MANDELA, SOUTH AFRICA AND THE BURUNDI PEACE PROCESS

by

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ACKNOWLEDGEMENTS

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

Attempting to keep up with all the twists and turns in the Burundian peace process is like trying to hit a moving target: by the time something has been committed to paper, the caravan has moved on. It is therefore necessary to state that this analysis is written from the perspective of the end of 2003, following the conclusion of a peace agreement which has seen one of the two armed rebel movements joining the transitional government which was originally established following the signing of the Arusha Peace Accord of August 2000. This is presently being heralded as (another) beginning to the eventual end of the civil war which has brought so much misery to ordinary Burundians. We trust that our present optimism, which flows from this latest development, will prove to be justified by later events.

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LIST OF ABBREVIATIONS

Burundi

AMIB - African Mission in Burundi
CNDD – Conseil national pour la defense de la democratie
FDD – Front pour la defense de la democratie
FNL – Forces Nationales de Liberation
FRODEBU – Front pour la democratic au Burundi
FROLINA – Front pour Liberation National
G7 – the Group of Seven Hutu parties which formed a bloc within the Arusha negotiation process
G10 – the Group of Ten Tutsi parties which formed a bloc within the Arusha negotiation process
PARENA – Parti du redress national
PDC – Parti Democrate Chretien
UPRONA – Union pour le progress national

Non-Burundi

AFDL – Alliance des Forces Democratiques pour la liberation du Congo
ANC - African National Congress
AU – African Union
DRC – Democratic Republic of Congo
CODESA – Convention for a Democratic South Africa
EU – European Union
FRELIMO – Front for the Liberation of Mozambique
GOMN – Group d'Observations Militaires Neuters (in DRC)
GNU – Government of National Unity (in post-1994 South Africa)
IMF – International Monetary Fund
IRIN – United Nations Integrated Regional Information Network
IRIN-CEA – IRIN-Central and Eastern Africa
NEPAD – New Economic Plan for African Development
NGO – Non-Governmental Organisation
OAU – Organisation of African Unity
PAC – Pan-Africanist Congress of Azania
RENAMO – Movement for National Resistance (Mazambique)
RPF – Rwandan Patriotic Front
SADC – Southern African Development Community
SADF – South African Defence Force
SANDF – South African National Defence Force
UN – United Nations
UNICEF – United Nations Childrens Fund
UNAMIR – United Nations Assistance Mission for Rwanda
UNDP – United Nations Development Programme
UNHCR – United Nations High Commission for Refugees
UNITAF – United Nations Unified Task Force
UNOSOM – United Nations Operation in Somalia

1. INTRODUCTION

Burundi, a small, impoverished country in the Great Lakes Region of Africa, is a country that has been at war with itself since 1993. This decade of violence, which has claimed up to 350 000 lives (from a population of around 6 million), has been punctuated by numerous failed attempts at peace, ceasefires and broken agreements. From 1996, these efforts have been driven by a series of initiatives that have come to be known as the Arusha peace process, in which, beginning with former President Mandela's involvement from 1999 as the principal mediator, South African diplomacy has been central. This monograph seeks to assess the strengths and weaknesses of this involvement, to locate it in the context of South African foreign policy in Africa more widely, and to consider its contribution to laying the groundwork for a better and safer life for all Burundians.

Presenting an account of the present situation in Burundi, and how it came about, is no simple matter. The story of Burundi is an enormously complicated one, considerably obscured by the differences of opinion as to the salient points of that history insisted upon by opposing actors in Burundi today. Indeed, reaching an agreement between Burundians on the need to differ about their history, whilst living peacefully with each other, constitutes one of the major challenges confronting the making of any long lasting peace. It is correspondingly incumbent upon outsiders attempting to trace and analyse the present state of the country to draw upon as diverse a range of information and sources as possible, and to present as balanced a view as they can if they are not to add fuel to fire further conflict.[1] That challenge is an even greater one to would-be peacemakers, and whether or not it has been met by South Africa constitutes an important factor in the drive for peace, and hence an important theme of this study.

Following a discussion of why it is important for South Africans to consider their country's role in the Burundian peace process, this study outlines background considerations to international intervention in Burundi, with particular reference to three factors: the legal basis for international intervention in conflict torn countries, the limits to UN action in Burundi, and the regional context of South Africa's involvement. A key thesis put forward is that South Africa's engagement in the peace process in this small country is part of a far larger jigsaw of peace it is trying to construct in Central and Eastern Africa.

After a brief review of the calamitous impact of the war upon human security in Burundi, Section 5 of the study examines the historical context that gave rise to the civil war, which is conventionally over-simplified as a conflict between the minority Tutsi, who have historically dominated the government and state institutions, and the majority Hutu. The monograph makes no claim to reflect in any detail the enormous complexities of the history of Burundi as this is not its purpose. However, it is considered that a synopsis, however simplified, is necessary for achieving an elementary understanding of the current situation. Both ethnic division, and a rigid hierarchical structure are deeply embedded in the history of Burundian politics, society and the exercise of power, and it is therefore essential to reflect, albeit cautiously, upon the roots of the contemporary manifestation of these divisions.

The 6th section addresses the causes and events of the so-called 'creeping coup' of 1993 and the resulting outbreak of civil war. The accusations of ethnic cleansing and genocide by parties on both sides of the conflict are considered along with the role of the military apparatus and the constitutional court in upholding this usurpation of power.

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[1] It is interesting to note that participants at early all-party talks on the Burundi peace process agreed that it might be necessary to ask 'independent' historians (a Murundi and respected foreign historians) to write a history of Burundi that could be considered 'objective' and to which Burundi could refer to in their search for a common understanding of their past (Bunting, Mwanasasu and Bgoya 1999:8).

The 7th and 8th sections consider the gradual move towards a negotiated peace settlement in the face of ongoing violence, and how the intervention of the global community under the auspices of the United Nations was mandated. An overview of the internal workings of the Arusha negotiations is presented, with particular attention paid to the role of Julius Nyerere, the former President of Tanzania, as mediator.

Section 9 considers the choice of Nelson Mandela to replace Julius Nyerere as the mediator of the Arusha process following the death of the latter in 1999. The section examines the credentials which Mandela brought to the negotiations, analyses his exercise of his immense authority and diplomatic skills, and assesses how these appear to have contributed to his success in forging an agreement. However, although the basis of the Arusha Agreement, signed in August 2002, as a basis for transition to peace and democracy is noted, it is simultaneously recognised that the failure of the Agreement to be fully inclusive, in terms of securing agreement between the Burundian government and all rebel groups, rendered it a limited achievement which needed to be built upon.

Subsequently, in Section 10, South Africa's continuing role is outlined, with particular emphasis laid upon the role the country's military and the manner in which the Mbeki Government, notably through the person of Vice-President Jacob Zuma, is attempting to build upon Mandela's diplomacy.

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

Having noted that one of the key flaws to the Burundian negotiation process has been its exclusion of civil society, Section 14 examines the solidarity extended to their Burundian counterparts by two South African non-governmental organisations. Viewed as supportive to yet independent of the political negotiation process, such initiatives are seen as encouraging increasing demands from Burundian civil society that their politicians become accountable.

Section 15 then proceeds to suggest some points of convergence between Burundi and South Africa, and how these may contribute to the prospect for a long-term sustained peace. These considerations may also underscore why it was that the Mandela's leadership in forging a peace agreement between conflicting parties in Burundi was appropriate, given his own personal example in dealing with similar issues in the context of South Africa's transition to democracy. The following points of similarity are singled out as being of particular significance:

- Like Burundi, pre-1994 South Africa had a pre-democratic dispensation characterised by the rule of a minority shored up by the support of a powerful and suppressive security apparatus that was able to operate with virtual impunity and that was regularly accused of systematically violating the human rights of political opponents. The Tutsis, in this scenario, are compared to South Africa's whites.
- Both South Africa and Burundi are societies in which political tensions and mistrust are exacerbated by deep divisions along 'racial' or 'cultural' lines. South Africa, like Burundi, has issues of distribution and concentration of wealth along racial lines to confront, as well

as the historic reservation of certain professions and educational advantages for the ruling minority.

- Both South Africa and Burundi also face difficult questions of national unity and democratic participation.
- Finally, the appropriateness of amnesty for those who have misused positions of power and perpetrated acts of violence and terror for political ends is an issue which confronted post-1994 South Africa and which now faces Burundi. A Truth and Reconciliation Commission, as was established in South Africa, was agreed upon for Burundi at Arusha, yet remains one of the most problematic aspects of the current transition.

The final section offers concluding observations on Mandela, South Africa and Burundi. It is noted that, given the as yet incomplete nature of the peace process, definitive judgements are premature. None the less, it is proposed that Nelson Mandela played a critical role in pushing the peace process forward, and that his efforts have been complemented and sustained by South Africa's wider foreign policy in Africa. Yet these and any efforts to make peace cannot succeed unless Burundians seek to take control of their own destiny.

2. SOUTH AFRICA'S ROLE IN THE BURUNDI PEACE PROCESS WHY DOES IT MATTER?

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

Neville Chamberlain, Prime Minister of the United Kingdom, Radio Speech, 27 September 1938

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

(Former) Brigadier-General Kobus Bosman, Leader of the Federal Alliance caucus, Guateng Legislature, "Bring Burundi Soldiers Back", letter to *The Sowetan*, 26 September 2003.

This monograph, commissioned by the Nelson Mandela Foundation, seeks to consider the part that South Africa is playing in current attempts to bring peace and democracy to Burundi. The authors have chosen to somewhat expand their original brief, which was, more specifically, to assess the crucial role played by former President Nelson Mandela as broker of the peace negotiations which culminated in the Arusha Accord of August 2000. It is this Accord which has provided the foundation for progress towards a political transition in Burundi, currently ongoing, which it is widely hoped will lead to a cessation of hostilities between the government and armed political groups and lead on, in the not too distant future, to the reconstruction and development of this beautiful, but blood soaked and conflict torn land. It is also this Accord which has provided the foundation for the involvement of South Africa in the peace process, notably by the deployment of South African troops, initially as a protection force for Burundian politicians engaged in the negotiations, and latterly as a major component of the African Mission, composed also of soldiers drawn from Ethiopia and Mozambique, whose task it will be to police a fragile settlement. What a delicious irony that whereas in the 1980s, the then South African Defence Force was placing 'Our Boys on the Border' to guard the white minority ruled country's integrity against despoliation by Africa, the now South African National Defence Force (SANDF) is despatching 'Our Boys to Burundi' as part of a home-grown, African peace plan! It is precisely because this much wider engagement in Burundi's affairs has flown directly from Mr. Mandela's involvement that we, as authors, have found it necessary to extend the scope of our analysis. Indeed, our view is that no assessment of Mr. Mandela's mediation efforts can be complete without this wider reference to South Africa's role.

Yet all this begs a question: why is it that South Africa should be bothered about Burundi? Or to put it even more tendentiously, why is that South Africa should expose its troops to the very real prospect of possible death and danger, and its treasury, already overstretched, to yet another burden, when – for the overwhelming majority of South Africans – Burundi is a far away country in which a quarrel is taking place between people of whom they know nothing? Most South Africans would agree that a bitter civil war in a distant African country is tragic. Most will shrink from the thought of senseless slaughter, of brutal killings of helpless innocents by either side in a vicious conflict which seems, to outsiders, so frenzied yet so meaningless. So many will say, in echo of Neville Chamberlain (widely thanked at the time by the large majority of Britons for keeping their

country out of war), that what goes on in Burundi is not really South Africa's business. It's half way up the continent, poses no immediate threat to South Africa, and the advantages of military involvement are not wholly plain to see. George Bush's America may arrogate to itself the right to impose democracy upon Iraq, but South Africa should restrict itself to worrying about its immediate region. Or, to put it another way, let's keep our boys (and, of course, 'girls' in today's SANDF) safe and closer to home. Where, writes Brigadier-General Kobus Bosman, they could be more usefully deployed in the war against crime.[2]

The answer which this report will give to such reasoning is that, just as Britain did have a real interest in defending democracy in Czechoslovakia in 1938, so South Africa has a major stake in assisting a return of peace to Burundi. This concern is not simply humanitarian, although it is most certainly that too. It is rather quite fundamental, that South Africa and the moral and material interests of its people, are deeply engaged by the difficult quest for peace throughout the entire continent. Indeed, this is far less a commitment to a theoretical Pan Africanism than a down to earth recognition that democracy and development in South Africa are both inextricably linked to progress towards those goals throughout Africa as a whole. Critics may question the viability of the New Economic Plan for Africa's Development (NEPAD), yet few query the fundamental assumptions, upon which it is based: that Africa is one and is ultimately responsible for its own future, and that the attainment of peace is necessary for economic development, the relief of suffering and the establishment of foundations for a better life for all Africa's peoples. More specifically, it will also be argued that peace in Burundi is one vital piece of a Central African jigsaw, relating to a much wider peace process, that South Africa is busily engaged in constructing.

[2] *The Sowetan*, 29 September 2003.

3. INTERNATIONAL INTERVENTION IN BURUNDI: BACKGROUND CONSIDERATIONS

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

- A process of pre-transition and then transition to culminate in the holding of democratic elections
- The creation of a senate and amendments to the existing composition of the National Assembly
- Judicial reform, in part to decrease Tutsi domination
- Military reform, to decrease Tutsi domination and to facilitate the integration of rebel armed forces into the army
- The establishment of a Truth and Reconciliation Commission, similar to that appointed in South Africa, which might have power to grant amnesty for politically motivated crimes
- An international military force to assist in the management of the transition; and
- An independent investigation into alleged crimes of genocide.[3]

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

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

3.1 *The Legal Basis for International Intervention in Conflict Torn Countries.*

Broadly speaking, it remains an established principle of international law that internal conflict within a state is a matter of internal jurisdiction and that the intervention of the international community is therefore *ultra vires*. However, this principle has been repeatedly challenged since 1945, as the horrors perpetrated on domestic populations by the Nazis, the apartheid state and by numerous other tyrannous regimes have become evident. Hence it is that, in particular, the "magnitude of the human suffering generated by ethnic conflicts and the threats they pose to regional peace and security routinely results in calls for external intervention."[4] However, unilateral action is generally not favoured because of the license to misuse such intervention on the part of individual states, and hence "most demands for action are addressed to international organisations,

[3] Mthembu-Salter (2002:31).
[4] Wippman, 1998: 17.

the United Nations in particular."[5] Where there is internal opposition from one of the warring parties, the UN may use its discretion to override this, but only if it considers that the conflict in question "poses a threat to international peace."[6] In the real world, of course, states often intervene directly in the affairs of others entirely without, or with only dubious, international sanction: apartheid South Africa's overt and covert illegal military assaults upon neighbouring states, notably in the 1980s, were as numerous as they were notorious; Tanzania's decision to commit its armed forces to the liberation of Uganda from Idi Amin's despotic rule in 1979 failed to secure the backing of the Organisation of African Unity because of the strenuous opposition of key African states; South Africa's intervention into the affairs of Lesotho in 1998, although formally carried out under the auspices of the Southern African Development Community, was widely condemned as illegal; and, more recently, of course, the action taken by the United States, Britain and others in invading Iraq and bringing about 'regime change' was taken in spite of strong opposition from within the United Nations Security Council.

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

> The law *de lege lata* appears to recognise a right to unilateral humanitarian intervention by groups of states and regional actors in internal conflicts in three instances: 1) when there have been human rights abuses so egregious as to violate the *jus cogens* norms of international law; 2) when a government has collapsed and is spiralling into a state of anarchy; 3) to safeguard democracy when a democratic regime has been violently overthrown against the will of its domestic populace.[7]

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

Whatever the ambiguities which surround the armed intervention of states into the affairs of others, there is little doubt that the involvement of South Africa and other key players in the Burundi peace process fully enjoy the sanction of international law, having the full backing, *inter alia* of the UN and the African Union. Indeed, a case could be made that international intervention in Burundi could have been, or can currently be, justified on one or all three grounds for intervention as cited from Levitt above. None the less, this is not to say that just because an action is internationally legitimate, that there will be the international will to support it. This is particularly the case in Africa, where the international community as a whole appears peculiarly reluctant to get to grips with major crises, however disastrous for human rights these might be. This is demonstrated by the present case of Burundi, in whose affairs the UN has exhibited considerable ambiguity in becoming actively involved.

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[5] Ibid.
[6] Ibid.
[7] Levitt 2001:15

3.2 *The UN in Burundi: the limits to action.*

Genocide must surely be the worst of international crimes, yet just because it occurs it does not mean that the United Nations is either willing, or has the capacity, to act to prevent or halt it. The UN has very limited autonomy of its own, and for major peace interventions is heavily dependent upon the willingness of the world's major powers, notably the permanent members of the Security Council, to grant diplomatic, financial, humanitarian and where need be, military support to render such engagements viable. In the particular case of Burundi, these pre-conditions for action have not been present, and although, as will be detailed in Section 4, the UN is one of the few major actors providing humanitarian aid to Burundi, it has largely stayed on the sidelines diplomatically. Although, as will be illustrated by reference to various UN resolutions below, the UN has lent its principled support to the peace process, it has in practice devolved international responsibility for resolving the conflict and establishing democracy in Burundi to the OAU and its successor body, the African Union (AU), which have in turn largely passed responsibility on to an unofficial group of states, headed by Uganda, Tanzania and South Africa, colloquially known as 'the regional initiative'. In broad terms, the actions taken by the regional initiative therefore enjoy the support of the wider international community.

The reasons for the UN's hitherto limited role are not difficult to fathom. Bluntly put, African states would argue that the first reason is that African lives are valued more cheaply than American or European ones (hence Western action against genocide in Kosovo in 2000 became a necessity for Western politicians whereas genocide in Rwanda in 1994 was not). They would likewise argue that, whereas US/British action against the regime of Saddam Hussein in Iraq may have been fuelled by a drive for oil and establishment of Western hegemony in the highly unstable Middle East, Western backing for vigorous action by the UN in African countries without either significant resources or strategic importance is likely to be lacking. Third, there is the fact that Western, and particularly US, enthusiasm for becoming directly embroiled in Africa's seemingly multiple and far off wars was severely dampened by events in Somalia.

By 1991 the Somalian state had virtually collapsed as a result of inter-factional fighting which had caused a massive humanitarian crisis. Following the termination of the Gulf War (1990-91), the conscience of the international community was sufficiently stirred to launch a UN operation (UNOSOM I), the basic objective of which was humanitarian, to protect aid workers, and to ensure that food and medicine reached those in need without being intercepted by factional armies. In December 1992, the UN Security Council accepted an offer by the US to organise and command the UN Unified Task Force (UNITAF) which would provide a secure environment for humanitarian relief operations in Somalia. The basic idea was to resolve the Somalian problem quickly and on a grand scale by replacing a modest UNOSOM force of 3500 troops with a massive 37 000 international troops, 25 000 of them American. This joint UN-US initiative, Operation Restore Hope, fairly rapidly ran into trouble. Whilst it may well have saved Somali lives overall, it was accused of leading to some unjustified loss of life, indiscriminate damage to non-military installations, and overall, lacked a clear objective. The level of resistance of Somali factions was underestimated, leading to the US in particular attempting to impose a military solution rather than giving priority to a political settlement. In the event, not least when the pictures of dead US soldiers being dragged through the streets of Mogadishu by faction fighters were beamed around the world's television screens, the US withdrew in some ignominy, well before UN operations had terminated.[8]

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

[8] Ofcansky 2000: B398-99; Esterhuysen 1998:314.

government and the rebel, Tutsi Rwandan Patriotic Front (RPF). GOMN consisted of some 50 lightly armed observers mainly drawn from Nigeria, Senegal, Egypt and Zimbabwe. When the peacefire broke down, mainly due to violations by Hutu extremists, moves were put in place by the OAU for a larger team of observers GOMN II, drawn from a wider array of African states, which took over on 3 August 1993. However, by February 1993, the latest ceasefire had broken down, and the RPF had resumed the war, so that by October 1993 the UN had already succumbed to pressure for deployment of a full scale peacekeeping force: the UN Assistance Mission for Rwanda (UNAMIR). Formal approval of the Mission only took place just two days after the killing of 18 US soldiers in Somalia. None the less, by March 1994 deployment of the fully authorized total of 2539 UN soldiers (including 1058 Africans, of which 80% were Ghanaian), the rest including Belgian and Bangladeshi troops) had taken place. But by that time the Arusha peace settlement had completely collapsed and the country was on the verge of an unprecedented disaster. The Arusha agreement provided for a 22 month period beginning with the installation of a broad-based government before the holding of elections in late 1995. Yet the various parties failed to agree on the installation of a transitional government; the Arusha mediators did not comprehend that the agreement was not really workable (not least because the conflicting parties had never really agreed to it); and the situation rapidly polarised. Despite these developments, the well meaning architects of the Arusha agreement cajoled Habyarimana into implementing the accord, leading to his speedy assassination by Hutu extremists. A state directed genocide of Hutu moderates and Tutsis followed.[9]

The key point is that the UNAMIR had had forewarnings of the disaster, and the Canadian Force Commander, Major General Romeo Dallaire, had received repeated warnings that widespread civil violence would erupt if Habyarimana was forced to implement the Arusha plan. He had sought to expand the UN mandate, and in essence, to crush the incipient insurrection by seizing arms caches before it happened. However, his warnings were ignored, and in the wake of the Somalian debacle, the UN Security Council was overwhelmingly concerned with cutting the size and cost of UNAMIR to make economies. As a result, when the genocide began, UNAMIR had no mandate, and no capacity, to prevent it. Indeed, by May 1994, weeks after the slaughter had begun, UNAMIR had been reduced in size to just 444 soldiers. To be sure, by this time, the Secretary-General, Boutros Boutros Ghali had effectively shamed the Security Council into now accepting a proposal for the deployment of more highly armed, credible and mobile force of 5500, yet even this was delayed by US wishes to phase the deployment over five months; and subsequently the whole process was hampered by the reluctance of governments with the required resources to make them available. Of the 50 potential troop contributors, only 9 – all African states – responded positively, although even their offers were dependent upon the UN equipping them and providing funding. As an interim measure, therefore, pending their arrival, the UN Security Council, accepted a French offer to field a rapid deployment force of French and African troops for a limited period of two months (Operation Turquoise). Even at the end of that period UNAMIR was far from ready to take over, and it only reached full strength in November 1994.[10]

The relevance of all this for the current Burundian peace process is threefold. First, the UN is constrained in its involvements by the unwillingness of the US in particular to again become involved in a far off African quagmire. Even though the dismal failure of the UN to respond to warnings about the Rwandan genocide is now widely recognised as one of the most shameful lapses of the international community in the post-Second World War era, it remains the case that there is no widespread enthusiasm for active engagement in the Central African region. Second, this international hesitancy is underwritten by quiet recognition in the West that France regards Francophone Africa, and Rwanda and Burundi in particular, as part of its unofficial sphere of influence, and that Anglophone interference is regarded jealously. This reinforces US reluctance to become deeply involved, whilst strengthening the position of the European Union as a potential

[9] Anglin 2000: A4550-53.
[10] Ibid. On the Rwandan genocide generally, see Prunier 1995.

international actor. Third, the primary implication of the UN debacle in Rwanda is that the major global powers are more than happy to devolve almost total responsibility for resolving the interrelated conflicts of the DRC, Rwanda and Burundi to Africa.[11] And in the Congolese and Burundian imbroglios in particular, the US, UN, and EU regard South Africa as having a leading role to play in brokering agreements which will bring peace and democracy as part and parcel of its responsibility as the emerging regional power (or hegemon) in eastern and southern Africa.

3.3 *The Regional Context of South African Involvement in Burundi*

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

This is not to say that South Africa's role as mediator in disputes has always been successful or consistent: for instance, numerous observers argue that a failure of the Mbeki Government to address the crisis of tyranny in Zimbabwe, flowing from the ANC's identification with Mugabe's Zimbabwe African National Union as a fellow liberation movement to the exclusion of seeing it as perpetrator of systematic violations of human rights, has in itself become a major obstacle to the international accreditation of NEPAD. Beyond this lapse, however, South Africa's role as a regional peace-broker has been far more constructive, most notably with the regard to its facilitation of the Inter-Congolese Dialogue. This has recently (in March 2003) culminated in the signing of an agreement, at Sun City, which has established a transitional constitution for the DRC, which will lead, according to a timetable, to elections and a referendum on a final constitution within two years (by 2005). When placed alongside a non-aggression pact between the DRC and Rwanda, and efforts to forge peace in Burundi, this constitutes an overall package whose importance for continental development can in no way be minimised.

Western powers, most notably the US, had long supported the hugely corrupt and deeply authoritarian regime of Mobutu Sese Seko in Zaire (DRC) as a bulwark against communism. However, with the end of the cold war, his regime came under pressure to democratise. Mobutu responded by a series of moves which indicated his determination to control the process of democratisation from above. In the event, however, his regime proved unable to control the forces of opposition which the reform programme unleashed, and it eventually imploded. The particular flash-point was the crisis in the far east of this huge, sprawling country, for the turbulent transition was taking place during the same era as the violent conflicts between Tutsi and Hutu in both

[11] "The international response to the crisis in the DRC is clearly dominated by the concept of 'African ownership' and what is colloquially known as 'African solutions to African problems'. The general economic marginalisation of the continent and the political withdrawal of the Great Powers from conflict resolution in Africa have given states in the region a greater manoeuvrability in regional matters. In the light of the Rwanda and Somalia debacles and the liberal ideology of cost-effectiveness prevailing in Western decision-making circles, combined with a view that wars in Africa are too complex to guarantee a successful outcome, full scale conflict resolution in Africa has come to be seen as simply not worth the gamble. If this is the case for Africa in general, it is certainly the case for the conflict in the Great Lakes region." (Smis and Oyatambwe 2002: 427-28).

Rwanda and Burundi. Hence during the period 1990-94, hundreds of thousands of Hutu and Tutsi fled into Zaire's Kivu region, where they continued their battles against each other. Mobutu's troops were sent to maintain order, but were unable to do so, not least because they aligned themselves with the Hutu who had lost power in Rwanda. Meanwhile, Tutsi refugees from both countries had aligned themselves with the Banyamulenge, ethnic Tutsi who had lived for many years in the Kivu region yet who had consistently been regarded as second class, or even, non-citizens by the regime in far off Kinshasa. They were supported, in turn, by the RPF, which had taken power in Rwanda in July 1994.[12]

Backed by the Musuveni government in Uganda, and the Kagame government in Rwanda, the Banyamulenge *Alliance Democratiques Pour la Liberation du Congo* joined with other forces opposed to Mobutu to form the *Alliance des Forces Democratiques pour la Liberation du Congo* (AFDL) under the leadership of Laurent-Desire Kabila, a veteran of the Simba rebellion in 1964-65. The outcome was a military offensive against the Mobutu regime by the AFDL, supported by the Rwandan army, which culminated in the fall of Kisangani, Mbuyi and Lubumbashi in March and April 1997. With the Zairean army totally unable to put up any effective resistance, the South African government, backed by the US, agreed to mediate, and President Mandela held talks with Mobutu and Kabila on board a South African vessel just outside Zairean territorial waters, and later on a ship outside Cape Town. But on 16 May the Zairean army capitulated, and the AFDL forces took Kinshasha. Mobutu, dying of cancer, went into exile and Kabila took power, renaming the country the DRC. However, rather than establishing a broad based regime, Kabila alienated many forces which had previously been opposed to Mobutu, and his AFDL regime rapidly became viewed as Tutsi oppressors, even though Kabila and most AFDL leaders were actually drawn from non-Tutsi ethnic groups. The fluidity of the situation was further enhanced by continuing instability and clashes between Hutu and Tutsi in the east.[13]

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

The anti-Mobutu coalition which had been formed by Uganda, and Rwanda in 1996-97 had subsequently been joined by Angola, Zimbabwe, Namibia, Eritrea and Burundi, whilst Zambia, Tanzania and Ethiopia supported the AFDL more discreetly. They had joined for security, geopolitical and economic interests, which remained largely the same in 1998 as earlier. Hence it was that it was very much a continental alliance that collapsed when Uganda, Rwanda, and Burundi turned against Kabila, for by now Angola and Zimbabwe had extensive vested interests in the DRC. So indeed, did Uganda and Rwanda, but they faced the very real security threat posed by the Rwandan refugee camps in Kivu, and the various armed groups that opposed the regimes in neighbouring countries which they spawned, notably: the *Interhamwe*, the notorious Hutu extremists opposed to the government of Rwanda; the *Front pour la Defense de la Democratie* (FDD) against that of Burundi; and the *National Resistance Army* against that of Uganda. In contrast, the Angolan government continued to need the support of the Kabila regime in cracking down on its own UNITA rebels which maintained various military camps and supply lines in the western part of the country. The outcome was, effectively, an African war in which the armies of foreign countries, and a myriad of armed political groups, fought with and against each other, for a variety of different reasons. Yet an overriding fact in common was that all governments and armies involved in either supporting or opposing the Kabila regime were determined not to miss out on the opportunities of

[12] Esterhuysen 1998: 142-43. De Villers and Tshonde, 2002.
[13] De Villers and Tshonde, 2002.

material gain provided by the effective dismemberment of the resource rich, Congolese state: as a special commission subsequently appointed by UN Secretary General Kofi Annan was to report, virtually all Congo's neighbouring countries were guilty of activities whereby they were systematically and illegally plundering the country's natural (mainly mineral) resources.[14] The DRC, in other words, was paying for its own occupation by armies which were fighting on its territory.

