

BURUNDI:

Internal and Regional Implications of the Suspension of Sanctions

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EXECUTIVE SUMMARY

On 23 January 1999, the countries of the Great Lakes region suspended sanctions against Burundi.¹ This change in attitude is due to three factors:

- The governments of the region are divided over the war in Congo and the conclusion of an effective alliance between Uganda, Rwanda and Burundi against the Hutu guerrillas and their ally, Kabila.
- All parties have officially accepted the Arusha peace negotiations and a coalition government was set up in June 1998 between two of them: President Buyoya and the National Assembly.
- The international community is looking at the problem in a new light. Burundi is now regarded as one of the few countries at war in the region to take part in an external peace process and agree to negotiate with a rebel movement.

Since June 1998, donors have clearly indicated a desire to support moves to engender greater political dialogue and to finance “extended humanitarian aid”. However, the resumption of co-operation is conditional on the signature of a peace agreement in Arusha. As the government is urgently calling for co-operation to resume, it is imperative that it reaches such an agreement.

The agenda for negotiations drawn up by the Nyerere Foundation as “intended for donors” is unrealistic. It plans a session of committee meetings in March 1999, another in May 1999, then Arusha IV in June 1999 to be swiftly followed by the signature of a peace agreement during the following weeks of summer. There is a real risk of over-hasty negotiations and reforms that will finally be no more than cosmetic. There are many important matters to be resolved before the peace process can be concluded.

Although there are certainly encouraging signs that an internal dialogue is underway, the fundamental changes that must be made have not yet begun. Prudence is called for in regard to respect for human rights and the evolution of the security situation. The war in Burundi is not yet over. Indeed, the major issue that is not being discussed at Arusha is the impact of the war in Congo, which could seriously destabilise the young and fragile peace process in Burundi. Part of the Burundian conflict has been displaced into the territory of the Democratic Republic of Congo where the protagonists are fighting in opposing camps. The alliances formed during

¹ The sanctions were imposed on 31 July 1996 following the coup d'état that brought Major Buyoya back to power.

this new war are reactivating the military option to the detriment of a negotiated settlement. The marked absence in Arusha of one of the main actors in the war in Burundi, the armed branch of the Hutu rebel movement, leaves its leaders with no other choice than to resort to violence, through which they hope to regain a position of strength.

What hope is there that the negotiations due to start within a few weeks will reach the required conclusion if the representatives of the armed groups are not invited to Arusha and the questions related to the army cannot be resolved? Would there be any validity to a peace agreement that did not succeed in ending the war? In fact, substantial negotiations have not even started yet. Can an agreement be credible if it is not based on substantial negotiations and does not recognise internal divisions? If substantive and parallel negotiations do not take place, there is a real danger that this peace agreement will not mark the end of conflict.

The approaching post-negotiations transition period is dividing all the parties. This only adds to the confusion already caused by the demands being made in Arusha. The leaders of the Tutsi-dominated UPRONA and Hutu-dominated FRODEBU, the two main parties, along with their satellites, are presently at the centre of a power struggle. For a peace agreement to meet to the real interests of Burundi, rather than merely respond to the official positions of the various parties or to individual self-interest, the process will have to spread out over a sufficient period of time to allow the formation of homogenous political blocs.

As far as the present regime is concerned, how can it successfully continue the partnership and negotiate in Arusha if the security situation is deteriorating? How can it ensure a degree of equity within the context of an economic crisis? How can it marginalise those opposed to reform? How can it re-integrate rebel fighters, the 300,000 refugees and 550,000 displaced persons, and the leaders of the political parties-in-exile with so few resources at its disposal? Even if the lifting of the embargo represents a political victory for Buyoya, it also obliges him to start dealing with the country's structural problems. These must be treated as a priority.

This extended briefing prepared by ICG field analysts based in the region seeks to map out these and other key issues facing policy makers and assess the prospects for real progress in Burundi's long running peace process.



Burundi : Internal and Regional Implications of the Suspension of Sanctions

I. INTRODUCTION

At a meeting in Arusha on 23 January 1999, the countries imposing sanctions on Burundi agreed that these should be lifted. This concluded a concentrated diplomatic effort on the part of Burundi that began in 1996 and was directed towards this one objective, which also indirectly implied recognition of the Buyoya regime. Another important diplomatic battle has been underway since the beginning of the Arusha peace process and the signature of the internal partnership agreement in June 1998: the resumption of international co-operation.² Donor countries, often referred to as the “Friends of Burundi” met in May 1996 and decided to suspend all co-operation activities both for security reasons and to demonstrate international disapproval of the government’s self-defence policy for the civilian population.³

Multinational aid was halted just a few weeks before Major Buyoya returned to power in July 1996. The officers who backed the coup made a calculated choice in favour of a man already respected for his commitment to the democratic process in 1993 and acceptance of defeat in the elections. They hoped that this would reassure the international community and encourage it to resume co-operation.

Instead, international donors expressed support for those countries imposing sanctions and put a freeze on all multilateral and bilateral aid for two years. The first sign of declining support for sanctions appeared at the start of the Arusha process in June 1998. At this point, the main donors (the European Union, the United Nations Development Programme-UNDP, the UN, France and Belgium) expressed a wish to resume co-operation. In a move initiated by Canada, UNDP and the Department of Political Affairs of the UN Secretariat, a meeting of donors was held in New York on 11-12 January 1999 to evaluate the international aid strategy for Burundi. This approach, the result of discussions among the various actors involved in humanitarian aid in Burundi, was aimed at reconstruction, rehabilitation and the resettlement of displaced persons and repatriated refugees. It was described as “expanded humanitarian aid” or “community development”.

² The word “co-operation” will be maintained throughout the text and infers both bilateral and multilateral assistance.

³ The government encouraged the Tutsi population to take up arms and train to defend itself against the Hutu rebels in anticipation of another wave of killings.

The donors changed their minds for two reasons: improvements in the security situation in the interior of the country, and obvious progress in the Burundian political scene thanks to the internal partnership for peace and the beginning of the peace process in Arusha.

If these are really very encouraging signs that dialogue is taking place, some questions remain to be answered. Are the necessary fundamental changes already underway? To what extent does the regime have a capacity for change? This report will indicate some features of the political and economic landscape that should help in evaluating the progress in the peace process and the problems regarding the resumption of co-operation in the short, medium and long term.

The report calls for prudence. On the one hand, the stubborn determination to ostracise Burundi could represent an injustice towards the country. In the political context, there is an imbalance between the level of co-operation now reached with other countries in the region, and the stalemate in regard to Burundi. In the economic context, Burundi's economic and social situation is now critical after two years without international aid, the continuing embargo and five years of war. On the other hand, prudence must be maintained because the war in Burundi is not yet over, despite an improved security situation and some political progress. In this context, one major issue that is not being dealt with at Arusha is the impact on Burundi of the war in the Democratic Republic of Congo (DRC), which could seriously destabilise the young and fragile peace process.

The long-term solutions and international intervention strategies proposed in this report must be viewed from the perspective of a future situation in Burundi that would ideally be quite different from that which existed before the conflict began. Co-operation should not resume along the same lines as in 1993.⁴ That model for assistance proved unable to resolve the structural problems in the economy, although it certainly served to encourage cronyism and led to increased dependence on international aid. Could Buyoya use the resumption of aid as a tool to gain legitimacy for his government? How can the peace process be supported without presenting him with a blank cheque? Who would profit from the chaos that would result from a complete social breakdown? What are the alternatives to measured support for the coalition government installed in June 1998? These are the kind of questions that have to be dealt with before any kind of co-operation is resumed.

The regime faces a number of outstanding political and economic challenges. For example, how could the partnership survive and negotiations continue in Arusha if the security situation deteriorates? How can a degree of equity be maintained within the context of an economic crisis? How can those opposed to reform in the political domain be marginalised and "recycled"? And what is to be done to reintegrate rebel combatants, 300,000 refugees, 550,000 displaced persons and the leaders of the political parties-in-exile when only minimal resources are available? Even if the lifting of the embargo represents a political victory for Buyoya, it also means that the ideal scapegoat for all the country's problems is no longer available to his government.

⁴ See ICG report n°4 « Burundi : some suggestions for the resumption of bilateral and multilateral co-operation », 30th April 1999.

II. THE PEACE PROCESSES: HOSTAGES OF THE REGIONAL SITUATION?

A. THE ARUSHA PROCESS

The Arusha process is well underway: Arusha I took place in June 1998, Arusha II in July 1998, Arusha III in October 1998 and Arusha IV in January 1999. The various committees met for the first time mid-December 1998, then mid-March 1999 and plan to meet again in May 1999. Arusha V is planned for June 1999. Up till now, most of the discussions in committee⁵ have been concerned with technicalities such as setting the agenda and fixing priorities. Substantial negotiations are not yet underway. The May session of the committees will therefore be crucial. It will help determine whether the committees have a chance to finish their work before they are due to report to the plenary session in June.

1. The suspension of sanctions: the end of the regional crusade against Burundi?

The countries of the region have completely changed their attitude towards Burundi and its present government. A summit meeting of regional heads of state on 23 January 1999 announced the unconditional and indefinite suspension of the sanctions imposed on Burundi since 31 July 1996. On the eve of the summit, President Buyoya held a long meeting with President Museveni and the Facilitator of the Arusha process, Julius Nyerere, who confirmed that their attitude towards him had changed and ensured him of their support. During a January session of the East African Co-operation organisation, at which Rwanda's application for membership was considered, it was even suggested that Burundi should apply during the next session in summer 1999. Several factors lie behind this regional softening in attitude towards sanctions.

1.1. Changes in regional alliances

- **The war in Congo drew attention away from Burundi**

Since his coup d'état in July 1996, Major Buyoya has been regarded as the "bad boy" of the region, giving the negative example of an African army overthrowing democratically elected institutions in order to safeguard privileges acquired by the elite during 30 years of dictatorship. The contrast between the regime in Burundi and those in other countries in the region was further emphasised by the "success story" of the *Alliance des Forces Démocratiques pour la Libération du Congo*⁶ in 1997. This victory over the autocratic regime of Marshall Mobutu put wind in the sails of the regional alliance. The upsurge in guerrilla attacks in Rwanda, Uganda⁷, and Angola since 1998, and the deteriorating

⁵ Committee One: nature of the conflict; Committee Two: democracy and good governance; Committee Three 3: peace and security; Committee Four: reconstruction and development; Committee Five: guarantees for the application of the agreement (still to be instituted).

