

**BURUNDI AFTER SIX MONTHS OF TRANSITION:
CONTINUING THE WAR OR WINNING PEACE?**

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TABLE OF CONTENTS

EXECUTIVE SUMMARY AND RECOMMENDATIONS	i
I. INTRODUCTION	1
II. THE TRANSITION GOVERNMENT: THE LAST ONE OR ONE AMONG MANY?	3
A. SETTING UP INSTITUTIONS AND SHARING POSTS	3
1. The Government: Distribution of Key Posts	4
2. Assembly and Senate: Loyal Supporters Rewarded	5
3. The South African Presence – Life Insurance for the New Government	6
B. A DISTURBING INERTIA IN THE APPLICATION OF THE ARUSHA ACCORD	6
1. Application Deadlines	6
2. The CSAA – Dead on Arrival.....	7
3. The Battle of Laws.....	8
C. THE RETURN OF INTERNATIONAL AID: A COMPLEX AFFAIR	9
III. THE CEASE-FIRE: NEGOTIATING WHAT AND WITH WHOM?	10
A. THE ARMY: WINNING THE WAR	10
B. FRODEBU: WINNING THE PRESIDENCY AND THE HUTU LEADERSHIP	12
C. THE REBELLION: EARNING RECOGNITION	14
1. CNDD-FDD-Ndayikengurukiye: the race for a cease-fire	15
2. Jean-Pierre Nkuruzinza’s CNDD-FDD/ CNP: the “wait and see” strategy	16
3. The PALIPEHUTU-FNL: “History is on our side”	17
D. THE FACILITATION TEAM AND THE REGION: SUCCEEDING IN ARUSHA.....	19
1. The Facilitation Team: Finishing with the Negotiations	19
2. The region: satisfying one’s own interests	21
IV. CONCLUSION: CONTINUING THE WAR OR WINNING PEACE?	23
APPENDICES	
A. ACRONYMS	24
B. ABOUT THE INTERNATIONAL CRISIS GROUP	26
C. ICG REPORTS AND BRIEFING PAPERS.....	27
D. ICG BOARD MEMBERS	31



BURUNDI AFTER SIX MONTHS OF TRANSITION: CONTINUING THE WAR OR WINNING PEACE?

I. INTRODUCTION

Fourteen months after the signing of the Arusha framework agreement, the Burundi transition government was sworn in on November 1, 2001, in the presence of the leaders of Nigeria, Tanzania, Malawi, Rwanda and Zambia, Nelson Mandela and a host of other African and international delegations¹. The new government comprised twenty-six ministers representing majority Hutu (G7) and majority Tutsi (G10) political parties, all signatories to the Arusha accords of August 2000 in Tanzania². A few days before the swearing-in ceremony, several political leaders, including Jean Minani, president of the FRODEBU party, returned from exile to join the government, after guarantees for their protection were provided by the presence of seven hundred South African soldiers³. The deal

struck between Minani's FRODEBU and Pierre Buyoya's UPRONA, which was formalised by the accord on the transition government of 23 July 2001, made the two parties by far the biggest beneficiaries of power-sharing. The transition phase was slated to last 36 months, with a mid-term transfer of power in May 2003, when the current vice-president, Domitien Ndayizeye of FRODEBU, will replace the president of UPRONA PIERRE Buyoya.

However, six months down the line, the transition government has not kept its promises and a considerable delay has crept into the schedule for implementing the accord. It took over four months to install the National Assembly and the Senate, two key political institutions in the transition, inaugurated on 4 January and 4 February 2002 respectively. By the end of the first parliamentary session from February to April, the Assembly, presided by Jean Minani, failed to pass the three crucial laws on its political platform: those granting provisional immunity for political leaders returning from exile, punishing the crimes of genocide and other crimes against humanity, and establishing the mandate for the National Committee for the Resettlement of Refugees and Disaster Victims (CNRS)⁴.

The government does not face an easy task. As well as having to manage the huge differences between

¹ Nigerian president Olusegun Obasanjo, Tanzanian president Benjamin Mkapa, Zambian president Frederic T. Chiluba, Malawian president Bakili Muluzi, Rwandan president Paul Kagame, South African vice-president Jacob Zuma and Ugandan vice-president Speciosa Wandila Kazibwe; the Gabonese minister of foreign affairs Jean Ping and ambassadors Berhanu Dinkha, representing the Secretary-General of the United Nations and Aldo Ajello representing the European Union. Other delegations present included Eritrea, Ethiopia, Mozambique, the Democratic Republic of Congo, as well as the RCD/Goma led by President Adolphe Onusumba.

² The G7 is the group of seven Hutu parties and the G10 the group of ten Tutsi parties that negotiated the Arusha accord. The 19 parties were encouraged to group together in this way by the Tanzanian facilitation team.

³ The politicians given close protection include Festus Ntanyugu at the Civil Service office and Albert Mbonerane at the Communications office (CNDD), Fulgence Dwiwa Bakana (FRODEBU), Mathias Hitimana (PRP), Gaëtan

Nikobamye at the Land Use Management office (PL), Balthazar Bigirimana at Public Works (RPB) and Didace Kiganaha at the Good Governance and Privatisation office. The soldiers also ensured the protection of several formerly exiled deputies and senators.

⁴ ABP press release, 4/05/2002.

the various political parties, it also has to quickly demonstrate the advantages of the Arusha accord to a weary and sceptical public, who expect an end to the hostilities and a return of international development aid. Yet social tensions are rising and the aid pledged by the international community has not yet been released⁵. Moreover, the government's installation coincided with the resumption of hostilities, characterised by a fresh wave of rebel attacks in many areas and the onset of intense military campaigns, which scattered tens of thousands of people across the country. Violent clashes between the army and FDD soldiers took place in Makamba near the Tanzanian border around 1 November. The first cabinet meeting was held on 6 November, at a time when rebel operations in Bururi province had just claimed over twenty lives and rebels had abducted twenty pupils in Buruhukiro, in the eastern province of Ruyigi, and over two hundred from the Musema School in the northern province of Kayanza.