The set of events which the war set in train were enormously complicted, but key developments can be summarised as follows:

- Extensive diplomatic activity was entered into by a host of international actors to resolve the crisis. The DRC complained to the UN that it was the victim of aggression by Uganda and Rwanda, but the UN – whilst urging the respect of the sovereignty and territorial integrity of the DRC – also voiced concern about ethnic persecution (referring largely to the position of the Banyamulenge). The Western powers which dominated the Security Council, although deeply concerned by a power vacuum at the heart of the continent, remained deeply reluctant, following the Somalian and Rwandan debacles, to engage themselves in the crisis. They therefore avoided any serious responsibility by calling for an 'African solution' to an 'African problem', and referred the matter to regional organisations.
- The OAU established a 'Mechanism on Conflict Prevention, Management and Resolution' to deal with the crisis, but strapped by resource shortages, delegated to SADC the leading role whilst limiting itself to assisting the peace process by coordinating regional and international initiatives.
- Confronted by the Ugandan and Rwandan intervention, Kabila appealed to the SADC for support. This provided the opportunity for Zimbabwe, Angola and Namibia to declare, in August 1998, that the DRC needed SADC support and to despatch troops to the country. In contrast, South Africa called for dialogue and negotiation. The SADC was therefore divided between an interventionist bloc, led by Mugabe, and a mediation bloc, led by Mandela. The latter, then Chairperson of the SADC, called an emergency meeting in Pretoria later that month in which the SADC confirmed the legitimacy of the DRC government and called for a ceasefire pending political dialogue.
- DRC, Angolan, Namibian and Zimbabwean troops defeated rebels in Kinshasa, but the latter progressively took charge of territory equivalent to one third of the country. To limit division within the SADC, Mandela declared that it had unanimously supported the military intervention by its member states (September 1998), but - outmanoeuvred by his rivals in the region who saw him as too close to Uganda and Rwanda - was sidelined by the appointment of President Chiluba of Zambia to mediate between the belligerents. Meanwhile, Chad, Libya and Sudan also declared their support for Kabila.
- Chiluba's efforts and other initiatives made little progress until Colonel Gaddafi of Libya brokered an agreement between the DRC and Uganda in April 1999. This provided for a ceasefire, the withdrawal of foreign troops, and the initiation of a national dialogue. Rwanda refused to implement it, arguing that it was not a signatory, but none the less the agreement paved the way for a diplomatic offensive which culminated in a ceasefire agreement. The inauguration of President Mbeki was used as the opportunity to convene a meeting between SADC leaders and the presidents of Rwanda, Uganda, Libya and Kenya to discuss the DRC crisis in June 1999. A resulting agreement was signed in Lusaka on 25th of that month. This

[14] UN 2001.

provided for an immediate cessation of hostilities, the establishment of a Joint Military Commission (comprising belligerent parties under an OAU chairperson to investigate violations and establish mechanisms to disarm militias and monitor the withdrawal of foreign troops); the deployment of an appropriate UN peacekeeping mission to disarm belligerents and provide necessary humanitarian assistance; the withdrawal of all foreign troops within nine months; and the initiation of an 'Inter-Congolese dialogue' to provide for the emergence of a new political dispensation.

- The Lusaka agreement violated international norms by, in effect, confirming the legitimacy of the DRC government, whilst simultaneously legitimising the occupation of part of its territory by the Ugandan and Rwandan armies. The rebel forces aligned with the latter were similarly, by implication, legitimised, whilst various other rebel groups, such as the *Interhamwe*, were delegitimised. None the less, despite these and numerous ambiguities, the Lusaka Agreement was recognised by most signatories and observers as the best available instrument for restoring peace.
- Repeated ceasefire violations and lack of cooperation with the facilitator of the agreement, former president Ketumile Masire of Botswana, delayed the implementation of the agreement. Faced by a confusing and unstable situation, the UN was hesitant to mount a fully fledged peacekeeping operation. Eventually, a plan was adopted in Kampala in April 2000 for the disengagement and redeployment of troops in accordance with the Lusaka Agreement. Even after that, progress was delayed by increasing tensions between former allies, Uganda and Rwanda, which resulted in clashes between their troops on DRC territory. Different initiatives to diffuse this tension, undertaken variously by the UN and African governments, resulted in a further agreement, signed in Harare in June 2000, to agree on a disengagement plan.
- The second component of the Lusaka agreement, the promotion of the inter-Congolese dialogue, also ran into difficulties. Former President Masire, appointed as facilitator after extensive consultations, ran into major diplomatic obstacles erected by the Kabila government, which proved unwilling to cooperate. This situation was only resolved after the assassination of Kabila on 16 January 2001, and his succession by his son, Joseph Kabila, who proved much more flexible and shrewd than his father. Importantly too, he also soon earned the respect of Western powers which, although initially wary of his lack of experience, found him prepared to implement economic reform, adopt a more liberal political posture towards his political opponents, and crucially, to commit himself to the inter-Congolese dialogue.
- Although sporadic fighting continued around the country, progress was made towards political dialogue, notably via the signing of a Pact in Gaborone in August 2001. This provided for the Inter-Congolese dialogue to begin in Addis Ababa in October, but once again the belligerents proved unwilling to commit themselves to implementing the terms of the Lusaka Agreement. It was at this point that South Africa, convinced that continuing diplomatic prevarication would do major damage to Mbeki's African renaissance plans, stepped in to offer Sun City as a venue for dialogue, which would then take place from early 2002. From then on, South African pressure upon all parties was to prove critical.
- The Dialogue formally began on 25 February 2002. Subsequently, key developments were: the signing of a Memorandum of Understanding by Joseph Kabila and Paul Kagame of Rwanda in Pretoria (July 2002) whereby the latter agreed to the withdrawal of Rwandan troops and the dismantling of the Rwandan Armed Forces and *Interhamwe* (Rwandan Hutu militias) in the DRC; and the signing of a similar Memorandum between Joseph Kabila and President Museveni of Uganda, in Luanda,

(September), which provided for the withdrawal of Ugandan troops from the DRC and for normalisation of relations between the two countries.

- The culmination of the process was the agreement, at Sun City, (March 2003) between competing DRC political groups, on an interim constitution. This provides for Kabila to remain as president of a transitional government, but with four vice-presidents provided by the three major domestic parties (the Kabila government, Jean-Pierre Bemba's Congolese Rally for Democracy, and the Movement for the Liberation of the Congo), as well as by the remainder of the opposition; for the RCD to take control of the Ministry of Defence; and for the holding of an election within two years. Importantly, too, the agreement provides for the Banyamulenge, to be fully recognised as citizens of the DRC.
- The agreement was witnessed by the facilitator, Masire, his two co-mediators, Thabo Mbeki and UN envoy Moutapha Niasse, and three other regional heads of state (of Zimbabwe, Zambia, Namibia). But neither Museveni nor Kagame attended, and nor indeed Kabila and Bemba. Meanwhile, Ugandan and Rwandan troops were to prove reluctant to leave the DRC, whilst the various parties have yet to agree on the crucial issue of how to integrate the different, formerly warring parties into a single national army.
- In sum, whilst the Inter-Congolese Dialogue has to be regarded as a major triumph of regional, but particularly, of South African diplomacy, the agreement remains extremely fragile, and there is no guarantee of its success. Yet this uncertainty only increases the determination of the South African government to help bring peace to Burundi and to neutralise its domestic politics as a significant cause of Congolese, and hence wider regional, instability.[15]

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

[15] This summary draws variously upon De Villers and Tshonda, 2002; Smis and Oyatambwe 2002; Van Hoyweghen and Trefon 2002; Cornish 2003; Kabemba 2002.

4. WAR AND THE DECLINE OF HUMAN SECURITY IN BURUNDI

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

4.1 *Geographic and Economic Fundamentals*

Burundi is located in the scenic and well watered Great Lakes region, bordering Rwanda to the north, Tanzania to the east and south, and the Democratic Republic of Congo (DRC) to the west. It is small, totalling just 27 834 square kilometres, and is landlocked (although with access to Lake Tanganyika), no other African mainland country (except its northern neighbour, Rwanda) has such a large proportion of arable land (about half the total surface area). Rainfall is plentiful, and the occurrence of two wet seasons permits intensive cultivation, making it is possible to reap two harvests a year. Historically, this generosity of the land provided capacity for plentiful production of all the basic necessities of life. However, today, with some 6.2 million people, who are overwhelmingly rurally located, the country is so very densely populated (some 228 persons per square kilometre) that it faces acute environmental challenges of overcultivation, overgrazing, soil erosion and deforestation, crises which are all exacerbated by the disorder, disruptions and refugee flows of war. As noted by Prunier in relation to neighbouring Rwanda (which faces similar challenges), the willingness of peasant populations to engage in genocidal violence is clearly promoted by the sense that there are simply too many people living on the land, and that with a reduction in their numbers, there would be more space for the survivors. Who should continue to live, and who should not, is of course determined by a host of cultural, ethnic and historical factors.[16]

Even prior to the present war, Burundi was one of the poorest countries in the world, and since 1993, the economy has been contracting at an alarming rate. It is overwhelmingly agricultural, and heavily dependent upon the export of coffee (whose prices have declined in recent years), as well as tea, and relatively small outputs of cotton, palm oil and tobacco. Yet most of the land is devoted to subsistence farming, including cattle rearing, and fishing in Lake Tanganyika. There are various mineral deposits (notably of vanadium, of which there are extensive reserves), but the prospects for the proper exploitation of these are greatly hampered by the inadequate internal transport system, long distances from the nearest sea ports, and the reliability of passage through neighbouring countries, as well as by the acute political instability of the country itself. Meanwhile, manufacturing is minimal, almost wholly based in the capital, Bujumbura, and relies heavily upon the production of basics such as beer, soft drinks, cigarettes, soap, glass, insecticides, cosmetics, oxygen, textiles and small scale processing of coffee and tea.[17]

4.2 *The Socio-Economic Impact of War*

The political crisis is simultaneously an acute economic crisis characterised by worsening poverty. Rural poverty is estimated to have increased by 80 per cent since 1993, with a doubling of urban

[16] Prunier 1995: 4.
[17] Esterhuysen 1998: 99-100.

poverty incidence. Overall, the extent and depth of poverty is considered to be close to the worst to be found anywhere in Africa. This is reflected in a sharp deterioration in social indicators, which had shown a significant improvement before 1993. As reported by the UN and World Bank:

- malnutrition, measured by wasting among children under five, is estimated to have increased from 6 percent to 20 percent since 1993, whilst over 24 000 people are treated monthly for malnutrition in 233 therapeutic and supplementary feeding centres around the county, and that figure would be higher if all the needy had access to relief.
- Reported cases of major endemic diseases have increased by over 200 percent since 1993, vaccination coverage has fallen sharply (down from 83 percent in 1983 to 54 percent in 2001), HIV prevalence is rising fast: 20 per cent of the urban, and 6% of the rural population are estimated to be HIV positive, and the number of AIDS orphans now exceeds 160 000. Under-five mortality stands at an appalling 190 deaths per 1,000 live births.
- Primary school enrolment has dropped sharply, from 70 percent in 1993 to 44 percent. National social indicators show an even worse picture at the regional level: four provinces had primary school enrolment below 30 percent in 1996-7, reaching a nadir of 9 percent in one of the most violence-stricken areas.
- War and violence have also entailed massive a massive displacement of the population, as people in the rural areas have been either forcibly resettled into regroupement camps by the army (a policy which was formally suspended in 1997) or have simply fled their homes to safer areas. Almost one in six Burundians live away from their homes; almost 390 000 people are living in some 226 camps in their own country, constituting the largest internally displaced population in the Great Lakes region; an estimated 639 000 Burundian refugees live in neighbouring countries; and a further 200 000 have been living in Tanzania since 1972.[18]

The extent of poverty has been exacerbated by the collapse of public service provision throughout many parts of the country. Numerous schools and clinics have been closed; education and health personnel have been withdrawn to urban areas because of security risks; over one third of local water supply facilities have been destroyed or ceased to function due to lack of maintenance; and agricultural projects funded by donors have ceased to operate. Meanwhile, the decline of social services has simultaneously been made worse the contraction in the government revenue base, from 20 percent to 12 percent of GDP since 1992.[19]

At the same time, already acute structural problems in agriculture – limits of extensification in a crowded country, declining soil fertility, low use of modern inputs, and low incentives in the state controlled cash crop sector – have been made worse by looting of households by both the army and rebels, the destruction of household goods and livestock, population displacement, and the collapse of distribution channels for agricultural inputs and outputs. Production and exports have also been hard hit by the recent world wide decrease in the price of coffee. Meanwhile, in the urban areas, industry has largely collapsed, with a drop in industrial GDP of almost 60 percent since 1992, due to difficulties in the supply of materials from inside and outside the country, and from a drop in demand from the formal sector and expatriate workers.[20]

The capacity of the government to address poverty has also been hard hit by the devaluation of the local currency (which lost almost 30 per cent of its value against the dollar between 2001 and 2002), and a consequent rise in inflation. This has, in turn, increased the already high level of international debt. As much as 85 percent of the debt in 2002 was multilateral and represented 178 percent of GDP. Consequently, debt servicing absorbs 98.8 percent of all revenues and the

[18] UN 2002: 6-7; World Bank 2003: 1-2
[19] World Bank 2003: 2
[20] Ibid: 2

accumulation of arrears was estimated at US $115.7 million in 2001, (or approximately $18.59 per head of an already impoverished population).[21] Yet the most significant factor in terms of its impact on social development has been the reduction of international financial assistance which has resulted from the war. This fell by 66 percent between 1990 and 2002, from US$ 282 million to US$ 97 million. Given that the state budget can barely meet the cost of its own direct employees (civil servants, the gendarmerie and the military), the reduction in external assistance has inevitably resulted in substantially reduced levels of expenditure on health, education and other social programmes.[22] As noted by the UN, this can impact negatively upon the peace process, for "poverty exacerbates ongoing conflicts and discourages the return of refugees and (may) adversely affect the response of armed groups to ceasefire negotiations"[23].

4.3 *Violations of Human Rights*

In a country where up to 350 000 people are estimated to have died has a result of inter communal violence, the abuse of human rights has become systematised. According to Amnesty International (2002): 'Both the armed forces and armed opposition groups ...show complete disregard for human rights and to act with apparent impunity'. To summarise:

- Burundi struggles with a heavy weight of violent history. Post-independence history is strewn with coups, attempted coups, and inter-communal violence. A sequence of massacres by 'Tutsi' against 'Hutu', and by 'Hutu' against 'Tutsi' has "created a culture of violence which is hard to dissolve".[24] In more recent times, government forces have been responsible for indiscriminate violations against the civilian Hutu population. There have been hundreds of extra-judicial executions, not excluding children, and property and crops have been deliberately destroyed. Such violations have been launched in reprisal for activities of the armed opposition, and indicate that the Hutu population in general continues to be regarded as hostile and complicit with the armed opposition. There was a marked increase in the unlawful and indiscriminate killing of unarmed civilians by the armed forces around the inauguration of the transitional government in November 2001. Meanwhile, the armed opposition groups, notably the CNDD-FDD[25] (until October 2003) and FNL[26] did not feel bound by the Arusha peace agreement, and both conducted numerous ambushes in which scores of civilians have been killed. "Armed opposition groups repeatedly robbed, raped and intimidated local civilian populations and forced people to carry looted possessions or ammunition".[27] Following the signing of the peace accord between the transitional government and the CNDD-FDD in October 2003, the latter has (in theory) laid down its arms, but attacks by the FNL continue.
- The forced recruitment of children has been less than in some other African conflicts, (notably that between the Lord's Resistance Army and the Ugandan army, where up to 50% of the formers' armed forces are children). None the less, many hundreds of children have been abducted by armed opposition groups, and hundreds of others have been recruited from refugee camps in Tanzania. In an interview with one of the authors, knowledgeable humanitarian officials estimated that the army, gendarmerie and the two minor rebel groupings inside the Arusha agreement may account for up to 3000 children combatants, with the CNDD-FDD and FNL accounting for a further 5000. Whilst children have not, apparently, normally been subjected to the extremes of violence their counterparts have suffered in the wars in Sierre Leone and Liberia, they have been used to commit some acts

[21] UN 2002: 7
[22] World Bank 2003: 2
[23] UN 2002: 7
[24] Mekenkamp, van Tongeren and van de Veen, 1998: 199.
[25] Conseil national pour la defences de la democratie-Force pour la defense de la democratie. See Section 6.
[26] Formed in 1980. Front de Liberation National is the armed wing of the Hutu Palipehutu movement.
[27] Amnesty International 2002

of violence, and have been used as human shields to protect adults. Former child combatants have also alleged that the armed opposition groups have deliberately damaged their hearing, by firing weapons close to their unprotected ears, in order to render them less fearful amidst the noise of combat. Girls are reported to have been sexually abused. For its part, the army has also been responsible for compelling civilians to undertake humiliating forms of labour, and to participate in the payment of the war effort through special taxes, such as that introduced in May 2001 "to finance urgent security arrangements".[28]

- Despite the introduction in January 2000 of a revised Code of Criminal Procedure, suspects continue to suffer arbitrary detention, often in poor conditions, as well as torture and 'disappearance.' Those arrested by the military are often held incommunicado. Torture and ill-treatment in detention are routine. According to a report published by the Burundian Association for the Defence of Prisoners' Rights cited by Amnesty International, 4 500 out of a total prison population of 8 500 were tortured or ill-treated at the time of their arrest.[29] The Iteka League, a human rights monitoring group in Burundi, has raised serious questions concerning the independence of the judiciary.[30]
- The conduct and incidence of political trials is uneven, and falls below international standards, in particular due to the denial of the right to appeal and the use of statements extracted under duress or torture. Trials continue for people charged in connection with the massacres of Tutsi civilians in October and November 1993, and thousands of Hutu remain in detention awaiting trial. In contrast, few members of the security forces of Tutsi civilians have been prosecuted for their part in the killings of Hutu civilians. Capital punishment remains on the books, and over 440 people remained under sentence of death at the end of 2001. Whilst implementation of the death penalty seems in practice to be restricted, justice is often summary: hence two soldiers condemned to death by a court martial in Gitega for murder, were executed two days after their conviction without having benefit of assistance from a lawyer or their right to appeal.[31]
- Journalists and the media are subject to severe official restrictions, and journalists have been subject to harassment under the transitional government. Peace groups have also been subject to restrictions, and their leaders to detention.[32]

The International Response

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

The UN became involved initially through the United Nations High Commission for Refugees (UNHCR) and the United Nations Children's Fund (UNICEF), which arrived in Burundi first of all in order to help internally displaced persons and refugees who had fled from the 1994 Rwandan genocide. Furthermore, the UN also despatched a special envoy, Ould Abdallah, to Burundi, who was charged with heading off further violence. These efforts coordinated closely with those of the OAU, which had sent an observer mission to Burundi in 1994 to reduce tension by monitoring the activities of, amongst other actors, the national army. These early forays bore fruit in September 1994 when Ould Abdallah brokered a political accord, known as the Convention of Government, which provided for powersharing between the Tutsi led UPRONA party[33] and FRODEBU,[34] the party associated with the Hutu majority. Yet this had little diplomatic weight

[28] Reyntjens (2001: 16).
[29] Ibid
[30] Reyntjens (2001: 14).
[31] Ibid.
[32] Amnesty International 2002.
[33] Union pour la progress national. See Section 5.
[34] Front pour la democratie au Burundi. See Section 5.

behind it, and so although designed to promote national dialogue to bridge the gap between all the various parties and belligerents, it enjoyed limited success in containing the conflict, and by early 1996 there were renewed fears that the situation in Burundi would relapse into outright civil war. As explored in Section 7 below, these fears were to lead to a series of international and regional initiatives which were to lead on to the Arusha peace process. In this case, devolving responsibility upon African regional countries to resolve African problems coincided nicely with Western reluctance to themselves become heavily engaged.

Although having conceded the diplomatic initiative to regional players, the UN has continued to play a significant role in the provision and mobilisation of international humanitarian assistance. In August 1998, the UN Humanitarian Coordinator assembled UN agencies and non-governmental organisations (NGOs) in Burundi to review the humanitarian situation and to discuss the course for future action. These consultations resulted in a joint strategy for assistance, as well as a call for increased investment in sustainable reintegration of the population and the promotion of community development in order to make progress towards a lasting peace. This strategy was formulated in the Consolidated Inter-Agency Appeal for Burundi by the Office for the Coordination of Humanitarian Affairs in December 1998. Subsequently, in 1999, the UN Humanitarian Coordinator for Burundi presented a broadened community assistance programme designed to complement and strengthen the peace process at grass roots level.[35]

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

[35] Mekenkamp et al:201-202.

5. THE ROOTS OF CRISIS

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

The population of Burundi is today described as constituted of around 14% Tutsi, 85% Hutu and 1% Twa (pygmy).[36] However, these ethnic divisions are far from hard and fast, for over the centuries there has been considerable inter-mixing with, for instance, upwardly mobile Hutu being being absorbed amongst the Tutsi by virtue of power, wealth and familial connection. It is also the case that, even if Tutsis were long politically and economically dominant, Tutsi and Hutu have lived at peace with one another over the centuries. This long history of mutual cohabitation helps explain why even today, after years of ethnic polarisation, political parties are still able to draw support from both ethnic groupings. To repeat, although Burundi politics is so often reduced, in analytical shorthand, to being centred around ethnicity, ethnicity is far from absolute. Yet this is not to deny that the importance of ethnicity as a political signifier has increased markedly in a country which, to state the obvious, has endured mass killings bordering on genocide. The problem of Burundian politics, even more so than in most other countries of Africa, is to approach an understanding of why ethnicity has become more, rather than less, politically salient. The answer is not wholly obvious, yet it would seem to lie in the impact of colonial and post-colonial political economy upon Burundi's socio-demographic composition. In short, these have encouraged ethnicity as a form of political identification rather than more unambiguously promoting an overarching sense of national identity and shared citizenship.

5.1 *The Colonial Hardening of Ethnicity in Ruanda-Urundi*

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

Both Burundi and Rwanda are unusual among modern African states in that it they are not artificial creations of colonialism. By the time that both Burundi and Rwanda were absorbed by the German empire at the end of the Nineteenth century, both were long established kingdoms, with a developed sense of territorial sovereignty. Their origins lie amongst the Eastern Bantu peoples, whose ancestors had migrated from central Africa to the north-eastern fringes of the equatorial forest of what is now Congo, bringing their cattle, sheep and goats with them and establishing themselves in dispersed homesteads. Their earliest settlements in eastern Africa were in the 'interlacustrine' region around Lakes Albert, Victoria and Tanganyika; and from here, during the first millennium AD, they spread eastwards to the Indian Ocean coast and southwards into central

[36] These figures plucked from CIA (2002). But the plasticity of ethnicity is illustrated by Esterhuysen (1998:99), for instance, referring to Hutu as "perhaps" accounting for "more than" 80% of the population.

and southern Africa. Where their populations grew dense enough (and in present day Rwanda and Burundi this was greatly facilitated by the 'generous' and 'protective' highlands which provided for prosperous agriculture. and defence against tse-tse flies, malarial mosquitoes and human enemies),[37] the Eastern Bantu "formed states on a monarchical pattern, and the process of competition and conquest among the initial small states led gradually to the emergence of some larger ones". In the interlacustrine region, six large states (Buganda, Bunyoro, Ankole, Karagwe, Rwanda and Burundi) had grown up by the end of the eighteenth century. These were ruled by 'divine kings' who governed through elaborate hierarchies of court officials and provincial chiefs.[38]

The early European explorers who reached Rwanda and Burundi were immediately struck by the division of the populations into three groups, the Tutsi, Hutu and Twa. They inappropriately labelled these as tribes, which are proto nations, yet in contrast they "shared the same Bantu language, lived side by side with each other without any 'Hutuland' or 'Tutsiland' and often intermarried. But they were neither similar nor equal."[39] The Twa, who constituted around 1% of the populations, were pygmoids who lived either as hunter-gatherers in the forests or served high-ranking individuals as servants. The Hutu, who constituted the majority of the populations, were peasants who cultivated the soil, and physically resembled the inhabitants of neighbouring Uganda or Tanganyika. But the Tutsi, who were the dominant group, tended to be tall and thin, and often displayed "sharp, angular facial characteristics", which made them out to be, at least in colonial theorising, a different 'race'. Hence arose highly involved myths, developed by Nineteenth and Twentieth Century anthropologists and colonial administrators, that the Tutsi were not Bantus, but were descended from superior and more advanced peoples who had migrated, variously, from Ethiopia, ancient Egypt, Melanesia or Asia Minor, or even the lost continent of Atlantis, and had carried monarchical institutions with them and superimposed them upon the original Hutu and Twa inhabitants.[40] In later times, this was to translate into theories that the interlacustrine kingdoms had been founded by Nilotic Hima pastoralists who migrating south and west through Uganda extended their control (via possession of superior resources such as warrior skills, tightly knit political organisation and large herds of cattle) over local Bantu societies. Thereafter, according to this widely spread version of history, which is "now thoroughly rejected"[41], assimilation occurred as the Nilotic Hima adopted Bantu languages and intermarried with their subjects, leading to the forging of nations such as the Barundi.[42] However, historians now argue that the Tutsi are not more 'Hamitic' than the Hutu, and that the physical differences which arose developed over time through occupational and dietary specialisation over time. To quote Curtin, Feierman, Thompson and Vansina at length:

> The meaning is clear. The pastoralist and agriculturalist communities of Rwanda and neighbouring states have been separate from one another – have not intermarried in significant numbers – over a long historical period.[43] Their separation fits the pattern of other groups in the region that developed specialized economies with cultural and even biological adapatations to particular microenvironments. In the extremely varied environment of Rwanda and Nkore, some of the landscape was appropriate for agriculture, other parts for herding. Specialized farming and herding groups lived side by side, each in its own environmental niche. These bits of pastoral and agricultural land, however, were interspersed, so that the interaction was more frequent than was possible on many other pastoral-sendentary frontiers, such as the fringes of Maasiland or other Sahara. It is

[37] Prunier 1995: 2
[38] Oliver and Atmore 1994: 21-22.
[39] Prunier 1995: 5
[40] Ibid, 5-9.
[41] Curtin, Feierman, Thompson and Vansina 1981: 168.
[42] See for instance, Esterhuysen's 1998 entries on both Burundi and Rwanda.
[43] Historians still clearly disagree as to the extent of intermarriage of Tutsi and Hutu. But the implication is that Tutsi would marry upwardly mobile Hutu who would thereafter become 'tutsified'.

