possible for those outside the country to confront their points of view with those from inside. But especially, it obliged all the participants to continue dialogue in the committees and to develop a mutual acceptance of each other's demands to have the right to participate in discussions on the future of the country.

Little by little, the discussions made it possible to pick out what was negotiable and what was not, at least in the first phase of negotiations. For the government, everything is negotiable except the immediate departure of Buyoya; for the CNDD, everything is negotiable except the fusion of the armies and a return to the constitutional legality of 1993; for PARENA, everything is negotiable except the continued presence of Buyoya.

However, none of the sensitive questions has been seriously dealt with and consequently none of the major political compromises required has been made. The debate has advanced on what is at stake, but a concrete program, and guarantees of physical, political and economic security for everyone still remain to be negotiated, and the individuals to personify these still have to be chosen. The obstacles that remain over the questions of genocide, the transition, army reform and the ceasefire must find a more suitable and discreet framework than the Committees in order to be resolved.

B. Successes and Failures of the Nyerere Approach:

1. Eighteen-Party Negotiations

The logic of inclusive participation in the Arusha process springs from the regional summit of 25 June 1996, which advocated the inclusion in the talks of the twelve partners to the Convention of government, from which the CNDD was excluded.²⁸ That summit was convened after the failure of the Mwanza I and II negotiations (22 March-2 April 1996) between UPRONA and FRODEBU.

The same 12 political parties saw their hour of glory pass with Buyoya's *coup d'état* on 25 July 1996. Buyoya suspended them immediately, regarding them as

²⁷ The World Bank organized a seminar on this theme in Arusha in July.

²⁸ The negotiations on the Convention of government, a power-sharing agreement, were held between April and September 1994. Léonard Nyangoma, president of CNDD, which was created during that period, immediately denounced the Convention.

nuisances and divisive, and knowing the circumstances behind their birth in 1992 during the introduction of a multi-party system. The state financial support made available at that time led to the spawning of many political groups. Only three of these parties came forward for the 1993 presidential elections (UPRONA, FRODEBU, PRP) the others existed mainly through the Convention of government.

In his first speech on 25 July 1996, Buyoya indicated his real interlocutor by affirming that he was ready to negotiate with the CNDD. Negotiations then took place in Rome under the auspices of the Community of Sant'Egidio (between 1996 and 1997). But the region had decided otherwise on the fate of the political parties. Faithful to the conclusions of the Arusha summit of 25 June 1996, the heads of state imposed sanctions on the "putschist" government on 31 July and defined conditions for their suspension. These were to be: the re-establishment of the political parties, the restoration of the constitution and the government's commitment to the negotiation process. In September 1997 two more conditions were added, the lifting of the ban on the movement of former Presidents Bagaza, Ntibantunganya and Ngendakumana (National Assembly), and the dismantling of regroupment camps.

When the discussions began in Arusha in June 1998, 18 political parties were invited – including CNDD, Parti pour la Libération du Peuple Hutu (PALIPEHUTU), Front pour la Libération Nationale (FROLINA) and PARENA, which were not in the Convention. Then arose the well-known problems with regard to methodology that fuelled so much discussion and criticism of the Facilitation team, as much by Burundians as by the international observers and institutional donors. It should be stressed that these criticisms, which were largely well founded, were also widely used to delay the debates, particularly by the government delegation and UPRONA.

Since the beginning, Arusha has been a huge media show, where the participants meet journalists, special envoys and diplomats, all impatient to be briefed on the latest developments.

It was certainly necessary to involve all the parties in one way or another to avoid the formation of a common front opposed to negotiations. It would in fact be simplistic to think that the "small" political parties have nothing to do with the violence and have no place in Arusha. A large number of the mainly Tutsi parties, especially PARENA, Rally for Democracy and Economic and Social Development (RADDES), PRP and INKINZO, have contributed to the finances of the Tutsi militias, and to the *ville morte* actions during the 1994-96 period, which the army largely tolerated, if not actively encouraged, at the time. However, some parties are economic-political enterprises, sometimes mounted by a single family with the sole aim of manoeuvring one of its members into position to take up a post as secretary of state or ambassador²⁹.

²⁹ Gérard Prunier, *Les conversations de paix d'Arusha*, report to the French Ministry of Foreign Affairs, 23 July 1999.

Arusha offered these parties a stage, a per diem (around \$US 150 per day³⁰) and, as a result, a temporary life insurance. There were three major consequences. First of all, serious eighteen-party negotiations were shown to be impossible. The Facilitation team was often overtaken by the manoeuvring of one or other party, sometimes giving the impression of discovering the Burundian problem rather than resolving it, and had obvious language difficulties (the Burundians speak Kirundi and French while the majority of the Facilitation team speak Swahili and English).

Next, such a public environment is not conducive to flexibility with regard to position taking. On the contrary, each attempt at a mini-compromise must be made openly in the face of public opinion in Bujumbura and of party militants, often before being able to offer any guarantee from the other side.

Finally, a mechanism such as this, which gives everyone a right to speak and a right of veto, does not encourage negotiations to take place on fundamental interests, but rather on the basis of power-sharing between elite groups. Observing the positioning and re-positioning manoeuvres of the politicians involved since June 1998, it becomes clear that many of them expected power to be distributed at Arusha.

In an attempt to remedy these problems of methodology and "in order to facilitate the progress of the negotiations", the Facilitation team suggested setting up negotiation groups within each Committee. The idea came from Committee II, which sought to facilitate the discussion on the electoral system by separating supporters of direct elections and those of indirect elections into distinct groups. In fact, since March 1999 the government had been working on a project for Burundian society, centred on a long transition that would guarantee Buyoya's presence for a few years. Scared of being taken by surprise, the group of "Forces for Democratic Change" (FRODEBU, CNDD, the Liberal Party (PL), the People's Party (PP), the Rally for the People of Burundi (RPB), FROLINA and PALIPEHUTU), soon to become known as G7 (the group of seven), then decided to meet in Moshi in Tanzania. "Mwalimu Nyerere's"³¹ positive response to G7's request to go to Moshi for talks before the last session of Arusha IV was based on this thinking. For the same reason, the members of G8 (the eight-party group composed of PARENA, PRP, the Burundian-African Alliance for Salvation (ABASA), the National Alliance for Law and Economic Development (ANADDE), the Alliance of the Valliant (AV-INTWARI), INKINZO, the Independent Workers' Party (PIT) and the Party for Social Democracy (PSD) remained in Arusha to harmonise their position."³²

But the setting up of these blocs was immediately contested by the government as a move seeking to promote ethnic identities and giving a platform to the extremists. G7 defined itself as the group defending the principle of one-person/one-vote, but was in fact a Hutu bloc. G8 was promoting the interests of the minority, the genocide argument and the issue of guarantees and included

³⁰ After ten sessions of around two weeks each, the delegates received about \$20,000 from which lodging and living expenses in Arusha had been deducted. After a year of negotiations, some delegates even bought houses. ICG enquiry in Bujumbura, September 1999.

³¹ "Mwalimu" means "teacher", Julius Nyerere's nickname.

³² Workshop on confidence-building and the establishment of links between the Arusha process and the peace initiatives within Burundi, Walter Bugoya, Bujumbura, 21-23 June 1999.

only Tutsi-dominated parties. Meanwhile, G3 (the government, the National Assembly and UPRONA) claimed to unite both Hutus and Tutsis, UPRONA and part of FRODEBU in its policy of partnership and national unity. And suddenly, FRODEBU had one foot in the partnership and one in G7. Thus it was in the same bloc as the armed bands, while maintaining links with the government without officially denouncing violence.

With the suspension of sanctions in January 1999, the government believed that it could win a respite. But the creation of the blocs in May 1999 led to a balance of force that was unfavourable to the government and revived the hostility between it and the Facilitation team. As a senior Burundian civil servant put it: "Nyerere tricked us..." The Facilitation team wanted to encourage an anti-Buyoya consensus by manoeuvring to put the government in the minority (G7 + G8 = G15). The government and its delegation to the talks always feared that it would not pass the test of a vote if Arusha resorted to this method to choose a transition government.

The tension between the Facilitation team and the government rose to such a level that the process was almost definitively blocked. At the closing plenary session in July 1999, the Facilitator and the Minister for the Peace Process had an intense disagreement over the issue of the participation of the armed factions. Immediately afterwards Nyerere fell gravely ill and the opportunity for improving his relations with the Burundi government was lost. In an attempt to save the process, a new methodology was established with consultations between key players in Dar es Salaam in September. While this led to a certain relaxation in the atmosphere between these six negotiators, it nonetheless created another type of conflict between the six principal parties³³ and the twelve "small parties", scandalised at the prospect of being marginalised.

2. Competition Between the Internal and External Processes

The disagreement between the government and the Facilitator was not only a question of methodology. It was based on a misunderstanding from the start.

Between the beginning of his mediation attempt in March 1996 and the putsch in July 1996, Nyerere consulted Buyoya regularly and set up a technical committee charged with examining the request presented by the Ntibantunganya government at the time of the deployment of a military regional assistance force. When the July coup was announced, Nyerere felt betrayed and accused Buyoya of seizing power to avoid regional intervention.

For the countries of the region, sanctions were "the only viable alternative to remaining passive or intervening militarily – an option envisaged in some circles, but which the Security Council was not prepared to accept... The countries of the region did not have the necessary resources to support an intervention without the backing of the major powers through a Security Council resolution."³⁴ In reality, regional policy since 1996 has essentially been to pressure and weaken the Buyoya government. The first tool was sanctions: "If these sanctions brought

³³ FRODEBU, UPRONA, CNDD, PARENA, the government and the National Assembly.

³⁴ Speech by Walter Bugoya, Workshop on confidence building and the establishment of links between the Arusha process and the peace initiatives within Burundi, 21-23 June 1999.

the different components of civil society affected by the sanctions to increase their pressure on the government, this could only meet the expectations of the region's heads of state."³⁵

It has also been a policy to brandish the threat of military intervention, or even the threat of a *coup d'état* sponsored by the region. Neither Nyerere, nor Uganda nor Rwanda has concealed that they have attempted to "recruit" candidates to succeed Buyoya. By this policy of pressure, the region was giving de facto political support to the opposition in exile and trying to change the balance of power between the military regime and its opposition by direct intervention in Burundian politics.

From then on relations between Nyerere and the Buyoya government became a test of strength. Each wished to dictate the terms and conditions of the negotiations according to their respective views of the perceived or real balance of power in Burundi.

This distrust was particularly evident in the various manipulations around the partnership that the government of Burundi concluded with the National Assembly. This was presented as a power-sharing formula legitimising the regime in place. As the partnership was conceived, the regime counted on it serving as the foundation of the Arusha negotiations. In fact, the partnership was the result of an internal negotiation, without any intermediary, between the government and a good number of FRODEBU leaders, including the President of the Assembly, the Secretary-General of the party and other important party leaders. The government counted on the fact that the internal wing of FRODEBU would be capable of convincing the politicians outside the country to accept the partnership as the result of real negotiations. Arusha was to serve to persuade those from outside, the politicians in exile as well as the rebels, to adhere to this agreement.

Nyerere and Museveni fought the partnership from the outset. They saw it as a delaying tactic by the government, and did their best to circumvent the negotiations before they were due to begin on 21 June 1999. They were also determined to put pressure on the President of the Assembly until the last moment to ensure that the new constitutional act of transition remained unsigned.

This policy of applying pressure succeeded to a certain degree since the Arusha process finally took first place over the internal process. But it failed to make Buyoya leave and almost definitively blocked the talks. It gave the government the impression that not only did the mediation process take Hutu interests alone into account, but that it was ready to offer them a solution on a silver platter. All the efforts that the government deployed to win over the Hutu seemed to be thwarted by the promises of support given to the external FRODEBU wing by the mediation process and by the illusion of power which that gave them. The more the government felt itself to be in a hostile environment, the more it manoeuvred to win time and blocked any possibility of real political compromise.

³⁵ Speech by Walter Bugoya.

It was certainly unrealistic on the part of the government to believe that those working together in the partnership could simultaneously sit on both sides of the negotiating table. Irrespective of the Facilitation team's offer of support to FRODEBU, it was inevitable that the FRODEBU members of the partnership would be torn between solidarity with their party, which was putting all its bets on Arusha, and their role within the state, which called for a degree of unity with the military regime.

3. The Failure of the Ceasefire

The inability to resolve the problem of violence was the third source of dispute and the main failing of Arusha as conceived by Nyerere. There are two reasons for this. First, the distrust between the government and the Facilitation team led to the question of violence being manipulated by the various parties, each trying to keep a margin for manoeuvre. Second, those who control the violence on each side have not been brought face to face and their interests have not been seriously negotiated.

At the first session in June 1998, the ceasefire was the priority. But scarcely had the parties signed it on 21 June 1998 when it was immediately denounced by the armed branch of the CNDD, the FDD, which declared that they did not recognise Nyangoma's authority over their movement. Since then the ceasefire issue has been off the agenda and the question of the FDD's participation has not been resolved.

To the great indignation of the government, Nyerere first refused to invite this "dissident" group on the principle that he could not accept internal party "coups" unless the rules of procedure governing the negotiations were revised. Authorising a dissident group's participation would mean opening the talks to all candidates and risk encouraging party divisions. In addition, Nyangoma threatened to withdraw from Arusha if Jean Bosco Ndayikengurukiye, the FDD leader, were invited.

On the insistence of the Burundian government and international observers, Nyerere finally proposed four formulas in December 1998 as preludes to the participation of the dissident FDD members. Either the two factions should become reconciled; or Jean Bosco should summon an FDD Assembly according to correct form and legalise the rejection of Nyangoma; or he should create a new movement; or the FDD should participate in the government delegation.

This last option was a way for Nyerere to disguise a denunciation of the supposed collusion between the government and the Jean Bosco FDD. Nyerere suspected that the government was seeking to short-circuit the political negotiations by signing a ceasefire under its own conditions. It is true that the government had discreetly tried to contact Bosco several times since December 1998 through the intermediary of his brother, Augustin Nzojibwami, one of the architects of the partnership and head of the internal wing of FRODEBU, and through the help of

some South African NGOs. It had been insisting since July 1998 on the presence of all the armed factions at Arusha.

In this context of mutual distrust, the FDD leadership was also reluctant to rejoin Arusha, fearing that Nyerere would force them to reconcile with Nyangoma and come to the negotiations as a negligible force. Nyerere then accused them of holding the negotiations hostage and proposed continuing the process without them. His idea was to reach a multi-party political agreement that would remove the reason for the FDD to continue fighting. Tanzania would have acted as guarantor of the agreement and would have committed itself to marginalising those who refused to give up their arms. When the agreement for a ceasefire in the DRC was signed in July 1999, Nyerere believed that the fate of the FDD, described as "negative forces to be disarmed" by this agreement, was resolved and that the process would go forward without them.

Although some of the Facilitator's arguments on these points were well founded, the failure to include the armed factions in the negotiations constitutes a fundamental flaw in the Arusha process. By relegating the issue of violence to second place and not removing the ambiguity over the nebulous question of the rebellion, he confirmed the government's suspicions about the bad faith of the Facilitation team, as well as Tanzania's duplicity with regard to the peace process.

For the Burundian government, the Facilitator was seeking to utilise the two means of applying pressure available to him: sanctions and the violence. After the suspension of sanctions due to international pressure, he wanted to keep the violence as a potential means of pressure. In addition, Tanzania has always made it known that it had not ruled out one day providing massive support to the rebellion. Nyerere himself said to some members of the government delegation in July: "I do not have experience in negotiations. My experience is in support for liberation movements."

But an agreement signed without the rebels could not work for several reasons. First, concluding an agreement that would not stop the war immediately would bring no guarantee for a future end to the war. It was unrealistic to think that an agreement that included the government (and thus the army), but less than half the rebel movement would force the two parties to abandon violence. Most peace accords considered as "unfinished business" or as injuring one of the two parties have little chance of holding.

The regional context could fuel many opportunities for external support and the resumption of the war for one or other party. Secondly, leaving the rebel movements out of the process would provide a possible way out for FRODEBU, which could try to "exit" from the agreement or to denounce it if the rebellion gained strength in the future. Finally, there is little chance that even FRODEBU would accept the separation of the military and political aspects because effective government requires control of the armed forces.

In any case it is almost impossible to negotiate an agreement and encourage the parties to the conflict to build a common future when emotions are raised by the daily acts of war committed by both sides. Experience shows that in a context of violence, the Hutus and Tutsis automatically return to extreme ethnic positions.

4. The Attitude of the International Community and how the Peace Process has Become Personalised

Since March 1996 the international community and the region's heads of state had placed all their hopes in Julius Nyerere's leadership. They had a vision of making Burundi an experimental laboratory for African solutions to African problems in the Great Lakes region³⁶. However, much criticism has been laid against the Arusha process by international observers and donors. This criticism contributed towards the suspension of sanctions in January 1999. But at Nyerere's request, donors maintained a de facto embargo on development aid. The official policy at a meeting on Burundi held in New York the same month remained, "don't upset Mwalimu".³⁷

It could be said that just as the Facilitation team was dependent on international finance for the Arusha process, so the international community became dependent on the "Nyerere aura" and the theory of "African solutions to African problems", and more concerned about maintaining a framework for negotiations than about their effectiveness. The Burundi Peace Negotiations (BPN) team, composed of former members of Nyerere's government, reinforced this personalisation of the process. At the beginning of the process, the BPN team strongly interfered in the committees and in the organisation of the debates, but this interference has been much reduced since January 1999.

Only four days after Nyerere's death on 14 October last year, the special envoys of the international community³⁸ met in New York to discuss the future of the Arusha process. Following this meeting on 18 October, the UN Secretary-General sent a report to the Security Council recommending assistance in identifying a new mediator as quickly as possible. It also called for the continued involvement of the region, and more specifically Tanzania, in the process. The special envoys travelled through the region, trying to promote the ideal profile of a mediator, but they were politely told that the Burundian process was the region's own affair. The Americans nonetheless pushed hard to have Mandela accepted as mediator by the region.

C. The Nomination of Mandela: A Turning Point in the Peace Process

The eighth Great Lakes regional summit on Burundi on 1 December 99 nominated Nelson Mandela as the new Facilitator of the Burundian process. The following were present at the summit: Presidents Daniel arap Moi of Kenya, Benjamin Mkapa of Tanzania, Yoweri Museveni of Uganda and Thabo Mbeki of South Africa, as well as the Prime minister of Ethiopia, Meles Zenawi, the Rwandan Prime Minister, Pierre-Célestin Rwigema, the Secretary-General of the OAU, Salim Ahmed Salim, a representative of President Bouteflika of Algeria and the Foreign Minister of Zambia. The DRC and Zimbabwe declined the invitation.

³⁶ See Fabienne Hara, "Burundi: A case of parallel diplomacy" in *Herding Cats, multiparty mediation in a complex world*, USIP, Washington, 1999

³⁷ Interview with a participant at this meeting.

³⁸ Howard Wolpe, Aldo Ajello, Berhanu Dinka, Cheikh Tidiane Sy, Marc Lemieux, Hassan Lebat, Welile Nhlapo, Stéphane de Louckers.

In their final communiqué, the heads of state condemned the "indiscriminate" violence against civilians and called on the new Facilitator to give priority to the question of a ceasefire. They recognised that the negotiations had "reached an advanced stage" and decided that the process would continue in Arusha with the existing infrastructure, i.e. with the Facilitation team set up by Nyerere. The heads of state repeated that there was no alternative to a negotiated solution, but insisted on negotiations being concluded as rapidly as possible. Finally, they called on the government to dismantle the regroupment camps immediately.

1. Regional Interests

The nomination of Mandela, and the consequent involvement of South Africa, marks the first challenge to the region's hold over the Burundian peace process since March 1996. This "sub-region" is an interesting entity to observe. Nyerere gave it content by taking on the leadership of the Burundian process in March 1996 and imposing sanctions in July 1996. The "sub-region" then comprised Tanzania, Uganda, Rwanda, the former Zaire, Ethiopia, Zambia, and Cameroon and Zimbabwe, which successively held the presidency of the Organisation for African Unity (OAU) at that time. It is by the way quite ironic to note that the countries initially invited to build a regional consensus on Burundi find themselves in opposing camps in the present conflict in the DRC today.