⁶ *Alliance des Forces Démocratiques pour la Libération du Congo* (AFDL): Alliance of Democratic Forces for the Liberation of Congo.

⁷ Partly due to the fact that rebel movements were operating against them out of DRC territory.

relations between Kabila and those who helped him into power have moved the focus of attention away from Burundi towards the DRC.

- **The war in Congo weakened regional solidarity**

The divergent interests and underlying divisions in the region became evident with the outbreak of war in Congo. Today all the countries of Central, Eastern and Southern Africa are either implicated in the war itself and find themselves on opposing sides in the battlefield, or in initiatives aimed at mediation. The unity of regional organisations such as the Southern African Development Community (SADC) is threatened, and the competition between them is becoming increasingly obvious. Indeed, the regional, economic and political leadership of half the African continent is being competed for between the SADC, used by Presidents Mugabe and Dos Santos to legitimise their intervention in Congo⁸, the East African Co-operation organisation, which President Museveni seeks to transform into an instrument of his regional integration policy, and the Common Market for Eastern and Southern Africa (COMESA), etc.

As the conflict has spread throughout the region, Nyerere finds himself faced with contradictory interests when he has to take a position on Burundi in the name of the whole region. Although Tanzania has maintained an official neutrality in regard to the conflict in Congo, the country is strongly divided internally. In fact, if the Tanzanian government, still strongly under Mwalimu Nyerere's influence, leans towards the rebels, the population and a group of government officials would prefer Tanzanian intervention to assist Kabila. The war in Congo has therefore weakened the strong bond between Tanzania and Uganda, the two main supporters of sanctions against Burundi, and made them increasingly suspicious of one another. Tanzanians suspect Museveni of supporting Tutsi interests and seeking to usurp their leadership of the region, a role Tanzania fulfilled with distinction under Nyerere's leadership. Meanwhile Tanzania is increasingly seen by Rwanda and Uganda as defending "Bantu"⁹ interests", particularly as the rebel PALIPEHUTU and FROLINA¹⁰ Hutu movements were born in Burundian refugee camps that have been in Tanzania since 1972. The main issue for Tanzania, Uganda and Kenya is to avoid any open break that might threaten the construction of the East African Community. Rwanda applied for membership of this body during its January 1999 session, but was turned down by Tanzania and Kenya as they considered the country too unstable.

Given this background, there is a risk that the Arusha process will increasingly appear as little more than a forum for Tanzania and Burundi to settle their differences. This would lose the peace process the legitimacy and credibility that it had previously acquired through its proof of regional unanimity and solidarity.

⁸ The SADC's charter requires member states to assist one another in the event of aggression.

⁹ Burundi and Rwanda Hutus belong to the Bantu, a generic name for an ethnic group present on almost half the African continent.

¹⁰ PALIPEHUTU: *Parti pour la libération du peuple Hutu* (Party for the Liberation of the Hutu People); and FROLINA: *Front pour la libération nationale* (National Liberation Front).

- **The war in Congo has intensified tribalism**

The regionalisation of the conflict in the DRC has revealed an interdependence between different civil wars and reinforced the tension between ethnic interests and identities. Some, such as the Rwandan, Ugandan and Burundian governments, see this is a war against the Hutu “*génocidaires*”¹¹. Others, as the president of Zimbabwe has pointed out on several occasions, consider it a racial war against Tutsi “imperialists”. Anti-Tutsi statements by Kabila in August 1998 also put the Arusha Facilitator in an awkward position. It was difficult to continue to justify the use of the embargo to suppress the mainly Tutsi Burundian government and army when the DRC government, supported by Zimbabwe, Angola and Namibia, was calling for the massacre of Tutsis¹². It was these statements that precipitated the Burundian’s army entry into the conflict on a large scale, although the country had not previously been consulted over the plans to overthrow Kabila’s regime.

- **An alliance against the same enemy**

The region wanted to make an example of its reactions to the coup d’état in Burundi on 31 July 1996 to demonstrate its solidarity with democratic principles. Those regional presidents who had themselves only recently been elected through the ballot box decided that this should be the model for the region and thus indicate that coups were no longer acceptable¹³. However, they had an underlying geopolitical interest: the desire to maintain a certain regional balance. Museveni had to sacrifice Burundi to show Tanzania, jealous of Uganda’s influence in the region, that he had no ethnic interest in extending Tutsi influence over the region and protecting Buyoya.

Thus this war in Congo, which was turning out to be less “clear cut” than had been foreseen, disturbed the existing pattern of alliances in relation to Burundi and led to the emergence of others reflecting the vital interests of the countries party to the conflict. Rwanda and Uganda now needed to assemble every possible force on their side. Although the Burundian army was not associated with the initial plan to overthrow Kabila¹⁴, after the war had begun these two countries exerted strong pressure on Burundi to actively support the rebel coalition. As a result, during a summit of regional leaders on 23 January 1999 in Arusha, Presidents Buyoya and Museveni presented a common stance on regional security. Buyoya cited this as one of the absolute priorities of his government. Museveni added that “*the region has the means to isolate the extremists and would never allow them to put a veto on negotiations.*” The underlying meaning was that the two presidents had identified common enemies.

¹¹ The use of this popular word to describe those involved in the 1994 genocide is a reference to Kabila’s anti-Tutsi propaganda and the fact that former FAR (Rwandan Armed Forces) and Interahamwe members (the main Hutu militia) are fighting on the side of Kabila.

¹² Kabila’s chef de cabinet, Yérodia, announced in August 1998: “*The Tutsis are a virus; they must be wiped out*”.

¹³ B. Mkapa was elected in November 1995, Y. Museveni in May 1996, D. Arap Moi in 1997.

¹⁴ Interviews with Burundian army officers between August 1998 and January 1999.

Taking this further, it might even be assumed that it is in Ugandan and Rwandan interests that the FDD¹⁵ do not negotiate immediately. In fact, although it is likely that Kabila would be weakened if the FDD abandoned him, it is possible that the Burundi government will reduce its involvement in Congo and that the members of the anti-Kabila coalition will therefore lose their Burundian ally and will have less justification for their presence in Congo. Although the FDD are presently fighting alongside the former enemies of Uganda and Rwanda, Kabila and the former FAR, any internal Burundian negotiations would be in opposition to their solution for dealing with these enemies, which is war. A negotiated end to the war in the DRC is unlikely in the near future as no party has yet clearly demonstrated an intention to negotiate, although all of them have recently hinted at a willingness to do so.

- **The failure of the region's anti-Buyoya policy**

It seems that the countries of the region have faced up to the evidence that despite speculation and the support promised to the different political and armed movements, the embargo has not brought about the fall of Buyoya, nor has it conclusively weakened the army. Although it has certainly had a psychological effect on the military and forced them to accept the principle of negotiations, it has also been counter-productive in a number of ways. For example, it has widened the economic gap between the military officers and Tutsi elite who were targeted, and the majority of the population that were supposed to rise against it. Paradoxically, it has inadvertently strengthened national solidarity around the regime.

Thus it is the Bujumbura government that is turning out to be the main beneficiary of the Arusha process, despite its previous strong opposition to it. Negotiations have in reality stripped naked the parties to the Burundian conflict and their programmes, and revealed the real balance of power between them. In the first place, it has shown that the 18 parties present, some of which have only a handful of members, are not equally representative of the population. In fact, only FRODEBU and UPRONA¹⁶ on the political side, and the armed factions and the army on the military side are capable of stopping the war. There has been much speculation as to the real interests of the leaders of the different parties and the reasons behind the unlikely coalitions they have formed, which have led *de facto* to a loss of credibility. In addition, the divisions within FRODEBU and the CNDD, and the general lack of leadership or of any vision of society in most of the parties, have gradually changed the regional view of what credible solutions and possible scenarios for Burundi.

1.2. The evolution in Burundi's internal political situation

The internal political evolution in Burundi has also played in the government's favour. The relatively successful outcome of the dialogue between the government and the opposition, and the conclusion of the

¹⁵ FDD: *Forces pour la défense de la démocratie* (Forces for the Defence of Democracy), the armed wing of a major opposition force: CNDD-FDD.

¹⁶ FRODEBU: *Front pour la démocratie au Burundi* (Front for Democracy in Burundi); and UPRONA: *Union pour le progrès national* (Union for National Progress), formerly the only party permitted.

Internal Partnership for Peace in June 1998 first met deep distrust from the governments in the region, which applied all sorts of pressure to prevent the agreement being signed¹⁷. The Facilitator now seems to have accepted that it was the internal dialogue in Burundi that actually made it possible for Arusha to take place. In fact, Buyoya's government would probably not have agreed to confront the hostility of regional countries and the leaders of the parties-in-exile if had not been strengthened and legitimised by the partnership with the National Assembly and, indirectly, with FRODEBU.

Still at the political level, the two main partners are UPRONA, represented by Buyoya in the 1993 elections, and FRODEBU, which won them. Since they have reached agreement on the principle of a coalition government and formed a political bloc, then negotiations can be regarded as having really begun.

1.3. Growing international pressure

- **The resumption of co-operation**

Since the beginning of the Arusha process and the signing of the partnership agreement in June 1998, donor countries and most other African countries have expressed disagreement with the regional approach to the Burundian conflict, particularly in regard to sanctions. Indeed, the international pressure to lift these had already increased considerably after the regional summit on Burundi held in Kampala in February 1998 after the peace process had been blocked for six months. France was the first donor country to denounce sanctions publicly during President Buyoya's visit to Paris in March 1998. After Arusha I, the European Union, France and Belgium stated that they believed the time had come to resume co-operation. The United States issued a statement calling on the region to make a gesture that would allow the government "to remain" in the peace process. Since then Kofi Annan, UN secretary-general, Blaise Compaoré, former president of the Organisation of African Unity (OAU) and James Wolfensohn, president of the World Bank, have written to former President Nyerere to ask him to be more flexible in his attitude towards sanctions. The Francophone summit, the Security Council and the OAU meeting in Ougadougou each published statements insisting that the region should lift or suspend sanctions. Over the past few months, other donors, including Austria and Japan, have announced that they will resume co-operation activities.