> impossible to know, on the basis of current evidence, whether the pastoralists and agriculturalists all began as a single Bantu-speaking community whose economies became increasingly specialized with the passage of time, or whether they had diverse linguistic and cultural origins.
>
> The large kingdoms ruled by pastoralists, like Rwanda, grew out of earlier symbotic relationships (which survive today in some localities) between neighbouring herdsmen and farmers.[44]

None the less, even though now dismissed by historians as false, the myth that the Tutsi were descended from a superior, ancient race was to have a major impact upon both Rwanda and Burundi. As argued for Rwanda by Prunier (although his comments are equally applicable to Burundi), it conditioned the views of Europeans regarding the local social groups with which they had dealings. Second, its 'scientificity' governed the decisions made by both the German and Belgian colonial administrations. And third, it had a massive impact upon the local population themselves. For over sixty years, they were to be bombarded with heavily value-laden stereotypes which inflated the Tutsi cultural ego and crushed Hutu feelings "until they coalesced into an aggressively resentful inferiority complex". When combined with the objective political and administrative decisions of the colonial authorities which favoured the Tutsi over the Hutu, this created "a very dangerous social bomb that was almost absent-mindedly manufactured through the peaceful years of *abazungu* (European) domination".[45]

In Rwanda and Burundi, the *mwami* (King) was regarded as divine, and his power was sacred rather than profane, and sat at the apex of a complex pyramid of political, cultural and economic relationships. These three different levels of human action were deeply enmeshed and could not be prised apart. Under the Rwandan King, for instance, were the chiefs, but these were of three types: first, *mutwale wa buttaka*, those who variously took care of attributing land and of agricultural production and taxation; second, the *mutwale wa ingabo*, who ruled men, and inter alia was responsible for recruiting fighters for the kings' armies; and third, the *mutwale wa inka* or *mutwale wa igikingi* who ruled over grazing lands. These functions were often allocated to different men (most of whom, but not all, were Tutsi). These chiefs, like all administrators, were essentially charged with controlling and extracting, but as in other such societies, control was tight close in to the central core of the kingdom, and became ever looser as it went to the periphery, where incidentally various Hutu principalities survived with relative autonomy late into the nineteenth and even the first two decades of the twentieth century before becoming absorbed and 'tutsified'. But as the control of the kings in both countries extended over the outlying principalities, the nature of their control tended to change towards "ever greater administrative centralisations and more authoritarian forms of political control".[46]

This increasing centralisation transformed existing relations of patron-client relations of personal dependence into relations that were increasingly *feudalised*, that is, rather than providing for possibilities for upward mobility by individual Hutu, they tended to become solidified and, and to reinforce unequal land and labour rights and duties to the advantage of Tutsi, who in effect "established a regime of caste" and reduced Hutu to serfdom.[47] Yet Prunier argues that this process of transformation was much more a centre-periphery affair than it was one of Tutsi versus Hutu. If the King's agents were largely (but not all) Tutsi, their 'victims' in the situation of more centralised control were both Tutsi and Hutu, and they were defined by their geographical location. Yet the more elites were coopted by the monarchy to be faithful servants of the new order, the more they were 'tutsified', and the more that the complementarity that had previously existed in land and

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[44] Curtin et al: 169-170.
[45] Prunier 1995: 9.
[46] Prunier, 1995: 19.
[47] Smith, 1969: 127.

labour exchanges was eroded, the more that Hutu peasants were placed in a position where they had to sell their labour "first as a social obligation, and then as a monetarised commodity in the colonial system".[48]

The imposition of colonial rule served to encourage and harden these tendencies. The German presence, although short, was important, argues Prunier, because it inaugurated a colonial policy of indirect rule. This left considerable autonomy to the monarchies in both countries and "acted in direct continuation of the pre-colonial transformation towards more centralisation, annexation of the Hutu principalities and increase in Tutsi chiefly power".[49] When the Belgians took over, they extended and deepened this approach to rule in both Burundi and Rwanda. They continued to rule through the kings and the chiefs, who were overwhelmingly Tutsi (or 'tutsified'); they also initiated a draconian system of force labour, whereby mostly Hutu were drafted to work for the state without pay. Most importantly, they refused to view the land as belonging to indigenous lineages, enabling the state to dispose of Hutu land after paying (often inadequate) compensation to the owners, often to the profit of Tutsis who were close to the administration. In addition, Tutsi took huge advantage of their favourable access to education, which was run by Belgian Catholic priests. Tutsis rapidly appreciated that schooling could benefit them, most converted to Catholicism in order to attend mission schools in order to improve their social position.[50]

In sum, therefore, the Belgians cast the Tutsis in both countries in the role of a natural elite who constituted a superior race, an identification which to a large measure became internalised by Hutu, who were poor and powerless, and internalised their inferiority. Hence princes of the royal blood, the *ganwa*, although of Tutsi origin, came to be viewed by both Tutsi and Hutu as the traditional rulers, a relationship which "softened the impact of Tutsi domination"[51]. This played an important part in providing for national unity, and in structuring submission of the Hutu peasantry to the king, or *mwami*, (even if there was a significantly greater tendency towards direct conflict between Hutu and Tutsi overlords in Rwanda as opposed to Burundi). However, during the colonial period in Burundi, a rift developed between two of the *ganwa* lineages, the Bezi and Batare, and this was to have significant repercussions with regard to political party formation in the run up to independence.[52]

Given their positions of social dominance, the Tutsi minority in both Rwanda and Burundi were, almost inevitably, threatened not so much by independence (granted to both countries in 1962) but by the prospect of that inaugurating a formally democratic order in which political power would devolve upon those best able to secure a majority vote.[53]

5.2 *The Hutu Revolution in Rwanda*

As in its other colonial possessions, Belgium made little provision for indigenous political advance in either Rwanda or Burundi, and was slow to realise the developmental obligations imposed upon it by the UN Trusteeship Council (which assumed the League of Nations' responsibilities for the Mandated territories) in 1948, However, during the 1950s, the arrival of a new generation of priests and administrators who were more open to egalitarian ideas and democracy did bring about a reorientation of attitudes towards the Hutu, who were now increasingly favoured by policies in church and state. In Rwanda, by 1957, this had encouraged the emergence of Hutu-led movements demanding an end to subordination and the overthrow of Tutsi hegemony. A *Bahutu Manifesto* referred to the Tutsi as an alien race, and rather than calling for a new order based on equality,

[48] See Prunier 16-23 for the historical complexities.
[49] Ibid: 25
[50] Melson 2003: 326-329.
[51] Esterhuysen 1998: 101.
[52] Ibid.
[53] See Reyntjens, 1995: 7-9 for an account of the post-colonial period in Burundi.

called in effect for the replacement of one system of domination by another. In 1959, with the aid of Belgian administrators, Hutu elites revolted against their Tutsi overlords and displaced one 'ethnocracy' by another. Commencing on 1 November, actively aided by Belgian troops on the spot, Hutu violence spread throughout the country, and in October 1960, Gregoire Kayibanda, one of the authors of the *Bahutu Manifesto*, emerged at the head of a provisional government stating that "Democracy has vanquished feudalism". The monarchy was abolished in January 1961, and independence was granted in 1962 with Kayibanda as President of what was, in effect, "a Hutu ethnocracy dressed up as a populist majoritarian democracy that excluded 'the Tutsi race' from the political order".[54] Many survivors of the 1994 genocide in Rwanda today regard the Hutu revolution of 1959 as having provided the foundation for that tragedy by having defined Tutsi as second class citizens. More immediately, however, the ethnic violence unleashed in the wake of the revolution prompted hundreds of thousands of Tutsi to flee to neighbouring states, notably Uganda and Burundi. By 1964, there were fully 336 000 Tutsi refugees in these countries, and the resultant Tutsi diaspora was to provide the manpower for the guerrilla forces which in later years were to attack and destabilise the Hutu, hegemonic government.[55]

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

5.3 *Counter-revolution in Burundi: Political Struggles after Independence*

Developments during the post-war years had unravelled at a somewhat slower pace in Burundi, where it was only in November 1959, in response to considerable international pressure, that Belgium committed itself to a programme of reform, whereby it would devolve legislative authority to an indirectly-elected council, with the *mwami* acting as a constitutional monarch. These arrangements were to be buttressed by armed forces, initially formed as a territorial guard in 1960. At first, recruitment was organised to ensure that both Tutsi and Hutu were reasonably represented. At independence, in 1962, the guard became the national army, which in 1963 spawned a special elite unit of commandos which was placed under the control of a Tutsi officer, Captain Michel Micombero. It was not long before the armed forces were to be deeply divided along ethnic lines.[56]

All these were belated arrangements, and events rapidly began to overtake the Belgians' plans. Political parties began to form, most notably the *Union pour le progress national* (UPRONA), launched by Prince Louis Rwagasore, the *mwami's* eldest son. This was initially dedicated to the upholding of traditional institutions and the Bezi lineage, but appalled by developments in neighbouring Rwanda, Rwagasore took UPRONA in a genuinely nationalist direction, hence losing favour with the Belgian administration, which depicted it as pro-communist. In contrast, the *Parti Democrate Chretien* (PDC), established by the Batare lineage as a counter to UPRONA, earned the support of the Belgians, and formed a first provisional government in 1961. However, the PDC's closeness to the colonial power only undermined its credentials and promoted those of its rivals, resulting in its massive defeat in the country's first elections, held in tandem with a similar contest in Rwanda, in September 1961. UPRONA won 58 out of 64 seats and Rwagasore became Prime Minister. But he was not to rule for long. His assassination on 13 October by agents of the PDC split UPRONA, and destroyed the ethnic cohesion he had sought to achieve, not least because of fear aggravated by the Hutu revolution in Rwanda.[57]

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[54] Melson 2003: 331.

[55] Melson 2003: 326-331; Prunier 41-61.

[56] Anon, History of Burundi Army. This 8 page document, held by the Mwalimu Nyerere Foundation in Dar es Salaam, is used cautiously. However, its detailed provision of names of army officers and of politicians and intellectuals involved in coups and executed, indicates a high degree of familiarity with its subject.

[57] Esterhuysen 1998: 101-03

In this tense environment, the monarch was the remaining source of power at the time of independence on 1 July 1962. To quell the ethnic tensions, the *mwame*, Mwambutsa, attempted to balance the proportion of Hutu and Tutsi in four successive governments between 1963 and 1965 (although in the process he alienated both sides). In January 1965, he replaced a Tutsi prime minister, with a Hutu, Pierre Ngendendumwe, only for him to be assassinated three days later by a Tutsi, Rwandan refugee. The *mwame* now sought to cool tensions by holding new elections, but these only served to raise the stakes, for Hutu candidates took 23 out of the 33 seats only to find that the monarch proceeded to appoint Leopold Biha, a prominent Tutsi as prime minister. This in turn provoked an attempted coup by Hutu army and gendarmerie officers which was bloodily suppressed by loyal troops led by Micombero. In the mayhem that followed, the *mwame* fled to the Congo, and the Tutsis took their revenge. The army and gendarmerie were cleansed of Hutus, and the Hutu political class was all but wiped out, together with their rural supporters (some of whom had risen in support of the *mwami*).[58] This marked the end of Hutu political participation for many years.

Mwambutsa sought to preserve the monarchy by despatching his son, Charles Ndizeye, back to Burundi to serve as Regent. However, in July 1966, Charles revoked the constitution, deposed his father and declared himself *mwami* as Ntare V. He simultaneously appointed Captain Micombero as Prime Minister. But the alliance was unstable, and Ntare was himself soon overthrown by Micombero who in November declared Burundi a republic, and appointed himself President, Prime Minister, Minister of Defence and leader of UPRONA. A further attempted Hutu coup in 1969 then provided the platform for a purge of those Hutu officers who remained, further entrenching Tutsi power.[59] Yet worse was to come, for following the outbreak of a Hutu insurrection in 1972, in which some 2-300 Tutsis were eliminated, the first of Burundi's mass killings took place. Ntare was summarily executed to prevent him from becoming a focus for Hutu support, and thereafter, between 100 000 and 200 000 Hutu were massacred, while a further 150 000 fled to neighbouring countries.[60]

The massacres of 1972 are rightly regarded as seminal in contemporary Burundian politics, for their memory provokes the worst fears of both Hutu and Tutsi. For the Hutu, it confirms the genocidal intentions of the Tutsi, and their determination to maintain them as an oppressed underclass. Meanwhile, for the Tutsi, it generates images of the majority Hutu rising up and exacting bloody revenge were the Tutsi to relax their hold on power. Significantly too, the events of 1972 are seen to be the genesis of a culture of impunity enjoyed by the armed forces, for to this day no-one has been held accountable for that terrible slaughter.[61]

Micombero's personalised administration became increasingly ramshackle and divided, for as the size and role of the army expanded, so regional differences began to assume an increasing salience. These had climaxed in 1971 when leading non-southern Tutsi officers had unsuccessfully attempted a coup aimed at overthrowing southern Tutsi hegemony, resulting in their arrest and condemnation to death. Although they were subsequently to receive an amnesty and to be restored to their commissions, the higher reaches of the army have continued to be dominated by southern Tutsi, mostly drawn from Bururi province.[62]

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[58] 43 military and police officers, and 11 leading Hutu politicians and intellectuals, were executed by firing squad in October 1965; many more were detained; and some 5000 people were reported killed in rural areas, while several hundred Hutu fled to neighbouring countries. (Anon, History).

[59] Anon History claims 19 Hutu officers and 5 Hutu intellectuals and politicians were executed in December 1969.

[60] Ibid.

[61] Reyntjens, 1995: 7

[62] The Tutsi are themselves composed of two subgroups, the southern Tutsi-Hima (from which the royal line was drawn) and the Tutsi-Abanyaruguru. The 1971 attempted coup therefore intra-ethnic as well as regional overtones. Anon, History.

Such tensions formed the backdrop to Micombero's overthrow in November 1976 by his cousin, Colonel Jean Baptiste Bagaza, who sought to bring better order to the state and to more firmly entrench Tutsi hegemony. Initially Bagaza appeared to be attempting liberalising reforms. Explicit reference to ethnic groups was banned, a new constitution was adopted by referendum in November 1981, and land reforms were declared. However, his commitment to meaningful reform was rapidly exposed as a façade. Elections were held for a new national assembly in October 1982, but he himself was returned as head of state by winning 99% of the vote (albeit in a contest in which he was the only candidate!) Thereafter, the period between 1984 and 1987 was one of gross human rights abuse. Tutsis were systematically favoured in the education system, and Hutu were largely excluded from the government, army, police and the judiciary. A campaign against the church, which was accused of succouring Hutu resistance, saw the government resorting to methods of brutal suppression including torture of political prisoners, numbers of which increased dramatically. This in turn alarmed donor nations, notably Belgium and France, which now sought to pressurise Bagaza by withholding development aid.

In the event, Bagaza's major problems were closer to home, for whilst he was out of the country in September 1987, he was deposed by officers concerned by his plans to economise by forcing early retirements. The leader of the coup, Major Pierre Buyoya,[63] also a Tutsi[64], formed a Military Committee for National Salvation of 31 army officers and suspended the constitution. In October, Buyoya became the President and head of a 20 member government, 4 of whom were army officers. Buyoya relaxed the constraints on religious freedom and released hundreds of political prisoners, encouraging hopes amongst Hutu that their lot might be improved, whilst alarming Tutsi hardliners. Refusal by the latter to implement reforms caused Hutu confusion and disappointment.

After a fresh outbreak of violence in August 1988 in the north of the country, in which a number of Tutsi were killed, some 20 000 thousand Hutu civilians died at the hands of the army, many more fleeing to Rwanda. Fortunately, international response was stronger in 1972, and helped prevent the army's reprisals descending into wholesale genocide. In turn, Buyoya, who showed some awareness of the legitimacy of Hutu grievances, responded to pressure by instigating a series of potentially transformative reforms. A National Commission to study the question of national unity comprised of 12 Tutsi and 12 Hutu members was appointed, along with a Hutu Prime Minister Adrien Sibomana as head a of a cabinet composed equally of Hutu and Tutsi. The report of the National Commission published in 1989[65] led to a 'Charter of National Unity' which was approved by referendum in 1991. However, even if not all Hutu were convinced by Buyoya's cautious moves towards democratic reforms, Tutsi hardliners were alarmed, and made various coup attempts between 1989 and 1992, and in 1991, Amnesty International singled out the security forces for their human rights violations in quelling sectarian violence. In short, the transition to democracy, and multi-party democracy at that, as part of Buyoya's reconciliatory approach, was rejected by powerful elements within the military establishment.

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[63] As noted above, Buyoya became the first interim-President of Burundi in terms of the political power-sharing agreement decided on at Arusha. Bagaza, who went into exile in Libya after the coup, has also made a comeback after Arusha as the leader of PARENA, one of the more conservative Tutsi parties that participated in the Arusha process and one which is opposed to the power-sharing arrangement.

[64] Not just a Tutsi, but born in the same village, Rutovu, in Bururi Province as both Micombero and Bagaza.

[65] It is interesting to note that this report denies the existence of ethnic groups in Burundi. The mantra repeated by consecutive Tutsi regimes, and contained in the report was that 'Burundi is composed of only one ethnic group.' This is in contrast to the contemporary Tutsi claim to constitute an ethnic minority, and as a result are in need of protection, justifying their continued dominance of the army (Reyntjens, 1995: 21).

5.4 *The General Election of 1993*

A great deal of emphasis was placed on 'National Unity' by the Constitutional Commission in the approach to an election scheduled for 1993, as it was clear that the continuing ethnic divide would to pose a massive threat to a peaceful outcome if the votes of the majority Hutu electorate were to prevail. The Commission therefore sought to build provisions into the constitution aimed at protecting "diverse component parts of the Burundian population", which were intended to allay Tutsi fears by reserving a minimum number of seats for the Tutsi minority.[66]

The run up to the election was dominated by two parties: the prevailing UPRONA, and the emergent (mainly Hutu) *Front pour la democratie au Burundi* (FRODEBU), which had in Melchior Ndadaye a talismanic and committed leader who was able to mobilise all elements of the Hutu population, including followers of the outlawed radical PALIPEHUTU. Thus in spite of the attempts of the Constitutional Commission, the 1993 election was inevitably one conducted along ethnic lines. UPRONA put forward Buyoya as their presidential candidate,[67] while Ndadaye represented not only FRODEBU, but also the Rassemblement du Peuple Burundais, the Parti du Peuple , and the Parti Libéral. A third, royalist candidate, Pierre-Claver Sendegeya was the also-ran of the campaign.

The elections, held on the 1 June 1993, were conducted in an atmosphere of peace and calm, with only minor technical difficulties. There were 100 foreign and 1 000 national observers and the prevailing opinion was that the elections were fair and transparent. The election results should therefore have been no surprise. Ndadaye was returned as the President with 65% of the vote, in which 97% of the electorate had participated. Buyoya received a creditable 32% and Sendegeya 1.4%. However, in the elections for the legislative assembly, FRODEBU took 80% and UPRONA just 20% of the vote, winning 65 and 16 seats out of 81 respectively.[68] Despite the fact that Ndadaye honoured his promise of appointing a (woman) Tutsi Prime Minister, Sylvie Kinigi, and seven other Tutsi ministers (in a 23 member cabinet of a government of national unity), the scale of UPRONA's defeat, was to have severe consequences for Burundi – even though FRODEBU had attracted the support of some moderate Tutsis opposed to Buyoya, and UPRONA had always retained a degree of support amongst those Hutu who favoured close cooperation between the two groups.

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

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[66] For more specific provisions see Reyntjens, 1995: 9-10

[67] Judge Paul Bomani of Tanzania, who was later to work closely alongside former President Julius Nyerere in seeking to bring peace to Burundi, maintains that, before the election, Nyerere had urged Buyoya to stand as an independent candidate, rather than representing UPRONA. His thinking was that Buyoya had presided over the introduction of a democratic constitution, and had gained substantial support amongst Hutus, and that therefore he could continue to play a unifying role. However, by putting himself at the head of the Tutsi dominated UPRONA, Buyoya – in Nyerere's view – paved the way for ethnic polarisation and the post-1993 military intervention. Judge Bomani argues that Buyoya clearly miscalculated the depth of his support amongst Hutus, whilst his leading Burundi towards democracy simultaneously lost him support amongst the more hard-line Tutsis in the military (Interview, Bomani with Southall, 12 August 2003). President Musuveni is also said to have advised Buyoya that political party competition would promote rather than containing ethnicity.

[68] FRODEBU and UPRONA are not exclusively Hutu or Tutsi, although the former is Hutu dominated and the latter mainly Tutsi. For a more detailed account of their ethnic composition see Reyntjens, 1995: 11

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

6. DEMOCRACY ABORTED: FROM COUP TO CIVIL WAR

The early days of June 1993 saw protests by students and civil servants against the "ethnic inventory of Burundi" that they claimed the election had become.[69] A more serious threat to the fledgling government was to come from the almost exclusively Tutsi army.[70] There were two attempts at seizing power in late June and early July, neither taken too seriously owing to the small numbers of officers involved, but President Ndadaye, mindful of the rumblings of discontent in this key area, had appointed two army officers to head the Ministry of Defence and the State Secretariat for Internal security. He also made important gestures of reconciliation, including his allowing former President Bagaza to return from exile, recognizing PALIPEHUTU as a legal entity for the first time in its history, and establishing a Council of National Unity, consisting of equal numbers of Hutu and Tutsi, to advise him on ethnic affairs.

Even so, the new government had serious difficulties to contend with: massive numbers of returning refugees; a hostile press; and lack of cooperation and outright sabotage from major elements of the army, civil service and judiciary. Not least of these problems was the fact that while political power had now been transferred to the majority along formally democratic lines, both state institutions and the economy was still overwhelmingly dominated by the old elites.[71] Hence Ndadaye found himself caught in the same cleft stick as his predecessors in that whilst for many the transition was frustratingly slow, for others it was threateningly fast. Indeed, those to whom the greatest threat was posed were precisely those with the means to derail the entire process owing to their virtual monopoly control of armed force. As in the past in Burundi, assassination and military coup were was the ineluctable result.

6.1 *The Creeping Coup of 1993-1994*

On 21 October 1993, a small clique of soldiers attacked the president's palace in Bujumbura and occupied strategic positions around the city. At the same time, high ranking members of the FRODEBU leadership, including the speaker and deputy speaker of parliament and the director of the State Security Bureau, were rounded up and assassinated. President Ndadaye and his family, after a token resistance by supposedly 'loyalist' troops, were handed over. Ndadaye was slaughtered, while his family were permitted refuge in the French embassy.

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

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[69] Reyntjens, 1995: 12

[70] Anon, History, suggests that at the advent of the Buyoya regime on 3 September 1997, there were only 2 Hutu officers, with the rank of Captain, out of 400 army officers.

[71] Ibid: 12-13

'creeping coup' – the steady seizure of power by opposition Tutsi forces with the complicity of the military – was to evolve.

The 'creeping coup' had four major elements:[72]

First, the army and local youth were employed to perpetrate urban and rural violence to intimidate members of FRODEBU, thereby preventing the government from fulfilling its duties. The violence which immediately followed the coup was reported on by an International Committee of Inquiry, established under UN auspices, in 1994. This reported that between 20 000 and 50 000 people (roughly equal numbers of Hutu and Tutsi) were killed in a brutal 'pacification campaign', with over a million (mainly Hutu) being forced to flee to neighbouring Rwanda, Tanzania and Zaire (now DRC). Responsibility for the civilian deaths, it argued, should be attributed to the conspirators because they had both anticipated this as a consequence and prevented the legitimate authorities from taking measures to pacify their constituents. Consequently, the excessive force used by the army and gendarmerie against the civilian population exacerbated rather than reduced the violence.

Second, the opposition seized the initiative in a propaganda campaign in which the government, or more particularly, FRODEBU was accused of a Tutsi genocide. To be sure, Tutsi had fallen victim to violence in unprecedented numbers, the distribution of small pockets of Tutsi among larger settlements of Hutu having facilitated local massacres. However, although almost equal number of Tutsi and Hutu had lost their lives, the rumour-mongers made no mention of the role of the Tutsi army or Tutsi civilians in killing Hutus.

Third, state institutions were undermined by manipulations of the Constitutional Court. The coup had taken the lives of those in the line of succession. The constitution provided that in the event of the death of the president, the speaker would take over as interim-president. In the event of the death of the speaker, then the deputy-speaker would fulfil this role. Mindful of these provisions, the coup leaders had killed both the speaker and deputy-speaker, leaving a constitutional vacuum. Given that the instability in the country rendered new elections out of the question, there was an immediate constitutional crisis. On the one hand, the Constitutional Court, which was composed of mainly Tutsi, UPRONA affiliated judges, ruled that the government should act as a collective body rather an choosing an individual leader. On the other hand, FRODEBU wanted the National Assembly to elect a new Speaker, who would then become interim President. On October 13, the National Assembly duly elected Cyprien Ntaryamira, formerly Minister of Agriculture, to fill the presidential vacancy. Although Ntaryamira had emerged as a consensus candidate (securing 78 out of 79 votes in the Assembly), the Court threatened to declare the election of the new president unconstitutional. It was thereupon dismissed by the Assembly and Nyaryamira was sworn into office on 5 February 1994, yet at significant cost to the legitimacy of the constitution.

The fourth element of the creeping coup was the enforcement upon FRODEBU of the ethnic constraints that the coup had sought to impose. The constitutional crisis was played out against a background of escalating violence, with what were known as 'dead city' days deepening the crisis. These were episodes when organised Tutsi youth, encouraged by politicians from the Tutsi far-right, barricaded Bujumbura and other towns, setting fire to homes, killing Hutu civilians, civil servants and activists, while the army stood by. As a result, as noted, the Kinigi government was effectively paralysed, and FRODEBU was forced into conceding more and more power to Tutsi extremists. The Kigobe talks, and the resulting Kigobe accord, (giving affect to the earlier constitutional amendment and Ntaryamira's presidency) were largely nullified by the violence of these 'dead city' days. Not only had FRODEBU been cajoled into accepting a consensus candidate for President, but it was also forced to concede the appointment of a new Prime Minister, Anatole Kanyenkiko, an UPRONA Tutsi, and of Tutsi ministers, who composed 40% of the new cabinet, some of whom had been

[72] Brandstetter 2000: B285.

active leaders of the ethnic violence. Major posts in national intelligence, the police and information were also awarded to UPRONA.

In effect, these various developments had overturned the proto-democratic order established by the 1993 election, and restored the Tutsi elite to power. This outcome was to be reinforced by the untimely death of Ntaryimana, who was killed when the plane in which he was travelling with President Habyarimana of Rwanda was shot down over Kigali on 6 April, 1994. The perpetrators of this attack were unknown, but their actions precipitated an orgy of violence in Rwanda which made previous massacres in the Great Lakes region pale into significance. Many thousands of both Hutu and Tutsi died, yet Hutu controlled state organs and Hutu militia were transformed into agencies of Tutsi genocide, a horror which was only brought to a close by capture of Kigali in July by the RPF, led by General Paul Kagame (a former commander in Ugandan President Musuveni's army), which operated from Uganda, and was led by Tutsi exiles but included Hutu opposed to the Habyarimana regime. Alarmed by the horror which had befallen their ethnic brethren in Rwanda, Burundian Tutsi were greatly assured by the victory of the RPF, whilst UPRONA seemed determined to exploit the government's fears of a complete breakdown of law and order. Hence whilst FRODEBU retained the presidency (in the person of Sylvestre Ntibantunganya), it was greatly constrained by the horror of provoking a similar genocidal war in Burundi. This compromise was therefore confirmed in a political agreement, brokered by the United Nations, in September 1994.

Yet this uneasy peace was unstable. The 'creeping coup' had alienated the more radical elements of FRODEBU, who in August had created the *Conseil national pour la defences de la democratie* (CNDD), with the *Force pour la defense de la democratie* (FDD) as its armed military wing. These groups operated from bases in eastern DRC, and were to become one of the most recalcitrant groups at Arusha, and only agreed to ceasefire negotiations in late 2002. Similar radical Tutsi movements were also to emerge and became active after 1994. The one-sided compromise of September 1994 could not prevent a wider polarisation which was to result in the fragmentation of both UPRONA and FRODEBU into myriad smaller parties, many with radical agendas. This was to fuel the descent of Burundi into perennial and deeply rooted conflict, whose flames have been consistently fanned by the tragedy of Rwanda, which has hugely exacerbated mistrust between Hutu and Tutsi, and led many amongst the latter to believe that democracy will result, inexorably, in genocide.[73]

[73] Bullington, 1997.