The question is, how can the war be stopped in Burundi? What should be negotiated and with whom? The army, represented by President Buyoya, signed the Arusha accords on the condition of obtaining a ceasefire. But it is forging ahead with the war in the hope of crushing the rebellion and avoiding the reform of security forces, as provided for in the accord. The champion of the Arusha accord, FRODEBU, is pushing for rapid technical negotiations on ending the hostilities and for the rebels to be integrated into the army, in line with the principles agreed to in Arusha. The FDD and FNL rebel groups, who were not party to the negotiations, are calling for the accord to be revised, and are challenging the legitimacy of those who struck the agreement – i.e. FRODEBU.

The other signatory parties who fared less well in the distribution of posts, see the ceasefire negotiation as an opening that could allow them to improve on their position, and are actively seeking out contacts with the rebel groups. The two Tanzanian and South African mediators who were jointly responsible in Arusha, and the international community as a whole, are tempted to resort to the "Savimbi" method, using pressure and sanctions to

force the rebels to accept the Arusha accords and so dispense with the problem as quickly as possible⁶.

Pressure is certainly needed, but it will take more than this to broker a ceasefire. So far, all the efforts to achieve this have been in vain, and it is now time to redefine the terms of the debate. This means, first of all, acknowledging that negotiations are not over. Arusha cemented the principles of a political agreement on power sharing and reform, but the agreement is incomplete, and was signed with reservations by the Buyoya government and the G10 Tutsi-majority group. It still leaves room for a broad range of interpretations and most notably does not include the armed rebellion. Secondly, it must be accepted that the installation of the transition government has changed the actors, the issues and the framework of negotiation. The transition government has replaced the Arusha framework, now that the peace process set up in Tanzania more than three years ago and run by foreign countries has been "repatriated". The government is faced with the task of filling the gaps in the accord by means of rulings and legislation, and of remedying the problems of its application. The moment of truth has arrived for the signatories of the Arusha accord, who must now show that they are all ready to move ahead for the first time in five years without an intermediary. The real value of solutions found to problems that will emerge en route will depend on the level of trust between the new partners and their ability to stay cohesive and forge a common vision. Putting a stop to a ten-year war will be a test of courage and leadership for all the government's political representatives, a test that will not only have consequences for the future of Burundi, but also for the politicians in future elections.

Part two of the negotiations, focusing on security issues, will take place in an international arena, either in South Africa or Tanzania. This time, not only will the actors change but also the issues brought to the negotiating table. These include debates on security, halting the war and reforming the security institutions. The talks risk revealing the true battle for the control of these institutions and the means of power. At present, President Buyoya has full control over the defence ministry, the budget and the army. For the Tutsis, controlling the army is their guarantee of a regime that they will continue to

⁵ At the latest meeting of international donors in Geneva in December 2001, 830 million dollars in contributions were pledged to Burundi. See section I-B-3 of this report.

⁶ Jonas Savimbi was killed by the Angolan army in February 2002, after sanctions were imposed on UNITA in 1999 and the war between the MPLA and UNITA had resumed.

dominate and which will shield them from possible Hutu massacres. Since 1966, the Burundian army has stood as a symbol of power and the instrument of five coups d'état, including the one in 1993, which triggered the civil war. It stands to reason that neutralising the army and marginalising it from the political arena is an important objective for the rebel factions.

But new Hutu actors on the scene of this important negotiation risk stirring up competition between FRODEBU and the rebels, and among FRODEBU members themselves and the rebels. If this results in the failure to negotiate a cease-fire, it may also call into question political deadlines, especially the power shift due to take place between the heads of state at the end of the first transition phase in twelve months' time. Unless these inter-Hutu quarrels are dealt with, the government's grace period and the Arusha accord itself may soon grind to a halt. The temptation to open fresh negotiations is considerable. Those who left Arusha dissatisfied with the accord, both in the G7 and G10 camps, have been neutralised for the time being, but are only biding their time until their moment comes.

II. THE TRANSITION GOVERNMENT: THE LAST ONE OR ONE AMONG MANY?

A. SETTING UP INSTITUTIONS AND SHARING POSTS

The prevailing principle in the conclusion of the 23 July transition agreement confirmed UPRONA/FRODEBU's leadership over their respective groups, the G10 and G7. This principle underpinned the creation of the transition institutions and the division of posts. The Buyoya-Minani duo set up a consultation mechanism for all major issues and mandated teams to tackle the problems that would gradually emerge⁷. However, the two actors still have different agendas. President Buyoya's objective is to give away as little as possible, to insert his men into key posts in the institutions and to set up safeguards to help him retain as much power as possible before, and even after the transition. The president of FRODEBU, on the other hand, aims to pursue a strategy of "infiltration", to try and obtain posts for his militants and to be a force of opposition in the institutions.

The 23 July agreement had barely been concluded when lawyers were sent from both camps to draft a transition constitution. This would help lift the reservations attached to the Arusha accord at the time by the Buyoya government, and get the institutions up and running during the interim period. The 23 July agreement that confirmed Buyoya as president had already quashed certain reservations automatically. In particular, questions over the length of transition, which was set at three years with a mid-term power shift, and over the transition mechanism, in which the vice-president would succeed the president after eighteen months.

The negotiations for the constitution sparked an important debate. Whilst some FRODEBU members conceded that a new text would effectively "fill the gaps" in the Arusha accord, and dispense with other reservations, others feared that the text, which was drafted behind closed doors by a

⁷ Apart from Pierre Buyoya and Jean Minani and often with or without Domitien Ndayizeye, the two ad hoc negotiation teams were, for UPRONA: Alphonse Kadege, Jean Baptiste Manwangari, Libère Bararunyeretse and Luc Rukingama. For FRODEBU: Léonce Ngendakumana, Pierre Barusasiyeko and Gaspard Sindayigaya.

small team, might amend and weaken the accord and ultimately hinder its application. There was also concern that the constitution could replace the Arusha accords as the text of reference, under the terms of the 1 December 2000 law n°1/017 on the promulgation of the Arusha accords, in which article 3 states that reservations and amendments would continue to be negotiated in the “appropriate framework”.

In the end, the transition constitution resulted in the withdrawal of a number of reservations attached to the accord, for example, with regard to the level of Tutsi representation in the government, the Assembly and the Senate. The principle of a G7 majority was maintained for the government and the Assembly, but the number of posts allotted was very slightly reduced. (fourteen G7 ministers out of 26 and 60 per cent G7 deputies in the Assembly). In the Senate, the G7 and G10 obtained an equal share of seats, but the presidency went to the G10. The transition constitution now contains a mechanism for majority decision-making, being three quarters for the government, two thirds for the Assembly and four fifths for the Senate. As for appointments within the administration, a tacit agreement was reached to proceed cautiously, to take into account the objectives of the mandate and to give priority to replacing those deemed to be incompetent.