On the initiative of the Department of Political Affairs (DPA) and the UNDP, the United Nations undertook to draw up an "extended humanitarian aid" strategy for Burundi. This was made public in "*Choose hope. The case for constructive engagement in Burundi*", a paper published in December 1998 and discussed during an important meeting of donors in New York on 11-12 January 1999. This called for the resettlement of a maximum number of displaced persons and returning refugees to begin immediately, and recommended an integrated and simultaneous approach to emergency aid, assistance in the reconstruction and rehabilitation of communities, and development aid.

¹⁷ The president of the Assembly received telephone calls up to the last minute from Nyerere and Museveni trying to convince him not to sign the transition agreement.

This strategy falls into the framework of support for the peace process already underway inside Burundi, and anticipates targeted, concrete actions concentrating first and foremost on the population. The first phase will cover the rehabilitation of schools, houses, the water system and health. The second phase will assist in the resettlement of the displaced and returning refugees "hill by hill".

This common approach was presented to Facilitator Nyerere during a meeting in New York in January 1999. Nyerere had taken a different position on the question of co-operation, believing that the resumption of aid should be negotiated within the framework of Committee Four on reconstruction and development established during Arusha IV in January 1999. However, this committee's mandate still remains ambiguous. It is not clear whether its remit is to design an aid strategy dependent on progress in the peace process, or to draw up a plan of action to begin after a peace agreement has been reached. In any case, during the committee session held in March 1999, the Facilitator's team openly criticised the "conspiracy" by donors who want to conduct their own policy and "sabotage" the peace process¹⁸.

Having recently suspended sanctions, it is possible that the Facilitator hopes to keep control over the remaining means of putting pressure on the Burundi government. He has had three tools at his disposal thus far: sanctions, the use of force (by tolerating some Tanzanian support for the Burundian rebel movement) and development aid. As long as sanctions were maintained, he had considerable leverage over all the participants in the peace process and was an essential interlocutor.

Conversely, international donors have emphasised that their approach to resuming aid should not be linked with the raising or suspension of sanctions¹⁹. They affirmed that their main motivation is to prevent a social and economic disaster that would make the situation even more explosive and further delay the peace process and the conclusion of an agreement. For their part, the UNDP, the European Union and the DPA are proposing a gradual resumption of aid linked to progress in the peace process. The first projects agreed will begin as short-term projects and 1999 will be used to observe the political evolution prior to deciding further progress in co-operation activities.

The total amount of aid will be very low and therefore easy to monitor (a little over 10 million dollars). Aid will only be resumed on a large scale once an agreement is signed in Arusha. On the other hand, no consensus has yet emerged among those involved in negotiating and implementing aid. It has not been decided whether aid will be given directly to the government, as France and Belgium seem to prefer, or channelled via international NGOs. If the Burundian government proves that it is capable of participating in this approach in a constructive manner, a genuine transition strategy could be envisaged from the beginning of next year.

¹⁸ Interviews with members of the Facilitator's team in Arusha, March 1999.

¹⁹ Interviews with representatives of UNDP, the DPA and the European Union, December 1998-January 1999.

It is clear that the inverted logic that has been at work up to now in the region intended the embargo to act as a force for change by provoking social discontent²⁰. On several occasions Presidents Museveni and Nyerere explained to Burundi's leaders that the embargo was meant to arouse dissatisfaction among the population and lead them to overthrow the regime. A new logic, one of humanitarian intervention and international support for the peace process in the hope of encouraging stability and preventing a social and economic explosion²¹, is now beginning to dominate.

- **Evolution in international opinion in regard to Burundi**

The international community's approach to Burundi is slowly but surely beginning to change. Although negotiations have not yet reached a conclusion, Burundi seems increasingly stable politically in a region torn apart by civil wars. It is the only country at war in Central Africa to be involved in an external peace process, to have installed a coalition government and to have agreed to negotiate with its guerrilla movement. Diplomats suggest that if a peace agreement is reached, Burundi could become a political model for countries vulnerable to ethnic conflicts and a force for stability in the region.

Although there has been some progress at the political level, it is still too early for enthusiasm. It should be remembered that although Burundi was the favourite child of institutional donors in 1992-93, that did not prevent a catastrophe arising. The war is not yet over and there is no reason for euphoria. There are other factors at play that could directly contribute to the war by upsetting the Burundian partnership arrangement and disturbing the balance of power between the partners. These include the fluctuating level of international interest and the changing balance of power between different actors in the conflict.

- **The financial audit conducted by the Mwalimu Nyerere Foundation**

The results of the financial audit conducted by the Mwalimu Nyerere Foundation between 2 November and 16 December 1998, which was commissioned by the European Union, constitutes another factor in favour of lifting sanctions. Donors agreed to hold an audit at a meeting on Burundi organised by Canada and held in Ottawa in August 1998. This resulted from the increasingly virulent criticisms about the organisation of the Burundi Peace Negotiations and their financial management after the Arusha process recommenced in June 1998.

Norway and Denmark declared that they would no longer support the process financially, and other countries also threatened to withdraw. There is still uncertainty about funding for the next round of negotiations in Arusha. From the budget drawn up by the European technical assistance mission, it appears that Arusha IV, V, VI and VII either have or will cost around one million dollars for each 15-day meeting. The committees must meet on two further occasions at a cost of USD

²⁰ Interviews with members of the Nyerere Foundation and the Facilitator's team. See also "*Burundi under siege: Life the sanctions; re-launch the peace process*", ICG, 28 April 1998, p 8.

²¹ Interviews with representatives of Burundi's political parties in 1998.

900,000 per session. A total of 6 million dollars is therefore required for the process to continue next year.²²

The aim of the European technical mission²³ was to examine the financial management of the peace process and propose some recommendations. It identified three types of structural problem. First, in regard to organisation and the distribution of responsibilities, the respective roles of the Facilitator's team and the Mwalimu Nyerere Foundation²⁴ are not clearly defined. The same is true for their legal status and individual responsibilities in regard to financial management. The decision-making structure within the Facilitator's team is also vague, which makes it difficult to identify responsibilities. Second, there is great confusion over the question of financial management and no rules seem to have been applied. Over the past two years, funds worth more than 3.5 million dollars were provided by around 20 donors and deposited in four different accounts. These were disbursed without any central control, with no long-term budget and without correctly identifying human resource requirements.

The report highlighted problems in regard to methodology and objectives. On the one hand, the Facilitator's team has not been provided with terms of reference for its work. Donors therefore have no standard against which to measure, verify or quantify progress at each step of the process. On the other hand, there has been no attempt to devise a strategy for communicating with or circulating information among the Burundian parties to the negotiations. For example, even after the report was issued nobody in the Facilitator's team seemed concerned about the need to distribute the Peace Plan among the Burundian participants²⁵ to the process. The report indicates that such failures result from a lack of general organisation and does not infer any hidden objective of "disinformation".

In a press conference held on 19 December 1998, Joseph Butiku, the executive director of the Foundation, talked about the poor financial management and confirmed that those responsible had been identified²⁶ and measures taken to prevent future abuse.

Finally, the report emphasises the responsibility of the international community. Donors have not only failed to insist on an outline of the global and specific objectives of the Facilitator's team, or of how funds should be monitored, but they have also been reluctant to raise these issues with the Facilitator himself.

These allegations of organisational problems confirm reports by various international observers and by almost all of the Burundian parties. One example can act as an illustration. During committee meetings in December 1998 the presidents of the different committees were not

²² With 3.5 million dollars already paid out and a further 6 million anticipated, the peace process will have cost over 10 million dollars.

²³ Mission of Technical Assistance for the European Union Commission, 2 November to 16 December 1998, Dar Es Salaam, 15 December 1998.

²⁴ Set up in 1997 with Nyerere's approval as Facilitator in the peace process

²⁵ This information has been checked with the Foundation and with several Burundian political parties.

²⁶ Joseph Butiku, press conference, International Conference Centre, Arusha, 19 December 1998.

consulted about either the Peace Plan or the agendas for their own committees.

2. The challenges facing the Arusha process

2.1. The impact of the war in Congo on the security situation in Burundi

- **The Burundian conflict SHIFTS to the DRC**

Since the beginning of the war in Congo both parties to the Burundian conflict have found themselves involved there also. There are now reckoned to be 3,000 Burundian guerrilla fighters and 9,000 Burundian soldiers fighting in the DRC.²⁷

Burundian troops were already present on the Congolese side of Lake Tanganyika prior to the war, but then the objective was to protect their own interests. These comprised a safe commercial route for the transit of strategic goods affected by the embargo, control of the frontier close to the airport and the capital, Burundian investments in Kivu, and liaison and monitoring activities performed with the agreement of the Congolese authorities.

When the war broke out and Burundi closed its embassy in Kinshasa, its army rapidly deployed a thousand men in the area around Kalemie. This first deployment, which included elite troops, was intended to be discreet. The Burundian authorities then justified further intervention on three counts.

- To protect national territory against attacks by Burundian rebels recruited and armed by Kabila, and prevent them setting up bases on Congolese territory. This was intended to avoid a repeat of the experience between 1994 and 1996, when armed factions were installed in Kivu with the complicity of Mobutu and carried out cross-border raids on Bujumbura.
- To protect the supply route from Zambia via Lake Tanganyika. FDD attacks from Tanzania or Congo on boats sailing to Bujumbura from the port of Mpulungu in Zambia could seriously endanger the defence capability of the capital and the army's strategic resources. There have been several clashes on the lake since last August: the Burundian army has shelled rebel boats transporting arms from Congo to Tanzania, and army soldiers were killed in September as they crossed towards Kalemie.²⁸
- To protect Banyamulenge and Burundians in South Kivu. The Banyamulenge have grown closer to the Burundians since Kabila took power. Despite their involvement in the ADFL,²⁹ the prospects for peaceful coexistence with other Congolese ethnic groups have

²⁷ This information is not officially released by the army, but has been confirmed by many witnesses, death notices and the large number of soldiers in hospitals.

²⁸ Interview with Burundian soldiers in September 1998 and with members of the armed rebel groups in January 1999.

²⁹ AFDL: *Alliance des Forces Démocratiques pour la Libération du Congo-Zaïre* (Alliance of Democratic Forces for the Liberation of Congo-Zaire).

not improved under Kabila and they are therefore seeking to make alliances with neighbouring countries.

Burundi has always made it clear that its intervention in the war in Congo had limited ambitions. Kabila had been Burundi's ally rather than its enemy until war broke out, and the Burundians were keen to deny any involvement in coups planned against him. Kabila had made a point of denouncing the embargo on Burundi when he came to power and even invited Buyoya to his investiture. This old solidarity could explain why Kabila, who strongly protested the Rwandan and Ugandan presence in the DRC, did not protest that of Burundi.