7. ARUSHA I: THE BACKGROUND TO THE ARUSHA PEACE ACCORD

On 28 August 1995, the UN Security Council adopted resolution 1012 "to address the violations of international humanitarian law in Burundi" and requested (then) Secretary-General Boutros Boutros-Ghali to establish an international commission of enquiry charged with investigating the assassination of Ndadaye and the subsequent violence. Further, the resolution requested that the commission be mandated to

> recommend measures of a legal, political or administrative natures [sic] ... and measures with regard to the bringing to justice of persons responsible for those acts, to prevent any repetition of deeds similar to those investigated by the commission and, in general, to eradicate impunity and promote national reconciliation in Burundi.[74]

In response to this, a five-member commission was appointed, to be chaired by Edilbert Razafindralambo of Madagascar, on 15 September 1995.[75] In addition, Resolution 1012 indicated that other states, UN bodies and International Humanitarian Organisations should assist in providing information to assist the Commission in fulfilling its aims, and the Burundian authorities and institutions, including all political parties, were prevailed upon to cooperate. The Resolution reflected Boutros-Ghali's emphasis to the Security Council that "the full cooperation of the Burundian authorities will be a necessary condition for the success of the commission's work".[76]

However, by February 1996 the escalating violence in Burundi had worsened. Many erstwhile supporters of FRODEBU and other Hutu militants were alienated by the government's apparent appeasement of Tutsi domination, and increasingly argued that UPRONA, the army and the Tutsi political class would have to be militarily defeated if the Hutu were to enjoy the fruits of democracy. Their sentiments were increasingly endorsed by the thousands of displaced Rwandan Hutu who now swelled refugee camps in Zaire (DRC) and Tanzania. Their ready access to arms supplies that were flooding the region, and the resulting provocative activities of Hutu militias, persuaded President Ntibantunganya to order the army to move against them. This provided the army with licence to engage in uncontrolled action against the Hutu population, which as a result became increasingly alienated from the civilian government, which was seen as having sold out. By mid-1996, it was estimated that in excess of 150 000 people had been massacred over the previous three years. By February of that year, the UN was warning that "full-scale civil war and genocide" were possible and the Secretary-General urged the Security Council, via Resolution of 1049 of 1996, to consider the possibility of a standby multinational force to implement rapid humanitarian intervention should this prove necessary. However, any prospect of outside intervention was rejected by the Burundian army, which declared itself "prepared to confront any expeditionary corps, regardless of its humanitarian or military label."[77]

The army had already been unnerved by attempts by Ntibantunganya to seek international assistance to save Burundi from outright civil war. He had contacted the Carter Centre, established by former US President Jimmy Carter, to kick start a peace process. Carter, amongst others (including the OAU)[78], became influential in the search for an individual to whom they could

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[74] Cited in Graham et al, 1995: 16

[75] The other four members were Abde El Ali El Moumni (Morocco), Mehmet Guney (Turkey), Luis Herrera Marcano (Venezuela) and Michel Maurice (Canada) (UN Chronicle, December 1995, Volume 32, Issue 4)

[76] UN Chronicle December 1995, Volume 32, Issue 4

[77] UN Chronicle, Spring 1996, Volume 33, Issue 1

[78] 'I came initially (to Burundi) with an offer from the OAU to all parties to come to Addis. Afacilities would be put a their disposal to discuss their business. Yet I was told that Burundi's business could only be discussed in Burundi. I got the same response next time I came as well. Yet ordinary Burundians wanted such a meeting – so we tried for a meeting

entrust a Burundi peace mission. The name of Julius Nyerere emerged as the leading contender, and requests to the former Tanzanian president[79] to accept the responsibility came from, amongst others, Presidents Nelson Mandela of South Africa, Yoweri Musuveni of Uganda and Meles Zenawi of Ethiopia (who was also at that point Chairman of the OAU). Importantly, too, Nyerere was promoted at a meeting on the Great Lakes in Washington by former Burundian President Pierre Buyoya (then writing a book on democracy in the US!) as the only candidate, amongst all those being considered, capable of gaining the confidence of all the different groupings in Burundi. The request that Nyerere accept the role as mediator was formalised by the OAU at summits in Cairo in November 1995 and then in Tunis in March 1996.

The task fell to Nyerere, not merely because of his international stature, but because his involvement with Burundian politicians went back to the early 1960s (even if many Tutsis regarded him as suspect as he had openly supported Hutu demands for majority rule). Nyerere was initially reluctant, and insisted that he wanted to be assured that Burundian politicians were both ready to engage in mediation, and prepared to accept him as a mediator. To receive this assurance, he made a quiet visits to Burundi in October and December 1995, where he spoke with the government, all the major parties, civil society, religious leaders and the army, and former Presidents Bagaza and Buyoya (now back in the country, his writing ambitions apparently postponed). Having ascertained from all the different players, and other actors such as the UN and the French, Belgian and EU ambassadors that outside intervention was desired and that he was deemed the person best suited to mediate, Nyerere made four other trips to Burundi to prepare the ground for formal talks.[80]

7.1 *Early Summits: Mwanza and Arusha I, April-July 1996*

These began with two meetings in Mwanza, Tanzania, in April and May 1996, at which Nyerere drew UPRONA and FRODEBU, being the two parties represented in parliament, together to negotiate. However, little was achieved, as the latter refused UPRONA's demands that it condemn the Hutu militias, and the former declined Nyerere's demands that the government negotiate with the rebels. It was under these circumstances, with Museveni playing a key role at the instigation of Nyerere, that the regional heads of state called a summit on Burundi in Arusha in June 1996.[81] This, and other subsequent meetings, are referred to here collectively as Arusha I.[82]

Smaller parties, as well as UPRONA and FRODEBU, were invited to make the gathering more inclusive, but at the summit, Nyerere and Presidents Mkapa and Musuveni of Tanzania and Uganda respectively urged Ntibantunganya and Prime Minister Antoine Nduwayo to request the intervention of a regional peacekeeping force, which would be principally composed of troops from their countries. The latter was unenthusiastic, but joined Ntibantunganya in agreeing to do so.[83]

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in Nairobi.....I saw Nyerere on behalf of the OAU, and asked him to open negotiations between Burundians.....Nyerere put pressure on Musuveni, and I played a role in pushing Nyerere. So we have always been working for a compromise'. Ambassadeur Mamadou Bah Theirno Gobihi, African Union Ambassador to Burundi. Interview with authors, 12 March 2003.

[79] Nyerere had retired from the Presidency in 1985.

[80] Bunting et al.1999: 2-3

[81] 'Prior to the meeting, consultations had taken place between President Ntibantunganya and Mwalimu (Nyerere) in Dodoma, Tanzania (20 June), between Prime Minister Nduwayo and President Museveni in Kampala (22-23 June) and between President Ntibantunganya, Prime Minister Nduwayo and the Burundian National Security Council in Bujumbura (24 June 1996).' Bunting et al 1999: 4.

[82] Given the plethora of meetings, there is some confusion in the literature as to whether each and every meeting in Arusha deserves its own appellation. This can lead us all the way up to Arusha V by June 1998. However, we are following what we believe to be the more conventional usage by referring to the various meetings at Arusha before June 1998 as Arusha I, and the meetings that happened after that, and which led up to the Arusha Accord in August 2000 as Arusha II.

[83] Mthembu-Salter 2002: 26-27. Yet perceptions differ. Bunting et al. (1999:4) suggest that Ntibantunganya and Nduwayo 'surprised' the regional heads of state by themselves making the request for an international peacekeeping force.

Yet this was a step too far for a military which was used to holding sway within its own territory. Faced by the looming prospect of foreign intervention,on 25 July 1996 the army once again stepped into the political arena to assume control. With Ntibantunganya politically paralysed after having become holed up in the US Embassy (where he had been chased by Hutu after his attending the funeral of 300 Tutsi killed by Hutu militias), the military removed the government and once again installed Buyoya as President, citing the restoration of order as its motive. Having presided over the return to democracy in 1993, Buyoya could lay claim to being a unifier, underlining this by appointing Pascal-Firmin Ndimira, who although from UPRONA, was a Hutu, as prime minister. Again, although the majority of the cabinet was composed of Tutsi, the government included Hutu from both UPRONA and FRODEBU, and sketched out a three year transition to democracy. But in the meantime, parliament was suspended and political parties were banned. Hence, notwithstanding the appointment of a façade civilian government, the army's latest intervention only served to convince many Hutu political activists that their remaining hope for political salvation lay in military victory.

Neighbouring governments, which feared the further destabilisation of the already highly volatile Great Lakes region, denounced the coup as intended to sabotage the peace process. Yet they made no moves to despatch an intervention force This was in part because Nyerere was opposed to military intervention because he thought that it was likely to complicate the situation further. Yet apart from the fact that regional leaders were probably reluctant to pit their armies against the battle-hardened, Burundian military, they were also aware that they did not have the resources to deploy their armies in Burundi and sustain them there without backing from the great powers via a Security Council resolution (and Nyerere had been informed in New York that this would not be forthcoming).[84] Meanwhile, although they were disinclined to treat with Boyoya, they were persuaded to do so by Nyererc, who argued that if they were not prepared to displace him, they were logically bound to talk with him, if only because he was a Tutsi, he had the ear of the army, and not least, he had set up and made way for elections in 1993. Consequently, only six days after the coup, regional leaders again convened at a further summit on Burundi.

At the Arusha meeting (convened on 31 July 1996), the regional leaders found the alternative to military intervention in the form of the imposition of a blockade on all trade with Burundi, stating that it would only be relaxed when constitutional order had been restored and the various parties had agreed to enter unconditional negotiations. The EU and the United States, which had frozen humanitarian aid to the country some months previously, on the grounds that it was inappropriate whilst conflict continued, remained silent on the issue of sanctions but generally endorsed the regional initiative, as did the UN.[85] Nyerere was also cited as endorsing the embargo as the most effective means of international coercion available.[86]

7.2 *The Road to Arusha II, August 1996- June 1998*

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

[84] Bunting et al. (1999: 5).

[85] See UN Security Council Resolution 1072 of 1996 which reiterated its support for the Joint Communique of the Summit. See S/RES/1072 (1996). Full text of this and earlier resolutions at http://www.un.org

[86] Mthembu-Salter 2002: 27-28.

regional governments were soon to resort to offering a steady relaxation of sanctions as a carrot to induce the government back into negotiations.

In the meantime, however, the latter embarked upon a twin track policy. On the one hand, whilst denying that he was acting in response to external pressure, Buoyoya lifted his ban on political parties in September 1996 and announced the imminent reinstatement of the National Assembly of 1993 (even though the majority of FRODEBU's deputies had either been killed or fled the country). Then, when the regional governments insisted that they would only lift the sanctions once the Burundi government had agreed to return to fully inclusive and open ended negotiations, he embarked upon the second plank of his strategy whereby be opened unilateral, internal talks with opposition parties as an alternative to the regional peace process. Negotiations with the CNDD began in Rome in September 1996, and made some progress. However, they came to an abrupt halt in May 1997 following deadlock over the refusal of the government to restore constitutional order. After this, Buyoya opened negotiations with members of FRODEBU who had remained in Burundi after his coup. In these he fared better, and in May 1998 he was able to announce an agreement whereby FRODEBU was brought back into government. However, the impact of this was severely lessened by condemnation of the move by FRODEBU members outside the country and a subsequent split in the party. All the while, the death toll in the civil war rose incessantly, notably in the so-called *regroupement* camps, which had been established to provide accommodation for displaced people and refugees returning from neighbouring countries. These deaths resulted not only from appalling conditions, but also summary executions by Hutu militants.[87]

On 29 July, after consultations with special envoys to the Great Lakes regions, Nyerere announced the convening of All Party Talks for 25 August 1997. However, at the last minute, despite prior indications that it would come to this third Arusha summit, the Buyoya government declined to send a delegation and refused permission for other parties inside Burundi to attend. None the less, delegations from political parties outside Burundi or who had already left Burundi before the government had imposed its ban, met and made various declarations, insisting most notably that sanctions would be maintained that further measures might be implemented to deal with obstructions to the negotiation process.

In reflecting upon the dynamics of this situation, Nyerere decided that without external involvement including sanctions, parliament would have been abolished, political parties would have remained banned, Buyoya's opponents would have been in jail or dead, (and) Nyangoma (leader of the CNDD) would have been collaborating with the Interahamwe (the genocidal, Rwandan Hutu, rebel militia). There was therefore opportunity for applying leverage to secure further concessions, including the need for an international tribunal on past violence in Burundi, so long as it was linked to a renewal of development assistance.[88] At the same time, however, Nyerere was concerned that his own role, notably any distrust felt towards him by Tutsi, should not become an obstacle to peace, He therefore offered to stand down as mediator, and had to be persuaded by the summit that his involvement remained crucial if a negotiated settlement was to be achieved.[89]

Faced by the impasse, and keen to secure an end to sanctions, Buyoya at last agreed to re-engage with the regional governments, and to attend a second round of negotiations in Arusha which began in June 1998 (Arusha II). Mediated by Nyerere, this was attended by 19 delegations from Burundi, 17 from political parties, and one each from the government and national assembly. It was also attended by President Moi of Kenya, President Museveni of Uganda, President Bizimingu

[87] Mthembu-Salter 2002: 27-28.

[88] Unwritten, undated handwritten memorandum by Nyerere concerning exchanges with Buyoya. (Mwalimu Nyerere Foundation 1997). (Content indicates it was written in 1997).

[89] Bunting et al. 1999: 6-7. Mthembu-Salter cites Nyerere offering to resign in May, but Bunting et. al. cite a statement from the September summit requesting him to remain as mediator.

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

Committee One's success was limited by the fact that it was almost impossible to settle on agreed upon definitions of such emotive issues as genocide and the relative rights and wrongs of parties to a conflict, even though agreement was reached that genocide and crimes against humanity had taken place in Burundi. In the end, the committee had to settle for merely outlining solutions to these problems, one of which was the development of bodies competent to undertake the historical reconstruction of the crisis in way acceptable to all parties.[99]

Committee Two divided its task into 7 categories with an individual working group to discuss each: Political Parties and the Party System; the Legislature; the Executive; the Judiciary; Electoral Systems; Administration and Transitional Arrangements. This committee was unable to conclude, but agreed with the UN Security Council proposed solutions of an international Commission of Judicial Enquiry into Genocide and Exclusion and the establishment of a National Commission for Truth and Reconciliation. However, it was left undecided as to whether such bodies should have a legal mandate to prosecute or whether their principle focus should be upon reconciliation.[100]

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

> The issues of security and reform of the army are highly sensitive, due to the protected role attributed to the military by the Tutsi minority. Like the problem of excluding the Hutu majority, the issues of security and army reforms are highly problematic due to the already large size of the Burundian army.[101]

The final document of the Arusha Accord was later to demonstrate that, despite various presentations by South African Generals upon the course of the military integration process in South Africa,[102] it is was this issue which had proved the greatest stumbling block to the implementation of the peace agreement.[103] Until late 2002, the FDD an FNL had still refused to agree to a ceasefire, and the latter had specifically stipulated that it would not negotiate with the government, but only with the Tutsis who controlled the army, before entering such an agreement. The rebels were given 30 days in which to comply, and were threatened with punitive measures if they did not.[104] The main achievement of this committee was in making some progress towards getting the various factions to talk to one another.

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[99] Renda 2000: 32-34.
[100] Bunting et al 1999: 8-9; Renda 2000: 39
[101] Ibid: 36-37
[102] These included presentations to the committee in Johannesburg by Generals De Vries, Mortimer and Keeling of the SANDF.
[103] According to Ambassador Rwimo, the current Burundian Ambassador to South Africa, section 3 is the fulcrum for the rest of the agreement: in the absence of the implementation of the clauses on peace and security for all, the other sections of the accord cannot be implemented. In particular, the clauses on economic reconstruction and development require this as a *sine qua non* for their successful implementation. Interview, Ambassador Rwimo with Southall and Bentley, 16 October 2002.
[104] Mthembu-Salter, Mail & Guardian, October 11-17 2002: 13

Committee Four was able to conclude its tasks within the first week of the final session of the Arusha talks. Burundi has been wracked by civil war since 1965 and the need for economic reconstruction is as obvious as it is urgent. However, this will require a sustained peace in order to be realised. Nelson Mandela was subsequently to urge donors not to tie aid to peace,[105] as this would merely increase the suffering of those who were not responsible for the impasse. The result of this was that on 10 October 2002 the IMF approved $13 million of immediately available credit of post-conflict aid to assist in the reconstruction and economic recovery programme.

If the committee system pointed the way to the eventual Accord, that outcome was also eased by the decision of the regional heads of state to lift sanctions (whilst maintaining the ban on sales of arms to both the army and rebel movements) in January 1999.[106] They announced that they were doing so because the Burundi government had indicated its 'irreversible' commitment to negotiations, although their actions were in practice a response to growing international pressure: the UN Security Council had called for sanctions to be removed in November 1998, and the EU had soon thereafter announced that it would resume aid to Burundi whether sanctions were lifted or not. None the less, removal of sanctions indicated to government the advantages that could follow from a return to peace. Meanwhile, negotiations had also been simplified by the decision of the largely Hutu parties to form themselves into a bloc, called the Group of Seven (G7), which prompted a speedy response by the predominantly Tutsi parties who formed themselves into a Group of Ten (G10).[107] Even so, many blame the relatively slow progress towards an eventual agreement upon Nyerere. Haysom, for instance, argues that the committee system was extremely cumbersome, and were stuck with procedures which rendered them inherently slow, notably the provision that they had to operate on a basis of consensus, which allowed them to fall hostage to even the smallest and unrepresentative political parties unless their demands were met.[108]

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

> The Tutsi ethnic group is a group like the South African Boers. He said Burundi was like South Africa during apartheid. He even thought that the Tutsis practiced apartheid. He saw it as a problem of society, bad governance, of discrimination of Tutsi against Hutu.[109]

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[105] This point is owed to Ambassador Rwimo.

[106] Human Rights Watch had appealed to Nyerere prior to the regional summit meeting in January 1999 to require regional states to implement the existing formal arms embargo, noting that neither the army nor rebel movements had encountered serious obstacles in obtaining arms. Interestingly, it noted that many of the arms supplying rebel forces originated in South Africa, and were transferred to them via Zambia and eastern Congo. See Joseph Hilterman, Human Rights Watch to Nyerere, 22 January 1999. http://www.hrw.org./press/1999/jan/nyerere.htm

[107] Mthembu-Salter 2002: 29. The formation of these groupings was encouraged by Nyerere, in order to consolidate opinions and simplify the negotiation process. See Bunting et al. 1999: 9.

[108] Haysom, interview with Bentley, 1 October 2003.

[109] Cited by Mthembu-Salter 2002: 32

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

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

9. MADIBA MAGIC? NELSON MANDELA'S ROLE AS MEDIATOR

Human Rights Watch[110] has noted the "moral tone" which former President Nelson Mandela adopted when he succeeded Nyerere as mediator in the Burundi peace process and which was to dominate the period of his mediation. From the moment he took on the role (in December 1999), he was forceful in garnering support from the international community by highlighting the plight of the Burundian people, arguing that they deserved peace, and emphasising the importance of the success of the negotiations for the stability of the region as a whole. In particular, he was able to harness the backing of the EU, as well as of the USA. His presidential ally and friend, Bill Clinton, was to become personally involved and was eventually to be present at the signing of the Arusha Accord in August 2000. Meantime, whilst determined to bring the different Burundian parties together in a mutual understanding, he was not slow to take all or any of them to task when he felt they deserved it. From the very beginning of his involvement, he warned them of the dangers of wasting time whilst ordinary Burundians were dying, and of failing to put the welfare of their country as a whole above those of their sectional interests. He cited as examples to follow those of Namibia, where SWAPO had had to reconcile with the minority which had worked with apartheid regime; of Zimbabwe, where Robert Mugabe's ZANU[111] and Joshua Nkomo's ZAPU[112] had forged a Patriotic Front in the interests of national unity, and most particularly, Mozambique, where Chissano's FRELIMO[113] had recognised the need to make peace with RENAMO[114], the creature of 'dark sinister forces' who had wanted to destroy blacks and the entire infrastructure of the country. "Compromise" he proclaimed, was "the art of leadership. You do not compromise with a friend you compromise with your enemies".[115]

Moving beyond generalities, he was quick to voice his opposition to the government's policy of forced *regroupement* of civilians. Although the government claimed that the purpose of the *regroupement* camps was to provide for civilians' protection, their actual purpose – as in similar wars previously, from Vietnam to Rhodesia – was to separate them from the rebel groups they supported. In January 2000, President Buyoya announced that the camps would be closed in response to international criticism. However, by June these were still operational, and it was only on the extraction of a promise by Mandela from Buyoya that the government began to disband them.[116]

Mandela was equally vocal in his criticism of the opposition rebel groups who he took to task for ignoring a declared ceasefire and attacking civilians. Nor did he spare regional leaders, who he blamed alongside the belligerents for their failure to reach agreement and to end the ongoing violence, proclaiming on his first visit to Burundi in January 2000 that the "daily slaughter of men, women and children" was an indictment of every one of them.[117] It was this even-handedness and hands-on approach that was to earn Mandela the reputation, from the beginning of his involvement, of being a tough, but fair, negotiator. Despite his candid manner, he was well received by almost all of the delegates at Arusha, who remarked upon his open-mindedness and willingness to hear all sides.

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[110] Human Rights Watch World Reports 1999-2002: Africa: Burundi, *http://www.hrw.org*

[111] Zimbabwe African National Union.

[112] Zimbabwe African People's Union.

[113] Front for the Liberation of Mozambique

[114] The Mozambique National Resistance movement.

[115] Mwalimu Nyerere Foundation. Burundi Peace Negotiations. Heads of Delegation Plenary Session, 16-17 January 2000: 9-12.

[116] This was not the first time Buyoya had equivocated about the regroupement camps. He had assured Nyerere in 1997 that the all such camps would be totally dismantled within six months. (Mwalimu Nyerere Foundation 1997).

[117] The Citizen, 20 January 2001.

Initially there was some effort by the Tanzanians to elevate Judge Bomani to the role of mediator, partly to secure the reputation of Nyerere, partly to ensure their national interests. Yet Bomani, although highly respected, suffered from the same disadvantage as Nyerere in that many Tutsi groups considered him biased against them. Meanwhile, other regional heads of state, notably Yoweri Museveni, were as concerned to remove any particularly Tanzanian imprint from the negotiations.[118] Furthermore, Mandela had not only become available following his standing down from the presidency after South Africa's second democratic general election in April 1999, but he enjoyed quite unrivalled international reputation as hero and statesman. He was on the one hand, freedom fighter, prison martyr, nationalist militant, and Pan-African icon rolled into one. On the other, he was national peacemaker, political saint, democrat and man of wisdom. He exuded personal authority and charisma, and now enjoyed the added aura of a being an African President who had voluntarily stood down from office. Yet beyond his public image, Mandela was also, of course, a consummate politician, a master of his craft, and in the months that were to follow, he was to deploy his political skills, and his personal authority to bring immense pressure upon all parties to sign an agreement as soon as possible. As Van Eck has observed, nobody else could have got away with what he managed to achieve in such a relatively short time.[119] Even so, Mandela is cited as being insistent that he was only finishing up the hard work that had been accomplished by Nyerere.[120]

9.1 *Weaving his Magic: Mandela's Approach to the Negotiations*

Before he had been drawn into the process, Mandela had known little about Burundi.[121] He therefore initially spent much time following his appointment as mediator in getting to know the delegates and leaders of the different parties and factions. He visited Burundi in preparation for negotiations, and made two visits outside the capital to 'meet the people' (an astute way of indicating to the politicians that he was confident of the support of ordinary Burundians). Most importantly, Mandela – almost certainly drawing upon the experience of CODESA,[122] the bargaining forum whereby South Africans from all political parties and groupings had crafted their transition - was insistent that the armed rebel movements which had remained outside (or in some versions of the story, excluded from) the negotiations had to now be included, if an ongoing peaceful settlement was to be agreed upon.[123]

The rebels' exclusion was widely regarded as the weakest link in the negotiations, as without their participation and agreement, a permanent peace was likely to prove elusive. This was to result in an early meeting with the CNDD-FDD, led by Col. Jean-Bosco Ndayikengurukiye; and by March 2000, Mandela had secured the agreement (in principle, albeit with conditions) of not only CNDD-FDD, but also the FNL (lead at that time by Kossan Kabura) to enter negotiations. This won him the respect and praise of President Buyoya, who himself agreed to meet with the rebel leaders in South Africa in July. These talks were to fail in the sense that they did not culminate in the rebel groups signing the Arusha Accord, for at the end of the day Mandela proved unable to draw the rebels into the peace process. Despite early indications that they would join, their constant prevarication led to Mandela losing patience with them, and his deciding to continue the negotiations without them.[124] None the less, the very fact that he did make considerable efforts to include them was extremely

[118] Although Van Eck (Interview with Bentley and Southall, 2 April 2003) suggests that Museveni was actually opposed to Mandela's involvement, as he wanted to contain the Burundi issue within the East African region.

[119] Van Eck, 2000 (cited in Mthembu-Salter 2002:31).

[120] "Nyerere did all the spade work. I merely tied up the loose ends." Interview with Mthembu-Salter 2002:31.

[121] Judge Bomani, who made a special trip to Johannesburg to brief Mandela on Burundi, remarks that at first the latter knew nothing, but that he proved 'a very quick learner' ! Interview, Bomani with Southall 12August 2003.

[122] CODESA: the Convention for a Democratic South Africa

[123] Van Eck, 2000

[124] The key sticking point for the rebels was that they wanted the withdrawal of the Burundi army to barracks, and its subsequent reform. They also felt that the Arusha process provided inadequate opportunity for them to pursue their broader security concerns. International Crisis Group, 2002:2.

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

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

First, Mandela deliberately whipped up support for the peace process from the wider international community in order to provide it with legitimacy, backing, and resources. At his very first plenary meeting with the Burundian delegations in Arusha January 1999, he informed them that he had invited King Fahad of Saudi Arabia, and Presidents Jacques Chirac of France, Olesegun Obasanjo of Nigeria and Bill Clinton of the USA to attend the next plenary in February, alongside Presidents Mkapa of Tanzania and Musuveni of Uganda (as Chair of the Regional Summit), as well as Salim Salim as Secretary General of the OAU.[125] The important point, he argued, was to ensure that the international community was united in its quest for peace in Burundi, in contrast to the external divisions that had so long delayed solutions to the problems of the Middle East.[126] After making this point, he flew to New York, where he addressed the UN Security Council in an effort to highlight the severity of the conflict for Burundi. This resulted in the adoption of Security Council Resolution 1286 on Burundi which struck a more positive and supportive tone than that adopted previously, which was designed to "create the kind of positive international environment in which the Arusha process [would] be able to flourish".[127] Less publicly, he urged international politicians to themselves put pressure upon Burundians. The ultimate effect was to give the peace process an international profile which it had previously lacked, and thereby to raise the cost to Burundian politicians of their being awkward and intractable.

Second, as already noted, both Nyerere and Mandela viewed the Burundian conflict in quasi-South African terms, with Tutsis being cast in the role of oppressor whites and Hutu's in that of oppressed blacks. Yet Mandela was simultaneously extremely cautious about being accused of forcing the South African example down Burundian throats.[128] His approach was rather, therefore: 'this is how we did it in South Africa, so draw your own conclusions and borrow what you think might be useful to your situation.' At the same time, he was highly conscious that participants in the talk could not but be conscious of the much vaunted success of South Africa's negotiated transition in having averted a race war. From this perspective, Mandela was far more prepared than Nyerere to analyse the Burundian conflict in explicitly ethnic terms, and thereby to compel

[125] Clinton was subsequently to lend his moral weight to the plenary's proceedings by 'being present' via a satellite video link.
[126] Mwalimu Nyerere Foundation: Burundi Peace Negotiations, Heads of Delegation Plenary Session, 16-17 January 2000. Official Notes.
[127] Ibid
[128] This point is stressed by Professor Jakes Gerwel, former President Mandela's principal personal advisor at the talks. Interview, Gerwel with Southall, 18 September 2003.

Burundians to face the issue of ethnicity more honestly. Importantly, too, this resulted in his advocating ethnic power-sharing solutions, such as the idea of the presidency revolving between Tutsi and Hutu. His emphasis was on practicality and the possible. Whilst he insisted that, in principle, that the demographic composition of the army should ideally reflect that of the population, he urged pragmatically that, initially, integration of the army should at first be based on equal representation of Hutu and Tutsi in order to allay the latter's fears of domination. The promotion of such ideas was to be deemed by many observers as crucial to the eventual construction of the agreement.

Mandela, therefore, was by no means committed to an inflexible South African analogy unless it was helpful. According to Jean-Baptiste Mukuri, (a member of a small party belonging to the Tutsi G10 grouping), Mandela may have arrived stressing the similarities between Burundi and South Africa, yet he rapidly came to appreciate that there were key differences. Hence for instance, he was initially convinced that Burundi required a Hutu president. However, when confronted by Buyoya and a delegation of ten senior officers who registered their concerns, he responded by explaining to the Hutu parties that unless Buyoya was confirmed as president, there would likely be a renewal of war. (Mandela was doubtless mindful of the fact that army's deep suspicion of the negotiations had prompted a coup attempt, headed by a lieutenant in April 2000. This had failed miserably after a few hours, but demonstrated the tenuousness of Buyoya's hold over the military).[129] The idea of the rotating presidency was therefore a masterful compromise. Likewise, although convinced that the Hutu armed groups were fighting for a just cause, he labelled them 'terrorists' when they declined to join the peace process. Similarly, there were times when he harangued the Hutu, saying that whilst they should indeed enjoy majority rule and democracy, they should go out of their way to accommodate minorities.[130] On the other hand, when certain Tutsi parties began prevaricating about signing the eventual agreement, he denounced them as being irresponsible.[131]

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

This change in approach to the negotiations, hitherto constrained by the need for absolute consensus within committees, was vitally necessary to move forward a process which, although having run for over two years, had yet made only very limited progress. Meanwhile, when he encountered key difficulties, Mandela held bilaterals with, on the one hand, UPRONA and the military, and on the other, with FRODEBU. Unafraid to use blunt language (which initially came as a shock to delegates, who were not used to such directness), Mandela would then stitch together an

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[129] The coup, attempted by a few dozen soldiers headed by Lieutenant Ntakarutimana, took place whilst Buyoya was in Libreville meeting with FDD rebel leaders. After announcing the suspension of the government, the putschists surrendered when, belatedly, they were confronted by loyalist troops. Reyntjens (2001:10) notes that use of a subaltern officer as a screen for political and military forces who do not want to show themselves is typical of the Burundian political class.