However, most of these countries very quickly denounced the embargo on Burundi, and it became clear that only Tanzania and Uganda held a firm anti-Buyoya line -- despite the fact that businessmen from these two countries were among the embargo's first violators. The embargo was finally suspended in January 1999 under international pressure. After Nyerere's death it was Museveni, President of the Great Lakes initiative on Burundi who found himself in charge of continuing the regional process.

After 1996, Nyerere and Museveni had been counting on making Burundi a test of political co-operation for the East African Community, which was finally resurrected on 30 November 1999. The centre of gravity in the Burundi initiative naturally leans towards this grouping, which has had even greater legitimacy for imposing conditions since Burundi asked to become a member in January 1999.

The countries of the sub-region share a common vision for analysing the Burundi problem. Almost all of them trained in the "Dar es Salaam school" and particularly agree on the fact that the Burundian government, the only remaining regime in the region to evolve from a classic military dictatorship inherited from independence, must be overthrown. But they differ on the credibility of the liberation movements "available" in Burundi. For Tanzania, the Hutu armed movements born out of the refugee camps on its territory since 1972 have legitimacy as liberation movements against the repressive Tutsi-minority government. For Uganda and Rwanda, these armed movements are ideologically too close of those who committed the genocide in Rwanda in 1994.

But President Museveni cannot pardon Buyoya for having introduced democracy too early into the region (in 1993) and for later returning to power by force (in 1996). He seeks to identify and promote a new generation of politicians,

particularly Hutu liberals, and to marginalise the extremists. In a speech at the December summit, he condemned the violence against civilians by both parties: "There is a more important question: who should be the target of armed struggles? What kind of liberation movement targets non-combatants? I also hear the argument that the Burundi army targets civilians. This is not correct."

It seems that the choice of a new Facilitator was a controversial one and that several countries were reluctant to see South Africa mixed up in the mediation process. In the first place, Tanzania did not wish to have its unique role of regional leadership removed from it. This was a question of prestige, of continuing Mwalimu's work, of "liberating" Burundi, one of the only African countries still under a regime inherited from the days of de-colonisation. As interference in the internal affairs of neighbours seems to be the rule for the region, Tanzania, which has remained neutral in the anti-Kabila war, has to prove that it is still influential. President Mkapa has clearly stated that Tanzania does not wish to take responsibility for the failure of the process, despite accusations that it has destabilised Burundi, but is anxious to have a share of the glory if it should succeed: "We do not insist that Arusha or Tanzania remains the venue. We also do not insist on certain roles for any Tanzanian or for Tanzania as a whole. For we do not want Tanzania to be the scapegoat for procrastination in the negotiations... [but] I say if we follow diligently on the trail blazed by Mwalimu, working with those who have participated so far in the peace talks, we will... move forward much faster."³⁹

For the Ugandan President, keeping control of the Burundian peace process is also a way of establishing the region's authority and his own stature after Nyerere's death. He made this quite clear in his speech to the summit: "Finally, let me stress the fact that this is a regional initiative that is of crucial significance to the future of the region. If we can pull it through, we shall increase confidence in ourselves to solve our own problems without the help of outsiders."⁴⁰

For this Ugandan-Tanzanian co-operation to function, Museveni, so often accused of wanting to build a "Hima empire", must support Tanzania in its mediation efforts and provide reassurance of its neutrality with regard to the Tutsis of Burundi. Accordingly, he convened a summit between Presidents Mkapa and Buyoya in January 2000 to try to improve relations between Tanzania and Burundi. He also invited President Buyoya to Kampala on 10 March 2000 to discuss the evolution in the negotiations, particularly the reform of the army and the issue of the transition. He recently gave Tanzania proof of his impartiality by blocking arms destined for Burundi which were transiting through Uganda. This consignment, originally ordered from China during Buyoya's first presidential term, was blocked the first time round in Dar es Salaam for several months and then returned to China. After ordering new arms in China, Buyoya sought reassurance from Museveni at the Algiers summit in July 1999 that this consignment could pass through Uganda from Mombasa. But once the

³⁹ Opening statement of President Mkapa, 8th Great Lakes summit on Burundi, Arusha, 1 December 1999.

⁴⁰ Statement by President Museveni, chairman, Regional Initiative on Burundi, at the opening of the 8th summit on Burundi on 1 December 1999.

consignment arrived at the Kenya-Uganda border, the information was leaked to the Tanzanians who immediately asked for it not to be allowed through.⁴¹

In reality, it is important for Museveni to keep watch over relations between Rwanda and Burundi, which he interprets as a rapprochement. Since the tensions between the two factions of the Congolese Rally for Democracy (RCD)⁴² and the battle of Kisangani between the Rwandan Patriotic Army (RPA) and the Ugandan People's Defence Force (UPDF)⁴³ in August 1998, Museveni has been keeping a close eye on Rwanda's alliances. He suspects the country of using Burundian weaponry since he withdrew Ugandan heavy equipment from Goma in the wake of Wamba dia Wamba's departure for Kisangani in April 1999. It will be recalled that the Ugandan press had accused the Burundians of taking part in the battle of Kisangani on the Rwandan side.

Because of this, Museveni was a little reluctant to see South Africa take a more active role in Burundi. In fact, his perception of Thabo Mbeki's government's inclination towards Rwanda in the argument over the RCD⁴⁴ leadership raised fears of the emergence of a Rwanda-South Africa-Burundi triangle. Kenya also has doubts about the arrival in the region of the economic power of South Africa – always on the look-out for markets and outlets for its industry.

For Rwanda, the priority is to have Burundi as a stable ally, with a government sharing the same regional security objectives. While war continues to rage in the DRC, a coalition government that would give the Hutus controlling power as the result of the negotiations would constitute an obstacle to the regional war against the Hutu extremists fighting with Kabila. In addition, the Ugandan-Tanzanian exclusive handhold on the Burundian process is of concern to the Kigali government, given the tensions with Uganda since the Kisangani fighting, and with Tanzania, suspected of sympathising with the Burundian and maybe even Rwandan *non-génocidaire* Hutu opposition.

For these reasons Rwanda has supported the involvement of South Africa in the Burundi peace talks as a counterweight to the region, perfectly aware that the results of the Burundian negotiations will constitute a precedent. Rwanda, which did not hesitate to show its displeasure at the successive reports concerning its admission into the new East African Community⁴⁵, sent only its prime minister to the summit of heads of state on 1 December, thereby revealing its clear distrust of the regional initiative on Burundi.

The evening before, and even on the morning of the 1 December summit, the presidents in attendance complained of the fact that Museveni, who as President

⁴¹ "Burundi arms", Levi Ochieng, *East African*, 4 December 1999.

⁴² The RCD has been divided since May 1999 between the RCD-Goma, supported by Rwanda, and the RCD-Kisangani, supported by Uganda. This split delayed the signing of the Lusaka agreement.

⁴³ The Rwandan Patriotic Army and the Uganda People's Defence Forces had violent confrontations leading to over 600 deaths in Kisangani in August 1998, a result of differences over strategy and military competition between some officers on each side.

⁴⁴ It will be recalled that Thabo Mbeki convoked several meetings with Uganda and Rwanda and sent Minister Nkosazana Zuma to Kisangani to try to resolve the leadership crisis within the RCD and to get all the rebel groups to sign the Lusaka agreement.

⁴⁵ The East African Community comprises Kenya, Uganda and Tanzania. Rwanda has formally applied to join.

of the regional initiative was supposed to consult them, had not informed them that Mandela was a candidate for the Burundian mediation process. In fact, Uganda and Tanzania wanted to promote Ketumile Masire, the former President of Botswana. The formula found to keep the Tanzanians associated with the process was to appoint Joseph Warioba, formerly Prime Minister of Tanzania and member of Nyerere's mediation team, as a deputy to Masire.

Mandela had also been approached with regard to the inter-Congolese dialogue in the DRC foreseen under the Lusaka agreement. However, as Kabila had rejected this proposal ten days before the summit on Burundi, there was a considerable chance that Masire would be the only candidate for the DRC to be proposed by the OAU. It remained only to nominate either Warioba or Mandela for Burundi.

2. South Africa's Interests

The South African government pushed Mandela into accepting the mediation role. The presence of Thabo Mbeki in person at the summits of 1 December 1999 and 22 February 2000 is an indication of this. Using Burundi as a test case, the government is seeking to promote South African diplomacy and its agenda of an African renaissance, a main priority of its foreign policy. It has defined this in the following terms: "As a movement we will also do whatever we can to contribute to the termination of other violent conflicts that are taking place on our continent, fully cognisant of the importance of saving African lives and the creation of conditions of stability, without which no development is possible."⁴⁶ Thabo Mbeki had scarcely returned to South Africa when he stated that Mandela's nomination was an indication of confidence in South Africa's capacity to assist in the settlement of regional conflicts, that his government would "do everything" to assist Mandela and that he had already assigned several of his senior officials to the Burundian process.⁴⁷

The main question mark concerns the way in which the partnership between South Africa and Tanzania is going to operate. The two countries have everything to gain from a fruitful co-operation. Through Nyerere's fight against apartheid, they already have a very strong historic link and the South African economic breakthrough in Tanzania reinforces their interdependence. In addition, Thabo Mbeki has announced his intention of building stronger economic and political relations with Tanzania. A South African analyst quoted by Reuters explains: "Thabo Mbeki has evolved a strategy that involves working with countries such as Nigeria in West Africa and Tanzania in East Africa".⁴⁸

Mandela's role in Burundi will give the South African government an entry into the conflicts in the DRC and in Rwanda. Already involved in diplomatic efforts to convince the two branches of the RCD to sign the Lusaka agreement, South Africa has shown that it has a degree of influence over Rwanda. Aware that the minority/majority relationship in Rwanda and Burundi is an essential element of the destabilisation in the Great Lakes, the government of Thabo Mbeki is counting

⁴⁶ Statement of the National Executive Committee of the ANC on the 87th anniversary of the ANC, 8 January 1999.

⁴⁷ IRIN, 3 December 1999.

⁴⁸ Hermann Hanekom, quoted by Reuters, 23 November 1999.

on using this influence in the medium term to stabilise the two political regimes and find economic partners in Central Africa. From this perspective, an attempt at establishing contact between Thabo Mbeki and Kabila was observed in March 2000.

At first, South Africa's involvement did not reassure the Hutu opposition in general and met resistance from the CNDD, which made known its view that South Africa was not neutral before and after the summit in December. It denounced both the sale of South African arms to Burundi and to Rwanda and the contacts made between the Burundian government and the dissident FDD on its territory. The Union for National Liberation (ULINA⁴⁹) also expressed its disapproval. None of the three rebel leaders were present at the summit to demonstrate their opposition. But for the CNDD it is vital to continue to involve Tanzania, which sees its priority objective as a return to majority rule and which has the necessary means to impose this. Indeed, if the objective of the new mediator is only to make peace in Burundi, there is a risk that the agreement reached will not impose the immediate return to the results of the 1993 elections.⁵⁰ Ironically, despite the insistence of the Buyoya government of promoting Mandela as the best mediator for Burundi, some Tutsis fear that Mandela will see the Burundi problem only through the South African prism and want to apply the model of majority rule to Burundi.

3. The Interests of the Burundian Government

Mandela's nomination was a diplomatic victory for the Burundian government, which had directed its diplomacy towards this objective since Nyerere's death. Burundian delegations toured the region and Europe, lobbying for Mandela, "period"⁵¹.

The contacts between the two countries date from the time of the regional embargo when part of Burundi's exports and imports passed through South Africa, often via Lake Tanganyika and the port of Mpulungu in Zambia. The first contact between Buyoya and Mbeki took place when Mbeki was inaugurated as President in June 1999, and was followed by Buyoya's visit to South Africa in September. Since then, several Burundian delegations have visited the country and the South African government has sent political advisers to Burundi to evaluate the situation.

The Burundian government has a number of reasons for involving South Africa. Above all, there is the matter of creating a counterweight in the region. First, because the regional mediation effort was perceived as hostile to its interests and it hoped for a more attentive attitude towards the fate of the Tutsi minority. Secondly, because of the Burundians' concern that the war in the DRC could spill over the border -- and especially over Kabila's and Zimbabwe's support for the FDD and Tanzania's support for the rebellion. Consequently, they were counting on South Africa to put pressure both on Zimbabwe to end support for the FDD and on Tanzania to ensure better control of its territory and common borders with Burundi. One of the government's primary concerns was that Tanzania

⁴⁹ Coalition of certain rebel movements based in Canada and in Kenya.

⁵⁰ "Burundi mediator: is it the person or the method?" *The Guardian*, Tanzania, 19 November 1999.

⁵¹ Interview with Augustin Nzojibwami, president of the Convergence.

would expel Burundian refugees from the Kigoma region (around 300,000), which would serve as a cover for FDD infiltration into the southern provinces of Burundi, giving the rebel movement the chance to occupy some territory. The regional role and South Africa's power of coercion would therefore be a guarantee against this type of strategy. As one government representative put it, "for us, the guarantee of the agreement is that Tanzania doesn't interfere."⁵²

After the death of Nyerere, the Burundian government effectively lost the guarantee of Tanzanian moderation. Nyerere wanted to give the negotiations a chance and moderated the desire of certain pro-Hutu lobbies in the army, in parliament and in the business community, all of whom would have preferred a violent solution in Burundi by giving massive support to the Burundian rebel movements. There are still some supporters of an intervention in Burundi, who see this as following the model of the Tanzanian intervention in Uganda in the eighties. Among them are Jakwaya Kikwete, the Minister of Foreign Affairs, John Malecela, President of the CCM, the party in power for 30 years, and the Tanzanian Chief of Staff. They are all known for their hard line towards Buyoya's regime. This position is accentuated by the fact that refugees are continuing to flow into Tanzania. The possibility of the already very high tension between the two countries degenerating into conflict as the result of border incidents cannot be ruled out.

South Africa also has the capacity to assist Burundi economically. South African companies already own big chunks of the economies of Uganda, Rwanda and Tanzania. The creation of a link between the two countries is a first step towards opening Burundian markets to South African products and making the country more independent of international development co-operation. The visit by the South African Minister of Foreign Affairs Nkosazana Zuma to Burundi at the beginning of March was partly linked to the establishment of bilateral co-operation between South Africa and Burundi.⁵³

4. The Mandela Approach: An Agreement in June?

Mandela's approach has breathed new life into the inter-Burundian talks. His first priority is to conclude the Arusha process, which has already gone on for too long, as quickly as possible. He speaks of an agreement by June 2000 and has presented institutional donors with a request for financing a single session of the talks. Mandela and his team are also reflecting on measures for judicial proceedings against non-participants and on securing guarantees for the implementation of the agreement. This pressure is making the price of exclusion from the process very much higher. At the same time it is sending out a warning to each participant of being identified as responsible for the failure and thus ending up a major loser from the process.

To reach this objective, the mediator has decided on a change of method. He proposes terminating the work in committee and working directly on a draft agreement, which was distributed on 27 March 2000 during the meeting of heads of delegations. He has warned all the participants that they have three weeks to make amendments and recommendations. But he also gave a warning that

⁵² Interview with a government member, 1 December 1999.

⁵³ "Burundi explores bilateral ties with South Africa", PANA, 3 March 2000.

"some of these amendments and comments will be included in the proposals on merit, but there are many that will not be accepted."⁵⁴

The first characteristic of the Mandela approach is the internationalisation of the Burundian problem. By inviting all the presidents of the region, and the major powers: President Bill Clinton and ministers from France (Charles Josselin), Britain (Peter Hain) and Belgium (Louis Michel), he is raising the visibility of the process considerably. In doing so, he also exposes the responsibilities of the international community and invites them to speak with a single voice. He began his mediation effort in New York where he reminded the Security Council that: "the failure of those responsible to provide conditions of security and social development to the people of Burundi does not represent some errant occurrence on the periphery. This hits at the heart of our common human obligation".⁵⁵ His video-conference meeting with Bill Clinton showed everyone that his efforts have the full support of the United States. President Clinton said: "America cares about the peace process... I call on the rebels to stop hostilities... This will be a long and difficult journey, but I am with you."⁵⁶ Another summit took place at the end of March with Presidents Obasanjo and Gaddafi. By creating an international unanimity around the process, he is also preventing the Burundians from playing off some international players against others.

The involvement of donors and the simultaneous use of the carrot and stick policy represent a major change from the isolation resulting from the sanctions and the total suspension of development aid since 1996. All countries present at the February summit pledged support to Burundi: "The US will help create economic conditions for the agreement to work."⁵⁷ "Belgium is determined to plead for Burundi's case within the European Union if the regroupment camps are dismantled... to give legal and economic assistance in the demobilisation and re-integration of the combatants."⁵⁸ "France is prepared to assist Burundi to get out of its state of economic suffocation... and particularly in the domain of reconciliation, the re-integration of the rebels, the changes in the institutions and the electoral system... France will participate in the Committee on the guarantees for the implementation of the agreement when the mediator wishes it to do so."⁵⁹ "The UK will be ready to support Burundi when there is peace."⁶⁰

The international community is thus supporting Mandela and seems to be insisting on a successful and quick conclusion to the Burundian process. A change can be observed in international thinking on Burundi since Nyerere's death. The Americans, who had blocked an emergency loan from the World Bank, pushed for the organisation of a Security Council meeting that produced a resolution calling for development aid to be resumed in November 1999.⁶¹ They also pressed for South Africa's involvement, providing an opportunity for South African diplomacy to prove itself in Burundi, while keeping in mind a possible role

⁵⁴ Speech by Nelson Mandela during the consultation on 27 March 2000, Arusha.

⁵⁵ Speech by Nelson Mandela to the Security Council, 19 January 2000, New York.

⁵⁶ Message by President Bill Clinton, Arusha, 22 February 2000.

⁵⁷ *Idem*.

⁵⁸ Message from Louis Michel, Foreign Minister of Belgium 22 February 2000.

⁵⁹ Message from French President Chirac, read by Charles Josselin, French Development Minister, 22 February 2000.

⁶⁰ Message from Peter Hain, British Development Minister, 22 February 2000.

⁶¹ United Nations Security Council Resolution 1286, 17 January 2000.

in the DRC. As far as international diplomacy is concerned, any agreement on Burundi should be complementary to the Lusaka agreement and constitute a model for the region.

However, to the extent that the Lusaka accords are not yet being implemented, Burundi continues to resist a rapid conclusion in Arusha. As President Joaquim Chissano of Mozambique said, "in the Great Lakes everything is linked, but it cannot be expected that there are simultaneous agreements in all the countries of the region. The process has to be continued."⁶² This approach is, however, focusing more on the process itself than on its outcome. It must be doubted whether little Burundi can meet the challenge of reaching peace in a region in which all internal conflicts are exported to the DRC.

The second characteristic of Mandela's approach is to exercise continuous pressure on the political players. In his first contacts with the Burundians, he called on the political class to assume a sense of its responsibilities. In front of the region's heads of state, he stated: "There is a wide-spelled assumption that the problem with Burundi is the absence of leaders who are capable of bringing peace. But innocent civilians are being slaughtered now. There is a serious obligation for each and every leader here to recognise the importance of compromise..."⁶³ By delaying the conclusion of an agreement, you suggest that you don't care about people dying inside Burundi."

Mandela also mentioned the issue of a lack of funds restricting the process: "If you have no sense of urgency, why should we ask for more money?"⁶⁴ He particularly stressed the role of the actual President, the President of the Assembly and former Presidents Bagaza and Ntibantunganya: "I expect them to lead the compromise proposal." He also emphasised the responsibilities of the nine party heads in exile, warning them that too great an intransigence on their part would make the population inside Burundi believe that they are no longer in touch with the country.

Among other themes of his speech were the dismantling of the regroupment camps, which he described as "not fit for any human beings to live in", the release of political prisoners – "a situation that is totally unacceptable, especially to a person like myself who has spent 27 years in jail,"⁶⁵ – and the lifting of press censorship.

The former South African President surprised everybody by being extremely firm on the ethnic issue and more specifically the domination of the Tutsi minority. He explained to several delegations that apartheid, black or white, had to be fought and advised Buyoya to leave power in time. He adopted a very direct style with all the participants, which came as a real culture shock to Burundians used to allusions and meanings only half-expressed. It was an approach that evoked memories of his negotiations with Frederick De Klerk, the former white South African President. Speaking of the Tutsis, he said on several occasions that "as long as the minority dominates politically, economically and militarily,

⁶² AFP, 17 March 2000.