However, the government of Burundi has known since last August that Kabila has recruited the FDD and that ex-FAR³⁰ soldiers are serving in his infantry. It should also be borne in mind that a large part of the Congolese Armed Forces, trained and while still under the direct command of Rwanda, defected to the rebels, and that countries "invited" to assist Kabila, ZIMBABWE in particular, have concentrated mainly on air bombardments and limited the deployment of their own men on the ground. As a result, the prospect of an end to the war in Burundi is now directly linked to the fall of Kabila, the direct consequence of which would be to cut off essential supplies to the Burundian rebels.³¹

At the end of August an estimated 6,000 or more rebel fighters were present in Congo.³² Since the beginning of the war, 2,500 men recruited from among refugees and the FDD have been trained in Tanzania, from where they leave by boat in groups of 500 for Kalemie, and then go on to Fizi. According to interviews conducted by ICG at the time, Kabila promised them weapons, uniforms and money. These recruitment operations were carried out under the supervision of the Congo consulate in Kigoma and Congolese officials coming directly from the DRC and from Dar es Salaam. Several international NGOs based in Kigoma testify that the Tanzanian authorities were perfectly aware that this was going on. There was an active recruitment campaign within the refugee camps, and some wounded refugees undergoing treatment in Kigoma's hospitals disappeared overnight.

- **The impact on the FDD's negotiating position**

Towards the end of November 1998, following fighting in the region around Moba, a large number of FDD troops (about 4,000 according to the information available) crossed Lake Tanganyika from Kalemie and Moba in the DRC to Tanzania. From there, without being disarmed, they soon passed into Burundi. They were armed with weapons abandoned by Kabila's defeated soldiers fleeing after fighting had ended.

It was feared that with Kabila's backing the FDD might become stronger and better organised, leading to an upsurge in violence. However, the level of violence has not notably increased in Burundi since the

³⁰ FAR: *Forces Armées Rwandaises* (Rwandan Armed Forces). This was the name of the Rwandan army that eventually left the country in 1994 and was replaced by the Rwandan People's Army (RPA).

³¹ Interviews with members of the FDD, Kigoma, August 1998.

³² ICG mission to Kigoma, Tanzania in August 1998.

beginning of the war in Congo,³³ although there are sporadic clashes between guerrillas and the army on Burundian territory. The rebel movement seems to have adopted a new military strategy since the end of last year and has begun to launch more intensive attacks on undermanned military bases in Burundi.

While the war continues in Congo, the FDD gain time in regard to the Arusha peace negotiations. Although the guerrilla movement was considerably weakened last year, the influx of arms to the DRC has led them to hope that they might gain a stronger position at the negotiation table. The crucial question for the peace process is how to make the renewed military option for the major Burundian camps compatible with the pursuit of negotiations.

- **The impact on army reforms**

The military does not hide its unhappiness over the peace negotiations and the partnership agreement while the war is picking up again, even if it is only being fought on Congolese soil for the moment. The fusion of the two armies into one as called for by the rebels, and the eventual reform of this army, have become sensitive issues due to the escalation in the conflict and the consequent ethnic mobilisation. The government and guerrilla armies are now enemies on Congolese territory as well as within Burundi itself and it is hard for them to envisage reconciliation. On the contrary, the army is calling for greater resources to face the risk of invasion by the rebels from Congo, the extension of the regional war and incessant provocations by guerrillas within Burundi itself. The increasing involvement of the regions' armies in their neighbour's conflict would also suggest that a strong army would be perceived as a necessary condition for ensuring national sovereignty.

Tensions and the level of violence are more likely to rise than to fall among those negotiating in Arusha. In this context the military find it hard to accept that Buyoya is considering granting the Hutus and FRODEBU the right to be informed and even exercise a degree of control over affairs of state. In fact, a Hutu already has responsibility for decisions concerning the army since the nomination of Frédéric Bavugimyumvira as first vice-president in charge of political affairs after the partnership agreement was signed.

Two dangers arise from military obstinacy and the radical position the army has adopted. On the one hand, there is a risk that the army might use the state of insecurity as a pretext to reject or delay demobilisation and reform. On the other hand, in order to smooth the situation, the president may have to become more radical himself. He has already made several visits to army barracks to explain the peace process and reassure his soldiers. In a television interview towards the end of last year,³⁴ he hardened his tone in regard to the Arusha process saying that those who had not succeeded in imposing victory on the Burundian army in the field could never enforce a political solution from outside the country. He publicly rejected the possibility of merging the government

³³ Weekly reports on the security situation from the UNDP, 1998-1999.

³⁴ *Focus* with Innocent Muhozi, Burundian Television, November 1998.

army and the guerrilla forces in a speech given during Army Day celebrations in March.

2.2. A cease-fire and FDD participation: the gap between the political and military positions

In a certain sense the different blocks were more easily distinguishable after the July 1996 coup, making it clear that negotiations to end the war would have to be held between the government army and the rebel movement. Indeed, at the end of 1996 the Buyoya government tried to negotiate directly with the CNDD in Rome.

The main issue during the first round of negotiations in Arusha in June 1998 was how to conclude a cease-fire. Although a cease-fire agreement was signed, two events immediately rendered it obsolete. First, the CNDD split into two wings: one formed around Léonard Nyangoma, the disputed president of CNDD-FDD, and the other around the armed FDD. The FDD, which challenged Nyangoma's presidency of the CNDD, made it known that they felt no obligation to respect the agreement signed by him in Arusha. Second, the government expressed its reserves about the cease-fire, stating that its army must continue to protect the population. The military JUSTIFIED this objection when it expressed scepticism about Nyangoma's real control over the FDD given the internal problems experienced by the CNDD movement.

Today, although the government removed its objections during Arusha II in July 1998, the suspension of hostilities seems to be relegated to second place in its order of priorities. A cease-fire has been under discussion in the committee on peace and security since December 1998 and the government hopes to make it a condition for negotiations to take place. However, FRODEBU and the armed factions want to deal with the political questions first, particularly the reform of the army, and then negotiate a cease-fire.

- **The debate**

The main barrier to resolving this issue is the FDD's absence from the negotiations in Arusha. This raises the risk of a time-gap between progress in political negotiations and in those dealing with military matters. Since July, when the FDD made their break with Nyangoma official,³⁵ they have been insisting on their right to take part in Arusha as an independent group. The Facilitator has refused this up to now, claiming that he cannot accept internal coups and will not allow Arusha to be opened up to all political dissidents. In addition, according to his representatives, the FDD has not officially requested admission to the negotiations.³⁶ Last and most important, Nyangoma has threatened to walk out of Arusha if the FDD is officially allowed to negotiate a cease-fire independently of the party's political wing.

³⁵ Documents circulated by the FDD refer to a congress held in Makamba in July 1998.

³⁶ Interview with members of the Facilitator's team, Arusha, December 1998.

There is an increasing agreement on the part of both the Burundian parties and international observers³⁷ that there are two sides to the question of possible FDD participation in the negotiations. On the one hand, how could a cease-fire be effective if all the parties who control the fighting do not sign it? Some participants are discouraged by the present impasse and suggest that the FDD should be allowed to participate and negotiations could then start again. On the other hand, if they are not invited to Arusha officially, there is a danger that this might lead them to take a more radical stance and leave them with violence as the only means of expressing it.

In response to the growing pressure, Nyerere announced at Arusha IV that he had sent for the commander of the FDD forces, but that he had not been found. For his part, Commander Jean-Bosco Ndayikengurukiye claimed via his spokesman that he wanted to come, but had not been invited. During the committee session in December 1998, Nyerere proposed four options for FDD participation in negotiations. These were either as part of a joint delegation with Nyangoma; or after a CNDD congress to determine who is the legitimate president; or as a new and separate political party led by Ndayikengurukiye and composed of his supporters: or as part of the government delegation!

- **The situation within the CNDD-FDD**

In reality there is much ambiguity about the division within the CNDD and the presence of the FDD. In the first place, questions could be raised about the inability to contact the commander of the FDD, when it was known that he was in Lubumbashi for some months and was recently reported to be in Zambia. In fact, his headquarters are based partly in Kigoma and partly in the refugee camps on the Burundi-Tanzania border, and official delegations of the armed factions that were invited to Arusha came from these same camps. In addition, his spokesmen continue to insist that he want to participate. There are only two possible explanations: either he is claiming that he wants to come, but is not yet ready, or there was no serious attempt to find him. Our supposition is that both explanations are simultaneously correct.

There are several reasons for thinking that the FDD are not ready to negotiate. In the first place, the FDD's involvement in Congo alongside the Zimbabwean military contingent makes their presence at Arusha difficult. They could ALSO play for time and hope to become stronger. However, there is a chance that they could find themselves trapped by the fighting and unable to be present at Arusha, in which case negotiations might well proceed without them and they could find themselves marginalised. Their role in the DRC could discredit them and "depoliticize" their cause for two reasons. First, by taking part in a war that is not their own they take on the character of mercenaries. Next, by supporting Kabila, who is responsible for anti-Tutsi propaganda, they risk accusations of genocide and the political enhancement of their opponents.

³⁷ This position was clearly indicated to Nyerere during the meeting between donors and the United Nations held in New York on 11-12 January 1999.

In the second place, the internal split in the CNDD between the Nyangoma wing led by its founder-president and the armed FDD weakens the movement politically. The armed branch has no politicians in its ranks with the experience to negotiate a return to constitutional legality and the reform of the army, which they have been calling for since 1994.

The scission between the two wings is at the origin of the accusation by the military wing that Nyangoma and some of his advisers misappropriated CNDD funds when they fled the former Zaire ahead of the AFDL, leaving their troops without ammunition or medical supplies. The same troops threatened to desert if ammunition did not arrive. When the FDD officers took control of the movement, they created the hope that it would again become strong. However, it seems that Ndayikengurukiye had difficulty in finding weapons as he did not have the necessary contacts. The people within the movement who had handled negotiations to obtain weapons IN THE PAST were all close to Nyangoma, not to the military side. The lack of weapons could explain the FDD commander's decision to intervene in Congo on the side of Kabila in exchange for new arms supplies.