[130] Interview, Gerwel with Southall, 18 September 2003.

[131] Interview, Ambassadeur Jean-Baptiste Mukuri, Vice-President Parti Alliance Burundo Africain pour la Salut (ABASA), with Bentley and Southall, 11 March 2003.

agreement which he would then present this to the smaller parties as a *fait accompli.*[132] In combination with the South African government, he was also to lend support to civil society programmes, discussed in a later section below, which sought to introduce Burundians to the mechanisms and dynamics of the South African transition process, and to draw from them what they felt could be useful to promote peace in Burundi.

In general, reports Haysom, the strategy of negotiators under Mandela was to cluster the 19 parties into three groups: a majoritarian, democracy, Bill of Rights group (which was mainly composed of Hutu parties); a radical segregation group (composed of hardline Tutsi delegates); and a more moderate group in favour of qualified democracy with minimum guarantees of representation for minorities. Negotiators then tried to steer proceedings on committees towards solutions based upon the third model. Although progress towards such compromise was always tortuous, Haysom argues that its relative success was to be indicated that those parties which eventually signed the agreement, tended subsequently (on the whole) to stick with it.[133]

A fourth aspect of his approach to the peace process was Mandela's stress that it needed to be underpinned by the necessary international financial assistance to address immediate humanitarian and longer term development needs. 'Donors'[134] aplenty, in the form of delegates from Western countries, the European Union and the USA, attended the initial plenary session over which Mandela presided as facilitator in January 2000, some promising immediate grants of aid. The essence of their position, collectively, was that so long as progress in negotiations could be made towards peace, a shortage of money would not become a problem.

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

9.2 *The Signing of the Agreement*

So it was that the Arusha Agreement was put together – through progress in the committees, a mix of moral suasion and strong arm tactics, and significant international pressure. Importantly, Mandela imposed a deadline for the signing of an agreement on 28 August 2000, forcing the various Burundian players to concentrate their minds, not least because the ceremony was to be witnessed by regional leaders and other international dignitaries. Inevitably, the run up to the signing was tense and fraught, with rumours that the process might well be derailed by the failure of parties to find agreement.[135] In early August Mandela denied press reports that signing was to be delayed, as the all the conditions of an agreement between him and Buyoya had not been met. At that time, the parties had still not resolved who was to lead the interim government, and there had been no agreement on a ceasefire with the rebels, in the absence of which the civil war would continue. This tension and speculation peaked in late August when Buyoya cancelled a trip to South Africa to meet with Mandela because of a feared coup attempt in Burundi. As late as 26 August, just two days before the ceremony, Mandela was in talks with the parties in order to convince all 19 delegations to sign the accord. The most outspoken opposition to signing were the hard-line Tutsi parties, who cited fear of genocide (and Rwanda as the example in support of this fear) as a reason to reject a power-sharing arrangement with Hutu opponents. Yet they were to receive the lash of Mandela's tongue, and were denied the satisfaction of preventing the Agreement going ahead.

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[132] Mthembu-Salter 2002: 33. Interview, Haysom with Bentely, 1 October 2003.

[133] Interview, Haysom with Bentley, 1 October 2003.

[134] We use the term 'donors' for its convenience, whilst recognising that much international financial assistance, such as that granted by bodies such as the International Monetary Fund, is actually in the form of loans.

[135] Haysom (interview with Bentley, 1 October 2003) recalls that at the last moment, parties got cold feet and withdrew to their original positions, and that Mandela had in effect to read the riot act to them, insisting that they had agreed to abide by procedures and outcomes which produced a compromise.

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

The six parties which declined to sign were Tutsi-dominated ones which had expressed doubts about security. Their failure to accede was condemned strongly by Mandela, who, in a statement reflecting his disappointment said: "We have a section of the leadership which does not care for the slaughter of innocent people."[136] His determination to proceed soon paid dividends, as the outstanding six added their signature at a further summit of heads of state held in Nairobi on 20 September.

The Accord provided for a 30 month power-sharing arrangement but many of the details of how this was to be implemented were not decided before the signing of the accord, and so Mandela's role was to continue well into 2001 in the form of his meeting with the various parties until agreement could be reached on the nature of the power-sharing agreement, and who was to lead the interim government. Mandela's proposed candidate for the Presidency of the transitional government had been Leonce Ngendakumana, speaker of the Burundi National Assembly. However, the pro-Government, G10 Tutsi-dominated, parties wished to see Buyoya in this role, while the Hutu-dominated, opposition G7, parties favoured FRODEBU's Domitien Ndayizeye. Eventually, after tortuous and lengthy negotiations (in which Mandela stressed that donors would be more likely to cooperate if a transitional government was in place), and – as noted above – after he had persuaded the Hutu parties of the necessity of noting the fears of the army, it was agreed that Buyoya would act as interim-President for 18 months (from 1 November 2001) with Ndayizeye as his Vice-President, with the latter then taking over as President on 1 May 2003. This compromise was again opposed by some Tutsi parties, who claimed they were not party to it, but Mandela nonetheless pushed it through.

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

9.3 *The Signing of a Ceasefire*

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

[136] Africa Confidential, Vol 41 No 17, 1 September 2000

excuse for continuing their brutal attacks, and progress and development could not wait for their approval.

- Details of the transitional arrangement still needed to be resolved, but the achievements of the Arusha Accord should not be underestimated. It was not just that nineteen parties had appended their agreement, but Barundians had started talking to each other about a common national project.
- The Burundians needed to be assured that political progress would be matched by material, social and economic advance. Donors therefore needed to make firm commitments to make emergency aid, humanitarian relief and long term development assistance available in an integrated manner, and to ensure that the advances made were not negated by insistence upon the unreasonable repayment of debt.[138]

Overall, the conference was supportive, with the donors pledging in total some US$440 million in future assistance, and the World Bank announcing its decision to establish a Trust Fund to which other donors could contribute to provide for Burundi's debt relief. However, apart from the expression of some considerable doubts about Burundi's capacity to effectively absorb large amounts of aid, there was a clear division among the donors of how to proceed with long term development assistance. Whilst Belgium and France wanting to move in straight away, other donors were considerably more cautious, wanting to see the transitional government firmly in place and the major provisions of the agreement implemented before they realised their promises. Consequently, whilst the convenors of the conference declared its enormous success, the more sober assessment was that "most of the pledges would be made good only after the Burundi government had fulfilled certain conditions of which the installation of a transitional government, the cessation of hostilities and a ceasefire agreement and basic reforms were paramount".[139]

9.5 *Towards the Transition*

Mandela was eventually proved to be at least partially right in his view that international and regional pressures would bring the rebels into the Arusha fold, for in late 2002 the transitional government, headed by Buyoya, signed landmark agreements with both factions of a by now divided FDD, as well as with one faction of the FNL.[140] This only took place following extensive further negotiations, which are detailed below. Importantly, all these negotiations – which will be addressed below – took place upon the foundation of the Arusha Accord, and reflected both the latter's triumphs and its travails.

[138] Report on International Donors Conference. Document held by Mwalimu Nyerere Foundation.

[139] Ibid.

[140] In 2001, the FNL split into two factions, one led by Kossan Kabura, and the other by Agathon Rwasa. Kabura's death resulted in a further schism in the FNL, with Alain Mugabarabona leading a new splinter of the group. Mugabarabona's branch of the FNL is party to the ceasefire agreement, while Rwasa's group has remained outside and continues to terrorise the civilian population in the capital city as well as engage in clashes with the army. See ICG Africa Briefing Paper, 6 August 2002: 16.

10. SOUTH AFRICA'S CONTINUING ROLE

10.1 *'Our Boys in Burundi'*

Reports that South African troops were to be sent to Burundi began to emerge in August 2001 although these were initially denied by the South African government because of lack of progress being made towards agreement on a ceasefire. However, by October 2001, Mandela had successfully secured agreement concerning the deployment of South African troops as peacekeepers in Burundi from a cautious President Thabo Mbeki and an initially reluctant General Simphiwe Nyanda (Commander in Chief of the SANDF), as well as backing for the venture from UN Secretary-General Kofi Annan. The troops' initial task would be to protect returning politicians forced into exile by the war in the run up to the installation of the transitional government in November, which was set to go ahead even in the absence of a ceasefire. The peacekeepers would also be required to train a local Burundian force to take over from them. Other countries suggested at the time to assist in this role were Senegal, Nigeria and Ghana, but all three refused to participate in the absence of a ceasefire.[141]

At the end of October 2001 it was announced that South Africa was to send two battalions – 1 500 soldiers in all – to Burundi. There was some initial resistance on the part of Burundi to this intervention, but Mandela managed to persuade the Defence Minister to accept the peacekeepers, and this acceptance was later confirmed by President Buyoya, and officially backed by the UN Security Council, which on 29 October unanimously adopted a resolution to back the creation of a temporary international security force for Burundi. However, whilst the UN endorsed the idea of a 'protection force', there was insufficient commitment to make this a UN operation. Whilst officially operating under the auspices of the AU, South Africa was essentially left to assume the responsibility for the operation on its own, even though it was said at the time that the mission was to be funded jointly by Belgium and the EU. By December the EU had donated 9.5 million Euros to this end and the Belgian government US$5 million, secured by Mandela from Prime Minister Verhofstadt.[142] Most significantly, the South African military presence was accepted by the rebels, provided that its role was limited to the 'bodyguard' function outlined above, although this was countered by the more extreme Tutsi parties expressing their disapproval, and referring to the proposed deployment as a "foreign occupation force."[143]

By the early November, over 800 SANDF troops had arrived in Burundi to assume the role of protecting returning members of the new transitional power-sharing government and other opposition politicians.[144] The deployment, officially named the South African Protection Support Detachment (SAPSD), initially encountered resistance from the Burundian Army, which tried to force President Buyoya to have them based outside Bujumbura. However, the South Africans refused to move, and during the resulting stand-off, South African and Burundian troops drew weapons on one another at the site of a road accident. Fortunately, after a few months, Burundian officers came to accept that the South African troops were sticking to their mandate and had no intention of interfering with the autonomy of the Burundian army. In May 2002, the South African mission was extended for another 6 months, as the multiparty Burundian security force that they were supposed to train to take over from them had failed to materialise as the political parties had been unable to agree on its composition. By March 2002, the SANDF component amounted to

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[141] Mail & Guardian August 17-23 2001and Business Day 15 October 2001

[142] Johannesburg SAPA 21 December 2001

[143] The Saturday Star 27 October 2001

[144] 234 troops under Brigadier-General Steven Kobe, general commanding officer of the 43rd South African brigade, arrived on 28 October; 236 on the 30 October; and a further 231 troops arrived four days later. The troops were drawn from a number of SANDF units, including paratroopers from the 44th Parachute Brigade, medical orderlies from the SA Military Health Service, VIP protection units from the SA Air Force, and signallers from Wonderboom Military Base. Headquarters personnel were drawn from the 43rd Brigade. Neethling 2001:47.

some 750 personnel (based in the grounds of the Presidential palace bombed out in 1993) drawn from all three services, who were serving in Burundi on four month tours. Their limited political role was reflected in the lightness of their equipment, which was composed of Kombis, landrovers, one Casspir, one armed personnel carrier and 2 helicopters for search and rescue purposes.

On the whole, the South African deployment was well received and had a positive response. The troops began by providing protection to some 35 opposition politicians (a figure reduced after former president Jean-Baptiste Bagaza was placed under house arrest in November 2001 for allegedly plotting to assassinate Boyoya). Subsequently, in late February/early March 2002 it became responsible for the safety of a further 38 politicians, including 17 from Jean-Bosco Ndayikengurukiye's faction of the CNDD-FDD, and 17 from Alain Mugabarabona's FNL. Whilst the Protection Force on occasion accompanied politicians for short periods to the rural areas, all the latter were required to be based in Bujumbura, where they were expected to find private accommodation after an initial period based in hotels. The South African military reckoned to deploy just three guards for the individual politicians at any one time (although some politicians press for more as an indicator of their relative importance), and to provide protection for them around the clock.

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

It was something of a tribute to the SANDF's success in facing these challenges that the South African troops themselves rapidly came to feel appreciated by the Burundian public. They were able to wander freely during the town (in twos or more) during the day, although at night they were required to move around in larger groups, not because of any innate local hostility, but simply because of the dangers of robbery by the displaced human flotsam and jetsam whose urban numbers had swelled hugely as a result of the war. And the soldiers themselves seemed to be enjoying the experience. It was seen as a 'softer' option than deployment to the DRC, and one whose extra financial gains (allowances for foreign service) were appreciated. Morale amongst the highly racially diverse force appeared high, and the troops were undoubtedly taking pride in what they regarded as an important job. Visits to the troops were made by Deputy President Jacob Zuma, Defence Minister Mosiuoa Lekota, and senior generals, with the result that the contingent came to feel strongly supported by both the political and military hierarchy. On the downside, there was one incident where one soldier shot another during an altercation, another was found strangled in a Bujumbura suburb in January 2002 in unexplained circumstances, and two were drowned in a military exercise in October 2002. Yet these incidents were tragic exceptions to what was during the first eighteen months a highly successful operation.

10. 2 *From Protection to Peace-keeping*

The initial mandate of the SANDF was extremely limited: they were allowed to use proportional force and take measures necessary for self defence in guarding the politicians under their protection. However, this was destined to expand after the political transition from Buyoya to Ndayizeze. for in terms of the search for a wider settlement, the Protection Force was to be merged with troops from Ethiopia and Mozambique into the African Union Mission, which would have responsibility for, amongst other things, disarming rebels moving into the cantonments, feeding them and ensuring their security, assisting their demobilisation, and monitoring the peace. The dynamics of the situation were also such that this wider peace-keeping role could expand to enforcing peace between the army and rival armed groups throughout a country where the large majority of South African troops will be unable to speak a local language.[145] The AU Mission was also likely to become centrally involved in the difficult and dangerous task of integrating elements of the different militias into a new Burundian Defence Force.

From this perspective, May 1st 2003 was probably something of a watershed, for subsequently the SANDF was to have its experience of receiving rebels (from Alain Mugabarabona's FNL and Jean Bosco Ndayikengurkiye's CNDD-FDD) into the first of what what was intended to be a total of four cantonments. For the first time, some 800 troops of the South African contingent were deployed outside the relative safety of Bujumbura, and for the first time they were to be drawn into a skirmish with rebels (in which four of the latter were killed). Even at this early stage, this widened role placed a heavier burden upon the SANDF, which already admitted to being stretched, not least because of the general sense of insecurity provoked by an upward surge in the fighting which took place in July.[146]

Whilst this burden should, in theory, be eased following the proper establishment of the African Union Mission following the arrival of an Ethiopian battalion of some 1200 troops and two Mozambican companies of 1600, the patience and capacities of the SANDF are likely to be severely challenged as the mechanics of the peace process unfold. As yet, there have been no South African casualties in combat, but it would seem almost inevitable that these will occur in the highly unstable circumstances of Burundi undergoing what is an extremely contested transition. However, Opposition voices have already begun to question the heavy expenditure involved to the taxpayer by the South African deployment (over 2003-05 this is expected to amount to some R2.6 billion),[147] and there are wider concerns that South Africa's involvement in peace-keeping efforts in the DRC in addition to Burundi mean that the SANDF is seriously over-stretched. Indeed, it was for this reason that South Africa declined to deploy peace-keeping troops to Liberia in August 2003 following the fall of dictator Charles Taylor.[148]

10. 3 *Building on Madiba: South Africa's Continuing Diplomacy*

Following the signing of the Arusha Accord in August 2001, Nelson Mandela's role as Facilitator came to an end, and he was no longer officially involved in the Burundi peace negotiations. None the less, he continued to take a keen interest in the unfolding of a process for which, in essence, he served as the moral guarantor. As such, he was still to be approached by different actors when things might seem to be going wrong, and there were a number of occasions when he was to use his considerable persuasive powers from a long distance to encourage both government and opposition politicians to stick to their agreements and to contribute to the making of a sustainable peace. However, following his standing down, the baton was officially passed to Vice-President Jacob Zuma, who since late 2001 began to deploy his own remarkable mediation skills to cajole

[145] Very few South African troops speak French, although a few former MK soldiers speak Swahili, which is spoken by a number of Burundians, the vast majority of whom communicate in Kirundi.
[146] Interview, General Binda with Southall, 14 August 2003.
[147] Business Day, 7 November 2003.
[148] Business Day, 8 August 2003; Financial Mail, 5 September 2003.

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

11. BURUNDI'S FRAGILE TRANSITION: FROM BUYOYA TO NDAYIZEYE

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

From this perspective, it is patent that the Burundian peace process, as outlined by the Arusha Accord of August 2000, was desperately incomplete, and that the country was unlikely to take major steps forward to peace, reconciliation, and economic reconstruction until the different armed rebel groups could be brought into the agreement, and a ceasefire not only proclaimed but sustained. As described by one observer group, this was *Neither Peace nor War*.[149] In this sense, the Accord was a beginning, and not an end, and it was merely a foundation for a subsequent further process of highly complex negotiations between, variously, the transitional government, the rebel armed movements, regional leaders, and not least, the South African government.

11.1 *Regional Attempts to Stabilise the Transition*

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

- At a regional summit held in Nairobi in November 2000, the rebels were threatened with sanctions. Subsequently, President Bongo of Gabon hosted two meetings in Libreville in January and April 2001 which brought the transitional government and the CNDD-FDD together. They drew up an agenda for negotiations which they discussed further at another summit held in Pretoria in October 2001. But again the FNL stayed away from the negotiations, insisting that it would only negotiate directly with the Burundian army, and if various preconditions were met. Worse, the day after the finish of the Pretoria summit, a faction of the CNDD-FDD rejected its leader, Jean Bosco Ndayikengurukiye, and under the leadership Jean-Pierre Nkurunziza, declared itself the legitimate CNDD-FDD.
- Delegations from the Nkurunziza's CNDD-FDD and the Burundian government participated in talks at the Vaal Dam in South Africa in February 2002. They agreed on a code of conduct for talks and decided to reconvene to finalise a framework for negotiations.
- In March 2002 the Tanzanian government hosted a meeting in Dar es Salaam where all Hutu groups, including splinter groups, were invited to consider a joint position for ceasefire negotiations. Those participating included the three Arusha signatories from the G7 which hold positions in the transitional government (PALIPEHUTU, FROLINA[150] AND CNDD), and four armed groups (Ndayikengurukiye's CNDD-FDD, FDD-CNP, and two FNL factions). However, the two most active rebel groups, the FNL led by Agathon Rwasa and Nkurunziza's CNDD-FDD, swiftly rejected the process as an attempt to impose the Arusha Accord upon them. They also objected to being given the same status as groups they

[149] International Crisis Group (2000).
[150] A small Hutu party.

considered compromised by participation in the transitional government, and demanded their own exclusive forum to negotiate Burundi army reform.

- In April 2002, Jean-Bosco Ndayikengurukiye took part in another round of talks with the transitional government in South Africa and agreed on an agenda for ceasefire negotiations. But Nkurunziza's CNDD-FDD declined to participate unless the South African facilitators rejected their immediate rivals. The FNL meanwhile restated its position that it would only negotiate with the Burundian army. Nkurunziza proceeded to reject the facilitation of South African Deputy President Jacob Zuma for his refusal to dismiss Ndayikengurukiye, and called for negotiations to be returned to Tanzania.
- At a meeting held in Tanzania between 28 May and 3 June 2002, Nkurunziza's CNDD-FDD restated their commitment to a negotiated settlement, but stated that they would only talk to the Burundian army, which they argued was the real power in the country, and not the transitional government.

11. 2 *Ceasefire Agreements between Government and Three Rebel Groups*

- Subsequently, the facilitation team, led by Zuma, worked hard to organise direct negotiations between the Burundian government and the various groups of rebels. With the help of Tanzania, Gabon and UN Experts, it produced a draft ceasefire agreement and circulated it to the different parties (over the head of the Burundian government, which rejected the draft as prematurely making inappropriate concessions to the rebels). This was preparatory to three weeks of talks which were held in August 2002 in South Africa between the government, both factions of the CNDD-FDD and the smaller faction of the FNL led by Alain Mugabarabona. These culminated in the government signing a ceasefire agreement with Ndayikengurukiye's CNDD-FDD and the smaller faction of the FNL, led by Alain Mugabarabona, in September 2002.[151]
- After further extensive negotiations by the facilitation team, the transitional government signed a mediation agreement with Nkurunziza's CNDD-FDD on 3 December 2002 which was intended to lead to the finalisation of a detailed ceasefire agreement and the conclusion of outstanding political and military issues by the end of the month. However, in mid-December the CNDD-FDD refused an invitation to attend a meeting in Pretoria to conclude the agreement. Further momentum was then lost when reports came in of a resumption of heavy fighting between the army and Nkurunziza's CNDD-FDD.
- Nkurunziza was subsequently subjected to heavy regional and international pressure to go to Pretoria, where on 27 January 2003, the government and the three rebel groups signed an additional memorandum of understanding establishing a Joint Ceasefire Commission and setting a date for the return of Mugabarabona and Ndayikengurukiye to Burundi. It was further agreed that an African Union peacekeeping force, (the African Mission), composed of troops from South Africa, Ethiopia and Mozambique would be deployed "in the next few weeks."[152]
- Failure of the ceasefires to take hold led to continuing violence and continuing negotiations. Hence on 21 February, Nkurunziza's CNDD-FDD announced its suspension of its ceasefire talks with the government citing continued hostilities, the blockage of humanitarian aid and lack of consultation over the troops that were going to be sent to Burundi. The CNDD-FDD declared that it would regard the African Mission troops as "peace disruptors" if they were deployed without its approval.[153] However, following a two day regional summit between the government, represented by Buyoya, and the CNDD-FDD, represented by its Secretary-General Hussein Radjabu, and attended by Presidents Museveni of Uganda and Mkapa of Tanzania and Vice-President Zuma of South Africa, the two belligerents recommitted

[151] ICG 6 August 2002: 1-2.
[152] ICG 21 February 2003: 1.
[153] UN-IRIN 24 February 2003

themselves to implementing the ceasefire and ending ten years of war.[154] Even so, they remained severely at odds, the CNDD-FDD declining to recognise the validity of the Arusha Accord, and the army insisting that it was unnecessary to re-negotiate it.[155]

11.3 *The (Limited) Deployment of the African Union Peace-keeping Force*

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

Following the EU calling for a "neutral and independent" inquiry into the massacre of as many as 267 civilians by the army in September 2002 in Gitega Province,[156] international pressure in favour of the ceasefire was stepped up. The arrival of 8 Gabonese soldiers in Bujumbura brought the number of the AU's monitors (otherwise drawn from Tunisia, Burkina Faso and Togo) to its full complement of 43.[157]

The AU subsequently (3 April 2003) outlined the mandate of its intended 3,500 strong peacekeeping force, which it stated was due to be deployed within 60 days. The peacekeeping force would be charged with: overseeing the implementation of ceasefire agreements, supporting disarmament and demobilisation initiatives and the reintegration of combatants, ensuring favourable conditions for the establishment of a UN peacekeeping mission, and contributing to political and economic stability. It would remain in Burundi for an initial twelve months, this renewable every six months, pending its replacement by a UN peacekeeping force. South Africa would facilitate the planning, establishment and deployment of the force. Ethiopia would provide one battalion and two additional companies, Mozambique one company, and South Africa a battalion and 'other elements'. The force commander would be appointed by South Africa and his deputy by Ethiopia.[158]

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

11.4 *The Presidential Transition from Buyoya to Ndayizeye*

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

[154] IRIN 7 March 2003.
[155] Gasana and Boshoff 2003: 2.
[156] IRIN 8 March 2003. The army had found two officers deemed responsible for the massacre guilty merely of failing to obey orders, and had released them after they had been detained for just four months.
[157] IRIN 12 March 2003.
[158] IRIN 3 April 2003. For an overview of the role of the AU mission, see Boshoff and Francis (2003).

point, the CNDD-FDD released them unhurt.[174] Yet this merely underlined the fact that the CNDD-FDD feared the consequences of a de facto UPRONA-FRODEBU coalition, and the electoral inroads that a Hutu-led, transitional government might begin to make amongst a population desperate for peace and stability. Hence Nkurunziza's assertive attempts to undermine FRODEBU, to institutionalise his organisation as the major vehicle of Hutu power, and to secure effective control of parliament. In short, an early focus upon elections was likely to encourage the CNDD-FDD to think more as a political party, and rather less as an armed liberation movement seeking to seize power. Election talk, in other words, could contribute significantly to the political dynamics encouraging the CNDD-FDD and FNL to somehow scramble aboard the transition.

12. 2 *Implementing Arusha: Cantonments*

The mechanics of implementation of the Arusha Accord call for the establishment of cantonments, to be supervised by the African Mission, in which soldiers from the armed militias would be encamped prior to either their demobilisation and return to civilian life or their integration into a reformed, national army.

Progress towards cantonment has been slowed by delays in the arrival of the military forces of the African Mission and most particularly the lack of an effective ceasefire. None the less, a small beginning was to be made in late June 2003, when a first group of 22 fighters of Alain Mugabarabona's faction of the FNL were cantoned at Muyonge, 30 kilometres northwest of Bujumbura, swiftly followed by a group of a further 36. This followed initial difficulties involving FNL complaints that the ceasefire accord had indicated that the combatants would be cantoned with their families, with the African Mission responding that they would have to wait for 90 days whilst NGOs were stationed in the villages where their families were in order to provide support for their demobilisation. A compromise was therefore reached whereby the first batches of combatants to be cantoned were to be unmarried men, presumably with less pressing family commitments. Yet a start to the process it was, with a first group of 150 fighters loyal to the smaller faction of the CNDD-FDD, led by Jean Bosco Ndayikengurukiye, also reporting to Muyonge in early July. Against this, the cantonment site is built to accommodate around 3000 combatants, so these were only small beginnings, although Ndayikengurukiye was to commit himself to the weekly despatch to the camp of 200 fighters until it reached capacity. Meanwhile, African Mission sources were promising that other cantonment sites would be identified for more fighters, and indicated that they expected to receive 3 500 fighters in total from Ndayikengurukiye's faction and 1 800 from that of Mugabarabona.[175] Encouragement to the cantonment process was also given by the EU's decision to resume food distribution to CNDD-FDD rebels at Kayange, in the northwest province of Bubanza, on the edge of the Kibira Forest. Food distribution, conceived to prevent rebel attacks on civilians, had previously taken place in February but had been halted with the resumption of fighting.[176]

The Muyonge cantonment was quick to draw the hostile attention of Nkurunziza's CNDD-FDD, which launched an attack upon the site just three days after the first batch of FNL fighters had handed in their arms. Ironically, they now found themselves defended by the Burundian army, which responded to attacks in what was described as heavy fighting.[177] This merely confirmed the nature of the obstacle to the cantonment process which lies ahead. Whilst the larger faction of the FNL, led by Agathon Rwasa, has not signed the Arusha Agreement at all, Nkurunziza's faction of the CNDD-FDD has linked the issue of cantonment to implementation of a ceasefire and military reforms. However, whilst the government is stating that a ceasefire must precede military reforms, Nkurunziza is arguing the reverse. Meanwhile, the rebel factions that have already begun to

[174] IRIN 7 August 2003;
[175] IRIN 7 August 2003.
[176] IRIN 13 August 2003.
[177] IRIN 30 June 2003.

despatch their fighters to cantonments, have warned that they may return them to the bush if a national ceasefire fails to take hold and there is no progress towards the integration of their militias into a new national army.[178]

In short, whether the cantonment process develops its own momentum will depend upon the capacity of the overall transition process to deliver greater peace, stability and relief throughout the country.

12. 3 *Refugees and Resettlement*

The Arusha agreement called for "repatriation, resettlement of Burundians living outside the country and the rehabilitation of war victims." A particular difficulty for President Ndayizeye was that elements within UPRONA, FRODEBU's main partner in the transitional government, believed that these conditions should be met before either elections or the reform of the army. On the other hand, both Nkurunziza's CNDD-FDD and Rwasa's FNL argued that reform of the military should be a necessary and simultaneous accompaniment to the repatriation and resettlement of their supporters.[179]

In practice, any impasse in the peace process is likely to be partially resolved by actors beyond the immediate control of the political parties. On the one hand, displaced Burundians are likely to make their own decisions about whether to return to home in accordance with their individual assessments of their personal security options. On the other, neighbouring states, most notably Tanzania, which are hosting refugees may exert pressures for their return.