1. The Government: Distribution of Key Posts

The government is made up of 26 members, including ten from the G10 and 14 from the G7. Members of the government are drawn from fifteen of the seventeen political parties that signed the Arusha accord, some of whom are their leaders⁸. The G10 obtained 50 per cent of the national ministries, otherwise known as the “war ministries” (including defence and foreign affairs), 40 per cent of economic ministries (including finance) and 50 per cent of social ministries. The G7 was allotted the ministry of interior and ministry of justice, 60 per cent of economic ministries and 50 per cent of social ministries⁹.

After agreeing to divide the key posts between FRODEBU and UPRONA, Buyoya and Minani

distributed the rest to their two respective camps and political allies. They also agreed to eliminate opposition parties in each camp and avoid offering posts to overly ambitious or anti-establishment figures who might destabilise the executive. President Buyoya’s main task was to reward those who had remained loyal to him right to the end of the Arusha negotiation, giving them posts in the government, the Assembly and the Senate. These included the so-called “Upronists” of the Rukingama wing who had supported Buyoya¹⁰ (many of whom were Hutu deputies re-elected to the new Assembly) and G10 politicians who backed his candidacy, in particular the PSD and AV-Intwari parties, whose head-of-list representatives were awarded ministerial posts¹¹. On the other hand, Pierre Buyoya clearly chose to marginalise leaders of Tutsi parties who had called for his departure in Arusha. Epitace Bayaganakandi, his main competitor for the presidency, and the G10 parties that supported him, were left out of the game. The leaders of Inkizo, RADDES, ANADDE and PIT also failed to be included in the government team. As for the remaining vacant posts that were allocated for G10 candidates, Buyoya strongly dissuaded the leaders of these parties from applying.

Only PARENA, led by former president Jean-Baptiste Bagaza played no part in the Arusha institutions, having excluded itself by refusing to sign the deed of covenant on applying the accord. Moreover, its suspected involvement in the two attempted putsches against president Buyoya in April and July 2001 further marginalised it at the time when posts were being handed out. However, its announced return to Bujumbura in the coming weeks and the more visible activity of its militants suggest that its relations with the government have improved.

In the G7 camp, Jean Minani was allotted fourteen ministerial posts. He kept control of the key ministries, placing his loyal supporters in the ministries of the interior and public security, justice

⁸ Some of the leaders of political parties who became ministers are Mathias Hitimana (PRP), Godefroid Hakizimana (PSD), André Nkundikije (AV-Intwari), Gaëtan Nikobamyé (PL) and Balthazar Bigirimana (RPB).

⁹ See Appendix 1.

¹⁰ URONA split into two separate wings at the start of the Arusha negotiations, with the Luc Rukingama wing close to the president and that of Charles Mukasi opposed to the negotiations.

¹¹ The three presidents of the parties were given the following ministries: Godefroid Hakizimana (PSD) - minister of arts and crafts, professional training and adult literacy, André Nkundikije (AV-Intwari) minister of planning and Mathias Hitimana (PRP) minister of energy and mining.

and trade. Most of the other political leaders who returned from exile at the same time as Minani, and who head up the five remaining G7 parties, shared the other nine ministries among themselves. The CNDD, led by Léonard Nyangoma obtained the ministry of communication and civil service; the RPB took youth and sport, and public works; the PP, post and telecommunications and social affairs; while the PL was allocated land use management and tourism. The allotment disappointed certain members of the FRODEBU internal wing who had held a post in Burundi during the “partnership government” between 1998 and 2001 but it also displeased the FRODEBU dissident Augustin Nzajibwami. As soon as the ceasefire is obtained, two government posts are due to be opened up to representatives of the rebel groups FDD and FNL. However, Léonard Nyangoma announced that he was unwilling to take a seat in the government before security institutions are reformed and the rebel soldiers are integrated into a new national army¹².

2. Assembly and Senate: Loyal Supporters Rewarded

The presidency of the National Assembly and the Senate were awarded to FRODEBU and UPRONA respectively, and the vice-presidencies to UPRONA and FRODEBU. Both parties lost no time in establishing their executive offices, even before the standing rules were sent to the constitutional court. The spirit of “cohesion, harmony and stability” that reigned during the formation of the government also prevailed for these two institutions.

Key opponents from the two disgruntled G5 allies were kept out of the running for posts. These included Augustin Nzajibwami (FRODEBU dissident) and Cyrille Sigejeje (civil society), who aspired to the vice-presidency of the National Assembly, Epitace Bayaganakandi (a challenger to Buyoya for transition) and J.B. Bagaza who coveted the Senate presidency. However, it is reported that certain deputies and senators bought their posts from the leaders of these parties for the princely sum of 3 to 5 million FBU, a practice that the authorities chose to overlook¹³.

The transition parliament, which will sit for nine months a year, could play a critical role in the peace process. Under the terms of the Arusha accord, the Assembly may oblige any member of the government to resign and the Senate must approve all the appointments to important posts¹⁴. The composition of the transition Assembly was designed to avoid a situation where one ethnic or political group can make decisions alone, without taking into consideration divergent viewpoints. No one group has a two-thirds majority. The same proportion is required in the Senate for approving important documents. But this rule works both ways: it can either require UPRONA and FRODEBU to form a strong partnership or it may encourage them to relentlessly exercise their right to veto.

Well aware of this mechanism, the smaller parties and dissident members battled for the posts of senators, supplementary deputies and substitutes¹⁵. During negotiations over the percentage of members in the Assembly based on their political stripes, all the G10 parties with the exception of UPRONA demanded to be given six members apiece¹⁶. Their aim was to reach the full quota of 54 members and thus attempt to form a block by allying themselves with the UPRONA dissidents and members of civil society.

In order to dodge this strategy and guarantee Jean Minani’s election to the presidency of the Assembly, UPRONA and its sixteen deputies lent Minani their full support, as did the PSD, ABASA and Vert-Intwari, plus certain members of civil society. This gave him the backing of 80 votes from FRODEBU deputies and G7 parties from the outset. He was finally elected president of the NA with 115 votes, losing only those from civil society parties and FRODEBU dissidents. His vice-president, the Upronist Frédéric Ngenzebuhoro, was elected with 122 votes.