Since the official disavowal of Nyangoma by the military wing in July 1998, the balance of power within the movement has favoured Jean-Bosco. Nyangoma first tried by every means to reconcile with the FDD, but without success. However, by threatening to leave Arusha if the FDD were to negotiate in the name of the movement, Nyangoma played on his ability to block negotiations until he could reinforce his support. He undertook to use his contacts in Congo to negotiate for arms with Kabila³⁸ and thus draw military support to his side and away from Jean-Bosco Ndayikengurukiye. According to several sources, he was introduced to Kabila through the intermediary of the Kenyan president, Daniel Arap Moi. With his influence strengthened by these contacts, he is now trying to win over a number of FDD officers. One of these, Antoine Mbawa, who had been imprisoned by the FDD commander, was present with the CNDD delegation in Arusha in January 1999 to prove that Nyangoma still had the ability to make trouble on the military side.

It seems that the competition between the two leaders has led to much wavering within the movement and that it is now Ndayikengurukiye's turn to face disavowal by his former supporters. There appear to be three groups within the CNDD-FDD today. The first of these would like to reintegrate Nyangoma and make him the sponsor of all the armed movements. A working group has even been set up to attempt a reconciliation between the different branches of the CNDD and unite the armed groups so that they would hold a strong position in the negotiations. The second group is composed of men such as Jean-Bosco Ndayikengurukiye who are dispersed in the DRC and Tanzania. The third is composed of a fringe of soldiers and officers who challenge the leadership of both Ndayikengurukiye and Nyangoma. None of the presumed leaders of each of these three groups appears to have complete control or direct command of his troops. It seems more and more obvious that the FDD force in Congo is integrated into the

³⁸ He had Mobutu's support between 1994 and 1996.

Zimbabwean military contingent and therefore no longer directly under the command of Ndayikengurukiye.

- **The external factors**

External factors also have to be taken into consideration in order to understand the divisions within the FDD, particularly the roles played by Tanzania and the Buyoya regime. Knowing that the rebel movement is weak politically, it is possible that Nyerere does not believe that the time has come to bring the FDD to the negotiating table. The Tanzanian attitude to the Burundian rebellion, especially since 1996, is based on two objectives. The first is to push for a military balance between the army and the guerrilla movement so that the latter can negotiate from a position of strength. The second is to unite the political wing of FRODEBU, in exile since the July 1996 coup d'état, with the FDD armed wing of the CNDD in order to create a strong interlocutor with the Burundian army.

Nyangoma's 1997 attempt to overthrow Jean Minani, the current president of FRODEBU-in-exile in Dar es Salaam, and become president in his place, should be seen with this perspective in mind. The attempt failed when the FRODEBU congress in Burundi on 6 December 1997 returned Minani to the presidency of the party. Forced therefore to re-evaluate Nyangoma's chances as a credible leader of the Hutu cause, Tanzania then tried to marginalise him³⁹ and put its faith in a Minani-FDD tandem hoping that the FDD and the external wing of FRODEBU would jointly constitute a strong opposition to the Bujumbura regime. But shadow areas remain: according to ICG enquiries, a huge consignment of arms destined for Nyangoma was blocked at the port of Dar Es Salaam around July last year. It seems that first Nyangoma and then the FDD hoped to get hold of this consignment, but Tanzania impounded it. Their dashed hopes might explain the FDD's departure for the DRC.

One explanation for Tanzania's ambiguous attitude towards the FDD is its suspicions about the Burundian government's real intentions. The Facilitator's team suspected the regime of seeking to profit from the split within the CNDD in order to reach a parallel agreement with the FDD through the intermediary of Augustin Nzojibwami, secretary-general of FRODEBU and brother of Ndayikengurukiye, and consequently short-circuit the negotiations in Arusha. By proposing that the FDD should be part of the government delegation to Arusha, Nyerere implicitly showed support for this thesis.

The Buyoya government has in fact held discreet meetings with FDD representatives on several occasions during recent months. It is true that Buyoya has, and could continue, to turn the divisions in the rebel movement to his advantage. Like many other Burundian parties, he wants the FDD in Arusha for three reasons. First, Buyoya knows the political weakness of the movement and reckons that his government holds a stronger position. Second, he knows that by ending the war he

³⁹ Members of FRODEBU and the FDD confirmed that Nyangoma refused an invitation from Nyerere to meet him in Dar es Salaam. It is true that Nyerere has often said that Nyangoma is too "tribalist" to represent a credible liberation movement, especially after the genocide in Rwanda.

would further increase the legitimacy he has already won through the partnership agreement. He would then be in a much stronger position and considerably less vulnerable to attack. And finally, he hopes to marginalise the leaders of the parties-in-exile who maintain a hard-line position in the negotiations. Indeed, the other leaders of the armed factions of FRODEBU fear that they may be short-circuited if parallel negotiations take place. During the Rome negotiations between the Buyoya government and the CNDD under the sponsorship of the Community of San't Egidio in 1997, FRODEBU was already concerned about being left on the sideline. Some FRODEBU leaders, such as former president Ntibantunganya, are still asserting that negotiations should be "*between those who hold power and those who have lost it*",⁴⁰ and consider themselves the rightful representatives of the latter.

Today, whether by its presence or by its absence, the Burundian rebel movement is effectively holding the peace negotiations hostage. In order to resolve this dilemma, it is absolutely essential to invite them and leave them the choice of whether or not to come and negotiate. If they do not come, given the present regional situation, there is a considerable risk that the government will officially declare that the rebels do not wish to negotiate and use this as a justification for implementing the military option.

2.3. The risk of FRODEBU breaking up

The unity of the FRODEBU party today appears to be seriously at risk from internal tensions that have been latent for several months. They came to the surface in March 1999 and threaten the future of the party despite that various internal and external attempts at mediation that are underway. Since the start of the Arusha process and the signing of the partnership agreement in June 1998, there have clearly been disagreements between the external FRODEBU, led by Jean Minani, president of the party-in-exile, and the internal wing of FRODEBU, led by Léonce Ngendakumana, president of the National Assembly, Augustin Nzojibwami, party secretary-general, Domitien Ndayizeye, national executive secretary, Frédéric Bavugimyumvira, first vice-président of the new government, and Denis Nshirimana, minister of public works.

The essential difference arose from the strategies to be adopted in regard to peace negotiations and the partnership. Those outside the country criticised the collaboration of those inside with the Buyoya regime. These divisions became evident during the regional summit on Burundi on 23 January. The previous evening, under the impetus of Jean Minani, the presidents of four parties-in-exile, FRODEBU, *Rassemblement du Peuple Burundais*, the *Parti Libéral* and the *Parti du Peuple*,⁴¹ circulated a document calling for sanctions to be suspended for five months and setting out eleven conditions that the regime was expected to fulfil. The next day, after the unconditional suspension of the embargo by the region's heads of state, Augustin Nzojibwami, secretary-general of the internal wing of FRODEBU, countered that the document had been signed without previously consulting members of its EXECUTIVE committee present in Arusha.

⁴⁰ Committee sessions, March 1999.

⁴¹ In English: (Burundian People's Assembly), the Liberal Party and the People's Party.

The internal combat is today intensifying, bringing into the open rifts existing even within the FRODEBU movement in Burundi. On 18 March the secretary-general suspended a dozen members, including four senior party officials: the former president, Sylvestre Ntibantunganya, the permanent national executive secretary, Domitien Ndayizeye, chief editor of a party newspaper,⁴² Pancrace Cimpaye, and Macaire Nahimana, director of the first vice-president's office. He accused them of humiliating and attempting to defame FRODEBU members mandated to represent the organisation at the Arusha negotiations. According to some FRODEBU members, the secretary-general acted without consulting the party president, without reference to the party's statutes and without meeting with the management committee or the executive office. FRODEBU President Jean Minani immediately overturned these suspensions, stating that the secretary-general "*was acting out of hidden and sectarian interests and beyond his statutory competence*". FRODEBU's National Management Committee met on 21 March at the residence of the president of the National Assembly and decided on "*the suspension of the Honourable Augustin Nzojibwami as secretary-general and legal representative of the Sahwanya-FRODEBU, member of the National Management Committee and member of the Executive Office of the latter*." This decision was immediately confirmed by Dr. Minani.⁴³

Since the beginning of the partnership Augustin Nzojibwami has been under fire on a number of counts. First of all, in addition to his functions as secretary-general of the party and second vice-president of the enlarged National Assembly, he is criticised for playing along with Buyoya. It seems that he carried out a number of "secret" missions in the region, reporting back directly to Major Buyoya although these were supposedly carried out on behalf of the National Assembly. These missions had two objectives. They were intended to begin negotiations between the high command of the FDD and the Buyoya regime outside of the Arusha process leading to a gradual reform of the army. They were also to be used to lobby the region's heads of state and persuade them to agree to Buyoya leading the post-Arusha transition government for a period of five years.

A statement by FRODEBU's provincial representatives on 19 March denounced leaks of secret information by some senior party officials, including Augustin Nzojibwami and Denis Nshimirimana, the current minister of public works. "*All discussions of a confidential character are in the hands of our political opponents the next day. ... This lack of discipline is particularly obvious on the part of the secretary-general, who, instead of keeping silent about internal party matters, has on several occasions confided them to our political opponents. ... We have reached the point at which FRODEBU's secretary-general hands a proxy vote (in parliament) to the Honourable Ngenzebuhoro Frédéric, a member of the central committee of UPRONA.*"⁴⁴

⁴² *L'Aube de la démocratie* (The Dawn of Democracy).

⁴³ Decision n° 700/86/009/99.

⁴⁴ Press release n° 200, 23 March 1999, Burundi Bureau of FRODEBU.

Augustin Nzojibwami has also been reproached for statements judged to be too pro-Buyoya. In speech in Arusha on behalf of the government, he questioned the universally acknowledged principle of "one man, one vote" and explained the massacres that Burundi has experienced since 1965 as the result of importing a Western model of democracy, which has led to "*unequal competition*" directed towards "*uninformed voters*". FRODEBU President Minami denounced this speech and said that the views expressed were not representative of FRODEBU.

For his part, the secretary-general claimed that there was a conspiracy against him, which he attributed to the regionalist factor. As it happens, he comes from Bururi, the province from which most of the political and military officials who have ruled Burundi since independence originate. This in itself seems to constitute a sufficiently strong argument for his colleagues from the centre and north of the country to mark him as pro-Buyoya. He accuses former President Ntibantunganya and those he tried to expel from the party on 18 March 1999 of meeting exclusively with members from the centre and the north, without consulting him. He believes that Ntibantunganya's hidden strategy is to recoup influence in the party as the transition period approaches by presenting an image of himself as respectful of party rules and procedures while accusing his rival of a lack of respect in regard to such legal niceties.