⁶³ Speech by Mandela, summit of 21 February 2000, Arusha.

⁶⁴ Plenary Assembly, Arusha, 22 February 2000.

⁶⁵ Speech by Mandela, Arusha, 27 March 2000.

there can be no peace... You are discrediting yourself if you deny the obvious..." But he also told the participants: "You must accommodate the majority, but if the minority feels the agreement will threaten their existence, they will not cooperate". Referring to the rebels, he said: "They are too weak to tackle military installations. They vent their anger against civilians. They cannot be said to be freedom fighters, they are barbarians, terrorists."

The pressure is particularly strong on President Buyoya, whom Mandela has advised to leave power. During the February summit, Mandela referred to presidents who left power at the height of their glory: himself, Ketumile Masire and Julius Nyerere.

This message was reiterated by Nigeria's President Obasanjo during the March summit: "To speak clearly, as long as the military is in power, society loses the vital habit of thinking creatively and democratically and of resolving its problems in the same spirit. Then comes the day when the military leaves power, for it invariably have to do so, and society has to start again from zero to imbibe democracy."⁶⁶

This pressure has two objectives. First, it obliges President Buyoya to come to Arusha himself to defend his position (in other words, to campaign and negotiate for his retention of his power). Up till now the President's attitude has always been in effect to withdraw from the process and "to leave the Burundians to negotiate, including over who should lead the transition."⁶⁷ Secondly, Mandela's strategy is to provoke a public debate on the other eventual candidates for the transition and to show that this debate ties in with the country's interests and not only those of its elite groups. No matter who the candidate is for the transition, what counts for Mandela is reaching a consensus among the negotiators.

This direct approach by the former South African President has provoked a positive debate, but it has aroused fears at the same time. Some say that the time has come to destroy the myths and ethnic taboos, that it is necessary to see if the participants are serious and that it will probably be impossible to reach an agreement without pressure.

Others emphasise that under such international pressure and in the face of the mediator's insistence on concluding the process rapidly, no participant will take the risk of refusing to sign the peace agreement, but that many questions remain in suspense. First of all, the Burundians perceive that the Facilitation team is stressing an early success for the process to the detriment of the content of the compromises reached. None of the major questions has been resolved: the amnesty, the integration of the rebels into the army and the transition. Committees II and III have not finished their work and the rebels have neither yet participated in the debate nor given their recommendations. Finally, it seems that there was a misunderstanding between the Facilitation team and the Burundians on the agreement project distributed in March 2000.

This is certainly not the "compromise proposal" that Mandela announced in his speech and on which he asked the delegations to work, but rather a synthesis of

⁶⁶ Speech by President Obasanjo, Arusha, 27 March 2000.

⁶⁷ Press conference held by President Buyoya, Arusha, 22 February 2000.

the discussions in each committee. Yet the Burundians, who are supposed to provide their comments shortly, do not seem to have been warned that this is a synthesis of the debates and not the final document, which is still being prepared. This misunderstanding arises partly from the fact that the mediator, whose time is very occupied, is only in Arusha for the opening of sessions and not for the continuation of their work. This comes under the responsibility of the Facilitation team, in which most of the predominantly-Tutsi parties have no confidence.

Each time Mandela speaks a little too directly, these parties blame it on "bad briefings" by the Tanzanian Facilitation team. In March, Mandela expected the Burundians to sign a statement on the progress made and to ensure the participation of the armed groups, but some Burundians claimed that the Facilitation team was opposed to this.

The controversy over Mandela's visit to Burundi is another example of the tension. After announcing that his first priority was to go to Burundi in December, Mandela had to withdraw his promise, after pressure from several parties who considered such a visit would "legitimise" the government in place. Subsequently, Mandela promised to go to Burundi to talk with the Burundian military, of which a delegation had visited him in South Africa. But the government considered this insufficient, holding that Mandela must listen and speak to all Burundians who will, after all, be the ultimate guarantors of the process being implemented.

Finally, Mandela's desire for a public debate on the future leader of the transition risks giving the impression to Buyoya and his supporters that a consensus is being sought against him and against the Tutsis. Buyoya's supporters fear that he is going to lose face, as a result of which the process will be blocked again. Criticising the Tutsis when they are the ones who have to concede everything could prove counter-effective.

This stance on the Tutsi minority has put the government, which had itself pleaded for Mandela to accept the mediation role, in a very embarrassing position with regard to its political base. Coming back from the February 2000 summit in Arusha, President Buyoya has himself been obliged to say that the Facilitator seems to have "a simplistic view of the Burundian problem."⁶⁸ Ten days after the summit, Mandela announced at Abuja that he was not sure of seeing the process through to its conclusion and that he would perhaps hand over to someone younger.⁶⁹ This announcement could also be interpreted as an attempt to put pressure on the players in the negotiations.

The third characteristic of the Mandela approach is the inclusion of the armed factions. The great success of the process up to now is to have apparently succeeded in getting the dissident FDD leader, Jean Bosco Ndayikengurukiye, and Cossan Kabura of the FNL to participate. A meeting took place on 20 March 2000 between the FDD leader and Mandela and resulted in a declaration of principle by Jean Bosco of the FDD's willingness to participate in the negotiations in Arusha, but with "preliminary" conditions that were "not open to discussion". He called for the release of political prisoners and Hutus held in the "Nazi-style"

⁶⁸ "Buyoya unhappy with Mandela's grasp of issues", IRIN, 23 February 2000.

⁶⁹ "Mandela casts doubt on Burundi peace process", PANA, 5 March 2000.

regroupment camps.⁷⁰ "Nothing can happen as long as the regrouped people are not released and allowed to return home. Nothing is possible as long as people who voted in favour of democracy are in jails. We shall go to Arusha when those things have been done."⁷¹ A meeting was also held between Mandela and Cossan Kabura a few days later.

Mandela made it clear to Nyangoma during the January session that the dissident FDD faction had to be brought into the process. The South Africans had tried to meet the FDD and FNL leaders before the Arusha summit in February, but without success. The FNL delegation was prevented from travelling by the Tanzanian authorities on grounds that it did not have the official documents (passports and official invitation for South Africa). As for the FDD delegation, it claimed to have a transport problem. A plane was then sent to them from South Africa, but they did not turn up at the airport. Some Burundians then made the point that referring to the rebels as "terrorists" and "barbarians" was not the best way for Mandela to get them to come and talk in Arusha.

The arrival of the FDD is probably partly due to the diplomatic efforts of Thabo Mbeki, who went to Zimbabwe in mid-March and sent his Ministers of Defence and Foreign Affairs to Lumumbashi a few days later and was even scheduled to meet Kabila. The challenge of getting the FDD to participate in the negotiations is greater than it appears. The FDD have in fact become a regional problem and are the hostages of Kabila and his allies, who have armed them and use them in the war in the DRC. There is little chance that Kabila will allow the FDD to quit his defence force definitively while the war is resuming against Rwanda, Burundi and Uganda.

In any case, until recently the FDD were waiting for the outcome of the war in the DRC and the Lusaka agreement before getting involved in Arusha. If the Lusaka accords are not implemented, they avoid being disarmed as "negative forces" and can hold the Burundian peace process hostage. The question is whether Mandela will be able to convince them both of the immediate benefits of Arusha and to abandon a war that is not their own. But Mandela does not have influence over Kabila – it will be recalled that his mediation between Kabila and Mobutu during the first war in ex-Zaire was a failure – and little influence over Mugabe, who sees him as his main rival.

Faced with this problem, the idea of signing the Arusha agreement without the FDD has again been raised, either involving them later or neutralising them by a regional coalition that would bring them under the Lusaka accords. Both Nyerere and Museveni⁷² defended this position, which also appeals to a number of the international and regional players. The government of Burundi is opposed, however, to the marginalisation of those with a role in the violence and is concerned by the fact that there is a risk of having part of the armed factions included in the agreement and another part remaining outside. By "de-politicising" them and making them outcasts, there is every chance of creating a situation similar to that of the Rwandan Interahamwe, which nobody now knows how to resolve.

⁷⁰ AFP, Johannesburg, 20 March 2000.

⁷¹ Interview on BBC-Kirundi, quoted by IRIN, 21 March 2000.

⁷² Meeting between Buyoya and Museveni in Kampala, 10 March 2000.

The entry of the rebels at this stage of the process, although necessary, risks complicating the process for two reasons. The first is the possible rivalry between opposition Hutu politicians and armed Hutu rebels claiming to be the government's interlocutors on the army question. The army issue is the most difficult part of the negotiations for it constitutes the key element of power. This is why the integration of the rebels is at the heart of Hutu claims and Tutsi resistance. As far as FRODEBU is concerned, the military authority should be put at the service of the civil authority and army interference in politics should be avoided. FRODEBU wants negotiations on the integration of the rebels to fall under a global political agreement, only allowing the rebels to be associated at the "technical level". In reality, FRODEBU fears seeing the limelight stolen by those with the power to end the war and seeing what has been gained over the past 22 months again put in question. The FDD soldiers and civilians are likely to want to negotiate this integration in line with their own interests while setting their own conditions.

The government is proposing "open social and professional integration, including into the army", for the rebels. In fact, the regime is playing several cards at once. First it insisted on the inclusion of the rebels in the negotiations, with several ideas in mind – first of all to identify them, their leaders and their structures, before drawing up a detailed integration plan. Then, to establish a special contact with them in order to isolate the political parties. Finally, to fuel the competition between FRODEBU and the rebel factions, and between the factions themselves.

If a ceasefire is reached, it is probable that when the moment comes the government will insist on army missions "to protect the people" and ensure territorial security. It will be remembered that, when the ceasefire was signed on 21 June 1998, the head of the government delegation expressed reservations, explaining that the "national army was not a party to the conflict" and that "it should continue to maintain order".

Finally, the military power is playing its cards so as to disqualify the enemy. Military personnel are often heard to say that they agree with the proposed fusion – but with whom? At the last consultation in Dar es Salaam, UPRONA took a position that led to the debate taking a step backwards. In a document presented to Committee III, it explained that the future composition of the army "must take into account the genocide element."⁷³ The idea is that the rebels must first be demobilised and disarmed, and then those with a clean sheet can be recruited. In other words, the army will act as if it were the victor when setting conditions. This position is based on the Lusaka accords, which classify the FDD as "negative forces" to be disarmed, and on proofs of collaboration between the FDD and ex-FAR "*génocidaires*". It can also be foreseen that when the discussion on integration becomes serious, a problem will arise over the several thousand Hutu already in the army (estimated at between 30 per cent and 35 per cent). These were trained to the same standards as their Tutsi colleagues who would not wish to cede their place and their income to the rebels. Should Mandela's

⁷³ Document presented by UPRONA for Committee III at Dar es Salaam in February 2000.

proposal for an army 50 per cent Hutu (and not rebels) and 50 per cent Tutsi⁷⁴ be applied, this problem will inevitably arise.

III. THE CHALLENGES TO THE PEACE PROCESS

A. The Violence

The resurgence of the violence since June, and even more since last September, reflects the rising stakes in the negotiation process. This violence can be explained by several internal and regional factors.

1. The Structure of the Rebellion

The rebellion is loosely knit and fluid: it has no front and no firm control of territory; it is a mobile guerrilla movement. Nor does it have a common leadership and its political heads cannot prove that they represent the leaders in the field. With one branch in Dar es Salaam, one branch in Kigoma, one branch in Lumumbashi and one branch in Burundi, they have no common representation.

The rebel movement comprises several groups. The FNL, the armed wing of the Party for the Liberation of the Hutu People (PALIPEHUTU) has been split into two factions since 1992, one branch led by Etienne Karatasi and the other by Cossan Kabura. The CNDD-FDD is also divided into two branches led respectively by Léonard Nyangoma and Jean-Bosco Ndayikengurukiye since May 1998. And then there is Joseph Karumba's FROLINA, which has had its bases in Kigoma in Tanzania since the eighties. It should be pointed out that almost all the leaders of the rebellion come from Bururi.

These different movements operate out of Burundi, Tanzania and the DRC. The FNL is fighting mainly in rural Bujumbura and in the north of Burundi, and the FDD and FROLINA mainly in the south of the country. The dissident FDD led by Jean Bosco operates within the DRC/Zimbabwean force on the banks of Lake Tanganyika and in Kivu. The FNL-Karatasi is commanded by Thomas Bagwihigire, the FNL-Cossan by Nestor Nizigama, the FDD-Jean Bosco by Prime Ngowenubusa and the FDD-Nyangoma by Antoine Mbawa.

Numbering around 1,000, the FNL-Cossan is composed of elite troops, most of them Adventists.⁷⁵ Coming mainly from the north and north-west of Burundi, they are PALIPEHUTU and take great pride in having been the first to take up arms in the Burundian Hutu armed struggle. The FNL includes many former

⁷⁴ Speech by Mandela, Arusha, 22 February 2000.

⁷⁵ They are reputed to reject drinking alcohol and smoking, and to pray regularly.

Burundian refugees in Rwanda, trained by the ex-FAR under Habyarimana's regime, and some Rwandan ex-FAR. There is talk of a group of ex-FAR instructors trained by the French GIGN in Rwanda prior to 1994 and whose mission is to train, if not to command recent operations in rural Bujumbura. The FNL-Karatasi are around 450 and allied with the Mai Mai in the eastern DRC.

Today, taking both branches together, the FDD consists of 10,000 to 16,000 combatants. Shortly after the events at Kamenge in 1994 and the formation of the CNDD, the FNL entered into competition with the FDD. Trained at the beginning by FNL commanders, the FDD quickly overtook them in regard to resources. This competition was illustrated by the fighting between the FNL and FDD in Cibitoke and Bubanza in 1997, and still more recently in June 1999, when the FNL accused the FDD of stealing the glory in the combats against the Burundian army in rural Bujumbura, Cibitoke, Bubanza and Ruyigi.⁷⁶

2. Psychological Warfare and Mounting Stakes

A large part of the FDD fighting in the DRC has returned to Burundi since June to reinforce its military positions and raise the stakes at the Arusha process with regard to the violence. All the Burundian rebel movements, FDD-Jean Bosco and FDD-Nyangoma, FNL and FROLINA, have launched recent recruitment drives in Burundi and in the refugee camps in Tanzania.⁷⁷ The use of the language of violence could be interpreted first of all as a response to the government's blocking of negotiations around June-July, and as a form of pressure; but it is more likely a tactical move in the light of the approaching conclusion of an agreement. As far as the rebels are concerned, they have to take a position of force before negotiating and are consequently recruiting the maximum number of combatants before negotiating their integration into the army.

This opportunity has been given to them by Kabila's strategy of bringing the war back to the east of the DRC. It is certain that the rebel groups have been reinforced by their military alliances in the DRC, although it is difficult to assess how much equipment they have received. The guerrilla movement has also been retrained and reorganised by the Zimbabweans and the Angolans.

There have been infiltrations from Tanzania for several months and these provoked fighting first in the province of Makamba (in the south of Burundi) in the second half of 1999, then towards Rutana (in the south-east) and Ruyigi (in the east). There is talk of an infiltration into these provinces by several thousand rebels. A general movement of armed bands has been observed for some weeks towards the centre of the country (Gitega), towards the forest of Kibira (in the north) and towards the north-east (Cankuzo). After a month of doubtful calm in Makamba, intense fighting has broken out again. Frequent movements have recently been observed from Kigoma to Ubwari peninsula, then to Rumonge in Burundi. The rebels are practising a scorched earth policy on a large scale, setting fire to houses and forcing the population to leave, even pushing it into exile in Tanzania.⁷⁸

⁷⁶ Focus on armed groups, IRIN, 13 October 1999.

⁷⁷ ICG enquiry in the refugee camps in Kigoma, Tanzania in March 2000.

⁷⁸ This tactic was mentioned by an FDD combatant in August 1998 during an interview in Kigoma.

The rebels' tactics have also changed towards psychological warfare: attacks on the capital in September and military positions with the aim of creating a siege mentality among the inhabitants of Bujumbura. For example, they indicated that on returning from Dar es Salaam and Arusha in September 1999 there would be attacks on Bujumbura for two weeks.

This strategy could be linked to the assassination of two members of the United Nations and seven Burundians on 19 October 1999 in Muziye, Rutana, which led the UN to decree a phase four situation (last phase before the total evacuation of its personnel). It has not yet been clearly established who was responsible for these killings despite enquiries by the government, which accused rebels based in Tanzania. It is true that PALIPEHUTU published a *communiqué* in June suggesting that foreigners should leave the country because of the imminence of their planned attack on Bujumbura.⁷⁹ However, some continue to see the hand of the army, which could have used the assassinations to discredit the rebels. This argument is limited to the extent that the government was the first to suffer from phase four, which led to the departure of a considerable number of NGOs and the freezing of many projects, thus reducing the currency reserves and jobs from which the government and Burundians were able to profit. Consequently the government lost credibility with regard to its international partners and the Burundians themselves. The following text of a tract distributed in the market is an indication of people's anger:⁸⁰

"The UN has lost two agents...

They have been assassinated.

Whose fault is this?

And the thousands of other deaths, whose fault are they? We don't know...

To further assist this country that no longer knows which saint it should dedicate itself to, the UN has decided not to assist any further."

No matter who was responsible, this incident led to a meeting on humanitarian law with representatives of the rebel movements and army, organised by the Centre Henri Dunant in Geneva from 2 to 4 February 2000. This meeting, presided over by Amadou Toumani Touré, the former President of Mali, enabled a message to be passed to the belligerents, stating that international humanitarian aid was conditional on respect for the law and the security of international personnel. Moreover, this initiative made it possible to raise awareness of the benefits of applying a minimal code of conduct and, indirectly, of the credit that the Burundian participants might draw from it for the inter-Burundian negotiations. But the positive effect of the meeting was diminished by the fact that some armed factions felt that they were represented inadequately.

3. Do the Rebel Movements want to Negotiate?

Under strong pressure from the region and all the Burundian parties, the head of the FDD finally met Mandela. But he laid down preliminary conditions for his participation in the Arusha talks: the dismantling of the regroupment camps and the release of political prisoners.

⁷⁹ Focus on armed groups, IRIN, 13 October 1999.

⁸⁰ Tract signed "le Muzé", 19 October 1999.

These conditions had already been laid down during the last attempted meeting between the FDD and the government in November 1999. This meeting followed an expression of willingness by the FDD to negotiate with the Burundian government directly.⁸¹ However, each attempted meeting failed as the delegations previously sent by Bosco did not have a mandate to negotiate, did not formulate their demands clearly or laid down impossible conditions. These included proposals for putting in place a new constitution, the release of 10,000 "political prisoners", the government's withdrawal from Arusha, the dismantling of the regroupment camps, and the arrest of those responsible for the 1993 coup.⁸² But this time there was a clear feeling that the FDD's position was more flexible, first because the number of conditions was reduced, then because the head of the FDD declared that a political agreement was the priority and that "military reforms will come later."⁸³ This was a marked change in tone compared with the usual rebel demands for immediate changes in the composition of the "mono-ethnic 'putschist' army". It was also to be expected that Bosco would enter the process by taking an extreme position, given his exclusion up to now.

Major Buyoya, voluntarily or involuntarily, met the wishes of the head of the FDD by saying at a press conference on 22 February 2000 in Arusha: "Much criticism has been made against us with regard to regroupment. We accept these criticisms and agree to dismantle the camps. But I can assure you that if the rebels come to the negotiating table, tomorrow there will no longer be any camps." This affirmation was not entirely credible, given that it is difficult for the army to accept dismantling the camps without a ceasefire in place, but it showed that there is at least some room for negotiations.

The FDD's participation in the Arusha process risks, however, creating problems with Nyangoma. The latter has always said that he was leaving the door open for reconciliation with Bosco, but has threatened to quit Arusha if Bosco is independently associated with the CNDD and has always treated Bosco's faction as "dissident". The assassination of his brother and family in Kasulu (Tanzania) in February 2000, for which he holds Jean Bosco's people responsible, risks compromising the reconciliation between the two factions.