The security options of refugees and internally displaced persons (IDPs) will be dictated by some calculus of the availability of food supplies and an absence of fighting. Interestingly, refugee agencies reported that some 5 500 refugees in Tanzania had opted to return to Burundi spontaneously after the presidential transition on 1 May, before official repatriation plans had been concluded. However, this positive development was to be more than counter-balanced by the major internal displacements which took place as a result of the renewed heavy fighting which took place between the army and rebel groups in June and July. 65 000 civilians were reported as having fled their homes to escape fighting between the CNDD-FDD and the army in northern Burundi, and "thousands" more as a result of clashes between the FNL and the army in the south-eastern part of the country, many of the latter pouring into the perceived relative safety of Bujumbura (although even there, 15 000 people fled their homes in the suburbs).

Whilst international agencies, such as the World Food Programme, customarily come to such unfortunates' immediate assistance, longer term relief can only arrive with a cessation of fighting and terror in the countryside. Meanwhile, there are strong signs that the Tanzanian Government, which since 1993 has been host to Burundian refugees whose number has swelled to more than 350 000 based in five camps along the border with Burundi, is becoming increasingly unable or unwilling, or both, to bear this burden for much longer. Indeed, the governments of Burundi and Tanzania signed a tripartite agreement with the United Nations High Commission for Refugees (UNHCR) in May, which provided for the repatriation of all Burundian refugees in Tanzania. Subsequently, there have been reports (from the Refugees International advocacy group) that refugees in Tanzania are facing increasingly difficult conditions in the camps, in the forms of a reduction in food rations and a restriction on movements imposed by the government. In other words, Burundian refugees may be becoming victims of an increasing 'push' factor. Against this, more refugees that have left the country have crossed into Tanzania since 1 May to escape the upsurge in fighting, and are unlikely to return home until security prospects return home.[180]

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[178] IRIN 7 August 2003
[179] IRIN 7 August 2003
[180] IRIN 18, 24, 26 June; 28, 15 July; 7 August 2003

Although the situation is confused, there are positive signs. First, there are clear indications that the Burundians living in Tanzania wish to return home. Second, and more significant in the short term, was the fact that Tanzanian pressure upon Nkurunziza's CNDD-FDD to enter the transitional process was increasing. Historically, there has been major controversy concerning the extent to which the Tanzanian government has actively allowed the refugee camps to serve as bases for the rebels (with allegations of such assistance being countered by arguments that the authorities do not have control over their own, very extensive territories). Whatever the truth of the matter, the good news was that any freedoms which the CNDD-FDD rebels may now have to operate from Tanzania appear to be being limited. These were to be partially instrumental in at last bringing the CNDD-FDD into the transitional government.

13. BURUNDI'S TRANSITION UNDER NDAYIZEYE: FROM IMPASSE TO A DEAL

As noted above, after initial failure of the government of Burundi and Nkurunziza's CNDD-FDD to implement the ceasefire they had agreed upon in December 2002, they had been prevailed upon by the Regional Initiative to recommit themselves to peace via meetings in January and February 2003. As also noted, however, the protagonists remained deeply divided over the status of the Arusha Agreement, the government insisting that it was a satisfactory framework for settlement, the CNDD-FDD insisting that it needed to be renegotiated. Subsequently, in an attempt to overcome the divide, it was decided that a team of experts drawn from three countries participating in the Regional Initiative (Tanzania, Uganda and South Africa) would analyse the political and military problems that stood in the way of the completion of the ceasefire. However, whilst the CNDD-FNL submitted issues of concern, the Burundian government did not. Indeed, when President Museveni had prevailed upon the latter to react to the CNDD-FDD's submissions when Ndayizeye had visited Kampala on 7 May, the latter – who having just succeeded Buyoya had little room for manoeuvre even if he had wanted it - had insisted that Arusha was sacred and that all that could be discussed was the mode of inclusion of the CNDD-FDD into the transitional institutions. Indeed, the Burundian Government wanted a regional summit meeting convened to bring this about.[181]

Whilst Ndayizeye sought international support in Europe to strengthen the government's position, the CNDD-FDD raised the stakes by a series of attacks upon government positions throughout various parts of the country, kidnapping various officials and killing others. However, far more disruptive to the peace process was the assault by Rwasa's FNL (possibly with the support of the CNDD-FDD) upon the capital, Bujumbura, in early July 2003. The week long intensity of this was such as to precipitate an exodus of residents from outlying suburbs to the centre of town, the decision by the UN to evacuate various of its workers, and to issue a severe challenge to the entire peace process. FNL spokesman Pasteur Habimana stated that the attacks were issued as a warning to Ndayizeye, and a reminder to the regional powers that the FNL rejected the Arusha Agreement, and demanded direct talks with the Tutsi dominated army, which it believes to be the real power behind the transitional government: "It is time the Tutsi army and the Tutsi community came to discuss with us the real problems of Burundi" Pasteur is quoted as saying.[182] Not surprisingly, this intractable position earned the wrath of regional governments, which had invested so much energy into the Arusha process. Fresh appeals were therefore issued to the FNL to join the peace process, backed by the increasingly explicit threat that unless they did they would face a regional, military clampdown.[183]

13.1 *Regional Differences in the run up to the September 2003 Summit*

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

On the one hand, Uganda and Tanzania had veered towards a more militarist solution, whereby a regional force would be deployed against the FNL and whereby the Burundian Government and CNDD-FDD would be cajoled into negotiating their differences.[184] This was in essence an encouragement to the CNDD-FDD, for it gave effective substance to their position that the Arusha Agreement needed to be opened up to provide for a a new "charter of transition" (as

[181] For a detailed analysis of these negotiations, from which this summary borrows freely, see Gasana and Boshoff.
[182] IRN 7 July 2003
[183] 'I hope they (the FNL) can rein themselves in...' declared Mkapa. 'As far as my government is concerned, this is absolutely the last (chance) I shall give.' IRIN, 21 July 2003.
[184] Gasana and Boshoff, 2003: 2.

Nkuruniziza put it to the UN). The transitional government and the CNDD-FDD should both submit their proposals to the team of experts, who would work to provide the draft of a new framework to guide Burundi for the remaining period of the transition leading up to elections. Such a draft text should provide the basis for discussions at the forthcoming July summit.[185]

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

These differences were to be elaborated during following weeks as the Regional leaders sought to keep the peace process on track despite the surge in violence. On the one hand, Museveni sought to persuade Vice-President Zuma, as the regional facilitator, that deployment of a regional force, principally composed of Tanzanian troops, would balance and strengthen the African Mission in Burundi. Rebels should not be allowed to torpedo the peace process, and the immediate solution was for "a military solution to defend the Burundi peace agreement."[186] His argument was that this would reassure Nkurunziza's CNDD-FDD, which perceived the South African military involvement as pro-Tutsi and as aligned with the transitional government. On the other hand, Zuma expressed South Africa's view that such a regional force would be likely to inflame the situation, and that efforts should be made to strengthen the African Mission's mandate and confirm its neutrality.[187] He gained support for this from Rwanda (keen to emphasise that it could place pressure upon the CNDD-FDD and nervous about any extension of Uganda's regional influence), Ndayizeye and the regional representatives of the UN and AU.[188]

These differences were to be accentuated by a regional consultative meeting, held in Dar es Salaam on 20 July which was chaired by President Museveni, and attended by President Mkapa, Vice-President Zuma (as regional facilitator), President Ndayizeye, and Nkurunziza as leader of his faction of the CNDD-FDD. The official communiqué stressed that real progress had been made. The Burundian government had been urged by the Regional Initiative to finalise power-sharing agreements aimed at involving the CNDD-FDD in the transitional institutions, and both belligerents had been prevailed upon to complete outstanding issues in discussions about the Forces Technical Agreement (which would structure the reform and integration of the army) in order to speed the implementation of the ceasefire. Representatives of the CNDD-FDD would be granted temporary immunity from arrest by the government to enable them to join the Joint Ceasefire Commission in Bujumbura (tasked with monitoring the ceasefire) within two weeks, and this agreement was to be guaranteed by the African Mission. Importantly, whilst the further appeal was made to the FNL to join the peace process, the Regional Initiative called for the complete deployment of the African Mission force as soon as possible. Finally, it was noted that a full summit, to "finalize all outstanding matters" would be held in the near future.[189] However, the bland statement belied the fact that the meeting had been riven with tensions between the Burundian government and the South African mediation, on the one hand, and the Tanzanian and Ugandan delegations on the other, and it was only with some difficulty that the former had contained the latters' insistence that as the Burundian government and rebels could not negotiate an end to the conflict, peace should be imposed by force.[190]

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[185] IRIN 11 June 2003.
[186] 'Burundi needs armed solution – Museveni', Business Day, 16 July 2003.
[187] 'Wider mandate for AU's Burundi forces', Business Day, 18 July 2003.
[188] 'Zuma insists talks will end fresh conflict in Burundi', Business Day, 17 July 2003.
[189] IRIN 21 July 2003.
[190] This account is drawn from Gasana and Boshoff.

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

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

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

In the negotiations that followed, the Burundian negotiators came to accept that integration of the army should be based upon a division of posts as follows: 50% to Nkurunziza's CNDD-FDD, 40% to the present army, and 10% to other armed groups. It also accepted the CNDD-FDD's demand that the gendarmerie be abolished en route to which its numbers should be reduced to 20 000. Indeed, Ndayizeye even rejected the army's position that these reforms should be staggered over four years in favour of the CNDD-FDD's demand that they should be carried out immediately.

In the discussions that ensued, the points of agreement and disagreement between the negotiating parties were as follows:

Positions of Burundian Government and Nkurunziza's CNDD-FDD on Key Issues

Issues	Position of Burundian Government	Position of CNDD-FDD	Outcome
Ceasefire	Renewed commitment to ceasefire.	Renewed commitment to ceasefire.	Agreement to renew commitment made in ceasefire agreement of 3 December 2002.
Joint Cease-Fire Commission (JCC)	CNDD-FDD position not accepted.	A combined guard unit should be formed and should accompany CNDD-FDD representatives to the JCC in addition to AMIB protection	Security problem not resolved and postponed for further discussion at forthcoming summit
Cantonment	Nkurunziza's CNDD-FDD should be billeted alone.	Cantonment of all forces, including those of the Burundian army, should be simultaneous.	
Deployment of African Mission	African Mission should be fully deployed.	Additional countries should contribute troops to African	Decisions concerning deployment and

		Mission for deployment.	strengthening of African mission postponed to summit. .
Forces Technical Agreement (ATF)	Zuma and Burundian Government argued ATF be negotiated within the JCC.	The JCC was responsible for the implementation of the ceasefire, not for negotiation of reform of the army.	CNDD-FDD position accepted. ATF would be negotiated during next three months and signed at summit.
Division of Power	CNDD-FDD should return to Bujumbura and receive posts according to their availability.	A new division of political power should be negotiated to integrate achievements of Arusha and the CNDD-FDD's demand for a second Vice-Presidency, 2 extra ministries (Security and Local Administration). CNDD-FDD to be able to participate in organising elections at same level as FRODEBU and UPRONA. There should be "parity in power-sharing" between the CNDD-FDD and the Government.	Backed by Zuma, it was decided that negotiations on a transitional political programme should be conducted over the next three months.
Transformation of the rebel movements into political parties.	A law on political parties, which stipulated that a political party could not have an armed wing, had been enacted. CNDD-FDD could be integrated into political process if it met the criteria.	Acceptance of Government position.	Agreement that CNDD-FDD could be registered as a political party once its troops had been deployed to cantonments.
Provisional Immunity		Arusha Accord extended provisional immunity only to leaders of the various movements. Immunity should now be extended to all CNDD-FDD's members.	

Source: Adapted from Table 1, Gasana and Boshoff 2003: 6-7.

Although serious differences remained, what was becoming apparent was that, whilst the CNDD-FDD was knocking on the door to be admitted to the transitional agreement, the government was for its part beginning to make various concessions. Hopes were therefore further aroused when it was announced that, in agreement with the regional leaders, the government and the CNDD-FDD had agreed to streamline negotiations by talking directly to each other, rather than through negotiators. Furthermore, at the conclusion of its visit to Bujumbura during the last week of July, to determine whether its party would join the JCC, the leader of the CNDD-FDD's delegation announced that it would and that Nkurunziza would soon arrive home to participate in it.[191] Further optimism was raised by a government spokesman's statement that talks over the course of the next two weeks which would take place in Dar es Salaam could see the signing of the Forces Technical Agreement and the beginning of the integration of the rebel forces into the national army.[192]

13.2 *Consultative Talks at Sun City, 21-24 August 2003*

Given the advances made, considerable optimism preceded the consultative meetings, held in Sun City in South Africa and mediated by Deputy President Jacob Zuma, between the delegations of the Burundian Government and the CNDD-FDD, headed by President Ndayizeye and Pierre

[191] IRIN 1 August 2003

[192] IRIN 28 July 2003.

Nkurunziza respectively. The talks, the first direct meeting between Nkurunziza and Ndayizeye since the latter had taken power, were designed to lead up to the regional summit on Burundi which was scheduled for 24 August, which was to be held in Dar es Salaam ahead of a SADC summit. The talks were designed to harmonise the parties' respective ideas on power-sharing and transformation of the military.[193] Despite these fine hopes, the encounter failed to produce the hoped for results.

In summary terms, negotiations about power-sharing reached an impasse concerning the CNDD-FDD's demand for a post of Second Vice-President based on its reading of a particular passage of the Arusha Accord. This introduces the idea of a Second Vice-President of the Republic, provided that the post be occupied by a member of a different ethnic group and from a different political party from the President. Not least because a Hutu already occupied the Presidency, the government for its part rejected this demand as contrary to the spirit of the Arusha Agreement. Its position was that the Agreement's reference to a Second Vice-Presidency related to the post-transition period. Technically, the government's position appears to have been the more correct, although the larger issue which the disagreement represented was the broader one of power-sharing (with the CNDD-FDD arguing that the existing Tutsi Vice-President needed to be counterbalanced by a Hutu in terms of the principle of 'parity').[194] On the one hand, the demand for a Vice-Presidency was a negotiation stance adopted by the CNDD-FDD to secure major concessions concerning political positions. On the other hand, the government was determined to maintain the broad outlines of the political equilibrium represented by the transitional institutions.[195]

Failure to find agreement around political power-sharing did not mean that the meeting was wholly abortive, for the teams of experts were able to report considerable progress around military reform. The government had indicated willingness to concede immediate command of 16 of the existing 60 battalions to Hutus, six of to Nkurunziza's CNDD-FDD, 6 to Hutus already serving in the army, and the remaining 4 to other minority rebel groups. There was also agreement around the new names, and roles and functions of the defence and security organs, the provision of data concerning force levels to the parties to the agreement, and the size, composition and training of the army. Against this, whilst the CNDD-FDD wanted to see the abolition of the gendarmarie and the transfer of its functions to the police, the army wanted to retain it and subject it to a progressive transformation according to the dictates of the National Assembly and the government. Similarly, whilst the Army demanded retention of control of all five of the military zones into which Burundi has been divided since 1993, the CNDD-FDD laid claim to control of four. Finally, whilst the government proposed that the rebel movements be allowed to nominate deputies to all command posts in the army, they insisted that all of the latter should remain under its control.[196]

13. 3 *The Regional Summit of 15-16 September: End of the Road for Arusha?*

Postponed by the previous discord, the regional summit brought together four regional heads of state (Thabo Mbeki, Bejamin Mkapa, Yoweri Museveni and Joaquim Chissano) with the objective of sealing an agreement between the Burundian Government and Nkurunziza's CNDD-FDD. Major preparatory work had been done by the regional experts team to narrow the gaps between the two parties. According to a proposal by the mediators, the CNDD-FDD would have been awarded 40% of the seats in parliament, and 40% of the posts in the army while the remaining 60% would be held by the government and other rebel groups. In addition, there was suggestion that Nkurunzuza might be awarded a post of Prime Minister, based on the Tanzanian model, whereby he would assume a supervisory role with the responsibility of coordinating the government's political programme. However, as noted above, Nkurunziza stuck to his demands that he become a Second Vice-President

[193] 'Zuma optimistic about Burundi's peace process', Business Day, 21 August 2003.
[194] IRIN 8 August 2003.
[195] Gasana and Boshoff 2003: 9-10.
[196] Gasana and Boshoff 2003: 9-10.

and that his party assume the Speakership of the National Assembly, and Ndayizeye rejected these out of hand and walked out of the summit, leaving the peace process in disarray.[197]

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

First, it would appear that in the wake of the upsurge of fighting following the transition, and the shock to its system given by the major assault on Bujumbura in July, Ndayizeye felt that he was losing ground, stuck between a rock and a hard place. On the one hand, he was desperate to draw the CNDD-FDD into the transition, fearing both that it was gaining regional support (notably from Museveni) and that, if fighting with it continued, his reliance upon the army would drain support from FRODEBU, leaving him increasingly isolated as President. On the other, whilst he had shown preparedness to make significant concessions to the CNDD-FDD as regards both military reform and political power-sharing, he was extremely wary of disrupting the existing transitional institutions. To concede a Second Vice-Presidency to the CNDD-FDD would require a rewriting of the transitional constitution, and would upset the delicate ethnic balance hitherto attained at considerable cost. Likewise, the award of the Speakership of the National Assembly would grant major political influence to a party which had not been signatory to the Arusha Agreement.[198] Hence whilst he appeared to be prepared to push the Arusha Agreement to its limits, he was constrained by the precariousness of his position not to burst those wide open. Meanwhile, the position of the CNDD-FDD regarding power-sharing was that, if it was to enter the transitional process, it must obtain significant political leverage in order to situate itself favourably for the forthcoming elections.

Second, despite all good intentions to deploy the African Mission, its credibility continued to be undermined by lack of funding. When it had come to the crunch, South Africa had been largely left to its own devices. Ethiopia and Mozambique remained committed to despatching their contingents, but lack of funding meant that they had yet to fully deploy.[199] The AU has estimated that a peace-keeping operation will cost US$180 million a year yet has been unable to secure the necessary financial backing from the international community.[200] The African Mission is charged with securing a ceasefire and creating the conditions for the deployment of a UN peace-keeping force, yet any upsurge in fighting, such as that experienced in July 2003, served to diminish, or at least delay, UN involvement. In the meantime, despite talk of expanding the African Mission's mandate, South Africa was understandably wary of intervening in fighting between the army and the rebels. This meant, on the one hand, that the CNDD-FDD was encouraged to continue to use its military muscle to strengthen its political hand; whilst on the other it did nothing to crush the conviction of the fundamentalist FNL that it could fight its way to an overthrow of Tutsi power. Ndayizeye, in short, was signalling that any making of an agreement required the speeding up of promised yet hitherto undelivered international support.

The third reason why the summit failed at that point was that whilst the CNDD-FDD had now given fair indication that it would rather be inside the transition than outside, it feared that to leave the battlefield would merely be to vacate it for Rwasa's FNL. The rebel attacks upon Bujumbura in July were overwhelmingly the work of the latter, even though it appears that there was some logistical support provided by the CNDD-FDD (with or without Nkurunziza's permission). Nonetheless, despite such instances of collaboration, the FNL and CNDD-FDD remain

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[197] Mail & Guardian, 12-18 September 2003.
[198] Gasana and Boshoff 2003: 10.
[199] 226 of the committed total of 1300 Ethiopians arrived on 27 September 2003. The 228 Mozambican troops are yet to be deployed (IRIN 29 September 2003).
[200] IRIN 5 August 2003.

14 BURUNDIAN CIVIL SOCIETY AND SOUTH AFRICAN LINKAGES

What Samuel Huntington has termed the 'third wave of democracy', whereby numerous countries of the world shifted from authoritarian rule to democracy over the last quarter of the Twentieth Century, was often brought about by what theorists refer to as an 'elite transition'. The basic idea behind this concept is that when elites which have been locked in military and/or violent political combat come to appreciate that they are unlikely to defeat the enemy, and that the costs of continuing conflict are coming to outweigh the potential benefits, they will seek a mutual political accommodation in which they make major concessions to each other. In so doing, they will often make key concessions at the expense of their followers, which they will justify in terms of the need for all parties to make sacrifices in order to forge a new social contract with their erstwhile opponents so as to achieve an over-arching 'general interest', often expressed in abstract notions of peace, justice and equality. Yet importantly, because the sacrifices demanded of followers, notably those of mass political movements, may be such as to undermine some of the gains that are being promised (so that, for instance, working classes may be admitted to political equality whilst remaining subject to the economic inequalities of capitalism), the process of 'elite pacting' will require the marginalisation of 'hardliners' on either side of the conflict, and the political demobilisation of active supporters.[223]

Considerable debate attends the issue as to whether South Africa's own democratic transition fits this model, and if it does, whether this is 'a good thing'. On the one hand, for instance, Adam and Moodley refer with approval to the "reluctant reconciliation" between then ruling National Party and the African National Congress as an "historic compromise." Even if "an unwritten contract" has been concluded between elites (whereby whites have conceded political power to blacks whilst retaining control of much of the economy) at the expense of "unorganised and weaker sections of the population", South Africa has moved from war to peace and from racialised authoritarianism to non-racial democracy.[224] In contrast, whilst Patrick Bond similarly celebrates the defeat of apartheid, he argues that, in the context of a rapidly globalising world capitalist economy, the macro-economic concessions required of the ANC were such as to inflict such significant material damage upon the interests of the poor and working class as to threaten the very viability of the compromise.[225] Meanwhile, there are those who argue that whilst elites may have played a necessary and important role in forging a new social contract, South Africa's cannot be described as an elite transition because the liberation movement's momentum and strength at the bargaining table was dynamically linked to mass protest, demands and organisation.[226]

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

[223] Huntington 1991; O'Donnell, Schmitter and Whitehead, 1986.
[224] Adam and Moodley 1993.
[225] Bond 2000.
[226] Guelke 1999.

the final agreement of the previous authoritarian power-holders, the NP, to what is often now described as one of the most democratic constitutions in the world.

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

14. 1 *Civil Society in Burundi*

In classic definitions, the conceptualisation of civil society derives from a particular perspective of state and society, where the state is associated with power and civil society belongs to the realm of freedom and liberty. However, as Abrahamsen argues, 'such a narrow conception of power gives rise to the rather romantic representation of civil society as implicitly democratic, and the mere existence of organisations outside the state is assumed to be sufficient to limit the power of the state and enforce a transition to democracy.' Yet many associations in society do not seek to limit the state or influence its policies, some may espouse authoritarian ideologies, and some may pursue undemocratic goals. 'Civil society cannot therefore be seen as either inherently democratic or undemocratic; rather, its character may vary across time and space'. Abrahamsen suggests that such observations are of particular relevance to post-colonial Africa, where a blossoming of informal associations is largely a result of the inability of the state to deliver basic services. Africans have tended to withdraw from an increasingly oppressive state, and turned instead to community networks for their social welfare.[227]

Such a view is an important corrective to widespread yet excessively narrow views of civil society in Africa as composed of 'interest associations or the modern forces of trade unions, professional associations, grassroots organisations, NGOs, etc.', as this leaves little for indigenous political institutions, and fails to leave them any significant role in the governance debate.[228] In contrast, civil society in Africa is 'heterogeneous and segmented', embodying 'a diverse set of traditional, ethnic, professional, class, local, regional and national interests.'[229] Whilst heterogeneity does not itself prevent voluntary associations from mobilising for democracy, it does increase the likelihood that some will become the vehicles of ethnic or parochial interests, especially where nation-building is incomplete.

These warnings and correctives are particularly apt for any consideration of the state of civil society in Burundi, about which in any case too little is known. Yet we may hazard three propositions. First, the collapse of the infrastructure of service delivery (hospitals, schools, even churches etc) caused by the enduring conflict will have pushed ordinary Burundians back on to greater reliance on informal, societal (often 'traditional') networks. Second, the depradations of war have weakened civil society by interrupting the reproduction of an educated middle class, a significant proportion of whom have fled the country to seek opportunities elsewhere. Third, the 'civil society' that is most visible to international organizations (and hence likely to receive aid and support) is based overwhelmingly in the towns, notably the capital, Bujumbura. Overall, therefore, whilst detailed investigation might well reveal that informal networks play a major role in providing for the survival of the mass of the rural population in a war-torn society riven with insecurity, civil society in Burundi, viewed from the classic conception of civil society as a constraint on the state, is weak and undeveloped. This is the principal reason why Burundi's rulers and politicians, of all stripes, have been able to largely ignore the views of civil society and to exclude it from participation in the negotiations process. Nonetheless, despite this inherent weakness, there are

[227] Abrahamsen 2000: 54-55.
[228] Mohamed Salih 2001: 10.
[229] Abrahamsen 2000: 55.

various indications that suggest that voluntary associations in Burundi are stirring in favour of peace, and that the political parties would do well to heed their call.

14. 2 *The Exclusion of Civil Society from the Peace Process*

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

First of all, the governing class is made up almost entirely of politicians and soldiers, who are competing and collaborating with each other for a very limited number of positions and resources within a small and extremely poor, African state. Entry to this class is via the military apparatus or attainment of leadership positions in the principal political parties, or failing that, invention of political parties. On the one hand, although the major parties like UPRONA, FRODEBU may be long established, their existence revolves around limited patronage networks (dependent largely upon their access to state resources) which are urban based, and otherwise is reliant upon the mobilisation of ethnic sentiment rather than organisation (which is in any case rendered immensely difficult by war conditions, not least probable outright intimidation by the military of the Hutu parties in at least some rural areas). On the other hand, as in other impoverished societies where there are limited economic opportunities and the state is central to the allocation of resources, parties tend to proliferate as ambitious individuals or groups create vehicles for personal advancement. Whilst these will usually lay claim to some programme or the promotion of particular interests, in Burundi they often rest upon the mobilisation of ethnic interests, as these are the easiest signifiers by which to secure support in a society where ideology means very little. Meanwhile, although there are women politicians (and, as noted above, Burundi at one time boasted a female prime minister), politics is an overwhelmingly male preserve, with the inevitable outcome that, as the peace talks centre around negotiations between the political elite, they are an almost wholly male dominated process. Yet such gender exclusion is dangerous, for whilst the normal stereotype presents women's participation as likely to lead to a gentler, less violent form of politics, there is no inherent reason to assume that Burundian women are any more moderate, or less extreme than their male counterparts. After all, it needs to be recalled that many Rwandan women were complicit in implementing that country's tragic genocide.

The second reason why civil society has been largely excluded is because international relations between states is similarly principally an activity of politicians, who may be more or less connected to significant constituencies in their societies. In the case of Burundi, the Arusha negotiations were brought about by regional and international pressure upon the then military government to return the country to civility. As a result, both the principal facilitators, Mwalimu Nyerere and Nelson Mandela, were engaged to bring the warring parties together, and were constrained by the norms of African and international diplomacy. From this perspective, however much they might privately have wanted to engage with Burundian civil society, they were required to pragmatically accept that the different political parties with which they met in Arusha represented historic and genuine constituencies. Hence whilst Mandela in particular was forthright in his demands that Burundian politicians should rise above particular concerns and seek to pursue the general interest, neither he nor Nyerere made any significant attempt to make the Arusha negotiations inclusive of more than political parties. On the one hand, to have done so would have been to humiliate and undermine the parties with which they wanted to deal, in effect by 'interfering' with their internal affairs. On the other hand, they needed to ensure that the negotiations remained manageable, whereas opening it up to civil society might have led to multiple, and confusing claims to entry. Against this, although a few symbolic representatives of civil society, including womens' organisations, were present as observers at some of the early sessions of the negotiation process in Arusha,[230] there was simply no concerted demand by civil

[230] For instance, representatives of civil society and of Burundian women attended the third session of the peace negotiations in Arusha in October 1998.

society to be admitted. The arena of politics was simply left vacant by civil society for the politicians.[231] In retrospect, the exclusion of women was supremely unhelpful, for as Haysom suggests, if women are left out of negotiations, these become "more brittle".[232]

Despite these dynamics of exclusion, Mandela, in particular, was conscious of the dangers of the negotiations being carried on in isolation from Burundian society. Doubtless recalling that, whilst CODESA was composed only of governments and parties, the major political parties had intimate connections to major societal forces (the NP to the state apparatus and the military, the ANC to the Congress of South African Trade Unions, the United Democratic Front and the South African Communist Party), he was greatly concerned that the political parties should maintain linkages to their constituencies and represent genuine interests on the ground. Accordingly, his famous early visits to Bujumbura were made with the intention, not merely of assessing the 'weight' of the different parties,[233] but of reminding them of the importance of keeping in touch with a wider range of societal interests. He was, of course, also concerned to drum up popular support and legitimacy for the negotiation process. Indeed, when the moment came for the signing of the Arusha Accord in August 2002, he wanted it endorsed by symbolic civil society signatories, only for the Burundian politicians to prove unable to agree as to who those might be.[234]

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

14.3 *ACCORD's Engagement in Burundi* [235]

International Alert, a United Kingdom based organisation which had funding from the British Government, had contacted ACCORD in 1995 in order that they might they might undertake conflict resolution activities in Burundi which would draw from the experience of the South African transition process. Thereafter, for the next two years, ACCORD set up a series of visits by various Burundian political and civil society actors whereby they might meet with their South African counterparts and learn from their experience. The programme had four major elements:

- Burundian parliamentarians and retired diplomats were brought to South Africa to visit South African political parties and to discuss how the latter had engaged in the transition process and embraced the culture of negotiations. In particular, meetings were held with President Mandela (at Shell House, as leader of the ANC) and General Constandt Viljoen, leader of the Freedom Front, who stressed how his command experiences in the Caprivi Strip had convinced him that there could never be a military solution to the South Africa conflict. Both Mandela and Viljoen stressed that both sides to the conflict had arrived at the conclusion that it was necessary to find an accommodation with their political enemies if there was to be peace in the long term.