President Buyoya often found himself accused last summer of being behind the split in FRODEBU, which he might have encouraged in order to bypass Arusha and weaken the parties by dividing them and buying off some of their members. One factor that would corroborate this theory is that the gendarmerie seemed to respond immediately to Nzojibwami's orders the day that he suspended the four party officials.

A divided opposition obviously presents enormous short-term advantages for the Buyoya regime. On the one hand, he appears as the only credible and consistent leader, standing above those who are destroying each other as transition approaches. On the other hand, the leadership crisis within FRODEBU allows him to judge who finally represents the party membership and who does not, which will be useful when it comes to making alliances in the future. Nevertheless, a weakened opposition also presents short- and medium-term obstacles. In the short term, this crisis poses several questions in regard to who will represent FRODEBU in Arusha and who will be Buyoya's interlocutor at the negotiations. How will Nyerere, who would not accept "*the internal coup d'état in the FDD*", react to one within FRODEBU? What effect will all this tension have on the partnership? Domitien Ndayizeye, one of the partnership's representatives in negotiations with August Nzojibwami, reaffirmed the party's commitment to the agreement, but how long can this last given the opposition within the party and among other elements opposed to this collaboration? And finally, if FRODEBU is disunited and loses credibility, there is a risk that the armed factions may further dissociate themselves from the political branch and continue to act independently. Given that 18 parties are taking part in the negotiations and that they remain very divided at the moment, this will prove an additional obstacle to constituting solid political blocs for the negotiation process.

- **Negotiating the status of party leaders**

In reality, the break up and recomposition of the Burundian political scene was inevitable. Thanks to its political elites and the bad management of the country, Burundi has gone through five years of civil war in addition to the trauma resulting from various cycles of massacres since 1965. The political parties legalised in 1992 do not come well out of the war. FRODEBU lost some of its legitimacy by covering up the Tutsi massacres in 1993, and UPRONA was associated with two coups d'état led by the army in 1993 and 1996. In addition, FRODEBU has seen part of its leadership removed since 1993 with the assassination of Ndadaye and his collaborators, and 25 members of parliament. Today it is split, with one wing in exile and the other in Burundi itself. And it has been substantially deprived of resources since 1996.

During this period of negotiations it is natural that each party adjusts and makes the necessary changes at its own pace in response to them, and this will certainly have to include the sacrifice of some party leaders. The partnership is also upsetting traditional alliances and ways of thinking by instituting collaboration between opponents, but without defining solid objectives or the precise role to be played in regard to Arusha. This is where personal ambitions come in. With the approach of transition, each party leader is manoeuvring himself into the most advantageous position and seeking to profit from new opportunities in terms of status, privileges and the posts that will open up when negotiations are completed. It seems certain that almost every party leader hopes either to lead the transition government, or to take over as president of the National Assembly, which the current president naturally refuses to accept.

In the short and medium term President Buyoya has every interest in assisting the opposition to become strong and credible so that it forms a solid bloc around him, giving him a legitimacy greater than that of the political parties and making him appear to be a real reformer. If he succeeds because the opposition is weak, the opposition parties might become more radical and present him with a serious problem as soon as they see a chance for themselves to become stronger.

2.4. What agreement will be reached at the end of 1999?

- **Another convention of government?⁴⁵**

The competition between the internal and external processes has resulted in a certain hesitation that the political parties are trying to turn to their advantage. Those that were involved in the conflict hope that the victory they were unable to win militarily will be won at the negotiating table. They do not yet seem to accept that the negotiations will require compromises and that there is not enough room for each party to have a place in the government.

⁴⁵ The convention of government signed in September 1994 shared out ministerial posts among 12 parties and instituted a government with a Hutu president and a Tutsi prime minister. As government decisions required a majority vote, each party held a potentially powerful veto over opponents, which led to the paralysis of institutional authority.

The parties remain divided as to the strategies they should adopt. Up to now the external wing of FRODEBU has favoured negotiations in Arusha, while the internal wing has preferred the partnership agreement. External FRODEBU is in the weaker position and does not wish to see sanctions lifted. In fact, it is thanks to the embargo that it has been able to get Buyoya to accept the principle of negotiations. The continuation of sanctions has also helped to weaken the regime and raised the hope that it will fall without outside help. The representatives of FRODEBU-in-exile are convinced that the transition government resulting from the Arusha negotiations will be strongly supported by the region. This new government will have to create a new army and will have a guarantee of regional intervention in case of trouble. Conversely, the internal wing of FRODEBU has regarded the partnership as a prudent approach. If it works, the leaders of this group will be credited for their courage and visionary approach. On the other hand, if it does not work, it is not them who will ultimately be held responsible.

Also counting on regional support, PARENA⁴⁶ at one time considered the possibility of forming a government of national unity with external FRODEBU in the interests of finding an ethnic balance in the region and proposed this as an alternative to Buyoya's government.

Many of the political parties and their leaders are afraid that they will be marginalised once and for all if they are not part of the transition government.

- **Which method: two processes or only one?**

During the regional summit on Burundi on 23 January 1999, President Buyoya confirmed his commitment to reaching an agreement before the end of the year. The government is no longer afraid of negotiations for several reasons. In the first place, it has obtained Ugandan and Rwandan support over the war in Congo. Second, the partnership has shown that Burundians can get along with one another without outside interference and that they could take over the peace process themselves. Finally, given that the rebel movement has been weakened politically and is engaged militarily against several countries, it will not be negotiating from a position of strength.

The government wants to continue to consolidate the present current of internal dynamism and persuade the other parties to participate. It hopes that, as in other peace processes, if the majority participate, the remainder will be afraid of being marginalised and will change position. In fact, blocs are already beginning to form: one is composed of the government, National Assembly, the army, UPRONA and part of the internal wing of FRODEBU; another unites the rebel movement (but not the FDD), the external wing of FRODEBU and part of its internal wing.

The government and the National Assembly hope to merge the internal and external processes into one that would reach a transition agreement resembling the political platform signed in June 1998. However, this would be a more complete and sophisticated version integrating the demands of Burundians outside the country. They have announced that

⁴⁶ PARENA: *Parti pour le redressement national* (Party for National Recovery).

they hope to negotiate a “framework agreement” of the “principles” that would be implemented during the transition. According to several representatives of the partnership,⁴⁷ the real negotiations will begin once this agreement is implemented.

It is true that the Arusha negotiations and the partnership agreement do not share the same approach or methodology. Although the government is trying to use the partnership to form a political bloc, Arusha still remains centred on the political parties, whether or not they are really representative.⁴⁸ It favours this proliferation of parties while hoping for the eventual emergence of a strong and united bloc comprising FRODEBU and the rebel movement. Also, in contrast to the method used to create the partnership, which relied on lengthy, secret internal discussions⁴⁹ without any outside help, the Facilitator preferred to work out in the open. Up to now he has encouraged the parties to make their positions known publicly in the presence of international observers. Another difference is that while the “partners” show that they are already working together on affairs of state and preparing to tackle the major issues at stake, the 18 parties in Arusha have not made much progress on these questions, which they are supposed to have been discussing in committee since December 1998.

These internal and external differences could well pose a problem in the future. If the debates in Arusha are not in phase with the internal process, their legitimacy could be challenged. And the partners (if the partnership is working) can challenge results that may be reached in Arusha without any attempt to consult the population, which the government is trying to do through a national debate. In such a situation, how can the inevitable conflict be handled and the two processes reconciled? A decision on which process has priority over the other will have to be made at some point.

With the changing regional context and the new turn in the Arusha process, there is little chance that an agreement in Arusha will result in radical change in the present situation. Although Nyerere regarded the internal process as a competitor to Arusha for a long time, he has now indicated a clear change of position. He is now telling the Buyoya government that Arusha was only meant as a catalyst, that negotiations depend on the internal process and that he has always regarded a coalition government as the best solution for the transition period.⁵⁰

At the moment, each of the two processes excludes at least one of the parties to the conflict. Arusha excludes the FDD, making the chances of ending hostilities very slender, while the partnership government excludes the Hutu guerrilla movement, the external wing of FRODEBU,

⁴⁷ Interviewed by ICG during January and February 1999.

⁴⁸ Only three political parties out of the 18 present in Arusha put forward candidates for the 1993 presidential elections: UPRONA, FRODEBU and the PRP. Most of the others put forward candidates for the legislative elections. All the parties were created or made official when the democratisation process began in 1992, with the exception of PALIPEHUTU, the FROLINA in its earlier format, PARENA and the CNDD, which were established in 1994.

⁴⁹ Secret talks on the partnership began at the end of 1996, but gathered speed during autumn 1997 after the Arusha process was blocked in September 1997.

⁵⁰ He expressed this opinion to government representatives on several occasions after the suspension of sanctions.

PARENA and other small parties. It should be emphasised that a cease-fire agreement between the government and the FDD will not resolve the problem. It is presumed that this would lead to the marginalisation of other forces, such as the external wing of FRODEBU, the PALIPEHUTU and FROLINA, but a widely-based consensus for a solution would still be missing.

- **The transition question**

The Peace Plan drawn up by the Facilitator's team foresees the end of the process in August 1999, although the government's programme extends over a period of three years up to 2001 (*see below for an appreciation of the programme*).

The discussions underway in Committee Two are representative of the general debate on the transition. The main stumbling block is the role of President Buyoya. The presidents and vice-presidents of the committees are confident that negotiations will conclude with agreement on a final democratic model. However, they disagree over who should lead the transition government.

With the partnership now recognised by everyone, Buyoya has consolidated his position for a time. By agreeing to come to Arusha, he has saved his government twice over. If he had boycotted the negotiations, he would have been accused of intransigence and the countries of the region would have taken a more radical stance. However, all of the parties participating in the Arusha talks are negotiating either to succeed to or to hold on to power, and thereby marginalise their rivals. The government is negotiating its survival and victory for its cautious but progressive approach, while most of the parties anticipate Buyoya's early departure and aim at posts in the new government.

In terms of the transition, one of the options is for the government to accept a compromise on the final democratic model in exchange for opposition agreement on how the transition will be handled. It is possible that the parties in Arusha may propose that Buyoya remains in power during the negotiations, but insist on his departure once an agreement is signed in 1999 or 2000.