The first dissent between Nyangoma and Jean Bosco came after the attack on Bujumbura airport on 1 January 1998. The rebels had decided to intensify their attacks to force the government to capitulate or to negotiate. Responsibility for finding a sponsor, collecting funds and purchasing arms to that end was given to the director of Nyangoma's cabinet, a certain William. But no purchase was made for several months. Jean Bosco went to find Nyangoma and William in Dar es Salaam, but he could not explain the failure. As Nyangoma refused to punish

⁸¹ "Considering that our CNDD-FDD movement has insisted several times that we should be associated in the peace process and that this was never taken into account by the mediator Nyerere (...), our movement brings to the attention of the international community a two-point rescue plan: the organization of direct negotiations between the two belligerents – the government in place and its army on the one hand, and the CNDD-FDD on the other – with a view to resolving the question concerning the defence and security forces and that regarding the end of hostilities; once this question has been resolved and peace re-established, the talks should move inside Burundi." Position taken by the CNDD-FDD in the face of Nyerere's refusal to associate it with the peace process, 9 July 1999.

⁸² "Ethnic accusations threaten talks", *East and Central Africa Journal*, December 1999.

⁸³ Interview with BBC-Kirundi, quoted by IRIN, 21 March 2000.

William, Jean Bosco took command of the movement with the support of a committee of officers (Ngowenubusa, Rajabu, Laurent Ngurube and others) and put him in prison.

Nyangoma and the CNDD had by then already lost two major supporters: first Mobutu, who allowed him to operate out of Zaire, and then the networks of Zairean finance that backed his activities between 1994 and 1996. The first DRC war in 1996-97 destroyed the rebels' military bases in Eastern Zaire and dispersed the movement over several countries: Zaire, Zambia, Burundi, Tanzania and Kenya. But after the AFDL operations there still remained some pockets of FDD in South Kivu, aided by the Mai-Mai and armed with weapons recovered from fleeing Zairean soldiers. In order to weaken them and to avoid bases being reformed in the east of the DRC, Rwanda and Burundi threatened reprisals against these movements' local allies.

Towards the beginning of 1998 this support effectively ceased. In any case, Nyangoma was not in Kabila's good books: when the AFDL began its operations in October 1996 in Kivu, Kabila had approached Nyangoma to ask him to keep clear, but Nyangoma refused and fought against the AFDL alongside the FAZ. His attempts to mollify Kabila during the second DRC war seemed to have failed (he was in Kinshasa in January 1999).

At the political level, Nyangoma's credibility diminished with his failed attempt to take the place of Jean Minani at the head of FRODEBU in 1997; in December 1997 the party congress opted to keep Minani. This plan, which aimed at unifying the political branch of FRODEBU with the armed rebel branch, was backed by Tanzania, which supported the formation of a Hutu bloc against the Burundian government, then suffering sanctions. Tanzania had promised Nyangoma support if the negotiations did not take off. But the leadership competition between Nyangoma and Minani, reinforced by regionalist divisions in the movement, made this strategy difficult. It seems that Tanzania even considered for a short time supporting Jean Bosco rather than Nyangoma if the Arusha talks did not begin in June 1998.

Since the start of the Arusha talks, Nyangoma has sought to gain time and to reconstitute his movement, for example by negotiating a military co-operation agreement with Zimbabwe that would include training, the supply of equipment, and financial and diplomatic assistance.⁸⁴ Nostalgic for the Rome process, which established him as Buyoya's only interlocutor in 1996-97, he initially criticised Arusha. But by taking a prominent role with G7 and keeping himself out of the war in DRC, the balance of power was turning in his favour. As soon as the Lusaka agreement was signed, he wrote to the mediator, Frederick Chiluba⁸⁵, to impress on him that the "legitimate" FDD were not to be registered among the "negative forces" and therefore disarmed under the terms of the agreement. He has already progressively reintegrated some of the men that Jean Bosco put in prison, including Mbawa, his chief of staff, and most of the movement's officers and politicians from Bururi. If the agreement had been signed without the dissident branch of the FDD, he would have had a chance to appear as winning

⁸⁴ "Hutu rebels seek arms from Zimbabwe", *The Zimbabwe Independent*, December 10, 1999. Focus on arms links to Burundi, IRIN, 3 February 2000.

⁸⁵ President of Zambia and mediator for the Lusaka accords on DRC.

out in the negotiations and would have gained the support of those among Bosco's fighters who disagreed with the latter's wait-and-see policy in regard to the negotiations.

After Nyangoma's departure the Jean Bosco FDD vacillated between the different offers of support without any clear policy. Around July 1998, and thus just after the beginning of the Arusha talks, Bosco was approached by radical anti-Buyoya Tutsis seeking to create a Hutu-Tutsi military movement marginalising Nyangoma and was even offered a stay in Dar es Salaam, apparently without the knowledge of his own officers. Convinced of the plan, which promised him regional support, Jean Bosco eliminated or imprisoned those opposed to this strategy. He also chased Nyangoma out of his house in Dar es Salaam. Nyangoma made a complaint to the Tanzanian authorities, who arrested some of Jean Bosco's bodyguards and expelled the head of the FDD from the country. In this way Bosco discredited himself in the eyes of Tanzania and Nyerere. Shortly after these incidents, the war in DRC broke out and the FDD immediately left to assist Kabila, with the aim of re-equipping and reinforcing their own movement.⁸⁶

The rifts within the FDD pose a problem for their participation in Arusha. As in most of the Burundian parties, there is a regionalist split, which Bosco has vainly tried to counter: Officers from the south are now deserting and rejoining Nyangoma. Another major point of tension is between the FDD civilians and FDD soldiers over strategy in the DRC war and at the Arusha negotiations. The movement's politicians have long wanted to participate in Arusha, as they see clearly that there is a risk of ending up major losers. Meanwhile, the military are seeking to gain time, evidently waiting for an outcome to the war in the DRC before deciding on a strategy for the negotiations. Now that the principle of FDD participation is accepted, the politicians are even more concerned about becoming marginalised. If the rebels are to be associated with the Arusha process to negotiate on strictly military questions, the ceasefire and their integration into the army, what place will the politicians have? This concern makes possible either rivalry or alliances between FRODEBU and FDD politicians.

The rebels, FNL and FDD in particular, are surprised at suddenly being contacted, even courted by all the players in the process. They consider that they owe them nothing, given that these same politicians rarely helped them in their struggle. Some among them are aware that the rebels must constitute a united front, so that their divisions cannot be exploited by the participants in the negotiations. But at this advanced stage of the talks, nobody, including FRODEBU, has an interest in the rebels forming such a strong and united bloc, which would dictate conditions to the political actors. In this context, it seems that there have recently been moves towards a co-ordinated approach to the negotiations by the staff headquarters of the various rebel movements, in Kigoma in November-December and in Lumumbashi in February. The idea behind these meetings was to set up a co-ordination committee and to express their views on the prerequisites of a ceasefire, on the future of the rebellion and on the reform of the army, but no conclusion has been officially presented.

4. The Regional Dimension of the Conflict

⁸⁶ ICG interview ICG with FDD combatants in Kigoma, August 1998.

Since the Lusaka accords were signed in July 1999, the FDD, which fought on Kabila's side, have returned in large numbers to Burundi and Tanzania. Local press reports and testimonies from the population indicate that there have been new infiltrations from Tanzania into the province of Rutana since last August. It seems that Kabila has asked the Zimbabweans and the Angolans to continue to support the FDD within the framework of his new, post-Lusaka strategy. This strategy has one objective: as fighting was prohibited by the ceasefire agreement in the DRC, "the war must be brought back where it came from", in the words of Abdoulaye Yérodia, the DRC minister of foreign affairs. This means re-exporting the violence towards the eastern DRC, onto the borders with Rwanda, Burundi and Uganda. In Kivu this means encouraging the Mai-Mai movements to rebel against the presence of foreign troops there; in Rwanda, Burundi and Uganda it means supporting the rebel movements against the governments.

This strategy is aimed at destabilising Rwanda through Burundi. As Burundi is officially at war, weakened economically, politically and diplomatically, it is much easier to destabilise than Rwanda. For Kabila, the benefits of this displacement of the war are evident. He is forcing the Burundian army to withdraw from the southern front on the edge of Lake Tanganyika on the DRC side, which increases the isolation and vulnerability of the Rwandan army. Within this framework it seems that some Zimbabwean commandos have penetrated Kigoma and helped the FDD to cross Lake Tanganyika from the DRC to Tanzania. Some elements of the Zimbabwean army even penetrated the foothills of rural Bujumbura, which overlook the town, in September to evaluate the possibilities for attacking the capital.⁸⁷ Reports that the Zimbabweans have trained the FDD in guerrilla techniques recently came out in the Zimbabwean press.⁸⁸ President Buyoya went to Kampala and Kigali in September 99 to alert and consult his neighbours on the possibility of the war moving from the DRC into Burundian territory.

The second war in the DRC has strengthened the tactical alliances between the different Rwandan and Burundian Hutu rebel movements and the Mai-Mai popular resistance movements in Kivu. The presence of Burundian Hutus alongside the Interahamwe and ex-FAR has been signalled many times. There was an influx of Rwandan and Burundian Hutu fighters near Kigoma from July 1999, and in Gisenyi on 24 December 1999 during an attack on a re-installation site, and in Uvira during clashes with the Banyamulenge, and in February 2000 on Burundian territory. The ex-FAR and Interahamwe have also gone to reinforce the Angolan army fighting against UNITA. Eight prisoners taken by the Burundian army confirmed that Rwandan and Burundian Hutu rebels collaborated in the attack on the airport in January 1998.⁸⁹

The ex-FAR and Interahamwe, who passed through Burundian territory as they moved back to the border with Rwanda and into Kivu, have benefited from "the invitation to tender" provided by the violence in Burundi. The Burundian army has been denouncing their presence for a long time, but has never been able to produce proof. Although there have been many accounts by witnesses who confirmed hearing the assailants talking or singing in Kinyarwanda, this could be

⁸⁷ Interview with an FDD combatant, November 1999.

⁸⁸ "Zimbabwe training Burundi's militias?", *The Zimbabwe Standard*, November 21, 1999.

⁸⁹ Interview with Rwandan prisoners by diplomats and the Burundian and Rwandan military/intelligence services.

explained by the fact that a good number of former Burundian refugees who had lived in Rwanda since 1972 were among the rebel fighters, particularly the FNL. These Burundians received assistance from Habyarimana's government and often trained with the FAR.

However, it seems that this alliance between Rwandan and Burundian rebels has been more fragile since the beginning of the year. Fighting between Hutu factions took place in Burundi in February and in Kivu in April 2000. There are several versions of the clashes between the FNL and ex-FAR, a combination of which might complete the puzzle: 1) The FNL wanted to distance itself from the ex-FAR and boost its image at this stage of the peace talks; 2) the FAR accused the Burundians of wanting to be part of the Arusha peace process and of betraying their military co-operation agreement, requiring them first "to liberate Burundi, then Rwanda";⁹⁰ 3) the ex-FAR within the FNL decided to return to Rwanda, invited by Kagame to reintegrate the RPA and the FNL refused to allow this; 4) the Rwandan Hutus, seeing that the outcome of the war in Burundi was doubtful, decided to return to fight in DRC with their arms and equipment, and the FNL killed them to prevent them from leaving; 5) Ex-FAR instructors wanted to take command of operations in rural Bujumbura and the FNL commanders refused; 6) the FNL were infiltrated early this year by 400 ex-FAR who pretended to have come from the DRC, but who were sent by the RPA in agreement with the Burundi military to destabilise the movement from within. According to this final theory, the plan was for the newcomers to start a fight to eliminate as many FNL as possible and to show evidence of collaboration between the FNL and the "génocidaires". But the infiltrators were discovered and almost 200 were killed.

Since the resurgence of violence in Burundi in June 1999, Rwanda has been following the security situation very closely. The massive influx of Interahamwe and ex-FAR, perceived as reinforcements, to Kigoma since July could presage an attack on Burundi. The two countries suspect that Tanzania, irritated on the one hand by the Burundian government's blocking of the Arusha process, and on the other hand by the RCD-Goma's refusal to accept Wamba dia Wamba in Lusaka, was envisaging support for the two Hutu rebel movements. The rapprochement between Burundi and Rwanda dates from the suspension of sanctions, but particularly from the visit of Pasteur Bizimungu on 15-17 April 1999. It also coincides with the work of the Joint Rwanda-Burundi Commission on 26 July, which dealt with co-operation in commercial, scientific and judiciary exchanges, agricultural and animal rearing.⁹¹ On security, consultations are held regularly between the military, but also at the level of the higher authorities.

Thus President Buyoya went to Rwanda in September to discuss the possible spread of the war in the DRC to Burundi, and Vice-President Kagame met President Buyoya in the north of Burundi in December 1999. Some joint operations have taken place on the border between Burundi and Rwanda, but these are not new; they have been going on since 1995. A Rwandan security observatory post has been set up on their common frontiers, intended to keep a watch on the movements of Hutu rebels coming from Tanzania and South Kivu. The transport of strategic material and supplies for the two armies deployed in DRC, even for war booty, passes through the port of Bujumbura.

⁹⁰ FNL-ex-FAR military co-operation agreement, 1997.

⁹¹ ABP, 26 July 1999.

This rapprochement is also motivated by a change in regional alliances. Since the Kisangani clash between the RPA and the UPDF, which exposed their different agendas for the DRC war, Rwanda can no longer rely completely on its Ugandan ally. Realism has won out over the distrust that characterises the relationship between the Burundian and Rwandan armies. Contrary to the ethnic propaganda and the simplifications often made by the international community, the two armies have different histories and approaches and confront each other with arrogance. One is a classic African government army that has supported a military government for 30 years, while the other is the outcome of a guerrilla movement formed in the "school of Dar es Salaam". Burundian distrust of the Rwandans was reinforced by Rwanda's support for the regional policy of sanctions.

5. The Temptation of War to the Burundian Army

Since Buyoya took power in July 1996, the army has been given huge resources "to terminate" the war. Its numbers have passed from 17,000 to around 50,000 and big investments have been made in equipment. Over 50 per cent of the national budget goes towards military expenditure, which has dramatic consequences in such a poor country. By taking back power and giving the military every means to carry out the war, Buyoya clearly wished to be in a powerful position and able to impose the conditions of the Tutsi minority and of the minority in power on his adversaries during future negotiations.

The war option is encouraged today by the second war in the DRC, but also by the raised stakes that the violence offers with regard to the peace process.

The Burundian government was very reluctant to participate actively in the regional anti-Kabila operation launched in August 1998. Kabila had been the first to denounce the sanctions and allow the use of his territory to circumvent them. This good relationship between the Buyoya and Kabila regimes could have led to the neutralisation of the FDD in Kivu if necessary. Aware of the direct contacts between the two governments, the Rwandans carefully avoided informing the Burundians of the organisational details of the war. However, they did give them information about the training provided by Kabila to the FDD and the ex-FAR. When Commandant Gakunzi, a Munyamulenge officer with the AFDL, found himself besieged by the FDD in the Rusizi plain in Kivu on 2 August 1998, he called on the Burundians for reinforcements. The Burundians, caught off guard, sent only ammunition. It was only two weeks later that Buyoya decided to send troops to the DRC, under pressure from the Burundian and Rwandan armies.

Since then, the Burundian government's official line on intervention in the DRC has never changed: "We do not have territory to claim, nor men to put in Kinshasa, nor riches to loot, we are only there to ensure the security of the frontiers and to guarantee the route to the lake."⁹² The deployment of a few thousand men is effectively limited to the edge of the lake and on the Zambian border (Pepa, Pweto) at the edge of South Kivu, assuring a control function over the rebels' rear bases. Moreover, Burundi only signed the Lusaka agreement as an observer.

⁹² ICG meeting with President Buyoya, 22 September 1999.

But as Kabila is now preparing an offensive in the east of the DRC and arming the Mai-Mai, the ex-FAR and the FDD, the Burundi military has more and more reason to be in DRC. On the one hand, stability in the DRC is becoming a prerequisite for a ceasefire and the signature of the Arusha agreement. Even if a mandated rebel delegation signs this agreement, there is chance that the instability in the eastern DRC could spill over into Burundi again. The Burundian government fears that the Burundian armed factions will not feel constrained by the agreement and that the Rwandan rebels continue to constitute a threat anyway. It feels supported in this position by its alliance with Rwanda, which shows the example of exporting the conflict outside the country.

In this context of regional warfare, and faced with an upsurge in violence since June 1998, some military and civilian voices have been calling for the preparation of an offensive against the refugee camps in Tanzania, which they accuse of serving as a sanctuary for the rebels. The Burundian army drew up a plan of attack modelled on Rwanda's assault on the camps in Goma in 1996. However, this was rapidly suppressed by the voices of reason in the government and by the Rwandan government, which found the plan much too risky. First of all, Burundi does not have the financial means to support a war with a large country like Tanzania, especially when many of its troops are in the DRC and there is a civil war raging in Burundi itself. Secondly, Burundi has been a victim of regional hostility since 1996 and could not win a diplomatic battle against Tanzania, which is sheltering 400,000 Burundian refugees and provides a base in Arusha for the talks on Burundi. Finally, Tanzania serves as the sole route for fuel and coffee (the route to Mombasa is much more expensive because of the taxes imposed by the Kenyan government).

The imminent end to the talks and the resumption of the war led the rebels and the Burundian army to seek a definitive advantage on the ground. The resumption of military operations took place between the end of last August and the beginning of this year, more or less benefiting from the period of wavering between the illness and death of Mwalimu and the start of Mandela's role as mediator. The recent operations launched by the army in rural Bujumbura, Rutana and Ruyigi clearly showed a desire to inflict a major defeat on the rebels before having to negotiate with them. This strategy has several advantages: to weaken the adversary and reduce the number of potential rebel candidates to be integrated into the Burundian army (BAF) in the future and to win a degree of popularity among the Tutsis assuming the role of protector. It would also unite the army around the priority of warfare and turn it away from thoughts of a coup. And finally, it would put the army in the position of victor and thus enable it to dictate conditions to the rebels.

With this in view, the February battle between the FNL and the Interahamwe is a godsend for the Burundian army. After being accused of lying about the Rwandan presence on its territory, the Burundian army had a perfect opportunity to weaken the cohesion of the rebellion and to discredit it for its alliances with those recognised as "génocidaires".

6. The Regroupment Policy in Rural Bujumbura

Starting at the beginning of September 1999, population regroupment was a response to insecurity in the capital. Regroupment was discussed between the President and the army, and the President and his political partners, for several months, especially when the attacks began on the capital. The final decision was taken under military pressure and Bujumbura's Tutsi population after the attack on the upper/middle-class district of Mutanga Nord on 17 September 1999. The principle motive was to avoid panic in the capital and the organisation of spontaneous self-defence groups or the resurgence of militias, which would inevitably have begun killing Hutus. Knowing from experience the chaos created by the Tutsi militias in 1995-96 (which led to the fall of the Ntibantunganya government), the Buyoya government tracked them down and kept a very close watch on their leaders to avoid any excesses. But in the Tutsi districts it was rumoured that the President was refusing to distribute weapons for them to defend themselves and that he was going to let the Tutsis be massacred.⁹³ The credibility and the authority of the state were at stake and the President chose to respond to the imperatives of security in his own community despite the predictable international reactions.

The regroupment of more than 300,000 people posed enormous problems. First, the very mountainous geography of rural Bujumbura makes it difficult to organise sites and humanitarian assistance. More than half of the 40 sites are situated upon hillsides and are inaccessible to humanitarian organisations, as there are no roads. In many places there is no water. Despite the setting up of a special committee presided over by the Minister of Labour and comprising the governor, the Minister of Health and provincial representatives, the humanitarian result has been catastrophic. Poor co-ordination among humanitarian organisations prevented them from responding to the needs of those in the camps.⁹⁴ The medical relief agency Médecins Sans Frontières withdrew from the camps because the population was suffering from overcrowding, violence and malnutrition, and "the conditions of regroupment are far from meeting the essential minimum. In this context our interventions have little impact for improving the state of these people."⁹⁵ In addition, the experience of the camps in 1997 shows that regroupment has long-term consequences. In the provinces "regrouped" in 1997 (Karuzi and Kayanza), a much higher rate of malnutrition and epidemics can be observed as well as a demographic decrease in the active male population; it is supposed that they have rejoined the rebels or have been targeted for reprisals by the army.