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[231] Although Haysom suggests that resistance to inclusion of a special delegation of women (which had been pushed for by Nyerere) was significantly motivated by delegates fear that opposing parties would attempt to manipulate women to their own advantage. Interview, Haysom with Bentley, 1 October 2003.

[232] Interview, Haysom with Bentley, 1 October 2003.

[233] As described by Professor Jakes Gerwel (Interview with Southall, 18 September 2003), Mandela's principal personal advisor, quite a number of the Burundian parties represented little more than 'a man and a dog'. Yet necessarily, as at CODESA, it was diplomatically and pragmatically necessary to admit such canine entities to the negotiations, safe in the knowledge that they had more bark than bite.

[234] Interview, Gerwel with Southall, 18 September 2003.

[235] The summary that follows is drawn from an interview by Southall with Jerome Sachane of ACCORD, Durban, 11 September 2003.

- A group from the Burundian military visited their South African counterparts, and Constandt Viljoen (again), to learn about the formation of the SANDF. Stress was laid upon the complexity of the South African military restructuring process, which had involved the integration of the old South African Defence Force with homeland armies as well as the guerrilla movements of both the ANC and Pan-Africanist Congress, with the strong implication that what had been achieved in South Africa could be replicated in Burundi. Viljoen, in particular, is reported as having played a constructive role in striking up a good relationship with Tutsi officers and seeking to allay their understandable fears concerning integration.
- Women parliamentarians from both Rwanda and Burundi were brought together to South Africa to meet with women parliamentarians, the Gender Commission, the ANC Women's League and various community based organisations and to share experiences. They were also introduced to the Truth and Reconciliation Commission, from which the message was drawn that acknowledgement of past atrocities by all parties was not only a necessary step to forgiveness but to mutual political accommodation.
- A group of Burundian youth drawn from a variety of organisations (with no particular political affiliations) were brought to KwaZulu-Natal (itself an arena of violence and conflict) to join youth from Sweden and South Africa in mutual discussions concerning how they could relate to political organisations and structures. Two further such sessions were subsequently held in Sweden, but plans to take Swedish and South African youth to Burundi later fell through due to an upsurge in fighting.

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

The resulting visit, by Burundian academics, women, youth, journalists, church representatives and traditional leaders entailed 2 days of meetings, one of which was held exclusively with Mr. Mandela. From him they received feedback on the Arusha negotiations which they were denied by the government dominated media in Bujumbura, and gave their own views on the process. Acknowledging that they were not directly represented at the negotiations, Mandela reportedly assured them that they would have a chance to react to its proceedings: they would be able to embrace, amend or reject them, and also implied that eventually the process would move from Arusha to Bujumbura. Meanwhile, he even met separately with an individual Tutsi delegate, who had refused to sit down with representatives of those he described as *genocidaires*, and urged upon him the necessity of political accommodation, a message pressed home to him in a separate meeting with Viljoen.

In the wake of this visit, ACCORD's good offices were used to prepare the way for Mandela's visit to Burundi to meet the people, and to facilitate his meeting with organisations of civil society. Again, ACCORD was faced by the refusal of certain Tutsi interests to attend a

plenary session with those regarded as Hutu extremists, and in due course this resulted in their gaining a separate audience with Mandela (albeit later, at his home in Houghton in Johannesburg).

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

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

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

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

14. 4 *The Involvement in Burundi of the Action Support Centre* [236]

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

Under the auspices of the Ministry of Peace and Reconciliation, the Action Support Centre is working on various development and reconciliation projects in the Gitega district. Linking up with local organisations, the initiative is designed to prepare the path for former combatants to re-integrate with society, and for local society to achieve reconciliation and mutual accommodation in

[236] The following section is drawn from an interview by Southall with Richard Smith of the Action Support Centre, Johannesburg, 23 September 2003.

the run up to elections. The principal vehicle for this work is the conduct of extensive seminars, conducted over a period of weeks, in which members of different organisations and communities are encouraged to divest themselves of ethnic stereotypes, and to devise their own strategies for peaceful reconciliation and development. Again, this initiative deliberately attempts to steer clear of identification with the involvement of the South African government in the Burundi process, yet engages in constructive informal exchanges of information with it.

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

14. 5 *Knocking on the door to come in? Calls from civil society for inclusion in the peace process*
Any attempt at generalisation of the views of Burundian civil society on the peace process is fraught with obvious difficulties. Nonetheless, the sort of views which are commonly expressed by independent journalists, NGO activists and academics in Bujumbura are as follows:[237]

- There is recognition that the Arusha Agreement was a step forward, yet there is a scepticism concerning its potential for bringing about a transition to democracy. Attitudes towards the transitional government itself are ambivalent. The peaceful change from a Tutsi to a Hutu president, as well as the composition of the government being drawn up from political parties rather than just unrepresentative individuals (as under the military) has been welcomed as engendering societal trust, yet at the same time the fact that there have been no changes in the control of the military and intelligence structures is regarded as a major constraint upon Ndayizeye. There is therefore widespread doubt whether the latter will be allowed to make sufficient concessions to draw the rebel movements into the peace process.
- The role played by former Presidents Nyerere and Mandela in the Arusha process is widely appreciated, yet there is criticism that they did too little to involve civil society. "No- one in South Africa would have allowed the South African peace process to have been hi-jacked by outsiders" is a widespread sentiment, as are related themes such as "We don't own our own process" and "the negotiators have not respected us". Foreigners, it is widely said, cannot and will not solve Burundians problems. And the South African negotiators don't even speak French!
- Again, whilst the efforts of Deputy President Jacob Zuma are respected, there is considerable scepticism concerning the possibility of his making an impact. It is felt that Burundi is merely one of the many responsibilities that he has to carry, and that in consequence, he cannot apply his full, and adequate attention to the peace process. His role, it is widely said, is reactive, not pro-active.
- Ideally, therefore, the negotiation process should be managed by Burundians themselves, who should report back to Deputy President Zuma and the regional leaders. Burundians understand the internal situation more intimately than others, and the elite – even those on opposing political sides – often know each others' backgrounds and families.[238] Increased inter-elite communication would allow for recognition of mutual fears and interests.
- At some point, an internal negotiation and constitutional process is inevitable and necessary. This will probably require the present transition to be extended. Yet it is recognised that if

[237] Our interpretation of these views is drawn from various interviews conducted in Bujumbura.
[238] An interesting angle to this is the tale told by one informant, who reported that after his brother, who served in the military, had been killed in action, he received a cellphone call of commiseration from a leading figure in the CND-FDD militia, with whom his brother had gone to school.

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

Lurking behind this sort of thinking is the notion of a National Convention, composed of political parties and civil society players, which would go well beyond the present Arusha Agreement and provide the opportunity for Burundians to make their own peace, and devise their own constitutional solutions. That it remains problematic is obvious: it would require sufficient trust between the army and the rebel movements to allow for implementation of a proper ceasefire; it might require the government to admit to equality with hitherto excluded political parties; and it presumes implicitly that civil society engagement would propel the political parties, hitherto extremely fractious, to a mutual accommodation. This in turn, assumes that civil society in Burundi has a largely progressive and united character, when in practice significant sectors may be subject to reactionary tendencies and division. (For instance, the role of the Adventist churches in the recruitment of child soldiers for the FNL requires serious interrogation). Finally, in its understandable emphasis on Burundians finding internal agreement, this perspective tends to overlook the vital role that inevitably, external pressures (from the regional powers, donors, and so on) are bound to impose, for good and ill, upon any constitution-making process.

Nonetheless, the fact that such sentiments appear widespread amongst societal activists, suggests the importance of politicians listening to them.

This is emphasised by the fact that non-governmental organisations are going to be required to make a major contribution to peace-building on the ground, notably with regard to the reintegration of demobilised soldiers and armed militia into their local communities. NGOs are already lined up by such international bodies as the United Nations Children's Fund, which is taking a lead role in the return to their families of child soldiers, for such a role. The integration process is viewed as entailing a complex intervention involving not only attendance to the psychological needs of individual ex-combatants (and many children will have seen and committed appalling brutalities), but also to the advance of a package of support measures to the recipient communities, in terms of health, educational and basic infrastructure provision, and HIV/AIDs prevention and treatment, all of which should be related to regular programmes of societal reconstruction. These are tasks which neither international bodies nor any government based in Bujumbura can achieve on their own, necessitating their forging partnerships with local NGOs and community based organisations.[239]

The impasse in negotiations registered by the collapse of the September 2003 summit has for the moment stalled progress towards "bringing the peace process back home". However, pessimism about the future should be countered by recognition of key countervailing factors: apart from an increase of regional pressures upon both the government and rebels to find an accommodation, the

[239] UNICEF 2003.

overwhelming majority of the population are widely reported to be desperate for an end to the war. Furthermore, some rebel politicians have already returned home, and despite present difficulties, there is reasonable prospect that they will relatively soon be joined by at least Nkurunziza's CNDD-FDD. Once aboard the transition, engaging in politics as discussion rather than war, and enjoying the relative security and comfort of Bujumbura, they will be drawn into deeper and constructive connection with both local civil society and the international community.

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

15. SUSTAINING THE PEACE: LESSONS FROM SOUTH AFRICA?

South Africa is deeply involved in the Burundian peace process for a host of reasons, yet the one that is most intriguing is that, having achieved its transition from apartheid to democracy, Africa and the wider world looks to its experience as a key model for resolving intractable conflicts. Nelson Mandela's stature as a peacemaker was forged in the crucible of the negotiation process in South Africa, notably between 1990 and 1994, and thereafter elaborated by the mission of national reconciliation which he pursued during his subsequent presidency. Hence it is that in recent years outsiders have often looked to Mandela personally, and to South Africa more generally, to help them bridge differences between governments[240] or make peace between warring communities.[241] More particularly, of course, Mandela's skills as a mediator and South Africa's experience in navigating turbulent waters to reach democracy were widely hailed as providing lessons for Burundi. Yet how appropriate, in retrospect, was that hope? The South African and Burundian conflicts may well exhibit some similarities, yet the differences between the two countries are simultaneously manifold and legion. What follows is an attempt to draw lessons from the South African transition which may prove useful indicators of the way forward for Burundi, whilst also recognizing that any such proposals must be extremely tentative.

The areas of comparison are regarded as being interrelated in the sense that their resolution is contingent: the issue of military dominance and minority hegemony cannot be separated from that of race and ethnic tension; which in turn impacts upon questions of inequality and economic access, as well as democratic participation. This in turn is contingent upon the satisfactory resolution of questions of amnesty and justice. Consequently, in so far as these are areas that South Africa has had to grapple with for the success of the transition, it is both instructive as well as a source of hope for Burundians that these issues may be constructively dealt with in a way that builds rather than undermines their ultimate cohesion as a nation. As Léonce Ndikumana observed in 2000 :

> The negotiation process may benefit from Mandela's international reputation and, through him, the experience of South Africa in dealing with tragic history. South African leadership offers probably the best chance for convincing Burundian leaders that nation-building involves hard choices in a give-and-take process where primitive revenge has no place.[242]

15. 1 *Military dominance, Minority Rule and Human Rights*

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

As has been noted already, the military is inextricably linked with the politics of Burundi, and the ranking officers who wield the most power are mainly Tutsi from Bururi province. Furthermore, the army is the entity that is most resistant to change. Indeed, some hardline Tutsi parties, notably Bagaza's PARENA, that do not trust Buyoya and which are deeply wary of the

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[240] Note, for instance, the key role which Nelson Mandela and South African government officials played in persuading Colonel Gaddafi to hand over two Libyan agents suspected of the bombing of Pan Am Flight 103 above Lockerbie in Scotland, which killed 270 passengers and people on the ground. Following a long stand off between the US, UK and French governments, working through the UN, and Libya, British Prime Minister Tony Blair's request to Nelson Mandela to intervene in 1999 proved critical in Colonel Gaddafi eventually agreeing to hand over the suspects for trial by a Scottish Court sitting in the Netherlands in 2000.

[241] For instance, apart from facilitating the peace talks in the DRC, South Africa is currently also actively involved in resolving the long running conflicts in Sudan and Somalia.

[242] Ndikumana, 2000: 444

entire peace process, are actually led by military leaders. The grounding of their resistance to accepting a peace deal with the rebels is based on the suspicion that without the Tutsi-dominated army to protect them, the minority Tutsi would fall victim to a genocidal slaughter such as that which occurred in Rwanda in 1994.[243]

As was the case in South Africa under apartheid, control of a powerful security apparatus that understands its mandate in terms of the needs of a dominant minority is deemed indispensable to physical and political survival. Two unsuccessful coup attempts, in April and July 2001, pointed to the deep dissatisfaction of some members of the army with the negotiations process, and indicated the potential of military hardliners to scuttle that process, and set limits to the scope of actions that Buyoya was able to take. Yet at the same time, whilst having positioned itself as a force restraining change, and as a protector of the Tutsi, the army has also undermined its potential for playing a constructive role in any transition to peace and democracy. Precisely because of its domination by Tutsis, and the anti-Hutu bias of its actions, it is widely feared and mistrusted by the majority of the population, not least for its backing of 'Dead City Days' in the mid-1990s, but also its more recent role in herding people into *regroupment* camps and its undoubted responsibility for a whole catalogue of other human rights abuses (as identified by such organisations as Amnesty International and Human Rights Watch).[244]

The problem, in short, is that of the blurring of the lines between the military as an instrument of the state, and the armed forces as a political force independent of, and largely unrestrained by, the civilian authorities. The numerous coups in Burundi, as well as the assassination of Ndadaye by the army in 1993 which sparked off the civil war, indicates that the military has difficulty in seeing itself as subordinate to any force but itself. It regards itself as the essence of as well as the guardian of the state, which in turn presumes a certain ethnic order. It is scarcely surprising that the army has found it difficult to agree to a ceasefire with rebel groups that have challenged its monopoly of arms, or to agree to a transition in which power would be located in civilian hands.[245]

The role of Buyoya has become difficult to assess in this regard. On the one hand, he can claim that his role in engaging in the Arusha peace process has been largely constructive (notwithstanding his early reluctance to admit the principle of a foreign peace keeping force). On the other, he is himself a veteran leader of two military coups, and has never yet come into power via democratic means. Indeed, it is argued by Van Eck that he remains deeply suspicious of democracy, or rather its suitability for Burundi, and blames himself for having inflamed ethnic passions and precipitated civil war by his standing down in favour of a projected multi-party democracy in 1993, having ignored advice from Yoweri Museveni that such a move would end in bloodshed. His present position remains ambiguous. On the one hand, his retirement from the presidency may be destabilising in the sense that it signifies the weakening of his moderating influence over the military. On the other, although he has taken up his place as an Ex-President in the Senate, his role as an elder statesman, as somehow 'above society', has been compromised by his having vowed to return to the political fray by standing in future elections as the head of a political party. Hence Buyoya appears both a nationally respected figure and reluctant democrat, presently sidelined, who could yet play either a constructive or spoiling role during an attempted progression to democracy.

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[243] Reyntjens, 1995: 9

[244] Professor Gerwel recalls that Buyoya was insistent that the *regroupement* camps were as much for local communities protection as they were for its control. Yet it needs to be stressed that, whatever the reality, it is apparently widespread *perception* of *regroupment* camps as oppressive that matters in this context.

[245] ICG Africa Briefing Paper, 6 August 2002

South Africa's transition took place against a not dissimilar backdrop. The political agreement that had to be struck was between two fundamentally different adversaries (De Klerk and Mandela) and at the risk of antagonising their respective constituencies by appearing to concede too much. The majority of white South Africans, the traditional privileged minority, feared a violent backlash should the ANC come to power and democracy prevail – the fear of the so-called 'swartgevaar'[246] – preferring to live under the domination of a highly militarised state than risk this possibility. Black South Africans, on the other hand, were concerned that the process of change was moving too slowly and that concessions to the fears of the minority in the form of interim-power sharing agreements would merely prolong white domination and privilege. In the background stalked the looming threat of the liberation movements that disapproved of Mandela's agreement to suspend the armed struggle in favour of negotiations[247] compounded by dissatisfied rumblings within the largely white Afrikaner-dominated South African Defence Force (SADF), whose resistance to change and integration was well-known. Furthermore, the role of neither of these two was limited to the realm of the military, for both the SADF and the various branches of the armed liberation movements were influential actors in the politics and decisions of those on both sides of the negotiations. While the details of this period and the ultimate bargain that was struck cannot be dealt with here,[248] it is important to note that compromise proved not only possible, but indeed largely successful.

The former South African Defence Force (SADF) has today been transformed into the integrated SANDF. The Burundian army could note that, in many ways, this has been achieved more on the terms of the SADF than those of the liberation armies (the ANC's Umkhonto we Sizwe and the PAC's[249] Azanian People's Liberation Army). This was not only because the former was larger, militarily better armed and more powerful, but also because it was a longstanding, conventional, modern, and technologically advanced military force in contrast to the liberation armies which, of their nature, had not progressed far beyond their irregular origins. Although the integration process has, critically, entailed the transformation of the officer corps, with the majority of leading positions now staffed by blacks, white officers continue to play a major role, especially in the more technical positions, and enjoy the prospect of a career. Inevitably there have been tensions, often acute, during the integration process, but key to the success of the process has been the SANDF's withdrawal from the political sphere. From an SADF which was deeply implicated in the suppression of dissent (via its imposition of a violent order upon the townships), the SANDF has become a force which, domestically, has – when called upon by the civilian power – engaged in disaster relief, and more symbolically, assisted in the logistics of running democratic elections. Meanwhile, its international engagements have been in the spheres of peace-enforcement (Lesotho) and peace-keeping (Burundi and the DRC) rather than in making war.

Whilst the successful transformation of the South African military may serve as a constructive model for Burundi, there are also key differences in the two military legacies which belie too easy comparability. Above all is the fact that, for all its political involvements, and for all the increasing influence of the security forces in the 1980s under President P.W. Botha, the military never challenged ultimate civilian control. Indeed, apartheid South Africa always insisted that it was only a special type of democracy. In contrast, the Burundian army actually overthrew democracy in 1993, and has remained ideologically opposed to democracy as representing rule by

[246] An Afrikaans word that literally translates as the "black danger" and which in the past denoted the supposed terror that would be unleashed on the white population when the black majority came to power.

[247] Khathu Mamaila recalls Mandela's courageous step in the early 1990's in signing the Groote Schuur Minutes suspending the armed struggle which was regarded by many as a sell-out, as it obliged the freedom fighters of the liberation movement to lay down their weapons while the SADF was still armed against them. As it turned out however, it was this suspension of the armed struggle that was to prove crucial to the continuing negotiations, and an ultimate peaceful settlement acceptable to almost all the parties. The Star, 14 November 2001.

[248] Lemarchand, 1994: 598

[249] Pan-Africanist Congress of Azania.

the Hutu majority and incipient Tutsi genocide. Interestingly, however, the army has largely eschewed direct military rule, preferring to exercise its influence at long distance, through civilian coalition governments, UPRONA and other political parties, and parliaments (albeit of dubious legitimacy). A key challenge for effecting a democratic transition in Burundi, therefore, lies not so much in securing a formal military withdrawal as in rendering the army accountable to the civilian power.

15.2 *Race and ethnicity – an artificial tool of division?*
The issue of ethnicity, or indeed race as some would have it, in Burundi is a complicated matter, compounded by the fact that up until 1993, it was claimed by the ruling group that there was only one ethnic group in Burundi.[250] This claim is not entirely without foundation. Burundians – whether Tutsi (often depicted as Nilotic in accordance with the myth that they are descended from Nilotic Hamites who migrated from North Africa), (Bantu) Hutu or the (pygmoid) Twa - all speak the same languages – French and Kirundi, and share similar customs, and it is hard to identify either racial or cultural differences between them.

However, as was noted above, the perceived differences between Hutu and Tutsi were initially manipulated by the colonial powers, and later replicated by on-off, Tutsi-dominated military rule. Furthermore, these ethnic tensions are mirrored within the region, so that the crude distinction between Bantu and non-Bantu has been fuel to the fire in the war between the DRC and Rwanda and Uganda. Robert Mugabe, who deployed Zimbabwean troops to support the 'Bantu' (Congolese) side of the conflict, and the late Laurent Kabila, both manipulated this aspect of the war to justify their positions and cast themselves in a defensive rather than offensive role. Yet as Van Eck notes, this type of terminology and crude over-simplification is incendiary given the already high tensions in the region, and jeopardises the possibility of long-term peace:

> [w]hile the 'Bantu' obviously form the majority in this larger central and east African region, African peoples of Nilotic origin (the so-called 'non-Bantu') comprise more than 20 million people. Creating conflict between the majority 'Bantu' and such a substantial minority of so-called 'non-Bantu' is playing with fire.[251]

However, the ethnic division in Burundi between Hutu and Tutsi runs much deeper than the crude perception of difference, although this is of course important in the sense that ethnicity only really matters for political purposes to the extent that people perceive difference and regard it as significant. However, the virtual monopoly on political and military power in Burundi over the last 40 years held by one particular group of Tutsi has been replicated at almost every level, such that the education system, for instance, from the primary to the tertiary level, reflects these ethnic tensions.[252] Furthermore, since independence, successive military regimes have sought to exclude the Hutu from education, especially above high school level. While there is no indication of ethnic identity on official identity documents, unlike in Rwanda, in practice the Education Ministry in collaboration with the National Intelligence Services has kept records that have identified children as either Hutu or Tutsi, and used these to exclude Hutu candidates from admission to high school and college.[253]

The results of such practices have been inevitable. The Hutu not only feel alienated and resentful of state institutions, but discrimination has also restricted access to jobs and therefore

[250] Reyntjens, 1995: 21
[251] Van Eck, 2001: 25
[252] Reyntjens, 1995: 24
[253] Ndikumana, 2000: 452

social mobility, resulting in increasing inequality of circumstances over time.[254] Furthermore, as Ndikumana observes, not only is this discrimination morally wrong, but it is also economically unsound: it stunts the development of human potential,[255] resulting in shortages of skills in a variety of areas, most notably in education, but also in the health sector.

The reservation of economic and social privilege, using education and implicitly job reservation as leverage, has tremendous resonance in South Africa, where under apartheid blacks were victims of systematic discrimination on racial grounds. Furthermore, the process of dealing with this legacy is one with which South Africa will continue to be preoccupied for generations to come. Again, however, South Africa has proved that it is not only possible to make peace under circumstances of such inequality and division, but also to sustain efforts made to redress historic imbalances. Unfortunately, however, systematic efforts to address racially skewed disadvantages regularly attracts criticism of being 'reverse racism', whilst similarly encouraging the continued viewing of South Africa in racial terms. Attempts to address a 'two nations' problem (whether white or Tutsi rich, and black and Hutu poor) require a long term commitment to de-racialisation and equality in society which political parties are regularly attempted to forget in their pursuit of short term ends.

In short, ethnicity, while it is an artificial tool of division in the sense that it is manufactured and exacerbated for political ends, nevertheless has real, material consequences, and it is *these* differences that people feel most acutely. Only in addressing the inequalities that have resulted from ethnic division in Burundi can the nation look forward to a sustained peace, as well as the goal of economic reconstruction. So the issue of ethnic or racial division cannot be seen separately from that of poverty and inequality, either in Burundi or South Africa.

15. 3 *Inequality and the concentration of wealth*

There is multiple, extensive testimony to the deepening economic crisis in the country. This is widely attributed not only to the ravages of the war and resulting economic stagnation, but also to the exhaustion of emergency funds from the World Bank and EU. The range of factors contributing to the economic desperation in Burundi are legion, but none are very surprising in light of the conflict. As was noted above, one of the four main areas covered by the Arusha Accord is the economic reconstruction and development of Burundi. This however, cannot occur while the fighting continues. Furthermore, although they are far from untouched by the war, the urban Tutsi have remained relatively unscathed.[256] The consequent widening inequality that results from this serves to deepen the divisions between Tutsi elites and the Hutu majority who bear the brunt of the crisis, as well as heightening resentment.

Basic indicators of the severity of the economic crisis bear repetition. GNP per capita has shrunk since 1990. The most recent figures are from 1997,[257] and these have GNP per capita as US$140, which is far lower than it was in 1980. Even more critically, food production has declined steadily by 2.4% per annum since 1993, undermining the self-sufficiency of Burundi in the

[254] It is however important to emphasise, as noted by Emelyne Kaneza, that there is a marked difference between the institutionalised division and discrimination that existed in Rwanda, and the covert methods employed in the Burundian context. According to Kaneza, these divisions in Burundi are sometimes based on impression rather than fact, and so are reflected in people's behaviours and attitudes.

[255] Ibid

[256] Yet observation suggests that middle class Tutsi are happy to see their children leave the country, although they may prefer to stay behind themselves, so that they can be guaranteed a decent future. There is similarly a relatively high emigration of young whites from South Africa.

[257] World Bank *World Development Indicators 1999* cited by Ndikumana, 2000: 440

agricultural sector.[258] This is compounded by rising inflation, whilst the collapse of the global coffee price has deprived Burundi of its primary source of foreign exchange earnings. Furthermore, the disruption of agriculture is all the more devastating as it is the primary occupation and source of income for more than 95% of Burundians.[259]

Health indicators are similarly critical. Burundi's high population density in Africa is calculated to not only place absolute pressure upon scarce resources, but also to heighten tensions between ethnic groups. Meanwhile, it has been estimated that the population of Burundi will double by 2015, making addressing these issues all the more pressing. In addition to the highest rate of tuberculosis in the world, Burundi's mounting HIV/AIDS crisis is vastly compounded by poverty, scarce resources, and a shortage of medical personnel. The questions of aid, reconstruction and development as well as regional cooperation are therefore vital for Burundi. Yet while it may be possible to pull back from war under circumstances of gross privation, exhaustion and inequality, it is almost certainly impossible to build peace where such conditions are systematically and deliberately reproduced.

Not unlike Burundi, South Africa has a legacy of a privileged, educated minority, and an impoverished, largely unskilled, majority who are hardest hit by the AIDS pandemic. However, the post-1994, democratically elected governments have made concerted efforts to address these imbalances, while efforts at stimulating the growth of the economy are aimed at reducing at least some of these inequalities. The results are mixed, with – for instance – recent statistics indicating that disparities of wealth are widening rather than lessening, even if the rapid emergence of a black middle class indicates that such divisions, not unimportantly, are becoming 'de-racialised' at the apex of society. However, what is of prime importance is that, precisely because the credentials of the present ruling party are founded upon the 'liberation' of its constituency, within a framework of democracy, it is constrained to justify its performance, both politically and economically, in terms of promoting equality. Similarly, even though the Mbeki government's curious reluctance to acknowledge the causes and extent of the AIDS pandemic is notorious, it has been forced into policy reversals and courses of action to contain the disease that it would not have otherwise undertaken had it not been subject to wide-ranging democratic pressures (by social movements, civil society, international critics and the press). In short, whilst South Africa's far greater wealth and economic potential clearly provides its governments with options that any Burundian counterparts can never have, it is germane to note that the broad shift towards the construction of 'one nation' (however imperfect and incomplete), could only have taken place under democracy. It is precisely the idea of national identity, and the impact that this has on sustaining a peaceful *modus vivendi*, which is of crucial concern to the maintenance of peace in post-conflict societies.