¹² Interview broadcast by Voice of America, October 2001.

¹³ Numerous ICG interviews in Bujumbura, February-March 2002.

¹⁴ Provincial governors, town administrators, heads of security corps, top judges, election committee, constitutional court.

¹⁵ ICG interviews with several political figures and diplomats, February-March 2002, in Bujumbura.

¹⁶ ICG interviews with several UPRONA deputies, February-March, 2002, in Bujumbura.

3. The South African Presence – Life Insurance for the New Government

This interesting display of institutional acrobatics was only made possible through the swift arrival of 700 South African troops, sent with the utmost urgency by Nelson Mandela. The contingent was intended to replace the Burundian special protection unit created during the signature of the transition accord on 23 July. The presence of a special protection unit was one of the conditions laid down by FRODEBU for its return to Burundi, on signing the 23 July agreement on the transition government. It was meant to be composed of an equal number of Burundian soldiers/policeman, and persons appointed by the G7 and G10¹⁷. However, as soon as the accord was signed, President Buyoya categorically refused to include those proposed by FRODEBU, a group of FDD “deserters” who had been hanging around in Tanzania for over a year. Buyoya argued that it was impossible to integrate rebels before a formal, all-inclusive ceasefire had been signed¹⁸. As a consequence, Mandela insisted at the Pretoria summit on 11 October 2001 that South Africa send its own troops so as to avoid delaying the installation of the transition government¹⁹.

Of the 700 South African troops, christened the *South African Protection Support Detachment* (SAPSD), a hundred were sent to protect politicians; five hundred to deal with organisation and management and another hundred to take charge of logistics²⁰. The SAPSD’s mission was to be carried out in cooperation with the Burundian USI services (special protection unit for Burundian institutions). The South African troops were placed under joint USI command, and its mandate was restricted to protecting 44 political figures and to training a future half-Hutu, half-Tutsi Burundian unit, which would eventually replace the South African soldiers²¹.

For the time being, the South African presence has provided clear benefits, and justified the risks taken

by the South African government. However, two factors increase the chances of calling into question the government’s commitment: the high cost of the operation, and the prolongation of the war. Defence minister Mosiuoa Lekota has made it known that the government will be requesting an extension to the six-month deployment, based on a pledge by European donors to donate 62 million rand²². But he has not yet obtained parliament’s agreement on this²³. Moreover, in the absence of a ceasefire it is questionable whether the Burundi protection unit will be given training. If the prospect of integrating the rebels does not emerge in the coming months, the South African troops will be forced to train Hutu and Tutsi soldiers chosen by High Command of the Burundian army, who would obviously remain under the army’s orders after the South Africans pull out. Without a ceasefire and unless conditions laid down for the protection unit during the transition accord are fulfilled, South Africa, which is in charge of mediating between the rebels, risks being blamed for this failure, and the Mbeki government will have to justify this to its parliament.

B. A DISTURBING INERTIA IN THE APPLICATION OF THE ARUSHA ACCORD

1. Application Deadlines

Since the start of 2002, the government has principally been concerned with the urgent search for funds and a means to secure a ceasefire. These twin objectives have been the main thrust of its diplomatic activities. Meanwhile, the Arusha accord has still not been applied, and there seems to be little domestic pressure to change this situation. A great deal of evidence supports this observation. The campaign to explain the accord was not launched until March, and so far has only been geared towards the political elite in Bujumbura – i.e., deputies, senators and ministers. The accord has not yet been translated into Kirundi and the authorities have failed to schedule a single public discussion of the matter. The government has taken no steps to provide information to the population on the vexed question of the return of refugees, or the administrative and security service reforms that directly concern it. Moreover, the only discussions about the accord in official circles have produced

¹⁷ Conditions attached to the transition accord, 23 July 2002, Arusha.

¹⁸ This subject was discussed during the Head of States’ summit in Arusha, 1 October 2001.

¹⁹ See *Memorandum of Understanding between the South Africa and Burundi governments*.

²⁰ Ministry of Defence press conference, Bujumbura, 28 October 2001.

²¹ Press conference of 28 October 2001 by the minister of defence, Major-General Cyrille Ndayirukiye.

²² Approximately \$6,000,000 USD.

²³ *South African minister calls for troop deployment extension in Burundi*, SAPA news agency, 15 May 2002.

serious disagreements over its interpretation. Most notably, certain G10 representatives argued that the accord was an “unfinished” product and would be “unsellable” as long as the reservations entered by all the signatory parties were not lifted.

Apart from the showy appointments to the transition political institutions, which give the appearance of power sharing for the benefit of the donors, the state’s administrative, financial and security apparatus is still controlled by the same military-political oligarchy. Only a handful of appointments have been made in the various police and security units: the immigration office, the documentation unit, and the office that coordinates security services for the office of the president, where FRODEBU obtained posts as second in command. But no appointments have yet been made to the territorial administration office, or to quasi-government companies or embassies. The governorship of the Central Bank, which should have gone to FRODEBU, was finally left to the present governor, a man with close ties to the Buyoya family, on the grounds that he should be allowed to finish his mandate.

The government’s message is clear: there will be no application of the accord or any deep-rooted reforms as long as the war continues. In a recent memorandum, UPRONA makes this quite unambiguous: “It is well known that the Arusha accord was signed before the negotiations over a ceasefire agreement took place. This fact alone explains why a certain number of reforms are difficult to apply as long as the country is confronted with armed groups of terrorists who continue to massacre innocent populations. In particular, it would be irresponsible to destabilise the territorial administration system and defence and security structures in the current state of affairs.” However, this statement did not prevent UPRONA from contradicting itself by accusing the international community of failing to keep its financial promises “in the face of the evident progress made and undeniable commitment displayed by the transition leadership in ensuring the application of the Arusha accord²⁴.

There is no disputing the fact that in January 2002 the government drafted a three-year transition plan and requested its ministers to draw up sectoral policies. The plan includes administrative, security, legal, economic and social reforms, but these policies will not be finalised for another two months. Clearly there is no sense of urgency in implementing the deep-rooted reforms²⁵.