From a military point of view, regroupment, which is accompanied by "cleaning up" operations in the hills, using troops brought back from the DRC, had immediate effects on security in the capital. But there are fears that in the medium term the policy will be counter-productive.

First of all, forcing such disastrous conditions onto the population without adequate care or sufficient food is the best way of ensuring that young Hutu men respond to propaganda and rebel recruitment drives, especially as soldiers looted a large number of deserted houses. From the point of view of military

⁹³ Interviews with the inhabitants of Nyakabiga and Ngagara, November 1999-February 2000.

⁹⁴ IRC, Care, CRS, Red Cross Federation, Solidarités, MSF-Belgium and MSF-Switzerland are working in these camps. Oxfam-UK, ACF and ICRC refused to assist the population.

⁹⁵ Press release, Médecins Sans Frontières, 18 November 1999.

intelligence, little seems to have been done to monitor the rebel infiltrations into the camps. Witness accounts from those regrouped indicate that the armed bands intend to blow up the camps and raise panic among the occupants. A fire in one of the camps, which killed several people, is suspected of being started deliberately. Such incidents aim at creating panic among the soldiers and pushing them into criminal acts. A young soldier fired on the population after a crowd panicked and killed six people.⁹⁶ A large number of soldiers seem to leave the sites at night to return to Bujumbura, leaving the field clear for rebel attacks.

Finally, regroupment has an economic impact. The inhabitants of Bujumbura, whose food supplies usually come from the surrounding countryside, are experiencing shortages as the peasants no longer have regular access to the fields.

Moreover, the return of security to Bujumbura since the end of the year has been interpreted in several different ways. It could be due to the regroupment, but other indications are that in fact there were few military operations in rural Bujumbura and that the rebels are living in the houses of the regrouped. The calm could also result from the dissension between the rebel FNL and ex-FAR, which have prevented co-ordinated attacks on the capital. Another version claims that some Hutu leaders have been threatened with death by the military if the rebels attacked the capital again, and that the message was passed on to the rebellion by the same Hutu leaders.

External pressure to close the camps was unanimous and effective. It was exerted by the Security Council (resolution of 12 November 1999), the European Union (statement, dated 8 October 1999), the U.S. government (statement by James Rubin, U.S. State Department spokesman, dated 4 October 1999), Pope Jean-Paul II (statement dated 3 November 1999), Nelson Mandela (who summoned Buyoya to discuss this matter on 17 February 2000) and FRODEBU. The combined pressure finally led Burundi's Minister of Foreign Affairs to announce in New York on 19 January 2000 the dismantling of ten camps. But the army accuses the government of giving in to this pressure when it believed that tangible results were being produced.

7. An Army Tired of War?

The resurgence of violence and the response given to it has revealed a certain amount of dysfunction within the army. As a Tutsi inhabitant of Bujumbura put it: "There are not many Tutsi who still believe that this army is protecting us!"⁹⁷ Such comments are motivated by a number of observations. The former Minister of Defence, Alfred Nkunrunziza has made several bellicose statements, affirming that "the rebels have been pushed 50 km from the city" and "there are no more of them in the city."⁹⁸ But these were refuted by the attacks on the city the next day (at Mutanga Nord on 17 September 1999) and in the weeks that followed. The military response during these attacks was not always effective. It should be emphasised that if this situation has only become apparent of late in Bujumbura, there has been a lack of military effectiveness in Makamba province for several

⁹⁶ He was later condemned to death.

⁹⁷ Witness statements gathered by ICG, September 1999.

⁹⁸ Radio statements, 16 September 1999.

months. There are several possible explanations. There may be a problem in anticipating attacks and thus a lack of information on rebel movements. There could also be a problem in allocating resources (part of the army is in the DRC) or in commanding and transmitting orders. Another two options are a *laisser-faire* attitude due to the lack of motivation, or deliberate attempts to sabotage state authority. In fact the answer is a combination of all these factors.

The soldiers are suffering to a considerable degree from war fatigue. The army has seen its numbers and resources triple over seven years, but without succeeding in defeating the enemy. It has lost some of its determination, is accustomed to the status quo and has learned not to risk its soldiers' lives uselessly. Many officers are now resigned to thinking that they cannot carry off a military victory. In regions like Makamba where the war is continuing, the soldiers and the rebels, experiencing the same living conditions in the field, are developing a certain respect for each other, even a degree of solidarity in some cases. This sometimes takes the form of sharing a beer, food or the spoils of war. In other regions Tutsi traders ensure the city is kept supplied by paying taxes at points controlled by the rebels. Witness accounts indicate that these contacts are becoming increasingly frequent, showing that the negotiations and the political propaganda are falling behind the reality of the field.

At the same time, there are questions about the high command. This army, whose senior command is almost exclusively from Bujuri, has been directly associated with the government for 30 years and thus, de facto, with the management of economic affairs. Many young soldiers complain that their commanders have become "establishment figures" with an upper/middle-class outlook and a civil servant's mentality, more concerned with their material comfort than with the war, and that all the best officers have been marginalised. The accompanying regionalism and social injustice are making a large number of soldiers extremely critical of their superiors. They assert that officers from Bururi get home every evening, but send the "Third Worlders" (from Central and North Burundi) to die on the battlefield.

Buyoya has himself had several meetings with soldiers accused of *laisser-faire* and he replaced a part of the hierarchy in July. It is possible that these changes took place after the revelation of a coup plot. Around July, when the security situation was deteriorating and negotiations were completely blocked in Arusha, several names were circulating in Bujumbura in connection with such plots. Whether or not the plots existed, the change in the military hierarchy has given the President a few months' respite. In any case, the command structure now seems to be more efficient.

The nomination of Colonel Cyrille Ndayirukiye as Minister of Defence reflects an effort to change the army's image and ensure its cohesion at the command level in a period in which final defeat has to be inflicted on the rebels and the army must be prepared for reforms. A career soldier⁹⁹ from Mwaro region, Colonel Cyrille is respected for his military achievements in Northern Burundi in 1997.

⁹⁹ Commander of Ngozi camp, commander of a mobile intervention group between 1995 and 1998, then head of the president's military cabinet.

But there is a basic contradiction between the revival of the war – and the re-motivation of the troops that implies – and the negotiation process, a contradiction that is not tenable in the long term. The soldiers can be convinced to believe in the negotiations and make more efforts to protect the population, but if they see no concrete results after a while, the process will lose its credibility. It is also difficult to get the soldiers to understand the political games and the procrastination associated with the process and encourage them to remain patient.

B. A Strategy of Political Survival: Evolving Alliances Between Parties and Political Fragmentation in Burundi

The Burundian political scene is undergoing a complete transformation. In order to understand the positions that the parties now hold in regard to the negotiations, we have to go back to the beginning of the war.

1. The Tutsi Parties Regroup Around the Buyoya Government

At the opening of democracy in 1992-93, former President Bagaza, President from 1979-87, began a struggle to win over Tutsi support from President Buyoya and the instruments of power, meaning access to the state and its resources, and control of the army. Bagaza, overthrown by Buyoya and exiled in Tripoli in 1987, financed FRODEBU's campaign, and returned to Burundi after the June elections in 1993.

Following President Ndadaye's assassination in October 1993 and as a result of talks that later took place in Kajaga-Kigobe, Cyprien Ntaryamira was appointed President in February 1994. Shortly before he was nominated, just as the civil war was starting, a number of politicians set up Tutsi youth militias – (RADDES, INKINZO and Youth Solidarity for the Defence of Minorities (SOJEDEM) – in reaction to the massacres following Ndadaye's assassination and with the aim of forcing their inclusion in the new government. The battles then began between Hutu and Tutsi militias in different parts of the city and degenerated into ethnic cleansing by the military.¹⁰⁰ Kamenge district was shelled by the army in 1994 and 1995 and the Tutsi militias continued to create disorder with the complicity of the army, organising city wide strikes (*villes mortes*) and killing Hutu parliamentarians and politicians.¹⁰¹ They denounced FRODEBU's involvement in the massacres of Tutsis in 1993, Ntibantunganya's abuse of power (he was accused of using state funds to support the CNDD from September 1994) and made clear their intention of overthrowing the "*génocidaire*" power.

A battle to win influence soon began between Tutsi politicians, using the militias as their intermediaries (No Defeats, No Failures, SOJEDEM and Self-Defence

¹⁰⁰ The Tutsi left the zones of Kamenge, Kinama and surrounding areas and the Hutu were chased from Ngagara, Nyakabiga and Musaga and took refuge in Buyenzi and Gatumba.

¹⁰¹ The objective of the "*villes mortes*" was to contest the nomination of Jean Minani to the National Assembly in December 1994 and to bring about the fall of Prime Minister Anatole Kanyenkiko in February 1995.

Power-Amasekanya) and with the UPRONA headquarters often serving as the arena.¹⁰² After the massacre at Bugendana in July 1996 and UPRONA's withdrawal from the Convention of government,¹⁰³ Buyoya seized power for the second time. A number of Tutsi politicians were bitter, complaining that Buyoya had stolen power, while they were the ones who had brought about the fall of Ntibantunganya's regime.

The political landscape quickly took on a new shape. Buyoya neutralised the militias by putting their leaders behind bars and Bagaza under house arrest, integrating their members into the army or sending them back to school. Others went into exile. The Tutsi parties rallied around the new power (except for Bagaza's PARENA) hoping that their contribution to the overthrow of the Convention regime would be rewarded and that they would profit from the benefits of the "change",¹⁰⁴ meaning that they would get a piece of the cake.

But very quickly, partly under the pressure of the sanctions that followed closely on the coup, the new government took part in secret negotiations in Rome with the CNDD under the sponsorship of the Sant'Egidio Community. These concluded with an agreement on 10 March 1997, seen as a preliminary to the political talks in Arusha. The information leak of these negotiations between the military regime and the CNDD came as a bombshell and provoked the first serious crisis between the government and its "constituency". This was composed of Tutsi parties, civil society and a radical part of public "opinion", which immediately accused the regime of dealing with *génocidaires*.

The opposition to the government and its policy of negotiations was then accentuated, manipulated and exploited by certain politicians. The regime reacted by repressing any attempt at destabilisation as a result of subversion from its own camp. The most active of these politicians, Charles Mukasi, a Hutu and President of UPRONA, was finally removed from his post in October 1998 and replaced by Luc Rukingama, Minister of Communication and government spokesman.

2. FRODEBU Divided

During this period, FRODEBU found itself split with one part of its leadership in exile, including Jean Minani, its President, and the other inside the country, including Sylvestre Ntibantunganya, the overthrown President, Léonce Ngendakumana, President of the National Assembly, and Augustin Nzajibwami, party Secretary-General. The Burundian government then called on the internal wing of FRODEBU to designate a new president who would live inside the country, according to the 1992 law on political parties. The objective here was to cut Minani off from his internal political base. The party then split between those who wanted to keep Minani as President and those who wished him to be replaced, Ntibantunganya and Nzajibwami representing each of the two currents of opinion.

¹⁰² The headquarters is known as 'K'Umugumya" in Bujumbura.

¹⁰³ The Convention of government, concluded in September 1994, was a power-sharing agreement between 12 political parties, including UPRONA and FRODEBU.

¹⁰⁴ The "politically correct" formula for the 1996 coup used by Buyoya's camp.

At that point it seemed that the division confirmed a regionalist split: the Nzojibwami current representing the Bururi leaders and the Minani current representing the rest. This crisis ended in a FRODEBU congress in December 1997, which retained Minani as President despite the pressure from the Buyoya regime. The Minister of Interior then tried to suspend FRODEBU, declaring that it was against Burundian law on political parties to have a party president living outside the country.

At the same period, towards the end of 1997, negotiations also began on the partnership between the government and the National Assembly. These talks stemmed largely from FRODEBU's fear of being marginalised by the Rome negotiations, which established Nyangoma as the government's interlocutor. But Buyoya was also eager to strengthen his legitimacy in order to present himself in a strong position later at Arusha, supported by an internal united Hutu-Tutsi front.

The internal wing of FRODEBU had a particular interest in a partnership for three other reasons. First, the exiled wing was getting the limelight at the Arusha talks. Second, there were threats that they would lose their posts if a transition government were appointed at the conclusions of the talks. Third, the National Assembly's mandate was due to expire in June 1998 (1993-98) and along with it, their posts and sources of income. The Nzojibwami current soon became dominant in the internal negotiations with the Buyoya regime, aiming to become a partner that could not be ignored and to exclude Minani, who had become an obstacle to concluding an internal agreement.

FRODEBU has experienced a series of important changes since 1993, divided on each occasion over the question of collaboration with the government/army. Nyangoma, a founder member of FRODEBU, went into exile in April 1994 following a disagreement with the party over the issue of power sharing with the army and the Tutsi opposition. Calling for a return to the constitutional legality of 1993, he tried in vain to get FRODEBU to form a government-in-exile. He also came up against the party's refusal to designate him to succeed Presidents Ndadaye and Ntaryamira. This refusal stemmed from fears by most of the party's leaders of seeing a Hutu from Bururi take over the leadership of the country. He therefore decided to create a competing organisation, the CNDD, adopting a new option of armed struggle. At that time FRODEBU, under the influence of Ntibantunganya, then President of the Assembly and interim President of the country, had opted for a conciliatory approach in view of the regional situation (the RPF had just come to power in Kigali after the genocide of the Tutsi minority in July 1994). After the 1996 coup, a part of the FRODEBU membership left for exile and Nyangoma saw an opportunity to take over the presidency of the party.

A similar debate within the party arose over the government-National Assembly partnership in 1998. The exiled wing of FRODEBU, led by President Jean Minani, opposed collaboration with the government, while the internal wing, dominated by Augustin Nzojibwami, favoured compromise. The two factions approached the Arusha talks from different positions and consequently had different strategies of adjustment. The external wing played on Tanzania's support to reinforce its position and appear as the real and intransigent opposition, while the internal wing banked on the constitution of an "internal bloc" with the government.

But serious disagreements have appeared within the internal wing of the party since the beginning of 1999. These tensions partly coincided with the beginning of negotiations in the Committees in December 1998-January 1999, and the suspension of sanctions, which was perceived as a political victory for Buyoya.

On the strength of this victory and while working with the government on the text of proposals for the transition to be submitted shortly to Mwalimu, Nzajibwami tried a gamble. On 18 March he excluded Ntibantunganya and three other prominent members of FRODEBU, accusing them of reviving regionalist tensions and attempting to set up a parallel structure within the party. On 22 March Minani in turn excluded Nzajibwami, accusing him of trying to divide the party and taking illegal decisions. Nzajibwami then told the BBC that he refused to obey, maintaining that Minani could not continue to lead the party from outside the country, according to the Burundian law on the leadership of political parties.

The crisis increased the polarisation within the party and the realignment of a large number of internal FRODEBU personalities who moved to support Minani. Soon the positions of the Minani wing were formalised and reinforced within G7, born out of the meeting in Moshi, Tanzania, in May 1998. Nyerere had supported this meeting with a view to harmonising the positions of the seven Hutu parties.

The constitution of G7 accentuated the tensions between the external process in Arusha and the internal process. The partnership, comprising elements from both the Buyoya and FRODEBU camps, suffered as a result. It was inevitable that at the moment of crucial political choices, the first vice-president and the president of the Assembly were pulled between their functions in the partnership and the ideological positions of their parties.

3. Alliances Between Exiled Groups

In order to compete with the government's project of national unity (the internal wing of FRODEBU – the Buyoya regime), the exiled leaders formed an alliance based on the external wing of FRODEBU and PARENA.

The alliance between Jean-Baptiste Bagaza and FRODEBU dates from the 1993 presidential campaign when he financed and supported FRODEBU against Buyoya. This support allowed him to return from exile after the party won the June elections. The alliance was hastily resuscitated when these same leaders realised that the region's heads of state were seeking to identify personalities to lead the post-Arusha transition, if possible a Hutu-Tutsi coalition. At the Kampala summit in February 1998, when the heads of state called on Buyoya to permit freedom of movement to President Ntibantunganya, President Bagaza and the President of the National Assembly, rumours immediately began circulating that houses had been prepared to receive them in Tanzania and Uganda. The rumours also said that the region would support the formation of a government-in-exile although it might mean putting them in power at a later date.

Contacts were also made between Tutsi radicals (possibly PARENA) and the rebel Hutu FDD to explore the possibility of forming a united Hutu-Tutsi rebel movement, which could have corresponded to the regional design for liberation movements. Faced with the existence of rebel Hutu groups, "a Coalition of

Burundian Patriots" (COPABU) was constituted, with a branch in Kampala and benefiting from the sympathy of some Rwandans who had formerly been part of the diaspora in Burundi and are now back in Kigali.

COPABU comprised former Tutsi soldiers, army deserters and some young people from the university who had received "obligatory military service" training. The political branch was composed of former dignitaries from the Bagaza regime now living in exile who also reached into radical circles inside Burundi. The members were recruited from civil society and the army, some junior and senior officers, and young Tutsi survivors from 1993 with nothing to do in the displaced people camps. During the second DRC war, COPABU made contact with some Banyamulenge radicals in order to have a base in the DRC, but the deployment of the Burundian army in South Kivu on 20 August 1998 led to the plan being aborted. Shortly afterwards the Banyamulenge again contacted Lieutenant Jean-Paul Kamana and Major Hilaire Ntakiyica, in exile in Kampala after being accused of participation in the 1993 coup, to propose military training to them and participation among the RCD troops; but they were turned down.

4. The Internal Partnership for Peace: A Missed Opportunity

The government had several objectives in creating the "Internal Partnership for Peace". It knew that the last condition imposed by the region for the lifting of the embargo was participation in the multi-party talks in Arusha. But the government saw that both the region and its own Burundian opponents were hostile. It was counting on the partnership to assure it of a strong position and increased legitimacy with regard to negotiations over the concessions expected of it in Arusha. The government also believed that the partnership would prepare minds for a Hutu-Tutsi collaboration and restore the confidence required for the peace agreement to be implemented.

All its diplomatic efforts were then concentrated on promoting an internal debate with FRODEBU; in return, it expected guarantees on the embargo to be lifted and the resumption of development co-operation. The international community (in particular the EU and the UN) then began to put pressure on the Facilitation team and the region for sanctions to be lifted. But hardly a month after the process had begun, the second DRC war broke out in August 1998 and Burundi became militarily involved against Kabila on the side of Rwanda and Uganda. The situation then turned to the advantage of the government of Burundi, which saw its new allies, Rwanda, Uganda and, to a lesser extent, Facilitator Nyerere, take a more flexible stance towards the embargo and finally suspend it in January 1999. Believing that it had emerged from this stronger, the partnership government rushed to concoct a transition programme, which it presented in May 1999. Under pressure from the international community to produce an agreement, Nyerere then took the view that it would be premature to relieve co-operation with so few results to be seen from the negotiations, and asked the donors not to resume multi-lateral aid yet.¹⁰⁵

FRODEBU wanted to gain time and to coax Buyoya into coming to the negotiating table. Finally, each party used the Internal Partnership for Peace as a negotiating position. The government did so, knowing that as it was going to participate in

¹⁰⁵ On 5 January 1999 a meeting of the donors took place in New York.

the talks, it could slacken off a little inside Burundi in order to have a margin for negotiating outside. FRODEBU calculated that once Buyoya was at the negotiating table, the party could obtain more at Arusha. Although the internal process should have been complementary to the negotiations, the polarisation between the government and the mediation team temporarily blocked both, internally and externally.

Up until January 1999 and the suspension of the embargo, the partnership seemed to be bearing fruit and the internal bloc appeared to be winning. But the creation of the different groups in May 1999 – G7, then G8 and G3 – upset the balance of force between the partnership and the Arusha process in favour of the external talks.

In reality, the formation of the groupings was also motivated by the imminence of the agreement. Out of fear of being taken by surprise, and in order to manoeuvre for position in the distribution of power, the parties decided to create these groups, aided by the Facilitation team.