No clear model has so far emerged, nor has a consensus been reached in regard to elections.

- **The justice issue**

Consensus is also lacking on the question of justice. In fact, justice has not been dealt with at all in Arusha, neither in regard to responsibility for the massacres in 1972 and in 1993, nor for those that have taken place during the war since 1993. Some of those presently negotiating for an end to the war are themselves either directly or indirectly responsible for the violence since 1993, and for earlier atrocities. They all have an interest in negotiating how justice is to be rendered, either out of individual interest or to block any attempt to define collective responsibility. Some of the parties-in-exile have even gone so far as to accuse the government of allying itself with "*revolutionaries and*

génocidaires” whose only interest in the negotiations is to save their own skins. It is logical to suppose that those taking part in negotiations are also in a position to create trouble. However, it is essential that a formula for reaching an agreement on justice must avoid accepting impunity as the price for reconciliation.

- **The danger of proceeding too fast**

In the first place, the financial pressure exerted by donors for an agreement to be reached in Arusha may lead the government to believe it has won an eventual “victory” and lead them to make only cosmetic changes that will do nothing to resolve the deep-lying problems.

Next, the timetable drawn up by the Nyerere Foundation “for the donors”⁵¹ is unrealistic. This foresees committee sessions in March and again in May, and then Arusha IV in June, with the signing of an agreement during the summer. What hope is there for concluding negotiation within a few months when the various armed groups are not invited to Arusha and the question of army reform therefore cannot be resolved? What validity would an agreement have that did not end the war? Moreover, substantial negotiations have not yet even begun. Committee Two already warned in December 1998 that it would not be able to complete its agenda before June. What validity would there be to an agreement reached without prior substantial negotiations and ignoring the various divisions? Indeed, there is a great danger that without substantial parallel negotiations any so-called peace agreement would be meaningless.

Finally, it is essential to understand that after 35 years of cyclical conflict, peace and reconciliation in Burundi will only be reached through a gradual process and the path towards peace represents a historic transition in itself. Arusha may be expected to sanction and ratify an agreement, but cannot itself change the mentalities, attitudes and perceptions on which the successful application of the agreement depends. The great virtue of the Arusha process is what it has achieved in bringing together almost all the actors in the Burundian conflict, together with regional and international representatives, and seeking “to de-militarise and re-politicise” the debate. It has been more successful in this regard than in encouraging substantial discussion.

It is essential to avoid an agreement reached “at any price”, and essential to ensure that it is potentially durable in order to meet the real interests of Burundi, rather than focusing on the objectives of different parties and individuals, it is preferable that negotiations are spread out over a period of time. It must not be forgotten that there were dramatic consequences as a result of previous donor eagerness to see a democratic regime in Burundi, regardless of the level of education of the electors, or the lack of experience and resources among the political parties.

⁵¹ Nyerere’s own words during the plenary session on 19 January 1999.

B. A FIRST ASSESSMENT OF THE PARTNERSHIP

The internal partnership for peace was intended to seal an agreement in principle to govern and negotiate simultaneously on the important problems facing Burundi. FRODEBU expected three main things from the partnership: the reinstallation of state institutions, particularly the National Assembly; reforms of the justice system; and a restructuring of territorial administration. Underlying these particular expectations was a more general claim to posts of responsibility in each sector. Overall, six months after the partnership agreement was signed, the results are promising, although they are still far from reflecting national unity within all state institutions.

1. Some encouraging signs

1.1. A transition programme up to 2001

The partnership's programme for government was published in November 1998 and covers a period of three years, although negotiations for a peace plan are supposed to continue in Arusha until August 1999.

The programme is "politically correct" overall and is clearly aimed at reassuring donors of this government's good intentions in regard to reforms. It seems to demonstrate a willingness to monitor and co-ordinate the different political and economic sectors, while declaring, albeit with a certain degree of ambiguity, that *"during the transition period and while waiting for the conclusion of the democratisation process, the government is committed to run the country according to democratic principles."*

On the political front, the government has three main targets:

- consolidation of the partnership by, among other things, "the nomination of members to the National Councils, the organisation of open debates, the rehabilitation of the *Bashingantahe* institution⁵², regular evaluations of the Arusha process and the organisation of meetings of substance with Burundians-in-exile via the country's embassies;
- the relaunch of the democratic process, but without setting a target date for this;
- fighting the ideology of genocide through the creation of a national investigation commission and a law to be presented to the National Assembly during its April 1999 session.⁵³

⁵² Term designating a traditional council of elders in Burundi. These councils are responsible for rendering justice within local communities.

⁵³ On the justice front, the government is committed to reforming the judiciary and prison systems by: updating the texts of existing laws and translating them into Kirundi; redefining the role of the Council of Magistrates; decentralising the judiciary and strengthening the operational capacity of the criminal courts; improving the treatment of prisoners; opening a national school for the magistracy and increasing the number of magistrates.

From the economic point of view, the objective is for the country to reach at least the same indicators as were current prior to the crisis in 1993. Economic policy will concentrate on the rehabilitation and reconstruction of the economic infrastructure; the effective management of national resources; the implementation of an integrated plan to revive agriculture and livestock farming; the promotion of small businesses and a system of micro-credits. Other priorities include the relaunch of the private sector together with the liberalisation and privatisation of the economy; the decentralisation of development projects and the promotion of employment.

The main criticism of this programme is the lack of concrete objectives, agendas and action plans; yet the partnership will remain empty of substance if it is not applied. The budget voted through by the Assembly in December 1998 does not reflect the changes in political direction or priorities set by the partnership government. In fact, the budget allocations are very similar to those fixed by the 1998 pre-partnership budget. This means that, taking into consideration both normal and special budgets, justice represents only 5.9%, health 5%, human rights 0.04%, communal development 4.9%, the resettlement of returning refugees 40%, education 30%, agriculture and livestock farming 18%, the interior 11.6%. One possible explanation is that the government is relying on the international community to pay for development projects following on from the peace process.

1.2. A change in thinking

There has been an encouraging change in attitude on the part of politicians. Strong condemnation of their opponents has given way to a more conciliatory tone, and the prospect of negotiations and a coalition government has gradually been accepted. There is also a growing consensus that the massacres of Hutu intellectuals in 1972 and those of Tutsis in 1993 must be acknowledged as acts of genocide. More and more Tutsis are coming to recognise the feeling of exclusion experienced by the Hutus. In parallel with this, an increasing number of Hutus are ready to build a democracy that will reassure Tutsis. A number of myths are disintegrating; for example, that there could ever be an army strong enough to protect the Tutsi population; after all, the army was unable to prevent the massacre of thousands of Tutsis in 1993. In addition, the Hutu belief that a Hutu president could protect

On the security front, the government is committed to reinforcing order and discipline; limiting errors committed by the security forces; a transparent recruitment policy that also aims at *“increasing the resources that are essential for increasing operational capacity so that the security forces can track down the enemy in his last sanctuaries; training rural populations in self-defence, as well as those populations disassociating themselves from the armed gangs.”*

As regards the police, more men will be trained and a programme will be drawn up to introduce police brigades into the communes. The administration will be given a new impetus through the creation of a national training school and the restructuring of the provincial administration around the communes.

A new diplomatic effort must focus on Burundians living in exile and on improving the country's image abroad.

them from the army were shattered as a large number of Hutus were killed under Ntibantunganya's presidency.

That the new partners are strongly aware of the symbolic aspects of reconciliation was evident in relation to ceremony in Kibimba at the end of October 1998. In an event that now takes place annually on 21 October, Buyoya paid homage at the grave of President Ndadaye. The next day in Kibimba, he stood before a memorial of Tutsi children burned alive in their school during the 1993 massacres. However, the very fact that this memorial was constructed out of public funds brought a wave of protest from FRODEBU. They accused some members of the government of substituting this memorial for one planned under the government programme, which was to have been dedicated to the memory of all the victims of 1993.

1.3. Co-operation between the National Assembly and the government is slowly resuming

One of the most positive achievements so far reached by the partnership is the relaunch of a functioning parliament. The membership of the National Assembly was enlarged in July 1998 with the addition of deputies nominated jointly by the political parties, the parliament itself and the government. It therefore has a much better ethnic balance than the previous Assembly elected in 1993, which had a crushing majority of Hutus from both FRODEBU and UPRONA.

The session of the new Assembly that closed in December 1998 made three major advances. First, the transitional government's programme was presented, debated and passed by the deputies. Second, after a well-conducted debate, the 1999 state budget was voted through unanimously. And third, a new province named Mwaro was created in the centre of the country. All the Assembly members met by ICG analysts were very satisfied with the quality of debate throughout the session.

However, this new co-operation has recently been disturbed by what is known as "the nickel affair". The Assembly met in special session at the beginning of March 1999 to debate a strongly criticised agreement between the government and Andover Resources N.L. giving that company the right to exploit the nickel reserves in Musongati. There were protests that the text should have been transmitted directly to the Assembly before being presented to the Council of Ministers. The government was also accused of making a hasty decision reached without calling for tenders and side-lining another interested company. This raised suspicions about the extent of government interference in the committees responsible for awarding state contracts. The minister of energy was obliged to explain various points and agreed to negotiate an amendment to the agreement that would take members' recommendations into account. The Assembly then passed the modified agreement. This is an interesting example of how parliament is beginning to act independently. It also demonstrates that by respecting transparency, the executive body can have a constructive relationship with the legislative body.

2. Some matters for concern

2.1 Political order within the government

- **Delay in making promised appointments**

There was a delay in appointing FRODEBU members to government posts as foreseen under the partnership agreement. FRODEBU first insisted on the ministry of the interior, but finally accepted two governors' posts instead. The party also claimed the post of governor of the central bank, but eventually accepted two posts as vice-presidents. Very few governors and territorial administrators have been changed.

The government's response to criticism on this count is that the partnership and the government convention should not be confused.⁵⁴ According to those who drew up the partnership agreement, the alliance was intended to create a social and political movement for a lasting peace, while the convention was exclusively concerned with the distribution of posts. Given the failed experiment with democracy in 1993, which brought a sudden change in government and violent reaction to this change, Buyoya defended a gradual approach. The objective of the partnership is to build confidence through the day-to-day management of the country's affairs. The older generation of army officers will be progressively retired and replaced by younger men coming from provinces throughout the country, and posts in the administration will also be reallocated gradually. Meanwhile, as negotiations continue in Arusha, FRODEBU will have time to train new leaders to share in running the country, and slowly prepare for a return to positions of power. This period of transition is necessary both to allow time for the situation to cool down and to remove any further justification for a military regime.