2. The CSAA – Dead on Arrival

Under the terms of the Arusha accord, the CSAA (the monitoring commission for the application of the accord) should have played a leading role, but so far it has been completely absent from political debates. In principle, the commission has a hefty mandate: guaranteeing respect for deadlines, ensuring the correct interpretation of the accord, reconciling points of view, mediating between signatories and quelling disagreements, guiding the activities of every commission, aiding and supporting the transition government in its diplomatic deployment of financial, material, technical and human resources and ruling on including new parties in the accord. Since February 2002, the CSAA has met eight times, including three times in Bujumbura, after which it changed its composition to replace absent members or those who had become ministers. However, it has so far been paralysed by procedural debates, and recriminations brought by small political parties whose representatives are demanding salaries equivalent to United Nations’ employees. The absence of its representative, Berhanu Dinka, who has been due to move to Burundi since the installation of the transition government in November, has particularly hindered the commission.

The CSAA has proved so ineffectual that a working group from its own executive committee suggested in its report on April’s session that two vice presidents be appointed to make up for the absent representative. In its recommendations, the report states: “it is deplorable that the CSAA, which should have been the driving force behind the campaign to educate the population and garner support for the accord should be reduced to the mere role of spectator”²⁶.

²⁴ Memorandum from the UPRONA party on the issue of political prisoners and the establishment of an international legal fact-finding committee and on other issues related to the current evolution of the situation, 23 April 2002.

²⁵ Transition government plan, Bujumbura, January 2002.

²⁶ Report by the working group of the CSAA executive committee, together with other transition institutions, pursuant to its charter, 8th session, 22 to 26 April 2002.

Of course, the CSAA's powerlessness suits the government. At the signing of the Arusha agreement, the G10 included a reservation about the competence of the CSAA on the grounds of sovereignty. It felt that the commission's right to check that domestic laws and rulings conformed to the terms of the Arusha accord might undermine the government's authority. However, having managed to avoid mentioning the CSAA in the transition constitution, and given that the commission has proved to be ineffectual anyway, the government has not bothered to evoke this reservation.

Mandela has officially handed over the task of implementing the accord to the United Nations. In the event of a fiasco over Arusha, the UN will therefore have to take part responsibility, which would doubtless exacerbate its already poor reputation in the region for failing to live up to its responsibilities during crucial phases in peace processes. The CSAA has requested a budget of 3.5 million USD and twelve translators from the European Union. If the budget is granted, it is essential that donors attach strict, if not draconian conditions to the money invested.

3. The Battle of Laws

The government is facing a host of immediate legislative challenges. These include debates over the question of political prisoners, the law on provisional immunity for politicians returning from exile, the law on the crime of genocide and the law establishing the CNRS, the law on political parties, the electoral law and the post-transition constitution. There has been no sign of progress on any of these matters since November. A report on the issue of political prisoners was sent to the government on 14 February. It was the result of three months' work by an independent commission comprising eight Burundians and four international experts appointed by the UN. The commission came into existence under Protocol II, Article 15 of the Arusha accord, and its mandate was to investigate prison conditions, the treatment of prisoners, the release of detainees awaiting trial and the existence and release of all political prisoners.

The commission took its definition of political crimes from the penal code, i.e., "endangering internal and external State security; attacks on the head of state; attacks and plots against state

authority and national security; membership in armed groups or insurrectionary movements²⁷". It concluded that all prisoners, defendants or convicts facing such charges could be considered political prisoners and should be released, with the exception of those who had committed murder. The commission also noted certain contradictions, including the fact that a number of CNDD members are in prison on the grounds that they took up arms against the regime, whereas their leaders are currently ministers and parliamentarians in the new transition institution. Despite the ongoing negotiations, Hutus are still being arrested for collaborating with armed groups. Elsewhere the report highlights the fact that the nine thousand case files are being processed in an irregular manner. For example, police reports of arrests are never followed up by an arrest warrant and detention periods are not officially confirmed. In most cases, the legal deadlines for investigating the case have all expired and the detainees are eligible for release simply on the grounds of procedural defects²⁸.

The report was submitted to the Council of Ministers and no official reaction was given for over a month and a half. However, the CSAA's recent session officially endorsed the report's recommendations and the commission is now looking forward to the transition government's response at its next session in June.

The first parliamentary session, held from February to April, was due to debate three highly-political bills out of the dozens submitted to the Assembly: the law on political immunity, the law on genocide and the law on the creation of the CNRS. None of these laws were adopted. UPRONA and its allies blocked the adoption of the law on provisional immunity and another on the return of refugees, whereas the FRODEBU parliamentary group obstructed the genocide law. The G10's motives for blocking the bill on provisional immunity were to send a message to the formerly exiled leaders that they were still on trial for good behaviour, and also to delay the return of rebel leaders to Burundi. Blocking the creation of the CNRS was governed by the same logic, to prevent at all costs FRODEBU and the rebellion from creating a political base after the return and reintegration of Hutu refugees.

²⁷ Articles 393 to 439 of the Penal Code (except Art 417 and 418).

²⁸ Independent commission charged with examining issues related to prisoners.

Likewise, the law on genocide was used as a way of pressuring and politically excluding FRODEBU and rebel leaders, some of who were involved in organising the 1993 Tutsi massacres.

The law on political parties could potentially be used to shape the political landscape to any one party's advantage. Legalising or banning new parties could either open the door to a gratuitous amount of allies or serve to neutralise enemies. It provides the UPRONA/FRODEBU government with political influence over three categories of actors: a) parties who signed the Arusha agreement but who are not yet authorized (CNDD, FROLINA, PALIPEHUTU) by preventing them from taking part in the government before a ceasefire; b) the rebellion that stayed out of Arusha, whose rapid grouping into political parties would be the best way of guaranteeing competition within the Hutu political family for future elections; c) the G10 political figures or FRODEBU dissidents, who have been left on the fringes for the time being but could be potential allies if and when ceasefire negotiations succeed in opening up access to the contents of the accord, and in particular, to Chapter III (ceasefire and reform of the security forces), which could even allow for a complete re-negotiation of the entire agreement.

The election law provided for in the Arusha accord will also be the focus of tooth and nail struggles. Under the terms of the accord, post-transition elections must be carried out using the principle of "one person, one vote." However, this was contested by the G10 parties who wanted to insert a mechanism for representation of the regions into the electoral system in order to counterbalance the ethnic disparity. These parties also nourish the secret hope of seeing Hutu leaders disqualified before the elections by the work of the international fact-finding committee on the crimes of genocide and the Truth Commission.