When the government presented its transition programme in May, G7 and G8 were working on competing proposals, which it regarded as a cause for concern. In addition, it suspected that G7, in collusion with the mediation team, was seeking to marginalise the CNDD-FDD and prevent them from participating in the negotiations. But the rebels resumed their attacks in June 1999 and the government was under pressure from public opinion to put an end to the violence.¹⁰⁶

Its suspicions about the intentions of G7 and the Facilitation team were confirmed at the July 1999 session, partly by the presence of a delegation of Burundian refugees from the Tanzanian calling for a Tanzanian military intervention to help them return to Burundi, but above all by the attitude of the mediation team. The latter used the Lusaka accords to remove the FDD issue from the negotiating agenda. In these accords the FDD are included among the “negative forces” to be disarmed on DRC territory.¹⁰⁷ The atmosphere of suspicion led to an intense dispute at the closing of the July session during which Nyerere accused the government of being responsible for the process becoming blocked.

From then on Nyerere again seemed to envisage overthrowing the government with a “legal” coup, but posing a certain number of conditions. The members of the Tutsi military that would take over the government would have to have the approval of FRODEBU, commit themselves to continuing the negotiating process, accept power sharing and guarantee the security of the Hutus in the country. In exchange, the region would commit itself to defending the regime before the international community and to putting pressure on the rebels to sign a ceasefire. This solution would have the advantage of removing the suspicion of Nyerere’s bias and of unblocking negotiations. The names of potential candidates were being circulated discreetly in Bujumbura: Hutu moderates and Tutsi progressives, civilian and military.

¹⁰⁶ *Communiqué*, PSD, UPRONA, PL, Inkinzó, FRODEBU-Nzójibwami, 6 July 1999.

¹⁰⁷ Agreement for a ceasefire in the DRC, 10 July 1999.

But Nyerere fell gravely ill and the government took advantage of the subsequent period of wavering to pick up the initiative. In particular, it called for a change in the way the talks were held and where they were held, bringing about the break-up of G8 and the birth of the Convergence for Peace and Reconciliation (CNPR) on 2 October 1999.

The G8 split occurred for two reasons. First, the Dar es Salaam consultations in September had excluded the small Tutsi parties, leaving Bagaza with the role of G8 representative. But the confidence of the smaller parties in their spokesman rapidly crumbled. On 18 September 1999, when Bagaza made a statement in the name of G8, it was immediately denounced by the group. The crisis in confidence was particularly severe between the PRP and PARENA. Secondly, once the heads of the various G8 delegations had returned to Bujumbura, they were subjected to pressure by the government, which was critical of the game being played by the Facilitation team. Today they can be found either allied to the government side in the Convergence, or divided between the different groups: G2 (PRP, AV-INTWARI), G4 (PIT, PSD, RADDES, ANADDE), G3 (government-National Assembly-UPRONA), PARENA (with FRODEBU-Minani in the ANAC) and ABASA and INKINZO.

5. The Convergence: An Attempt to Destabilise the Partnership

The birth of the CNPR is the result of a transformation in the Burundian political landscape and highlights a government attempt to take back the negotiation cards into its own hands at a moment of weakness in the process. The Convergence picked up all the G8 parties except PARENA and AV-Intwari, and also includes the Nzojibwami wing of FRODEBU, as well as RADDES, which previously always refused to participate at Arusha.

The CNPR was officially born in Bujumbura as a reaction to the G7/G8/G3 and their ethnic thinking. Although the government defends itself against the charge, the Convergence is in fact a lobbying group in the President's camp and, as such, helps to clarify the composition of the blocks. Composed of almost all the Tutsi parties, plus a part of FRODEBU (Nzojibwami wing), its declaration of policy faithfully reflects the government's line. It "rejects any political vision founded on groupings of an ethnic and sectarian character likely to lead to a rupture"; and is "bitterly aware of the incapacity of the Arusha process to impose an end to hostilities, a preliminary to any sincere negotiation." It is also "determined to bring a new reconciliation dynamic to the internal process."¹⁰⁸

Formed two weeks after the death of Nyerere, the Convergence had an agenda for the negotiations: the methodology had to be changed. The group began its activities by making a tour of the region in November 1999 to call on Mandela's support and to lobby against the Tanzanian mediation effort. Following the summit on 1 December 1999, Mandela gave instructions that the planned week of consultations following his appointment should go ahead. But the Burundians were already complaining about his absence and the "Convergence" almost refused to begin the work in the Committees without him. The CPNR group had come with the intention of disowning the Tanzanian Facilitation effort and of

¹⁰⁸ Declaration, National Convergence for Peace and Reconciliation, 2 October 1999; ANADDE, FRODEBU, INKINZO, PIT, LIBERAL PARTY, PRP, PSD, RADDES, UPRONA, ABASA.

winning time. In a communiqué of 2 December the Convergence stated that it “deplored the previous Facilitation team’s deliberate refusal to meet them”. But it also said that “all delegations are unanimous about resuming work in the committees as from 6 December before consultations can be entered into with the new Facilitator; as indicated in the letter of invitation.”¹⁰⁹

In fact this new alliance corresponded to a regrouping of most of the G8 parties around Buyoya. It must be emphasised that these parties were motivated either by their exclusion from among the key players in Dar es Salaam, or by a perception that Nyerere’s death would considerably delay the conclusion of an agreement. G8 accused Bagaza, the G8 spokesman, of playing the lone ranger. At the same time, it perceived that the mediation effort no longer seemed opposed to the idea of Buyoya as the candidate for the transition, convinced by the government’s argument “that a government does not negotiate its own departure.”

The parties all thought to profit from the redynamisation of the internal process promoted by the Convergence. All the signatories of the Convergence, with the exception of the PIT and ANADDE, are either excluded from their parties by their exiled leaders, or have themselves excluded their party leaders in virtue of the Burundian law that does not permit a party to be led from outside the country. Minani in Dar es Salaam excluded Nzobjiwami from FRODEBU in March 1999, but by citing this law the latter proclaimed himself President of the party in October 1999. Albert Girukwishaka took over from Mathias Hitimana, living in Belgium, in the PRP; Joseph Ntidereneza replaced Gaétan Nikobamye, living abroad, in the PL; and Serge Mukamarakiza took over from Térance Nsanze, living in Switzerland, in ABASA. Convergence collected 56 signatures from members of the enlarged National Assembly. To put it plainly, there was a redistribution of the negotiating cards in favour of the leaders in the interior who have all become part of a group supporting the government in place and its future hold on power during the transition.

Convergence’s agenda was to press for the replacement of First Vice-President Frédéric Bamvugiyumyira and the President of the Assembly, two pillars of the partnership who are accused of “double talk”. Specifically, they are accused of being simultaneously part of G7 and of the partnership, and of sabotaging the government by their “ambiguous” positions on Arusha and the population regroupments. Convergence hoped that their departure would lead to a ministerial reshuffle. This is clearly indicated in the first declaration by Convergence on 6 October 1999: “The CNPR calls on the government to proceed, with the political and social forces that adhered to the internal partnership, to an evaluation of this in order to begin improving it.” During the November session of the Assembly, the “convergents” proposed the creation of a committee of enquiry into basic goods: sugar, rice, cement and fuel, as well as a parliamentary committee charged with determining the embezzlement of public funds”,¹¹⁰ an initiative intended to bring about the fall of part of the government the ministers.

¹⁰⁹ Press release, 2 December 1999.

¹¹⁰ “Burundi-Assemblée nationale: Une Assemblée nationale à deux visages”, Burundi Bureau, 29 November 1999.

Replacing the President of the Assembly is not an easy thing to do. Convergence first thought of uniting a majority against him with the 16 UPRONA deputies (all UPRONA-Rukingama), the FRODEBU deputies (Nzajibwami's wing) and the parliamentarians nominated by the government to the enlarged Assembly. But a special mechanism is foreseen in the transition platform to protect his status: a majority of 4/5ths of the Assembly's bureau would be required in order to force him out. As regards the first vice-president, under the partnership agreement, the president of the National Assembly designates the first vice-president and the president of the Republic appoints the second vice-president.

Finally, Buyoya refused to meet this demand for two reasons. First, he risked being discredited. If he did not apply the partnership – a test both of good conduct and of respect for commitments – what guarantee would there be that he would apply the Arusha agreement? In addition, it seemed useless to proceed with a risky reshuffle on the eve of an agreement that would in any case redistribute power. A meeting of the key players in Dar es Salaam a few days later in February 2000 dealt a cruel blow to Convergence. One of its leading lights, Pierre Barusasiyeko was excluded. He was accused of espousing the G7 theses, "advocating the pure and simple fusion of the rebel movements and the regular army"¹¹¹ and distancing himself from the position of the National Assembly, in which he is a delegate to Committee III. Then INKINZO withdrew, denouncing the Dar es Salaam meeting as constituting only a platform for the distribution of posts.

6. The Two "FRODEBUs" and G7

Convergence was also conceived in order to provide support to the FRODEBU wing led by Augustin Nzajibwami. On 15 October 1999, only one day after Nyerere's death, Nzajibwami convoked a "clarification" congress during which he had himself declared President of the party. Nyerere had always wanted to avoid a split in FRODEBU and had many times attempted to mediate between the two wings. He had even used threats to prevent Nzajibwami from trying to organise a congress to make Minani's eviction and the division of FRODBU official. He accused the government of encouraging this division to avoid the constitution of a strong Hutu front.

Convergence also needed a Hutu FRODEBU figure to present a credible plan for the transition with Buyoya as President. In order to promote the national unity line, it was tempting for the government to use someone like Nzajibwami, putting forward the arguments for co-operation, compromise, a gradual and reassuring approach to the Tutsis, and respect for the promises given during the partnership. But by distancing himself too much from his FRODEBU colleagues and taking an attitude that was too conciliatory, Nzajibwami also lost legitimacy as an opponent, and his ability to bring the whole of FRODEBU into a final deal. It is possible that he "oversold" his popularity with the Hutus and right to represent them to the Buyoya government. At a certain moment Buyoya needed in any case to test whether FRODEBU's leaders were truly representative.

The government needed a Hutu voice to call for the presence of the FDD wing, as a large number of participants agreed that their absence was an embarrassment.

¹¹¹ Statement 001/2000, CNPR.

In fact, since the creation of G7, the external wing of FRODEBU and the CNDD (Nyangoma) preferred to make an alliance and harmonise their negotiating positions in order to oppose the FRODEBU (Nzozibwami)-FDD (Bosco) front. The alliance was supported by the mediation team from the beginning and has recently been joined by Bagaza.

FRODEBU has always shown a certain distrust of the rebels, particularly with regard to Nyangoma and his ambition to gain control. Although the CNDD was an emanation of FRODEBU, it escaped the control of the party. As regards the violence in general, FRODEBU has always defended the thesis of a "political fight by peaceful means", dismissing both the rebels and the army equally, and is consequently able to avoid responsibility for the violence against civilians by the rebels.

At this stage of the negotiations, FRODEBU is seeking to minimise the importance of the FDD-Jean Bosco for several reasons. First, because of its *rapprochement* with Nyangoma within G7, which has always refused to sit down with Jean Bosco at Arusha. Next, and most importantly, because it does not wish to see the gains of twenty months of talks lost by including a new partner in the present context of the negotiations. It is suspicious that Bosco, formerly the great mystery of these talks, wants to steal the limelight and hold the process hostage. FRODEBU wishes to see the rebels included in the talks only at the final stage in order to negotiate a "technical" ceasefire, and has expressed a wish to be present at these discussions. It is also suspicious of possible collusion between the government and the FDD to short-circuit Arusha.

However, FRODEBU sees clearly that the violence remains the major obstacle to the finalisation of an agreement. As President Buyoya said at a press conference on 22 February 2000: "An approach to the question of the violence has still not been found." As a result, the party is now making a number of attempts to convince the FNL and the FDD to rejoin the peace process.

7. The A.NA.C and the PARENA-FRODEBU Accords

FRODEBU continued its contacts with PARENA until they concluded in an agreement on a certain number of negotiating themes in Kampala in November 1999. Shortly afterwards, a new group was born, The National Alliance for Change (ANAC), combining the Minani wing of FRODEBU, PARENA, the PP, the RPB, SOJEDEM and several figures from civil society.

The creation of this group, four days after Mandela's nomination, was immediately seen as a rival to Convergence. In its initial statement,¹¹² the group characterised the talks in Kampala in November as divided between two camps: one in favour of the status quo and the other in favour of change. It stated that the Burundian people were being held hostage by a "small group of people who are taking over the state and conducting a dirty war out of fear of losing impunity and privileges in case of change." The text proposes support for a common vision "against the present opposition to change and for a new economic and social order."

¹¹² A.NA.C Statement, 5 December 1999.

On the issue of the genocide, the text indicates that it is in the collective interest to put an end to impunity but recognises the competing interests involved. On the electoral system, it states that it is in the collective interest for leaders to be chosen by the people, but "no group of citizens must feel excluded." On the rebellion, it declares that it is in the interests of society that the war ends, but the armed groups should be reintegrated. On the economy, the collective interest is to be served by economic liberalisation and redistribution, but with guarantees that those who possess privileges should not lose them. Finally, in regard to the transition, the text describes this as moving over to a new form of citizenship while "reassuring those who are afraid of change and democracy."

The agreements between FRODEBU and PARENA, signed on 30 October 1999, were presented to all the political parties in Arusha at the end of March 2000 with the objective of "advancing the negotiations."¹¹³ They agreed that the transition should last two to three years and that it should be led by a president and a vice-president from "a different ethnic group and training to that of the president", both to be decided within "the framework of the global negotiations at Arusha." The two parties have also agreed on the need to set up a High Council of State. This body, whose membership would automatically include former presidents of the republic, would be responsible for following up on the implementation of the agreement and interpreting its terms if they are disputed by any of the signatories.

FRODEBU and PARENA called for political, diplomatic, security and financial guarantees for the application of the agreement. In particular, these should take the form of a specialised military force of two thousand men to protect new and former state officials, and an international peacekeeping force. Jean Minani, President of FRODEBU, explained in an interview that these are not post-agreement power-sharing initiatives, but a tactical alliance to form a front against Buyoya in the negotiations. FRODEBU thinks it necessary to break down the myth that collaboration between Hutu and Tutsi is impossible. Minani says: "Today we have made an agreement with those whom people present as Hutus and Tutsis so this is a political agreement, not between Hutu and Tutsi, but an agreement between people who can have the same vision. I assure you that if there has been a kind of understanding with PARENA, it is after holding serious discussions. And I challenge anyone to bring us to a better agreement."¹¹⁴ While it seems certain that real negotiations have taken place between these two parties, their agendas nonetheless remain different. FRODEBU reckons that PARENA's strength and the extent to which it is truly representative will only be known after elections have been held. For its part, PARENA hopes to play the Hutu card during the negotiations to get rid of Buyoya, but win over Tutsi opinion and consolidate its power once the agreement is implemented.

8. The Last Stages and the Emergence of Two Blocs

The birth of Convergence and the A.N.A.C, both of a multi-ethnic composition, presaged the final phase of the negotiations. From being eighteen in number, the negotiators were first reduced to three groups, and now form two blocs. As the above analysis shows, these blocks were formed mainly according to the

¹¹³ Interview with Jean Minani, president of FRODEBU, Burundi Bureau, 21 March 2000.

¹¹⁴ Interview with Jean Minani, Burundi Bureau, 21 March 2000.

position taken by each party with regard to promises over power-sharing under a peace agreement. It is therefore logical that as the time for signing approaches, the parties are preparing for the final event and campaigning to assemble as many "votes" as possible before the final debate on the transition.

In the strength of their agreement, FRODEBU and PARENA are seeking to win over the FNL and FDD with their programme for integrating rebel forces into the army, and have already contacted the parties for the composition of a transition government. For its part, the government is also trying to win back members of the former G8 and some G7 members excluded and disappointed by the FRODEBU-PARENA agreement, for example the CNDD. Since the last rounds of talks, the heads of certain parties, such as the PIT, RADDES and INKINZO, have also been seen to arrive in person. Such alliances are highly unlikely to hold beyond the signing of the agreement as they are essentially tactical.

9. A Realignment of the Tutsi Parties?

Parallel to the formation of these alliances, the "Tutsi conscience" has reappeared for several reasons. Mandela's reference in his speech of 21 February on "political, economic and military domination of the Tutsi minority over the Hutu majority" for the past 30 years and his insistence on Buyoya leaving power led to a wave of panic among the Tutsis and certain Hutus. UPRONA, the government's main supporter, signed a statement on 23 February, together with seven other Tutsi parties, denouncing "this thesis of Tutsi domination as dangerous to the extent that it risks being used as a justification for the further genocide of Tutsis."¹¹⁵ The recurrence of this theme in Mandela's discourse on these questions has raised concern in business and military circles.

In reality, as the end approaches, especially since Mandela was appointed, the Tutsis in general are realising that Arusha, which they do not believe in, is threatening to reach an agreement and they must negotiate seriously. In this context they are concerned that an unfavourable agreement may be imposed on them by the Facilitation team, supported by the international community. It is foreseen that the agreement will include power sharing with the Hutus, reform of the army and probably the arrival of international or regional peacekeeping forces. The army, which was already opposed to the deployment of Ugandan and Tanzanian troops within the framework of a military assistance force in 1996, is strongly opposed to that.

Feeling that they are being pushed to the brink, the mainly-Tutsi parties are increasingly evoking the fact that the genocide question has been minimised. A collective body of civil society associations, behind which are probably hiding political parties, addressed a memorandum on the 1993 massacres to the Mediator. This emphasised the UN report on these massacres, which concluded that: "acts of genocide were committed against the Tutsi minority on 21 October and in the following days, according to instructions from and with the participation of certain militants and Hutu leaders of FRODEBU, including at the communal level." The memorandum also points out that "the alliance between

¹¹⁵ Statement, 23 February 2000.

the Burundi armed groups and the Rwandese *génocidaires* can no longer be denied (see the report published on 23 March 2000 by Human Rights Watch).¹¹⁶

Five organisations defending survivors' interests, which have always denounced the Arusha talks, threatened on 3 April to resort to "all political and diplomatic means, even armed struggle, if the interests of the survivors were not taken into account... The signature of the Arusha agreement will be as a declaration of war to the Burundian people. We will take it as such and the Burundian people will defend themselves."¹¹⁷

In a recent *communiqué*,¹¹⁸ the Burundian ambassador to South Africa stated that, by calling for the release of political prisoners in February and March "without specifying the nature of the charges against them," Mandela had placed himself, certainly unconsciously, on the side of those who seek impunity for the crimes they have committed." The statement asserted that the 9,000 prisoners in Burundi were responsible for acts of genocide or massacres and that they should be put on trial rather than unconditionally released, otherwise there is a risk of "a reflex of vengeance" by the victims. RADDES stated on 4 April 2000 that it would not sign the peace agreement if the document did not contain assurances for the victims of the genocide and that the lack of a serious debate at Arusha on this issue demonstrated an "enormous deficiency" in the process.¹¹⁹

It is likely that the resurgence of the genocide issue since January is discreetly supported by the government. On the one hand, it wants to signal that the interests of the minority have not yet been taken into account. On the other hand, its sudden tolerance of Tutsi radicalism is a response to Mandela's criticism of press restrictions.

Rwanda is concerned by the latest developments. First, because this agitation over the genocide question shows that the Burundian radicals are unhappy and thus presages the likelihood that the agreement will not be applied. This would lead to future instability in the region and the possibility of a Tanzanian-Ugandan intervention. The next concern is that the negotiations in Burundi minimise the importance of the genocide and spread the image of the Tutsis as oppressors, overshadowing that of the Tutsis as victims. The final concern is that negotiations on this basis risk becoming an unfortunate precedent in the region and make it possible for the Hutus to reconstitute a strong political base.

C. The Transition: The Main Stake in the Negotiations

At this stage of the process, President Buyoya has become both the main stake in the negotiations and a part of the conflict in his own right. Almost all the parties are fractured by the pro- or anti-Buyoya theme. Since last year UPRONA has been officially divided between those who support the government's policy of negotiations, and those backing Mukasi who refuse to sit down with the 1993 "génocidaires". Since October 1999, FRODEBU has been officially split between the pro-government Nzojibwami camp and the Minani camp. The first seeks to maintain the system in place and justifies its

¹¹⁶ Memorandum to Nelson Mandela, by a collective body of associations, 24 March 2000.

¹¹⁷ Charles Mukasi, president of UPRONA's dissident wing, quoted by AFTP, 3 April 2000.

¹¹⁸ Quoted by IRIN, 4 April 2000.