- **Restructuring within UPRONA and Buyoya's camp**

The regime has tightened its control over the political life of the country in order to ensure that the government is able to function properly, and also over the media. There is a clear strategy to isolate opponents. For example, the network around former president Bagaza has been neutralised since July 1996. When a group of young armed men carried out a violent attack on Cibitoke in November 1998 in what was suspected of being a destabilisation attempt BY THIS SAME NETWORK, the army put around a dozen of its members behind bars.

There has NOW been official acknowledgement of the division within UPRONA between the supporters of Mukasi who are opposed to negotiations, and those of Buyoya who are in favour. The party's central committee met on 7 October 1998 and made several modifications to internal party regulations. One now states that *"the central committee may meet when requested by a quarter of the total membership, or by the executive office"* (Art. 8). Another allows that *"in a case of serious misdemeanour, the president, vice-president and members of the executive office may be suspended from their functions"* (Art. 27). After adopting these amendments, the central committee decided that Charles

⁵⁴ The government convention was signed by 12 political parties in September 1994.

Mukasi should be removed from his functions as president of the party, to be replaced by Luc Rukingama, a Hutu, formerly minister of foreign affairs and currently minister of communications and a government spokesman. This is an interim appointment. The conflict between Mukasi and Buyoya, latent since the July 1996 coup d'état, has prevented Buyoya from using UPRONA as a tool to legitimise his power. Mukasi, who has certainly gained influence under the convention of government, has stubbornly opposed government policy since the coup. He has claimed that it is impossible to make an alliance with FRODEBU, accusing it of being "génocidaire", although he was willing to negotiate with when the government convention was being drawn up in 1994.

The priority tasks assigned to the new leadership by the central committee are to relaunch the party's structures at provincial and communal level and make it a more generally cohesive body, as well as improving the management of UPRONA's assets and properties, which are needed to support party activities. At another level, the leadership is responsible for defining UPRONA's contribution to the peace process and preparing a national congress.⁵⁵ It is likely that this restructuring is intended to prepare UPRONA to fight an electoral campaign.

- **Conducting a national debate: with whom and how?**

A national debate has been relaunched under the auspices of the government and the parliament. Meetings are to be held at all levels throughout the country and all members of the government and parliament will be required "to explain" the government's policy, and "to inform and debate on" the issues under negotiation in Arusha.

If discussions held under Buyoya on the unity policy are included, it could be said that this much-vaunted national debate has been on the programme of every government over the past ten years. Today, although the government may be sincere in its intention to convince the electorate by reasonable argument, restrictions on the freedom of expression make real debate difficult.

However, there is a degree of contradiction in all this. The parties are negotiating in Arusha, the partnership is underway and the national debate has been revived, but the media and opponents of these processes are still, as has been pointed out, closely monitored. In any case, it is far from clear what relevance these debates will have for the future. Will consideration be given to suggestions arising from them? A number of intellectuals have said that the debates so far appear to be following a pre-determined pattern.

Overall, it is true that any criticism of the partnership is not well received. The government programme clearly states that "*the government will spare no effort to win the total support of the political parties and civil society to the PIP,⁵⁶ and more particularly to the compromise reached within the framework of its platform to lay aside political confrontation and competition. Consequently, politicians and officials of the*

⁵⁵ Minutes of the ordinary session of the central committee, 7 October 1998.

⁵⁶ PIP: *Partenariat intérieur pour la paix* (Internal Partnership for Peace).

*administration should avoid distracting the population by any form of propaganda during the transition period.*⁵⁷

The controls over the media and political life must be seen within a context in which, since Arusha III, the Buyoya regime has faced growing protest. Some members of the Tutsi community have publicly expressed their dissatisfaction, in a more virulent manner than is usually the case, with the government's commitment to pursuing negotiations while sanctions were maintained. However, it must also be pointed out that neither the press nor civil society yet represent an effective vector for debate or a real opposition force; both are young, divided and poorly organised. The 35 years of authoritarian rule, added to a strong respect for authority ingrained in the culture of the people, are not factors to encourage expectations of either a participative style of government, or an acceptance of criticism.

The local press

Apart from the government media, *Radio Télévision Nationale* and the newspaper *Le Renouveau*, there are few newspapers or radio stations disseminating independent information on the political or military situation, or offering any real debate. Government censorship is officially intended to prevent political groups from spreading propaganda and destabilizing the country. It is true that media-disseminated hate messages are less influential as a result as some papers and radio stations have disappeared completely since Buyoya came to power. However, the lack of credible information is contributing towards a climate of growing distrust between the ethnic communities, and the gap is being increasingly filled by a more arbitrary method of communication: rumours and misrepresentations, which are spreading rapidly. This leads many Burundians to prefer the BBC or the VOA rather than the government radio station. As long as government activities and the real situation in the country are veiled from the people and there is no intellectual debate worthy of the name, it is unlikely that they will turn into responsible citizens or feel reassured about the regime's intentions.

Civil society

Most citizen-based associations first saw the light of day under Buyoya I, especially after the adoption of a multiparty system in 1992. However, with the exception of human rights groups such as Iteka and Sonera, few of them still refer to universal values or propagate civil action in favour of peace and democracy. Civil society remains mainly sectarian. Civil associations are generally linked with ethnic interests, such as *Action contre le génocide* (Action Against Genocide), composed of survivors of the 1993 massacres, or regional interests, such as associations of local people defending local interests. They are often politicised and sometimes appear to act almost as substitutes or tools for individual political parties that use them for raising a higher profile among the population and promoting their causes.

One reason for the weakness of civil society is that it is primarily constituted of the urban elite. The peasant masses overall, representing 90% of the population, are not organised and do not represent any kind

⁵⁷ "Programme général du gouvernement de transition: objectifs, stratégies et actions", page 5, November 1998. (This document exists only in French.)

of strong popular movement. Indeed, they have few means of expressing their opinions.

The traditional way in which the population participates as citizens and can exercise any kind of control over its leaders is through the institution known as *Ubushingantahe*. This is a system of councils composed of local elders who administer justice and guarantee social harmony. But post-colonial governments have infiltrated the system and manipulated it for their own ends. The Buyoya government nominated a national council of *Bashingantahe* in an attempt to restore and modernise the institution. However, there has been much protest that imposing reform on an institution that previously represented an authority higher than that of the former kings, and indeed sat in judgement over them, signifies the end of its independence.

2.2. A policy favouring the elite, but with little to offer the ordinary citizen

While government policy aims to maintain a balance among the elite of both ethnic groups, ordinary citizens have not yet seen any real benefits from the partnership. Human rights violations continue and the judicial machinery offers no recourse; not all laws are applied and there is no genuine separation of powers.

- **The security situation and the army's performance**

Five out of the 17 provinces still continue to be badly affected by the conflict, and the remaining provinces experience occasional eruptions of violence. Civilians are the main victims of rebel attacks and army operations. Part of the population continues to be displaced, with people sometimes forced to hide for weeks on end as they flee the fighting, or forced to serve as human shields for the combating sides. The rebels often coerce the population into moving around with them and government soldiers sometimes set up positions in camps for the displaced as a protection from rebel attacks, particularly in Mkamba province on the Tanzanian border.

Even outside the combat zones, where few direct confrontations take place, human rights violations and war crimes persist. Army soldiers kidnap peasants for ransom and have even been involved in cattle stealing. Prisoners are STILL tortured, preventive detention procedures are not respected and false charges are frequently laid.

- **A new approach to human rights and the application of laws**

As far as justice is concerned, the prosecutor general was only nominated in December 1998, although the appointment was supposed to be made last July. The post is now held by Gérard Ngendabanka, FRODEBU member and formerly joint head of Buyoya's office in 1993, as well as minister of justice under Ntibantunganya. Although this is an encouraging sign, it is still far from guaranteeing the independence of the magistracy.

Cases regarding "revolutionaries" and "*génocidaires*" have made little progress; the first category have been returned for further investigation at FRODEBU's request. The question of FRODEBU members held in

prison has still not been resolved. About 20 FRODEBU officials accused of participation in the massacre of Tutsis in 1993 have been released, but many other cases are still unresolved and the evidence against them is not very convincing. The adoption of a national law on genocide has been postponed until the next parliamentary session.

In human rights matters the government's words do not always conform with its actions. If there is to be confidence and progress in the peace process, human-rights violations must be condemned and those responsible brought to account. It is true that it is difficult to ensure systematic respect for human rights or to punish large numbers of offending soldiers when a government relies strongly on army support to retain power while the country is in a state of war. However, there is an inconsistency between a government that announces its intention to lead the transition process when negotiations are concluded, and yet is unable to prevent acts of war.

The credibility and authority of a state relies on its ability to protect its citizens. This is the basis of the Hobbesian pact between ruler and ruled.⁵⁸ If public servants fulfil their duties in an impartial manner, whether as members of the army or of the judiciary, there will be fewer queries about their ethnic origin. If the military behaves badly towards the civilian population, the result will be more recruits to the side of the rebels. Moreover, if the Tutsis regard the rebels as mainly “*génocidaires*”, can the argument still be used if Tutsi soldiers kill innocent civilians? It is also arguable whether it is desirable to integrate all the rebels into the government army when a large part of them have also killed civilians.

In other words, the negotiations should lead not ONLY to the affirmation of principles, but to a committed implementation of them. Real reform will begin with the application of laws and the correct performance of their roles by servants of the state on behalf of its citizens. Out of this will come the institutionalisation of a state of law and a real separation of powers. This will mark a break with the kind of regimes that have successively ruled Burundi in the past, which were characterised by strong executive bodies practising the abuses that have contributed to this climate of impunity. The separation of powers would allow one head of state to succeed another through peaceful democratic process and ensure that no government could “privatise” the state.

⁵⁸ Thomas Hobbes, 1588-1679, English philosopher and author of *Leviathan*. He proposes that a state is founded on a social contract between individuals and an absolute sovereign (holder of power). In their natural state, humans are prey to vanity and jealousy, which often leads to murder. By becoming subject to a sovereign power, their personal security is ensured as the sovereign takes responsibility for providing this. However, the sovereign is not a despot and cannot act unjustly or the state, and lasting peace, would be endangered.