C. THE RETURN OF INTERNATIONAL AID: A COMPLEX AFFAIR

At the two donors' conferences held in Paris and Geneva in December 2000 and December 2001 respectively, the international community pledged 830 million USD to Burundi. The aid was to be divided into three parts: humanitarian, structural and budgetary.

But the return of international aid is not a straightforward matter. Funds pledged for structural assistance are difficult to unblock while sectorial policies remain undefined, and there are not yet any projects to finance. The resumption of budgetary aid is suspended until the IMF gives its green light. The delegation that visited Burundi in March reached the conclusion that the country was not ready to participate in the IMF's "post-conflict" programme. Without the Fund's approval, Burundi cannot request the annulment of its debts, which would qualify it for the Poverty Reduction Programme. The IMF noted a deficit of 10 billion FBU in the government's projected revenue, as well as a sharp increase in expenditure in a similar amount, half of which had been earmarked for the installation of the transition government and the other half for military expenditure. The drop in revenue, partly due to a disastrous coffee harvest, has led to a total collapse in imports and tax revenue, and forced the government to pump more money into the economy. The IMF requested the government to downsize its employees in the civil service and the army, which employs at least 60,000 soldiers, but the government refused. Moreover, it seems that the 12 million USD Stabex funds given to pay the salaries of ministry of agriculture employees have been diverted to military expenditures. Although the government claims that it is no longer buying arms, a visit to Moscow and China in July by high-ranking officers resulted in the purchase of tanks and an order for six MI 24 combat helicopters, and a number of "Katiushi".

Burundi clearly needs budgetary aid in order to save it from bankruptcy. However, donors seem reluctant to make further commitments without effective monitoring mechanisms to allow them to track precisely how this aid is used²⁹.

²⁹ Donors meeting in Nairobi, 22 March 2002.

III. THE CEASE-FIRE: NEGOTIATING WHAT AND WITH WHOM?

A. THE ARMY: WINNING THE WAR

On the international diplomatic level, the President and his allies are attempting to show that they are doing everything in their power to reach a cease-fire. They say they are willing to meet with the rebels wherever the rebels choose and to listen to their military and political demands. In reality, however, their actions betray very different intentions.

On the military level, the battle hour has come. No sooner had the decision to keep Buyoya as head of state been announced in July, than the army launched a new campaign. In order to impose its military might on the rebellion, the high command ordered a large arms shipment from Eastern Europe in July, with delivery beginning one month later. Six combat helicopters entered the military campaign in November. At the same time, the army was stepping up its use of "operational groupings" and heavy equipment. The army was fighting alongside the Rwandan Patriotic Army (RPA) in Cibitoke province and the Kibira forest and it launched an attack on the FNL headquarters in rural Bujumbura and on the FDD headquarters in the southern and eastern parts of the country. This all occurred just after the transition government was installed. President Buyoya's speech on 1 January 2002 illustrated well the existence of a two-fold strategy: the war strategy and the negotiation strategy. To achieve his stated priorities, he was banking on receiving massive support for the security forces by strengthening the classic trilogy that had emerged since July 1996: the government, the security forces, including police officers, and the body of people around them, while at the same time pursuing the negotiations³⁰.

The decision to launch a military campaign was in part a response to the army's repressed frustration vis-à-vis the Arusha negotiations. The soldiers criticised Buyoya for having negotiated without first attempting to impose a final military defeat on the rebels. Indeed, during these negotiations, Buyoya did not allow the army to wage any operations that could attract a lot of publicity and he kept to his "neither peace, nor war" tactic in order to avoid

being accused of not playing by the rules. After the Arusha accord was signed in 2000, the prospects of a FRODEBU return to power, an army comprising 50 per cent Hutus, and acceptance of the principle of integrating the Hutus rebels only served to fuel the army's discontent³¹. The two attempted coups d'état against the president in April and June were clear signs of this anger. In order to preserve the cohesiveness of the army around him and to stay in office during the transition period, the president had to reassure the army that he still had war intentions. Thus, the primary objective of the current military campaign is to boost troop morale and to convey to the soldiers the message that the army will be imposing its conditions on the rebels. However, a defeated rebel force will not negotiate a cease-fire or a reform of the army. At best, the rebels may negotiate a surrender and a DDRRR program.

This campaign was also a response to the military actions taken by the rebels, who were attempting to show their disagreement with the establishment of the transition government by stepping up their attacks. For the army military leaders, it was crucial to regain the upper hand at a time when the representatives of FRODEBU, PALIPEHUTU, FROLINA and the CNDD were returning to Burundi. The real danger, in fact, was in allowing them to believe that the rebel forces were strong and that there was a chance that the current balance of power could be challenged³². The army victory in the battle of Tenga, the FNL headquarters, encouraged the troops to continue the war.

Since November, the Burundian Armed Forces (FAB) have won several major military victories. The taking of the Ubwari peninsula on Lake Tanganyika in South Kivu, Congo, by the RPA, the RCD and the FAB dealt a harsh blow to the FDD, who had traditionally used this peninsula as an alternate base and a base for infiltration operations. In December, the FAB chased the FNL from their headquarters in Tenga, Gasarara and Rukoko in rural Bujumbura with the help of the APR. Tenga had served as the FNL behind-the-lines base during the battle of Kinama, a neighbourhood of Bujumbura that the FNL had occupied for fifteen

³⁰ Net press, January 1, 2002.

³¹ One of the reasons for Buyoya's return to power in 1996 and the ousting of President Sylvestre Ntibantunganya was the reform of the army and the presence of foreign troops following the Mwanza discussions.

³² ICG interview with members of the high command, Bujumbura, March 2002.

days in February 2001. In order to win, the army used helicopters and infrared equipment, waged battle day and night and allowed a lot of men to be sacrificed. Recently, the FNL also lost some of their positions in Mbare, Kirombwe, Gasarara, Isale and Kibuye in rural Bujumbura and have retreated to Teza and Bukeye on the edge of the Kibira forest. In addition, they have lost positions in Cibitoke and Bubanza and have retreated towards Musigati and Rugazi in northern Burundi. At the same time, Tanzania is putting military pressure on the FDD in Kigoma to force them to withdraw to Burundi.