¹¹⁹ Netpress, 4 April 2000.

position by the need for a reassuring and progressive approach to reforms. The second wants rapid change at the head of the state. However, the ambitions of each of the parties in this coalition for change are, to say the least, heterogeneous, their lowest common denominator being the desire to get rid of Buyoya. This focus on the person of Buyoya and his presidential institution clearly shows that, for all the players, it is power that is really at stake.

1. The Real Interests are not yet Negotiated

The President's special position today makes him a party to the negotiations with fully-fledged interests. He returned to power, "mandated" by a small group of civilians and soldiers, with several objectives. The first was to forestall the regional intervention in Burundi then under preparation, and then to reinstall a state of security (by taking back control of the army and the state and giving the army every means to combat the rebellion¹²⁰). The second objective was to reassure the international community, by presenting himself as a democratic and reconciliatory leader. His third objective was to bring about a resumption of the development co-operation, suspended in May 1996 for security reasons. A fourth, rarely mentioned objective was a wish to participate discreetly in the AFDL operations that were due to start two months later and prevent a massive influx of armed bands into Burundi from their bases in the DRC.

His return also met the need to guarantee and safeguard the interests of a system that has constituted a support for those who have held military-financial power over the past 30 years. This system is composed of diverse tendencies and agendas. Among them, a distinction must be made between those who were behind and those who were against the 1993 coup. The coup's supporters play the Buyoya card for they know that they represent powerful backing for his government. Officers and civilians involved in the 1993 coup had an interest in overthrowing the FRODEBU regime in 1996, which threatened to prosecute them. In addition, they believed that Buyoya constituted a bulwark protecting the interests of the group from Bururi. They are ready to support him in his negotiation policy as long as it is a matter of gaining time and especially if their impunity is not threatened by the process. Although the question of impunity and amnesty was dealt with in Committee I, negotiations on the interests of this powerful group have not yet taken place.

Among the non-putschists supporting Buyoya, many live off the system: active or retired army officers, affluent members of UPRONA and former civil servants now in the private sphere, working in the insurance companies, banks, oil companies that win all the public contracts. These have been organised according to a regionalist way of thinking for 30 years. The regions mainly represented in the military-financial networks are Bururi, Mwaro and Ijenda. Despite the competition and the struggle for power between the three regional groups, they are all agreed on dominating the emergent group of "Third World" regions" (Ngozi, Kayanza, Kirundo, Muyinga, Gitega, Bubanza and Karuzi). No enterprise or bank can be created unless it is sponsored by Mwaro (money), Bururi (political power) and Ijenda (technocrats). This understanding can also be seen in the army, which is dominated by Bururi and Mwaro.

¹²⁰ The military accuses President Ntiba of employing state resources to support the rebellion on the one hand, and obstructing any territorial defence action on the other.

It is also worth pointing out that the three presidents since independence all came from the same commune (Rutovu), from the same region (Bururi) and the same clan (Hima). In the days of the Burundian monarchy, the Hima were regarded as the untouchables who were not allowed to possess cows, and were relegated by the system to regions where land was supposed to be infertile, such as Bururi. Seizing power in the post-independence period was a form of social revenge for this group, which has hung on to government and the army as professional outlets, a way of surviving and/or shielding their interests.

The peace process will not be able to advance as long as the interests of these powerful groups, and more particularly of certain individuals, are not negotiated.

2. "Public Opinions"

In the difficult period of the peace process, public opinion among both Tutsis and Hutus ascribed general dissatisfaction with President Buyoya. Given his initial political base, none of his "points of entry" into the negotiations has worked: the promise to end the war has not been upheld (either through a lack of will or through the army's incapacity) and security has again deteriorated after a period of calm. The embargo was only suspended two years after Buyoya's return, but development co-operation has not yet been resumed. This annoys the economic operators and impoverishes the urban Tutsi middle class, which constitutes part of his political base. The Tutsis in general have many complaints against him. They reproach him for organising elections in 1993, refusing the transition proposed by FRODEBU, and then for leaving government rather than falsifying the election results. They also accuse him of allowing chaos to reign after the assassination of President Ndadaye, of having no clear policy against the genocide now and of whitewashing too many of FRODEBU's leaders in order to serve the needs of his partnership policy. Testimony of this appears in a letter: "Mr. Buyoya, you claim to represent the Batutsi, although the evidence is that no Mututsi¹²¹ acknowledges you... You are the man through whom all Burundi's misfortunes arrive... You do all you can to prevent the army fighting."¹²² A sector of the Tutsis does not feel that their ethnic interests are being represented. They reproach the President for wanting to make peace with the Hutus under his own terms and for his own survival. Those who are convinced of the need to negotiate believe that Buyoya's insistence on salvaging his personal power is the major obstacle to a good agreement. They believe that Buyoya is failing to convince either the region, which continues to toy with intervention projects and the idea of new sanctions, or the international community, which makes the resumption of aid conditional on the signature of an agreement in Arusha.

For the Hutus, Buyoya carries responsibility as head of state for the failure of all the formulas tried in Burundi: democratisation, power sharing, war, negotiations with the CNDD, partnership and the Arusha negotiations. The Hutus who believed in the man of unity and reconciliation in 1988 and in the man of democracy in 1993 today doubt his ability to lead the transition. What in fact are

¹²¹ Mututsi means "a Tutsi", Batutsi "the Tutsis".

¹²² Letter to Mr. Pierre Buyoya, The population of Bujumbura in mourning and victim of the genocide policy of Buyoya, 28 August 1999.

the guarantees of change that he proposes for the future and how can people be reassured that he can incarnate this change?

His Hutu opponents, particularly the rebels, perceive that he represents all that they are fighting against: the army, his oppressive and exclusive system and its intervention in politics, the assassination of President Ndadaye and the cronyism of the south. They accuse him of torpedoing the partnership by dividing FRODEBU and not holding to his promises of power sharing at the level of the executive, diplomacy and territorial administration. They also hold him responsible for blocking the Arusha process. Finally, they reproach him with having kept around him those who supported the 1993 coup, allowing a parody of the 1993 coup trial to be conducted, and not reacting earlier against the corruption of certain of his ministers.

3. "Fear is the Enemy"

The contradictions and the tensions in the government's policy are apparent in the way in which Buyoya has managed public opinion since 1996, as well in how he has mobilised his political base over his negotiating policy since 1998.

On the one hand, there has been an enormous evolution in mentality since 1996 and credit for this must be given to President Buyoya. Public opinion in the capital has evolved greatly since his return to power in 1996, as has political language. The government succeeded in selling the idea of "negotiations", a word that provoked violent and malevolent reactions in 1996. Many Tutsis in effect saw in this coup the guarantee that their security was assured and then did not understand that negotiations and the power sharing were inevitable. But the president imposed this idea on them, beginning immediately with the Rome talks with the CNDD, and continuing with the partnership and with consistent participation at Arusha. The partnership formula since 1998 also succeeded in re-establishing a minimal level of confidence between Hutus and Tutsis, despite the mutual accusations of trickery and double talk. Today it is undeniable that the principle of negotiations is more widely accepted, even among those who were previously fiercely opposed. Ironically, Tutsi opinion now often supports the formula of the Rome negotiations that it so violently rejected in May 1997,¹²³ meaning the negotiation of a cease-fire between the government/army and the armed groups.

On the other hand, the government's communications policy remains ambiguous, partly because of its lack of expertise in communication techniques, and partly because it mainly reflects the points where it contradicts or has doubts about the Arusha process as it is conceived. According to a government civil servant, "as long as there was no guarantee that the Arusha process would produce something, we could sell the principle of the negotiations alone, and not their substance."¹²⁴ The President often repeated that no agreement would be imposed from outside the country, that public opinion should be "prepared", in order to avoid the scenario that occurred in 1993 when an extremist faction rejected an earlier Arusha agreement. But in fact, if the government's

¹²³ Negotiations for a ceasefire between the CNDD and Buyoya's government in Rome under the auspices of the Sant'Egidio Community.

¹²⁴ Interview with a highly-placed Burundian official, September 1999.

communications policy succeeded in limiting the incitements to hate in the media, it did not actively prepare minds for a negotiated settlement. The argument advanced to justify censorship was that the different media had become tribunes for subversive talk against the negotiations, for ethnic propaganda and for humiliating the opposition. For the most part, the press functions as a rumour mill and an outlet for partisan opinion rather than as a vehicle for objective information. However, the government's communications policy was not effective in preparing minds to understand and accept the content of a peace agreement. There were, admittedly, debates and round-table discussions organised throughout the country, the famous "national debate", during which people expressed themselves. But neither freedom of expression nor the results of these debates were transposed to the media or released to the population. Many Burundians complain that the avoidance of subversive talk does not constitute an active communications policy and they reproach the government for either treating them like children or for not accepting the debate, as if the government's vision must be imposed at all costs. With certain exceptions, the media are censored for the most part to the point that the information they provide is not regarded as credible or reassuring.

This policy has had several very costly consequences for the peace process. First, as the people are not really informed or consulted over the negotiations, they tend to believe that the Arusha talks are a game, that the government does not really believe in them and that they therefore have no credibility. Each time the delegations return from Arusha, they seem to be afraid of assuming and reproducing the debates, fearing that they will be regarded as "traitors" by their respective communities. The second consequence is that when there is an upsurge of violence and, at the same time, the negotiations still produce no concrete benefits, government censorship is seen as a repression and a failure to take the insecurity into account. This encourages the popular feeling that the politicians are negotiating a power sharing agreement without consideration for the need to protect the population. Little effort is made to communicate and explain the need for a new political and social order (and the resulting benefits), nor to remove the fears of the two communities over the change that must come with a peace agreement. In other words, the government is imposing these negotiations without either reassuring or educating the people, who are left to themselves and risk becoming enclosed in ideological ghettos. The negotiations are an empty slogan, without content or the kind of clear vision that would allow everybody to see their future roles. The Tutsis are particularly afraid of a "remake" of 1993 when Buyoya went into the elections promising victory and lost everything. This time he wants to go to the negotiations, but the Tutsis are reassured neither by the vision of the future nor the immediate benefits. The Hutus see that Buyoya is promising change as in 1993, but that he is going to hold on to power once again, thus distorting the workings of the negotiations.

To quote Boutros Ghali during a visit to Burundi at the beginning of 1996, "fear is the enemy". It was partly fear that lay behind the 1993 assassination of Melchior Ndadaye by a group of officers and civilians, who feared losing everything with the change of government. It was also partly fear that motivated the Hutu population to kill the Tutsi on a large scale following the coup in 1993. These fears have been reinforced on both sides by the genocide in Rwanda and the Congolese wars that have led to the polarisation between the Bantus and the Nilotics.

It is clear that the President has not sufficiently negotiated with his base given that some voices have been excluded and that he had to suppress resistance to the negotiations between July 1996 and today. This will make it impossible to reduce the gap between internal opinion and that outside the country. He cannot wish for negotiations without debate, or democracy without competition between ideas. If the government does want to ensure the peace agreement will be implemented once it has been signed, it must liberalise the debates and ensure that all Burundians become involved in the process.

A visit to Burundi by Mandela at this stage would be the best possible way of helping the peace process, along with the opening of an office by the Facilitation team in Bujumbura to inform public opinion about the negotiations. Mandela alone can explain to everyone the need to compromise over the army and the government in order to end the war, to launch a debate on the justice system and reconciliation, and to reassure those who are afraid of the future.

4. The Economic and Social Situation is Contributing to the Erosion of Authority

The President's authority is also at risk because of the economic and social situation. "For a year Burundi has remained in an almost autarkic situation. Deprived of the public development aid that has always supported her economy and impeded by the enormous expenditure on security, the Burundian state is more run down and overburdened than ever by the inevitable social repercussions from the continuation of the war. These include blocked public development aid, depleted currency reserves, blocked imports, a disastrous currency devaluation, inflation in the cost of goods and services, commercial speculation, blocked salaries, a severe decline in purchasing power, a rising number of social ills (corruption, banditry, appalling criminality, etc.), paralysis of the private sector, a freeze on recruitment and job vacancies, job dismissals and rising unemployment, state disengagement from the social sectors, massive disinvestment, etc."¹²⁵ The war and the running of economy under sanctions have been in large part financed by printing money, which will have long-term consequences for the Burundian economy. Everybody, including a section of the regime's own dignitaries, has been affected by growing impoverishment.

International financial aid remains conditional on the signature of an agreement. This is the position of the European Union, Canada and most donors, which gave only US\$42 million to Burundi within the framework of "enlarged humanitarian assistance"¹²⁶ in 1999. The World Bank promised an emergency loan of US\$35 million, but the first instalment will be released only in June 2000. Only China and Libya have promised aid. The Chinese government gave US\$2.3 million in November 1998, US\$2.4 million at the time of the joint China-Burundi commission in May 1999 and offered credit at preferential rates for a hydroelectric dam and the purchase of Chinese equipment.¹²⁷ Libya also promised US\$40 million, but the gift is still awaiting approval by the Libyan People's Committee, as is the eventual opening of an embassy in Bujumbura.

¹²⁵ Open letter, *Ligue Iteka*, 12 August 1999.

¹²⁶ This concept was accepted during the meeting of donors for Burundi on 5 January 1999.

¹²⁷ Panafrican news agency, 21 November 1999.

The President's meeting with economic operators in September 1999 showed clearly that he no longer expected international aid to resume soon. He implied that the institutional donors were blackmailing him with the resumption of development co-operation, but said that the government was not prepared to sign any old thing and there was consequently a need to organise national solidarity. He announced measures to liberalise money exchanges, which the economic operators have been calling for a long time, thus encouraging exports.

This has several consequences. First, the leader's authority is contested. In Africa in general, a leader can only remain in power as long as he can guarantee a certain redistribution of wealth. Today the cake has shrunk. The President sees his options for patronage and redistributions declining and, consequently, his legitimacy as a patron and protector. The system of cronyism, based on a distribution of jobs and privileges, can no longer function. Everyone is concerned first and foremost by the conditions of their own existence and will only be convinced by Buyoya's policy if he guarantees them a minimum of material security.

Second, there is little chance that power sharing can be seriously envisaged under these conditions. No matter who leads the transition, he will not have the means to implement his policy and the country will be difficult to govern. Although it is essential in the short term to avoid fuelling a declining state, it is irrational to kill off a country's economy knowing that economic growth will be the short-, medium- and long-term guarantee for the integration of all elements of society and the regeneration of the elite.

Third, this lack of resources increases the President's reliance on those major beneficiaries of power who are themselves dependent on the state and who have therefore an interest in maintaining the "status quo ante". While he, on the contrary, would need to reduce their influence. In order to hold on since 1996, he has been obliged to allow economic power to be concentrated in increasingly few hands and has been unable to repress corruption and embezzlement. Around him, all are feeling uncertainty about the post-Arusha period and are grabbing what they can in the time remaining. The distinction between the public and private sectors is diminishing and state regulation is increasingly difficult to apply. Proof of this is the speculation in sugar, petrol and rice. The director of SOSUMO, the national sugar refinery, stated a few days before his death during the attack on Muziye in October 1999 that the lack of sugar did not result from a national production problem, but from the fact that certain wholesalers have a monopoly and prefer to sell to Rwanda or to the DRC, which pay in hard currency and offer higher prices. The military controls the distribution of certain products, such as medicines.

Reaction to this situation first took the form of strikes by the confederation of labour unions in January 2000. Their main complaint was the price rise in December, when the majority of salaried public service workers were not paid. Public opinion was inclined towards accepting sacrifices, but only on condition that the head of state set an example. Unfortunately, a good number of ministers and senior officials no longer tried to hide the fact that state resources were being misappropriated.

After several calls to the land administration to get them to stamp out fraud and impose prohibitive fines on the guilty (without success), President Buyoya finally carried out a ministerial reshuffle on 11 January 2000, changing the ministers of defence, commerce and industry, finance, post and communications. These measures were a response to pressure from some army officers and the executive committee of UPRONA who, following an audit, recommended a reshuffle and sanctions against state and land administration officers. The government also decided that the lowest paid civil servants would be exempted from taxes.

5. Scenarios to be Avoided

Despite the growing unpopularity and the erosion of Buyoya's government, this military-financial oligarchy will not let go of power easily. It certainly will not do so until it has guarantees of protection of its interests, and an exit door. It was delighted by the disappearance of Nyerere and had believed that the nomination of Mandela would favour the existing regime. However, two months later the message they got from Mandela at the February 2000¹²⁸ session was deemed to be hostile to their interests. The pressure has suddenly become serious. Mandela will also have informed Buyoya in private of his reluctance to see him lead the transition. This possibility concerns them and also the President and a part of the international community that has always regarded Buyoya as the only alternative.

The first scenario is a *coup d'état* by those who believe that Buyoya no longer defends their interests. This is an extremely risky choice. Buyoya became the victim of regional and international hostility on his return to power in 1996, although he had just been selected by the army because of the reassuring image he presented outside the country. Nobody can take responsibility for inheriting such a difficult and fragmented situation. In addition, the army relies on family alliances that presently remain in favour of Buyoya. Today, while the government is indeed committed to the negotiations under international and regional control, any coup against him would only serve to strengthen his hand. But in a context of poverty and panic over a peace agreement, irrational behaviour cannot be excluded.

The second scenario is that the government either does not sign the agreement or delays it. The military can let the situation rot until chaos and violence triumph. Some populist Tutsi leaders could politically exploit the increase of attacks by the rebellion and push the Tutsi to panic, which would mean killing Hutus. It should be stressed that a good part of the Tutsi community is armed, and even trained. Many Tutsis were organised in militias and civil self-defence groups in 1994-95 and encouraged to acquire arms (Prime Minister Nduwayo's policy). Attempts at disarming civilians after Buyoya returned to power in 1996 stopped because the majority of officers regarded the possession of arms by Tutsis as a self-defence option. Within the army, the majority of troops are young soldiers who escaped the 1993 massacres and were recruited out of the camps for displaced Tutsis. They have a thirst for revenge that risks breaking out

¹²⁸ When Mandela described the "political, economic and military domination by the Tutsi minority" as "unacceptable".

into uncontrollable behaviour. In the words of a Hutu parliamentarian: "In Burundi when the Tutsis are afraid, it is the Hutus who die."¹²⁹

The third scenario is that the agreement is signed under pressure and not implemented. Buyoya has already indicated that he does not believe in an imposed agreement and that he would resign if that happened. He expressed this clearly during his press conference in Arusha on 22 February 2000: "We are leaving the Burundians to negotiate the peace, including the question of who should lead Burundi tomorrow. If the Burundians decide on someone else, I will leave. If they ask me to remain, I will remain. If I do not approve of the agreement, I will say no..." "The agreement must be acceptable and applicable to everyone. Everyone must be a winner."¹³⁰

By imposing pressure, Mandela persuaded the President to come out of his closet and start campaigning. The large diplomatic offensive over recent days in Uganda, Mozambique and Europe can probably be explained by the need to make the real concerns and the risk of things getting out of hand understood. Buyoya's insistence on an agreement that is "acceptable by everyone and can be implemented" is in fact a warning. He means that signing without his agreement and that of those he represents would be counter-productive and damage the chances of it being implemented. The government has been saying since September 1999 that "a government does not negotiate its own departure" and as it has not been beaten, the balance of power cannot be changed by the negotiations. In a speech at the March 2000 summit Buyoya said that "the background debate on the political questions is drawing to a close; to arrive at compromises in the interest of the Burundian people, the negotiators must abandon certain positions that could, in many respects, seem inflexible in order to put the general interest before everything else."

President Buyoya has repeated since the beginning of the negotiations that public opinion would have to be prepared in order to avoid a Rwandan-type scenario. As in the case of Habyarimana's government, the Buyoya government perceives the negotiating terms as having been imposed from the beginning. However, as with Habyarimana, at a later stage Buyoya supported them in principle and termed the blockages as the responsibility of radicals rejecting dialogue. Buyoya also shares Habyarimana's concern that the agreement could be seen as having been obtained by force, and as a victory for one side over the defeat of another (a win-lose situation). In Rwanda everything was played out between the signing and implementation, a period during which the Habyarimana government and the FPR prepared themselves, the former for genocide and the latter for resuming the war. A similar scenario is not impossible in Burundi given that the war has continued throughout the negotiation process and that the belligerents all continued to recruit and re-arm. Besides, the prospect of the demobilisation of the army and the integration of the rebels is causing concern both to the Tutsi radicals and the soldiers themselves.