15.4 *Democratic participation and recognition of the 'other'*

Bryan Barry,[260] in considering the problem of ethnic divisions and discrimination, argues that a formal conception of nationality is insufficient to generate the level of "equal concern and respect" for other citizens with whom one does not identify in any other way. He is specifically thinking of cases of ethnic discrimination of a majority against a minority, but the argument is equally appropriate to the opposite situation. He argues that if there is discrimination at the level of state apparata, such as the military, access to education and therefore certain jobs, allocation of housing, roads and hospitals, then this becomes replicated in the private sector too. The inevitable result is antagonism, mistrust, and perception that 'the other' is not to be trusted, often resulting in their

[258] Ndikumana, 2000: 441
[259] Lemarchand, 1994: 586
[260] Barry, 2001.

brutal oppression by the security forces, and so "[t]he justification for doing this, that their loyality cannot be trusted, becomes a self-fulfilling prophecy."[261]

Yet Barry is not arguing that homogeneity, or attempts to create a homogeneous national identity, are the solution. On the contrary, what is required is a more inclusive notion of national identity, which would entail empathy for the fate of others and an ability to identify with them. And the way to achieve this and realise a sense of solidarity is by the sharing of institutions and a reduction of material inequalities. He makes the point that what is frequently seen as a cultural difference is in fact one of material circumstance. While it is true that the very rich and the very poor may have difficulty in empathising and identifying with one another, this is not a matter of cultural diversity, "but [rather] it is very different from the kind of thing that is usually thought to be worth protecting under that head."[262]

So the success of a liberal democracy, Barry argues, depends on citizens having certain attitudes towards one another, most importantly that they regard everyone's interests as counting equally, and that they are able to identify a common good and are prepared to make certain sacrifices for that common good. Barry labels this "civic nationality", in contrast to "formal nationality" (as embodied in a passport) and "ethnic nationality" that can prove so divisive. Barry in fact insists that this definition of nationality does not explicitly include reference to culture, but nor does it exclude it. Rather culture on this account of nationality is one facet among many that make up the complex identities of every individual. The idea here is that identity is not a 'constant sum game' that requires one identity be supplanted by another. Rather identity has an 'additive' quality to it, which is analogous to the ability to learn to speak more than one language.[263] So while there must be a certain degree of overlap in people's identities in order for the required level of mutual recognition and empathy with one another to exist, this does not entail expunging differences. The important point to note is that what democracy requires in order to succeed, is that this mutual recognition exists.

The question of a ceasefire aside, Barry's approach suggests that the construction of a sustainable democracy for Burundi will require Burundians, who have been divided along these ethnic, educational, and economic lines, to regard and understand one another in the way outlined above. There are two important steps in this process: making the peace, and keeping the peace. The former requires negotiation and agreement, the latter requires a common sense of national identity of the civic kind argued for by Barry. Is this possible in Burundi? It may be useful to consider some reasons why Burundians at present cannot see each other in this way, and how these might be overcome. Again a comparison with South Africa may shed some light on the problem.

Firstly, as Barry points out, ethnic division is most acute in circumstances of inequality and exclusion. While it is undoubtedly the case that this is a factor in Burundi, what is interesting to consider is the extent to which this may be addressed. Ndikumana argues that both political and economic liberalisation in Burundi will serve as a "prophylactic device against future ethnic violence", presumably because this will entail people's fates being inextricably bound up with one another. He goes on to say that "[t]his argument is based on the realisation that violence has resulted from decades of political and economic exclusion and oppression along ethnic and regional lines. Therefore once the problem is diagnosed as political and economic, it is reasonable to address it politically and economically."[264] He goes on to say that past failures in democracy in Burundi came

[261] Op cit: 77-78.
[262] Ibid: 79
[263] Ibid: 81
[264] Ndikumana, 2000: 441-442

about because the process was not "owned" by the people. It has already been noted that a *sine qua non* for transformation in Burundi is a transfer of power from the military to civilian hands, but Ndikumana's point is that this cannot work if those civilian authorities merely replicate existing elites. Rather, "[t]he country needs democracy from the grass-roots level to give the people a sense of ownership of national institutions."[265] However problematic the ambitions of civil society activists to secure a National Convention to resolve Burundi's political and constitutional problems, they are nonetheless an indication that there is a growing realisation with the country that to work, democracy must be home-grown rather than artificially imposed from outside.

Both of these issues, inequality and national civic identity, are ones which Burundi and South Africa have in common. South Africa has been described as "one of the most extraordinary political transformations of the twentieth century" where the people "have defied the logic of their past, and broken all the rules of social theory, to forge a powerful spirit of unity from a shattered nation."[266] It is not being suggested here that South Africa be seen in an optimistically false light, as the spirit of nationhood that has been fostered over the last 10 years is far from perfect or unanimous, and indeed South Africa has a very long way to go down the road to transformation before anything like Barry's ideal of civic nationality can be attained. Nevertheless, South Africans with all their differences, continue to behave in a way that defies all predictions, as they conduct themselves in the political arena largely according to the rules of liberal democracy (although arguably in a more lively fashion than is to be found anywhere in the western world!), and electoral turnouts continue to be high. The real proof of democracy is that people participate and do so peacefully and according to the rules, and this being the case, South Africa is in this sense at least, a successful democracy.

However, South Africa simultaneously continues to be one of the most divided countries on earth as far as material distribution is concerned. While it is true that the needs and concerns of the poor are on the national agenda to an extent that they have never been before, for the 20% of South Africans that live in dire poverty, the pace of transformation is cripplingly slow, and the sense of outrage and injustice that this inevitably engenders almost certainly poses one of the greatest threats to peace and democracy in the country. South Africa's high crime rate, much of which is violent as well as economically motivated, cannot be seen in isolation from the enormous inequalities in wealth and privilege between the least and most well-off, and it is this which undermines the possibility of a spirit of civic nationality emerging any time in the near future. If there is anything to be learned from this, it is that economic equalisation must accompany the liberalisation of the political process if democracy is to be sustained.

Other areas in which this sense of civic nationality can be fostered are in the media and the education system. According to Reyntjens,[267] Burundi not only needs to train forces of law and order to deal with the populace in an open and even-handed way, but journalists too need to be trained to report in an ethical and impartial manner. The private press in Burundi is reported to use inflammatory language calculated to create ethnic division, and the public media, in the form of Radio Burundi, is regarded as only more subtly partial and is not regarded as a trustworthy source of news. The jamming of 'hate radios' (a phenomenon which greatly inflamed the genocide in Rwanda) is just one step that could be taken.

Again, South Africa's transformation sets an instructive example in this regard. Under apartheid, the state imposed severe controls upon all media in the country, but most particularly

[265] Ibid: 456
[266] Waldmeir and Holman cited in Lemarchand, 1994: 581
[267] Reyntjens, 1995: 24

upon the electronic media. Yet, post-1994, the press enjoys levels of freedom in South Africa which are unparalleled, and which cannot be constitutionally tampered with. While this press freedom almost certainly does nothing to prevent national tempers from flaring, it doesn't do anything to provoke them either, because it is something in which all South Africans can regard themselves as having a stake. Furthermore, the relatively high quality of journalism in South Africa, (compared at least to the rest of Africa), as well as the fierce competition amongst the media, at least guarantees that South Africans are constantly exposed to diverse views and positions, and whatever their own views might be, it is difficult to avoid being made to at least consider the interests of others. This relates to the earlier point about empathy as an important aspect of civic nationality, as well as to the high level of political mobilisation around HIV/AIDS in South Africa in opposition to perceived ambiguities and failures of the government's policies and programmes to control the disease.

Education, like the media, can be as effective a tool of 'nation making' as it can be of 'nation breaking' and so here too Burundi needs to retrain teachers and guide students in an effort to sensitise them to the interests of others. Furthermore, schools and universities alike must be open to all and fully integrated.[268] This is particularly effective for children, as children learn to live together by learning together, and a shared classroom bond is one of the most effective tools of unification available to any country. Burundi has been left with a shortage of teachers, particularly at secondary school level, owing to the return of the Rwandan refugees who largely filled this lacuna.[269] However, this may be seen as an ideal opportunity to train new teachers and inculcate in them a sense of national civic identity and a responsibility to disseminate this in the classroom. It is also an ideal opportunity to train teachers from the ranks of those who were previously excluded from the professions and thereby liberalise the profession in both of these ways.

South Africa under apartheid had a deeply divided education system. Not only were schools and universities separated along racial lines, but the type of resources and curriculum were determined according to the 'race' of the institution, with white schools and universities at the top of the pile and able to compete with the best in the world, Indian and coloured schools and universities providing an adequate education for the type of professions children of those races would be expected to enter, and black schools providing the minimal level of education regarded as necessary for the menial role that almost all black children would ultimately be required to play. Black students were strongly discouraged from entering the professions, and would have to overcome enormous difficulties in order to receive the necessary training to enter them. Post-apartheid, all institutions are nominally open to everyone, but the type of institution to which one has access in South Africa is still largely determined by economic background, and this is closely related to race. However, concerted efforts being made to integrate children from an early age will almost certainly have the effect of creating a more unified national psyche in future generations.

15. 5 *Amnesty and Justice: Will a Truth Commission work for Burundi?*

As is noted above, one of the provisions of the Arusha Accord is the decision to establish a National Commission of Truth and Reconciliation. Taking its bearings from the South African experience, whereby the promise of amnesty was held out to all those, on all sides of the conflict, who fully disclosed crimes and humans rights abuses committed for political reasons, the Accord is explicitly underlining the fact that in a society which has been torn apart by a brutal civil war, a just and stable peace cannot be built upon a *tabula rasa.* As noted by Ndikumana, one of the ironies of democratic

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

[269] Reyntjens, 1995: 24

development is precisely that "as the future is being planned, the past intrudes with increasing severity. In this field, there is no such thing as a fresh start. The first enemy Burundi now has to face is its tragic past."[270]

This is pertinent in a number of respects, not least because all such exercises, as well as international criminal tribunals established to try individuals charged with human rights violations, are regarded as being in the first instance cathartic, and in the second a matter of justice.[271] Both of these are relatively new developments in international law, and as such they are very much still under construction. There are therefore no hard and fast rules governing how emerging democracies should deal with tragic past events, and to a large extent this is to be determined in the particular context of a given country. The experiences of Chile and South Africa for example, are quite distinct, and Burundi therefore needs to carve out its own path in this regard, and perhaps not be tempted to follow too closely the pattern of any other state, even that of its sister nation Rwanda which is in the process of an international criminal tribunal.

Whatever the course that is taken, it has to be recognised that the considerations of justice may be in conflict with the reconciliatory role of a TRC, and it is important to make a distinction between these two courses of action.[272] This distinction is also made by Inger Agger in commenting on the post-conflict healing process in the case of Bosnia. She observes that notions like truth and moral right and wrong are extremely difficult to define in instances of inter-ethnic strife, unlike in cases of state suppression of their political enemies. In so far as this makes the case of Bosnia distinct from Chile,[273] so too it may make the case of Burundi distinct from South Africa.

Burundi has two pressing issues to deal with in this regard. First of all, the allegations of genocide need to be addressed, and given that a common understanding of what constitutes genocide has not been agreed upon by any of the parties to Arusha,[274] it will be impossible to deal with this to everyone's satisfaction. However, in so far as it is agreed between the parties that "[d]ebates on genocide and exclusion [are] goals in themselves, and [offer] both parties a way to express the drama of their people"[275] it may be the case that this debate could best take place within the structure of a TRC whose objective is as much to bond a political compromise and forge mutual understanding between previously warring nationals as it is to seek the outright pursuit of justice.

Prof Gerard Prunier, the renowned chronicler of the Rwandan genocide[276] and one of the advisors to Committee Two at Arusha, suggested at the time that each party should discuss their *own* side's violations in this regard. While this proved most unpopular, it is the spirit of the Truth and Reconcilation process that one comes to the table ready to reveal the truth and to express remorse. This idea is echoed by Archbishop Desmond Tutu, the Chairman of the South African TRC:

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[270] Ndikumana, 2000: 437

[271] Of course, other motives, such as that of the revenge or triumphalism of victors, may also intrude, yet these have a political rather than legal basis.

[272] This point is owed to Prof Norman Geras, who has questioned the appropriateness of the TRC in South Africa given that this relied upon the exchange of amnesty for truth. Geras argues that as a matter of justice, people who have committed massive human rights abuses ought to be held to account and appropriately dealt with.

[273] Agger, I. 1998.

[274] The Tutsi parties insist that genocide is by definition the targeting of a minority, while the Hutu parties hold that the definition of genocide must entail that it be committed by state powers.

[275] Renda, 2000: 38

[276] Prunier, 1995.

> It is crucial when a relationship has been damaged or when a potential relationship has been made impossible, that the perpetrator should acknowledge the truth and be willing to apologise. It helps the process of forgiveness and reconciliation immensely. It is never easy. We all know just how difficult it is for most of us to admit that we have been wrong ... Thus it is not at all surprising that those accused of horrendous deeds and the communities they come from, for whom they believed they were committing these atrocities, almost always try to find ways out of even admitting that they were indeed capable of such deeds ... But if the process of healing and forgiveness is to succeed, ultimately acknowledgement by the culprit is indispensable ... Acknowledgement of the truth and of having wronged someone is important in getting to the root of the breach.[277]

The second issue that Burundi will have to confront is the holding of individuals responsible for past atrocities. It has been noted above the Burundian army has traditionally operated with virtual impunity, and that to date, nobody in the army has been held accountable for the 1993 coup and assassination of President Ndadaye and other senior Hutu politicians. Those who resisted the coup and participated in the revenge exacted on Tutsi civilians following this event were ruthlessly pursued and by 2002 many of them were still being detained without trial.[278] It is in this respect that some sort of criminal tribunal to try individual perpetrators may be most appropriate for Burundi. In the same way that some former members of the South African security forces have been held criminally liable for their part in the worst abuses of their political opponents, and were deemed to be able to so act with impunity, this could prove to be a powerful psychological tool of unification in Burundi too. Yet here, too, any tribunal will face hugely difficult dilemmas. Practically speaking, there is a clear need to avoid the Rwandan experience, where many thousands of alleged *genocidaires* have been imprisoned, in appalling conditions, awaiting trial by a UN tribunal, whose functioning has attracted widespread criticism for its failure to try more than a handful of cases. And should it be the objective of such a process to try the senior commanders or politicians (government or rebels) who masterminded slaughter, without perhaps themselves becoming directly involved, rather than the footsoldiers who themselves undertook genocidal acts of mass murder? As South Africa's experience has demonstrated, it is precisely the unwillingness of political and military elites to accept responsibility for crimes, and to blame their inferiors for 'excesses', which renders any process of transitional justice incomplete, and calls its final outcome into question.[279]

Even apart from such issues, practical and political issues concerning the establishment of a TRC in Burundi abound. In South Africa's case, the TRC process was part of the package which saw majority rule tempered by the drawing up of a new constitution which entrenched human rights and introduced new constraints (notably a Constitutional Court and statutory commissions) upon the executive. Importantly, too, an implicit part of the deal was that whilst majority blacks would fairly swiftly assume political power, whites would – for the moment at least – remain largely in control of Africa's most advanced economy. Even if Burundi's political warring elites can strike a political deal, based on similar principles of executive constraint and power-sharing, the implicit side of the South African bargain would be far more difficult to parallel, for as in most other African states, control of the state overlaps or dictates control of the economy. It is precisely for this reason that external pressures exerted by international actors – South Africa, the regional initiative, the UN etc

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[277] Cited in Steiner and Alston, 2000: 1245

[278] Amnesty International Report 2002 – Africa – Burundi. *http://web.amnesty.org*

[279] As noted above, the Burundian parliament voted (by 99-3 with 26 abstentions) in April 2003 in favour of a bill repressing genocide and other crimes of war. The law provides for the constitution of an international judicial commission of enquiry for crimes committed between 1 July 1962 and April 2003. Yet critics professed disappointment, noting that a neutral commission carried out an enquiry in 1996 which determined that genocide was committed against ethnic Tutsis after the assassination of Ndayaye. A report was forwarded to the UN Security Council, yet subsequently no action was taken in its wake. Parliament has also adopted a law on the appointment of a TRC. (UN-IRIN 16 April 2003)

– upon the elites will be so important in cementing a deal. Yet equally, there will be a need for economic incentives, alongside personal and collective guarantees of safety, for present power holders, notably the Tutsi military, to withdraw from the political arena if a democratic settlement is to be attained. Those who wish to forge such a settlement must outline an economy of peace which is potentially more prosperous for power holders than the present economy of war. It is here that the international community has a far more extensive role to play than it has had to do in the case of South Africa, for it is blatantly obvious that any serious attempt to reverse Burundi's economic decline will require extensive, and long lasting international aid.

Burundi will face the dilemma that whilst it may be necessary for the past to be dealt with openly to achieve a genuine national reconciliation, the desired peace may only be attained through an elite pact which deliberately underplays the past commission of crimes and atrocities. Amnesty for truth may well provide a desirable bargain, yet Burundi's attainment of even that imperfect goal will undoubtedly be more difficult to achieve than in South Africa.

16. CONCLUDING OBSERVATIONS: MANDELA, SOUTH AFRICA AND BURUNDI

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

16. 1 *Mandela's Contribution*

Much is made of the fact by analysts that the Arusha Accord was highly imperfect as an instrument for bringing peace to Burundi, most particularly because it failed to secure the agreement of key rebel groups and that, in essence, it was imposed upon Burundian political actors.[280] By implication, they would have been happier to carry on fighting, and as a result, they have never felt that they have 'owned' the Arusha process. Broadly speaking, Mandela is seen by observers such as Van Eck as having been brought into an already flawed process, and had limited opportunities to put it back upon the correct track. What he achieved was praiseworthy, but it was built upon foundations of sand which have yet to demonstrate their capacity to provide a basis. The war has continued, the various ceasefires have been repeatedly violated and thousands more killed, and the army remains largely unconstrained by the transitional government. We put a counterargument as follows.

The characterisation of the Arusha Accord as a flawed deal is correct, yet grossly inadequate. It is not only that it is 'the only game in town', but that it represents the single most important step forward yet taken to reverse the spiral of war. It is, certainly, in considerable part, a result of external pressures by the OAU (later the AU) and regional governments, who wanted for reasons of their own to bring the Burundian conflict to an end. Yet it is also, in very considerable part, the product of the mediation skills of two of Africa's most remarkable men, Julius Nyerere and Nelson Mandela. Even if Nyerere's contribution has its critics, in that he is deemed by some to have made inadequate efforts to secure the participation of the CNDD-FDD and FNL, the larger judgement must be that he began the process of getting Burundians from across most of the political spectrum talking to each other, and beginning to consider the outlines of a settlement. Subsequently, Mandela – who insists that he built upon Nyerere's foundations – came in to complete that job. To be sure, he came with advantages that Nyerere, who was weighed down by accusations of anti-Tutsi bias and by perceived identification with the national interests of Tanzania as a regional player, did not have. Yet he used those advantages enormously well.

Without Mandela, Burundian politicians admit, they would not have reached any agreement, nor so quickly. He was tough, exacting, but fair and ultimately seen as disinterested. And his experience gained during the transition process in South Africa was crucial both in knitting a deal and convincing delegates of the viability of an outcome. Was the Arusha Agreement too rushed? Perhaps, but how long should the politicians go on talking whilst people are dying? Was it *fundamentally* flawed by the absence of key rebel groups? Not if it is considered that, by pointing out the road to peace, the Arusha Accord undermined the legitimacy of those rebels who insisted on continuing to fight whilst simultaneously securing the support of regional governments and the international community. Indeed, it needs to be stressed that Mandela made concerted efforts to include all armed movements in the negotiation process. Furthermore, to this day, there is a standing invitation to the FNL to join the process, to join the transitional government and to commit itself to the formation of a new national army. In recent times, Agathon Rwasa has demanded that Mandela

[280] For once such view, see Reyntjens (2001: 18-89).

return to the peace process as negotiator, in effect replacing Zuma. Yet this request is founded upon both his earlier rejections of Mandela's requests that his movement join the process, and more fundamentally, upon an effective rejection of the entire Arusha process, in that the FNL is demanding direct negotiations with the army. Were Mandela to accede to such fundamentalism, it would penalise those who have already chosen a more pragmatic path to peace, and negate the major gains that have already, most painfully, been made.

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

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

In this complicated sense, then, Mandela has played, and continues to play, a crucial role in pushing forward a peace process which, even if uncertain, and perhaps reversible, is a major milestone along the road towards ending Burundi's civil war. Those who are his critics must answer the charge of demanding perfection from a brutally imperfect situation, or offer realistic proposals of how, given the circumstances, the Agreement could have been manifestly bettered.

16. 2 *South Africa's Involvement in Burundi*

It has been central to our argument that South Africa's involvement in Burundi must be viewed as part of a picture, part of a much grander strategy for Africa. Current commentary upon South African foreign policy tends to focus upon the perceived contradiction between the Mbeki government's commitment to NEPAD, which puts good governance at its core as a basis for attracting foreign investment, and its diplomatic support for the present regime in Zimbabwe. The failure of the government to condemn Mugabe's blatant rigging of recent elections to sustain himself in power, the identification of the ANC with ZANU-PF[281] as a fellow liberation movement, despite the latter's clear involvement in a multitude of human rights abuses, and the endorsement of

[281] Zimbabwe African National Union-Patriotic Front.

land grabs by the Zimbabwean political and military elite as justified 'reform', have all sullied NEPAD's concept, and led to widespread questioning as to whether Africa's rulers will, ultimately, submit themselves to the sort of wide ranging accountability that NEPAD's proper functioning would require. We have no doubts that the criticisms of the South African government's actions and posture in this regard are valid, and worse, an insult to the traditions of democracy that the ANC stands for. Yet at the same time, we also argue that this debate has tended to obscure a much more positive side of South African foreign policy which South Africans can be proud of.

In short, South Africa has increasingly begun to engage itself as a major actor for peace and development throughout the continent, albeit most particularly in Central and Eastern Africa.[282] From this perspective, as argued above, the importance attached to the Burundian peace process by South Africa is that it is integrally linked to ending related conflicts. South Africa, notably in the persons of Mbeki himself and Jacob Zuma, have played a major role in promoting the Inter-Congolese Dialogue as a basis for a transitional government in the DRC. Likewise, South African diplomacy is quietly assisting the quest for peace in Sudan and Somalia. Inevitably, mistakes will be made, wrong horses backed, imperfect deals forged, inconsistencies spotted, and peace plans disrupted. Yet the vision of the future for Africa seen by the government is a long term one: a continent in which the wars in Mozambique, Angola, DRC, Sudan, Somalia, Rwanda and Burundi are but a distant memory. Perhaps this aspect of South African policy has received less attention than the imbroglio over Zimbabwe partly because the backgrounds to these conflicts, as in Burundi, are so enormously complicated. If this is the case, then it clearly deserves more attention, for as the present case study shows, South Africa's involvement in continental conflict resolution will, almost inevitably, also involve a much greater (active and dangerous) military engagement in peace-enforcement and peace-keeping.

Finally, critics of South Africa's involvement might note that, although the government has not engaged in either Burundi or the DRC out of narrow self interest, peace might well bring an economic dividend in the sense of an opening up of investment opportunities in central Africa for South African companies. Indeed, according to Deputy Minister of Affairs Aziz Pahad, there is some prospect that Burundi could even join the South African Development Community in the not so distant future.[283] Stability, let along democracy, in both Burundi and the DRC could well be good for South African business. After all, that peace is a pre-requisite for development and Africa's more equal participation in the global economy is the fundamental logic that the South African government is pursuing through NEPAD.[284]

16. 3 *Working for Peace: The Responsibility of Burundians*

This analysis has concentrated principally upon the motives and actions of the politicians and the military men. Indeed, the Arusha Accord and the subsequent ceasefires and deals between parties have been presented as the activities of elites. Indeed, the widespread view that the Arusha Agreement's principal weakness is that it is not owned by the people of Burundi is a confirmation of this perspective. Yet, as also discussed above, the *ordinary people* of Burundi are judged by most commentators to be desperate for the end of war. So how are the ambitions and fears of the elites

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[282] Department of Foreign Affairs: White Paper on South African Participation in International Peace Missions. (Updated 8 May 2001) http://www.dfa.gov.za/docs/peace1.htm

[283] Parliamentary Monitoring Group. Foreign Affairs Portfolio Committee. Burundi Peace Process; Briefing by Deputy Minister, 10 September 2003.

[284] Initial investment opportunities would seem to present themselves in the form of the start of direct flights by South African Airways between Johannesburg and Bujumbura, and the restoration of the hotels (which would accommodate an inflow of personnel accompanying a greater presence of international agencies and firms) which line Bujumbura's attractive Lake Tanganyika waterfront. Further opportunities, notably in the rebuilding of roads and physical infrastructure damaged by the war, would doubtless follow.

going to be conjoined with the hopes and fears of these ordinary Burundians? There are no easy answers, but we would venture in conclusion three further observations.

First, the international community must play a major part in providing the incentives for peace. As has been noted, this is already beginning in a small way. For instance, the European Union has already committed itself to a 300 million Euro envelope from the European Development Fund (apart from additional humanitarian and development support attached to particular actions) to support the peace process. Yet Burundians will only be able to obtain access to such funding if they stick to their commitments under the Arusha peace process. Some of this funding has already been provided for food aid which has been supplied to rebel groups who have respected the different ceasefire agreements – and been withdrawn when they have not. This relates to the much wider issue of demobilisation of all the different military forces, their separation into cantonments, and the subsequent process of military integration. This has already begun in a relatively modest way, yet its success will require a major financial and logistical commitment by the international community which has not yet been seen to be forthcoming. In the short term, this will entail the underwriting of the physical presence of the AU Mission, whose present deployment has been delayed by lack of funding, and later, the arrival of, and financial provision for, a UN peace-keeping force. At the present, critics allege, due responsibility is being taken neither by the UN (which has taken the position that it will not send a peace-keeping force into Burundi whilst conflict is continuing) or by the US (which, as some would say, has huge historical responsibility for the Great Lakes inferno through its long term, Cold War backing for the Mobutu dictatorship in then Zaire).[285]

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

A second conclusion, as urged strongly above, is that the Burundian peace process needs to be supported by the more active involvement of civil society. At present, the political elites appear disconnected from, or perhaps *unconstrained by*, ordinary people. Even if peace deals can be made by elites, they cannot be sustained – nor democracy constructed – without politicians seeking out the support of citizens more generally. Again, as proposed by Horowitz for South Africa,[286] any constitutional and electoral settlement for Burundi should deliberately avoid zero sum calculations and deliberately engineer institutions which bridge ethnic divisions and encourage accommodation, not conflict. Such solutions are unlikely to be arrived at exclusively by politicians, nor their ideas take root more widely, without the involvement of informed opinion and the creation of a supportive public environment (via workshops, media debates, report backs by politicians to constituents, and so on). In this regard, external actors such as South African NGOs like ACCORD and the Action Support Centre can continue to play a constructive, active role. Meanwhile, key to this aspect, in the Burundian context, we would argue, would be the much greater involvement of women, whose almost total absence from the ranks of politicians makes the peace process a male dominated

[285] During his recent visit to Africa, George Bush was reportedly surprised to hear that deployment of Ethiopian and Mozambican troops to Burundi has been delayed by a failure of the US to honour promised commitments. According to Cornish (Mail & Guardian, 18 -24 July, 2003) 'He promised to clear up what was obviously a bureaucratic blockage'. It was earlier reported to Parliament by Aziz Pahad, Deputy Minister of Foreign Affairs, that the EU has recently committed 67 million Euro to the Burundi peace keeping mission. (Parliamentary Monitoring Group, 2003).

[286] Horowitz, 1991.

activity. Yet neither peace nor democracy can be built upon the exclusion of women, just as it cannot be built upon the exclusion of any group on ethnic grounds.

Hence it is that our final comment is that, ultimately, Burundians must seize the responsibility of forging peace and democracy rather than complaining that the Arusha Agreement has been imposed. Resentments about the external nature of the process are understandable, yet Burundians should recognize that the mediators have gone to considerable pains to draw the war to a close. Ultimately, it is not any mistakes by South Africa or the other regional powers which are causing the war to continue, but deliberate decisions taken by belligerents. Yet at the end of the day, no one but Burundians can achieve national reconciliation, rediscover their interests in common, and reconstruct their own society. The following observation from Reyntjens, that shrewd observer of Central Africa, is therefore an appropriate note upon which to conclude:

> A final point on the role of the international community needs to be restated explicitly, even though it is obvious. It is for the Burundians themselves to find solutions to the problems outlined above and to implement them. Outside partners can act to facilitate, to create meeting points, to bridge gaps, to assist, but always at the request and in close consultation with the Burundian social and political forces. As has been shown on numerous occasions elsewhere in Africa and the rest of the world, solutions imposed from abroad and not genuinely supported by the domestic players simply do not work.[287]

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

[287] Reyntjens, 1995: 24

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