It was the perfect time to launch this military offensive. The transition government had barely taken office and was still enjoying a grace period. The fact that FRODEBU shared some of the power provided the political guarantee required for the war³³. FRODEBU signed an agreement that was applicable subject to reservations and that contained a preamble added on the night of 27 to 28 August 2000, in which it agreed to request sanctions if the rebel forces did not heed the call to negotiate. Even now in fact, the government is already in the process of mobilising the international and regional community for sanctions. The argument is that by refusing to participate in the peace process, the rebels risked jeopardising the gains made in Arusha. Sanctions would be a definitive and cost-effective way to disqualify the rebels and to lump them together with the “negative forces” of the Lusaka accord, who are being disarmed but with whom negotiations are out of the question. The Burundian army is highly tempted to surrender to the Angolan way and to finish once and for all with the FNL, just at the MPLA did with UNITA. Above all, disqualifying the rebels would amount to shelving the Arusha Protocol III and the army reform for good.

The advantage of this policy is that it would weaken FRODEBU considerably. Forcing FRODEBU to guarantee the neutralisation of the rebel forces through the war and sanctions is the best way to discredit the rebels within the rebel movement and amongst the Hutu population, to prevent the rebel factions from rebuilding their political base, and to force them to participate in the discussion on reforming the army. If, in fact, FRODEBU is unable to stop the war, the G10 representatives in power would have two cards to play: they could accuse

FRODEBU of double talk and show that FRODEBU is still helping the rebel forces even though it is part of the government. UPRONA recently gave a statement along these lines that bore a resemblance to its traditional rhetoric from 1994 to 1996 under the Convention of Government³⁴. The G10 could also discredit FRODEBU as a political partner by showing that it has not kept the promises made in Arusha. Indeed, FRODEBU had promoted the idea that an overall political agreement was needed first in Arusha and that the rebels would be easily won over afterwards. If the Buyoya camp manages to demonstrate that it has signed an accord with a powerless FRODEBU and the rebels forces who lost the war (CNDD, PALIPEHUTU and FROLINA), the entire Arusha accord will fall by the wayside, especially its primary objective: a political transfer of power.

During this time, Buyoya and the army preferred to conduct separate negotiations with each of the armed groups, thereby encouraging competition amongst them and playing on the various rivalries in the mediation. At the initiative of President Pierre Buyoya, Jean Minani, President of FRODEBU, followed by Jacob Zuma, Vice President of South Africa, were called to Tanzania in January to rejoin the efforts to reach a cease-fire³⁵. However, the increasing number of mediation circles started to become surrealistic and counter-productive. Separate cease-fire negotiations with different mediators, different rebel groups and separate agreements were being conducted simultaneously in South Africa, Tanzania and Gabon. For example, the government had remained in contact with Jean Bosco Ndayikengurukiye since Libreville I in January 2001, and took advantage of the fact that he lost power and was ousted from the FDD in October 2001 in order to negotiate his return to Burundi. In March, President Buyoya announced from army headquarters that Ndayikengurukiye would hold an important position within the army command³⁶. He also announced plans to finalise the negotiations on integration by June so that at his request, Jean

³³ Vice President Domitien Ndayizeye congratulates the army on its victory in Tenga, December 2001.

³⁴ Memorandum from the UPRONA party on the issue of political prisoners and the establishment of an international legal fact-finding committee and on other issues related to the current evolution of the situation, 23 April 2002.

³⁵ President Buyoya and Jean Minani met with Tanzanian Benjamin Mkapa in Arusha a few days after Mkapa met with the South African vice president.

³⁶ ICG interview with Burundian officers, 18 March 2003 [sic], Bujumbura.

Bosco could march in Burundi on Independence Day, on July 1. Now the government is also trying to negotiate with Nkurunziza's FDD-CNP in South Africa. This result of that strategy is almost guaranteed: the separate negotiations will result more in individual arrangements with the rebel leaders than in a serious reform of the army.

In short, the Buyoya camp strategically positioned its followers, neutralised the G10 group and signed agreements with Minani's FRODEBU, Nyangoma's CNDD and will soon sign an agreement with Jean Bosco's FDD. During this time, Buyoya has been insisting that FRODEBU help end the rebellion diplomatically, but he has not yet presented a plan for reforming the army in exchange. In other words, the Buyoya camp seems to want to negotiate issues of form rather than substance, to come out on top of the negotiations without having to make reforms, and to turn the results gained in Arusha into a "conservative revolution"³⁷.

B. FRODEBU: WINNING THE PRESIDENCY AND THE HUTU LEADERSHIP

The return of Jean Minani and his entourage from exile, the rebel entry into the political negotiations, and the prospects of presidential elections all represent a potential "Big Bang" for FRODEBU, the G7 and the rebel forces. These events bring to the surface the various trends that have existed in the Hutu community since the 80s and 90s, as well as the various leadership rivalries. Since the assassination of Ndadaye in 1993, and especially with Buyoya's return to power in 1996, a lot of these trends and currents have disappeared from the visible political scene and have been played out in exile in Tanzania, the DRC and Europe for the most part. Currently, these tensions revolve around three stakes: a) controlling the FRODEBU party, a highly coveted electoral machine, b) negotiating a cease-fire and army reform, which is something that all Hutu leaders want to be involved in, and c) the regionalist fighting between people from the South (Bururi), who have long monopolised power in Bujumbura, and the people from the North, who want to topple the southern regimes.

Three sets of alliance are now taking shape around these stakes. The first alliance is between Jean Minani and Domitien Ndayizeye, president of the National Assembly and vice president of Burundi, respectively, and both major victors in the Arusha accord. They are attempting to preserve their gains. The second alliance is between Léonce Ngendakumana, Sylvestre Ntibantunganya and Frédéric Bamvugyumvira, who were all excluded from the post-Arusha power sharing arrangements and who want to use the cease-fire to reposition themselves more advantageously. The third is an alliance of the Hutus of Bururi, headed up by Augustin Nzojibwami and including all the recently deposed rebel leaders, who were officially excluded from Arusha and who have unofficial close ties with the Tutsi military leaders in Bururi. Each of these circles is seeking allies from amongst the rebel forces, the army and the Tutsi parties.