For competing reasons, there is a great temptation to conclude the process as quickly as possible. This can be observed among the Burundian participants (Hutu and Tutsi) and the government, as well as among the mediators and the

¹²⁹ Interview with a Hutu parliamentarian, September 1999.

¹³⁰ Speech by Pierre Buyoya, 22 February 2000, Arusha.

international community. Provided that Buyoya leads the transition, a peace agreement and the resulting benefits would loosen the stranglehold in which the Burundian government finds itself caught, pressured by the daily management of the country.

As for the opposition, which is also playing against time, a rapid agreement would hasten the departure of the Bujumbura regime, which is increasingly fragile. For the international community, an agreement would justify the financial investment in the Arusha process and could be brandished as a point of reference in a region with little respect for peace agreements. An agreement might also serve to clear its name in the event of a deadlock or an explosion of violence. Mandela, South Africa and the region are determined to get an agreement signed quickly and might be prepared to resort to harsh pressure to unblock the situation. This could include re-imposing the embargo, regional intervention, or sponsorship of a coup as Nyerere had envisaged, with the beneficiary committed to concluding the negotiations. However, if the government is cornered into signing an agreement under constraint, or with the concerns mentioned above left aside, the main players and their supporters will probably wreck its implementation.

6. In Favour of an Open Debate on the Transition

It is undeniable that the ultimate objective of the negotiations is for the existing regime to hand over power at term and accept the principle of participation and a changeover of political power between parties. The real question is how this is to be done, for it is absolutely essential to avoid further destabilisation in the country. Too much blood has already been spilled on both sides.

The Burundian political class suffers from the same problem as many others in Africa: that of its renewal. The Buyoya I and II governments have seen the emergence of some new figures, Hutu and Tutsi, but most of them had neither the power nor the necessary support to change the system. The figures emerging at the time of the partnership have been partly discredited for their constant hesitation between the partnership government and the Arusha process. The negotiation period was supposed to allow new leaders to emerge. Nyerere and the countries of the region had counted on this happening and invested in the Hutu opposition, but now seem disappointed.

In reality one of the major obstacles to advancing the negotiations is the replacement of Buyoya, a problem already posed in 1996. The officers who brought him to power then did not all do so with enthusiasm. Many of them were unhappy with his decision to democratise, a decision that they saw as triggering war. The same problem is posed today: yes to an immediate change, but who should lead it?

If Buyoya remains, there is a chance that the agreement will only be partially implemented. He cannot go beyond himself: he is a soldier from Bururi and represents one of the parties in the conflict. During the transition he will be unable to make radical changes to the structure of power he has been relying on; nor will he be able to drastically upset the personalised political relationships that have come to be accepted in his camp, even if the negotiation programme requires this of him. He could not judge those responsible for the coup in a

credible manner. The charade of a trial that he instigated in 1998 is proof of that.

He would also be unable to organise elections and present himself as a candidate or combat the pervasive regionalism, as his power base is dependent on southerners and he must protect their interests. In these circumstances, for Buyoya to maintain the status quo and his hold on power will only be interpreted as a declaration of war by the rebels, unless he makes a firm and positive commitment to change. After all, there was a resurgence in rebel violence (May 1999) following his proposal for the transition. A sustainable ceasefire will only be possible if he guarantees his departure, even if this will only take place at the end of the transition.

What can still be expected of Buyoya? It is to his greatest credit that he accepted the negotiations and ensured that others also accepted them. As a result of this, he is capable of bringing the process to a conclusion, if he wants to. During a short transition period he could ensure security. He was able to ensure that of the Hutu elite who remained in or returned to Burundi after 1996 (whereas it might be pointed out that 25 Hutu parliamentarians were assassinated during the interim government and presidency of Ntibantunganya from 1994 - 1996) and prevent revenge attacks. But he still has to prove that he could ensure security for the population in general and the application of human rights in an environment of pacification. He could also open up the debate, lift censorship and initiate economic liberalisation reforms (although his governments have been rather interventionist). Above all, he could guarantee the return and integration of the rebel forces and the refugees.

In addition, at this stage of the negotiations it is dangerous to ask for the departure of a regime as a whole when it is holding the economic, political and military reins of the country. This would only serve to create a void, especially as some of Burundian political players continue to promote some alarming projects. On the one hand, some Hutu extremists would like to push the army into committing crimes: crimes of an ethnic nature, or a *coup d'état*. On the other hand, some Tutsi extremists would like to see a weak Hutu as head of state with a view to creating chaos, demonstrating his incompetence and consequently taking back power.

Despite President Buyoya's important role in the recent history of Burundi, it is dangerous to focus exclusively on him. There is a risk that by doing so, the real centres of power and the conflicts of interest between groups will be eclipsed completely. Whether Buyoya or someone else becomes leader of the transition, the interests of these groups will remain the same and must be negotiated.

V. CONCLUSION

Thanks to Mandela's charisma and the international support he is able to mobilise, there is a very good chance that he will succeed in getting an agreement signed. He has forced the Burundians to take the process seriously, imposing a degree of discipline and unblocking the debate on the question of genocide and amnesty, on reintegration of the rebels in the army, and on the transition. The pressure that he exerts has brought everyone to believe that the

process, already far too long and expensive, will very soon reach a conclusion. Yet it is only recently that the real questions at stake have begun to be dealt with and that the players in the Burundian conflict have become committed to the negotiations. The pressure for an agreement supported by the region and the international community arouses fear on both sides. On the one hand, the Buyoya camp is afraid of the imposition of an agreement that will not guarantee their interests. On the other, the anti-Buyoya camp is concerned that it might find itself forced to accept a transition led by the present president.

Although the conflict in Burundi is about who will control power, an essential distinction must be made between the interests of the politicians and the fears of the people. Among the politicians, one group is keen to exploit the theme of the victimisation and marginalisation of the Hutus, the second emphasises the legacy of genocide and insecurity experienced by the Tutsis. At the same time, there is a genuine sense of fear among the population at large, both Hutu and Tutsi, based on the memory of massacres. A good peace agreement will have to take both of these into account.

VI. RECOMMENDATIONS

A. To Nelson Mandela, the New Mediator:

Regarding the Rebels:

- A preferential framework for consultations between the rebels and the Facilitation team must be set up in order to guarantee them adequate information on what has been gained by the peace process, and to allow the soldiers and political leaders of the armed movements to express their views on the ceasefire, the reform of the army, their future (as a group and individually) and the transition.
- A suspension to hostilities should be negotiated as the first stage of a permanent ceasefire, with the objective of identifying the rebel forces and testing how much control the leaders have over their men.
- The FDD and the FNL need to be convinced that they should detach themselves from Kabila's defence force and commit themselves strongly to a strictly Burundian process. They must be made to understand that by continuing to fight on DRC territory they risk being permanently regarded as "negative forces to be disarmed"¹³¹ by the negotiators in Arusha and thus losing their status as interlocutors.

Regarding the Transition and the Guarantees for the Agreement:

- An agreement should not be concluded unless the negotiations over the transition period and offer sufficient guarantees:
 - *To protect the interests of society:* The institutions of the transition should be negotiated first, bearing in mind the collective

¹³¹ According to the terminology used in the ceasefire agreement for the DRC in Lusaka.

interests to be protected during this period: the end of the war; security for all; the sharing of power and wealth; the implementation of fundamental reforms; and the modernisation of the state. A formula must be found to reduce presidential powers, which should be decentralised and controlled by the emergence of institutions of transition capable of playing an opposition role. This discussion must be followed through and concluded in Committee II.

- *To protect individual interests:* The interests of some particularly significant players (security, privileges and impunity) must be negotiated next, particularly those of individuals who consider that they have lost out in the negotiations. These discussions could take place within the framework of Committee V. It is essential that they are conducted by Facilitator Nelson Mandela in person.
- The regional heads of state and the international players acting as guarantors of the agreement must be encouraged in their role and support must be given to the transition government emerging from the negotiations.

Regarding Fears About and Resistance to the Peace Process:

- A visit to Burundi by Nelson Mandela should be organised as soon as possible with the intention of reassuring the Hutu and Tutsi populations about the peace agreement. In particular, he should make an approach to the lobby opposed to the negotiations and convince it of the need for a negotiated settlement to end the war.
- The Facilitation team should immediately open an office in Bujumbura to conduct large-scale campaigns aimed at explaining the agreement and leading debates on its contents.

B. To Western Governments and Institutional Donors:

- Support should be given for Security Council Resolution 1286 calling for:
 - a peace process including all factions of the rebellion and an immediate ceasefire;
 - the resumption of development co-operation. The international community must immediately assist in reviving the economy, firstly in order to demonstrate to the population the advantages to be gained from the negotiations and the normalisation of the political situation, and secondly to create an economic environment allowing a fairer redistribution of the country's wealth.¹³²;
 - the civilian character of the camps in Tanzania to be maintained
- Political, economic and military support should be given to the future transitional government and an active role must be played in ensuring guarantees for the implementation of the agreement.

¹³² See ICG's Central Africa Report *Africa's Seven Nation War* on the resumption of development co-operation, 21 May 1999.

- Funds to finance and implement the agreement must be mobilised rapidly, particularly the setting up of international commissions of enquiry and a national commission for truth and reconciliation, demobilisation and the revival of the economy.
- Expert advice should be offered in regard to the different technical recommendations contained in the agreement for: the reform of the army, the development of an electoral system, the reform of the justice system, the management of land and property, and repatriation.

NAIROBI/BRUSSELS, 18 APRIL 2000

GLOSSARY

A. Political parties**

- **ABASA:** Alliance Burundo-Africaine pour le Salut (Burundian-African Alliance for Salvation), created in 1993. It is presided over by T rence Nsanze (external wing) and Serge Mukamarakiza (internal wing).
- **ANADDE:** Alliance Nationale pour le Droit et le D veloppement Economique (National Alliance for Law and Economic Development) created in 1992. It is presided over by Patrice Nsababaganwa.
- **AV-INTWARI:** "Alliance des Vaillants" (Alliance of the Valiants") created in 1993. It is presided over by Andr  Nkundikije.
- **CNDD:** Conseil National pour la D fense de la D mocratie (National Council for the Defence of Democracy). Founded in 1994 by L onard Nyangoma, one of the founders of FRODEBU and Minister of Interior in Ntaryamira's government (1994). It is presided over by L onard Nyangoma.
- **FDD:** Forces pour la D fense de la D mocratie (Forces for the Defence of Democracy), armed branch of the CNDD. The FDD is split between Nyangoma's wing and that of Jean-Bosco Ndayikengurukiye.
- **FNL:** Forces Nationales pour la Lib ration (National Liberation Forces), armed branch of PALIPEHUTU. The FNL has been split since 1992 between the wing led by Etienne Karatasi and that of Cossan Kabura.
- **FRODEBU:** Front pour la D mocratie au Burundi (Front for Democracy in Burundi). It exists officially since 1992. The party was the victor in the first presidential elections organised in Burundi in June 1993. It is presided over by Jean Minani (external wing) and by Augustin Nzojibwami (internal wing).
- **FROLINA:** Front pour la Lib ration Nationale (Front for National Liberation) presided over by Joseph Karumba. It was created mid-eighties.
- **INKINZO:** "Le Bouclier" (The Shield), created in 1993. It is presided over by Alphonse Rugambarara.
- **PALIPEHUTU:** Parti pour la Lib ration du Peuple Hutu (Party for the Liberation of the Hutu People) presided over by Etienne Karatasi. The party was created at the end of the seventies by Burundian Hutu refugees in Rwanda.
- **PARENA:** Parti pour le Redressement National (Party for National Recovery) created in 1995. It is presided over by Jean-Baptiste Bagaza, former president of Burundi.

* According to the law concerning political parties in Burundi, the presidents of political parties must live in Burundi. The presidents of the so-called "internal wings" are recognized by the Ministry of Interior.

- **PIT:** Parti Indépendant pour les Travailleurs (Independent Workers' Party), created in 1993 and presided over by Etienne Nyahoza.
- **PL:** Parti Libéral (Liberal Party), created in 1992. It is presided over by Gaëtan Nikobamye (external wing) and by Joseph Ntidendereza (internal wing).
- **PP:** Parti du Peuple (People's Party) created in 1992. It is presided over by Shadrack Niyonkuru (external wing) and Séverin Ndikumugongo (internal wing).
- **PRP:** Parti pour la Réconciliation du Peuple (Party for the Reconciliation of the People), advocating the return of the monarchy and created in 1992. It is presided over by Mathias Hitimana (external wing) and Albert Girukwishaka (internal wing).
- **PSD:** Parti pour la Socio-Démocratie (Party for Social Democracy), created in 1993. It is presided over by Godefroid Hakizimana.
- **RADES:** Rassemblement pour la Démocratie, le Développement Economique et Social (Rally for Democracy, and Economic and Social Development), created in 1993. It is presided over by Joseph Nzeyimana.
- **RPB:** Rassemblement pour le Peuple du Burundi (Rally for the People of Burundi), created in 1992. It is presided over by Philippe Nzobonariba (internal wing) and Balthazar Bigirimana (external wing).
- **ULINA:** Union de Libération Nationale (Union of National Liberation), created in 1996 and presided over by FNL leader Cossan Kabura.
- **UPRONA:** Union Nationale pour le Progrès (National Union for Progress). Nationalist party created on the eve of independence in 1961 and led by Prince Louis Rwagasore, hero of the fight for independence who was assassinated in October 1961. UPRONA was the state party in Burundi between 1966 and 1993. The party has split in October 1998 over the issue of participation in the Arusha talks and is presided over respectively by Charles Mukasi (anti-negotiation wing) and Luc Rukingama, the current Minister of Communication (pro-negotiation wing).

B. The negotiation groups

- **L'Alliance Nationale pour le Changement (A.NA.C.)** (National Alliance for Change): FRODEBU, PP, PARENA, SOJEDEM, Former prime Minister Anatole Kanyenkiko, MP André Biha, and MP Térance Nahimana.
- **La Convergence Nationale pour la Paix et la Réconciliation (CNPR)** (National Convergence for Peace and Reconciliation): UPRONA, FRODEBU (internal wing), PSD, RADES, INKINZO, PIT, ANADDE, ABASA (internal wing) and PL (internal wing).
- **G3:** composed of UPRONA, the government and the National Assembly.
- **G7:** Forces du Changement Démocratique (Forces for Democratic Change), a group composed of the parties with a large Hutu component or exclusively Hutu: FRODEBU (external wing), CNDD, PALIPEHUTU, FROLINA, PP, RPB and PL.

- **G8:** groups together all the so-called "small, predominantly Tutsi parties": PARENA, PRP, AV-INTWARI, ABASA, PSD, INKINZO, ANADDE and PIT .

C. Other acronyms

- **AC Génocide « Cirimoso »:** Action Contre le génocide "Plus Jamais ça" (Action Against the Genocide "Never Again!") organises meetings on the 21st of every month in memory of the massacres of October 1993 following the assassination of President Ndadaye. Presided over by Venant Bamboneyeho.
- **AFDL:** Alliance des Forces Démocratiques pour la Libération du DRC-Zaïre (Alliance of Democratic Forces for the Liberation of DRC-Zaire), DRClese rebel movement created in October 1996.
- **CCM:** Chama cha Mapinduzi. Single party in power in Tanzania since 1965.
- **COPABU:** Coalition Nationale pour le Burundi, movement created in 1998.
- **FPR (and RPA):** Front Patriotique Rwandais/Armée Patriotique Rwandaise (Rwandan Patriotic Front/Rwandan Patriotic Army) created in December 1987.
- **JRR:** Jeunesse Révolutionnaire Rwagasore (Rwagasore Revolutionary Youth), an organisation overseen by UPRONA, presently presided over by Bonaventure Gasutwa.
- **PA:** Puissance d'Autodéfense "Amasekanya ", a self-defence organisation for youth created in 1995 and led by Diomède Rutamucero.
- **RCD:** Rassemblement DRClais pour la Démocratie (DRClese Rally for Democracy), a DRClese rebel movement created in August 1998.
- **SMO:** Service Militaire Obligatoire, obligatory military service for secondary school pupils in Burundi.
- **SOJEDEM:** Solidarité de la Jeunesse pour la Défense des Minorités (Youth Solidarity for the Defence of Minorities), created end 1993 and led by Déo Niyonzima.
- **UPDF:** Ugandan People's Defence Forces (Ugandan National Army), created in 1986.

CHRONOLOGY OF EVENTS IN BURUNDI BETWEEN 1960 AND 2000

November 1959: Hutu "Social Revolution" in Rwanda supported by the Belgian colonial power, fall of the monarchy and departure of persecuted Tutsis into exile in neighbouring countries.

July 1962: Burundi and Rwanda accede to independence.

October 1965: Coup attempt by some Hutu officers against King Mwambutsa IV followed by massive army repression of the population and the Hutu civil and military elite.

November 1966: End of the monarchy in Burundi and start of the First Republic after a military coup by Captain Michel Micombero.

April 1972: Assassination of King Ntare V in Gitega.

April 1972: Large-scale massacres of the population and of the Hutu civil and military elite after targeted killings of Tutsis by hutu rebels.

November 1976: *Coup d'état* by Colonel Jean-Baptiste Bagaza and beginning of the Second Republic.

September 1987: *Coup d'état* by Major Pierre Buyoya and beginning of the Third Republic.

August 1988: Killings carried out by Hutu rebels targeting tutsi families in the north at Ntega-Marangara (Kirundo) followed by an army repression of the Hutu population and the arrest of a number of Hutu elite, including the future president, Melchior Ndadaye.

October 1988: Beginning of the policy of national unity. Adrien Sibomana, a Hutu from Muramwya, becomes Prime Minister.

February 1991: Adoption of the Charter of National Unity following a referendum.

November 1991: Attempts at contacts between the Buyoya regime and the PALIPEHUTU in Paris aborted because of an attack on military positions by the PALIPEHUTU in the province of Cibitoke and in areas to the north of the capital, Bujumbura.

March 1992: Adoption of a new Constitution and a multi-party system following a referendum.

June 1993: First presidential elections by direct vote and victory for FRODEBU's candidate, Melchior Ndadaye.

October 1993: Assassination of President Ndadaye by elements of the army followed by simultaneous massacres by Hutus of Tutsi populations in several provinces, then a massive repression of the Hutu population by the army.

February 1994: Investiture of President Cyprien Ntaryamira of FRODEBU.

April 1994: Death of President Ntaryamira in the crash of Rwandan President Juvénal Habyarimana's plane and the start of the genocide against the Tutsi minority and Hutu moderates throughout Rwanda.

September 1994: Signing of the Convention of government comprising 12 political parties. Four of these belong to the "presidential majority": FRODEBU, RPB, PP and PL. The others represent "the opposition": UPRONA, PRP, INKINZO, PIT, PSD, RADDES, ANADDE and ABASA. The government of the Convention is presided over by Sylvestre Ntibantunganya of FRODEBU.

November 1995: Regional conference on Burundi in Cairo co-presided over by Jimmy Carter, Julius Nyerere, Desmond Tutu and Amadou Toumani Touré.

March 1996: Regional conference on Burundi in Tunis. Julius Nyerere is appointed to mediate the Burundi crisis.

April-May 1996: Inter-Burundian meetings in Mwanza under the auspices of Julius Nyerere.

25 July 1996: *Coup d'état* by Major Pierre Buyoya.

31 July 1996: Economic sanctions imposed on Burundi by the group of regional states.

March 1997: Agreement between the government of Burundi and the CNDD in Rome under the auspices of the Community of San't Egidio.

January 1998: Attack on Bujumbura airport by Hutu rebels.

June 1998: Signing of the "Partnership for Peace" between the government and the National Assembly and promulgation of a Constitutional Act of transition.

June 1998: Start of peace talks in Arusha, Tanzania, under the mediation of Julius Nyerere.

January 1999: Suspension of regional economic sanctions and the start of work in the four committees in Arusha.

May 1999: Formation of negotiation groups in Arusha: G3, G7, G8.

October 1999: Death of Julius Nyerere.

December 1999: Appointment of Nelson Mandela as the new mediator for the Burundian crisis.