Minani "won" the Arusha accord thanks to support from the international community and Tanzania. He won the presidency of the National Assembly and placed his man in the vice presidency. However, in order to govern, and above all, to consolidate his power before the presidential elections, he must be sure he has the unwavering support of FRODEBU. Remember that during the Arusha negotiations FRODEBU had different wings: a outside wing close to Minani that was based in Tanzania and was counting on the Arusha negotiations, and an inside wing that had negotiated the 1998 Internal Political Partnership and that later split into an inside wing under Domitien Ndayizeye, which supported Arusha, and an inside wing under Augustin Nzojibwami, which supported the partnership. The split was also based on a regionalist divide between the North (Minani, Ndayizeye) and the South (Nzojibwami). After the transition government took office, all the leaders of these various wings continued to fight over the party leadership. In February, an urgent meeting of the Executive Committee was held in order to deal with the risk of a party break-up and to review the composition of the executive board. This meeting provided the opportunity to announce that there would no longer be different wings of the party and that there would be reconciliation of its members who had been scattered since the crisis that began in October 1993. "The party has once again become indivisible"³⁸. All

³⁷ Concept borrowed from "*L'Etat en Afrique: la politique du ventre*", Jean-François Bayart, Paris, Fayard: 1987.

³⁸ Press release from the FRODEBU party, 24 February 2002.

the party bigwigs now sit on the executive board, under the reconfirmed authority of Jean Minani. This board is representative of all Burundians from all over the country and also includes two Tutsi members from the southern and central part of Burundi.

In order to reassert control and to silence the dissidents, Minani plans to organise a congress in September. However, this congress will also provide an opportunity for the other party leaders to contest his leadership and to pre-position themselves for the post-transition presidential elections. Logically, these party leaders could raise the issue of Minani holding multiple positions and argue that he cannot continue to be president of the National Assembly and president of FRODEBU at the same time. The person who is elected to be party president would also be the natural FRODEBU candidate for the presidential elections. The campaign has begun and the candidates are already seeking out alliances and voters from among FRODEBU militants, “prominent”³⁹ Tutsis and the rebel factions.

Above all, the campaign capitalises on the interpretation and application of the Arusha accord. Minani and his entourage, who are the main beneficiaries of the Arusha negotiations and the July 23 accord, are trying to maintain a positive outlook on the transition government by adopting a conciliatory and patient attitude with respect to application of the accord. Bound by their commitments to have identical dialogue with other government partners and to reach a consensus in terms of how the government will function, they have already made several compromises in terms of the application. For example, they have given up the protection unit provided for in the July 23 accords and agreed to have the South Africans instead. They have accepted the idea of the Arusha accord being amended by the transition constitution. They have temporarily renounced appointments to certain posts allocated to them under the Arusha accord, such as governor of the Central Bank. They did not react to the publication of a report on political prisoners and they have publicly expressed satisfaction with the army’s military campaigns.

The other high-ranking FRODEBU officials who consider themselves to be the losers in the Buyoya-

Minani distribution of posts, have decided to fill in this void and are championing application of the Arusha accord. This group includes former vice president Frédéric Bamvugiyumvira, who did not appreciate being replaced by Domitien Ndayizeye, former National Assembly president Léonce Ngendakumana, who had to give up his post to Jean Minani, and former president Sylvestre Ntibantunganya, who wanted to become president of the National Assembly. This trio threatens to block the way for the Minani-Domitien duo by initiating a hostile take-over of FRODEBU at the next congress and by attacking Jean Minani with respect to the fact that he holds two positions⁴⁰.

This group criticises Minani for the lack of transparency in decision-making and his desire to short-circuit the party apparatus. This leads them to automatically suspect Minani of having already agreed to allow Buyoya to remain in office for the entire transition period and of having extended his own term as president of the National Assembly from eighteen months to three, or even five years⁴¹. This in turn, causes them to automatically push for compliance with the accord, especially with respect to the transfer of power following the first phase of the transition. Léonce Ngendakumana, who replaced Pierre Claver Nahimana on the Monitoring Committee, accused Minani and Ndayizeye of a lack of vision. During a press conference on April 5, he stated, “The Arusha accord is characterised by the same parameters as the Internal Political Partnership, where political posts seem to be divvied up among friends.⁴²” On April 8, the FRODEBU caucus issued a statement denouncing the continued war and arms race, calling upon the government to apply the accord to the letter, among other things, and calling upon the Implementation Monitoring Committee to “break its silence.”⁴³

They have found natural allies in the G10, who feel excluded from the “Arusha power sharing.” The FRODEBU leaders and the marginalised G10 also find common ground in the regionalist theme. These leaders from the north and central regions are working together to oppose the Bururi power base and their allies. For each of these factions the crucial

³⁹ ICG interview with the executive secretary of FRODEBU, Bujumbura, 14 March 2002.

⁴⁰ ICG interviews with FRODEBU activists, March 2002.

⁴¹ ICG interviews with FRODEBU politicians and soldiers, Bujumbura, March 2002.

⁴² In Burundi net, 5 April 2002.

⁴³ Statement no. 001/2002 issued by the FRODEBU caucus with respect to the current situation in the country.

stage is the cease-fire negotiation. In terms of the Arusha victors, their victory can only be sealed if the rebel groups stick to the accord and only negotiate the time frame for the reforms and integration. Thus, leaving the rebel forces to negotiate an agreement alone, in a separate process, that might jeopardise their gains, is something to be avoided at all costs. However, for the Hutu and Tutsi “Arusha losers” the negotiation of Protocol III to the Arusha accord would provide a miraculous opening, allowing them to rush in and challenge the distribution of posts.

Consequently, everyone has started to contact the rebel groups from all sides in order to use “their rebels” to stake a place in the negotiations. Minani’s FRODEBU and the FDD have already held four or five meetings, none of which bore any results. The November 10 meeting in Kigoma that involved the rebel groups and seven parties from the Hutu family was organised by FRODEBU after FRODEBU made several statements promising to obtain a cease-fire within the coming weeks. However, information leaked by FRODEBU about the planned meeting, led to the absence of the rebel groups. President Sylvestre Ntibantunganya allegedly made a phone call to inform his former Minister of Foreign Affairs, Jean-Marie Ngendahayo, a member of “reformed” FDD politburo. Having not been kept abreast and fearing that the military leaders were being bought out, Ngendahayo in turn sabotaged this meeting⁴⁴.

Essentially, the Minani FRODEBU/FDD discussions failed because Minani wanted to assert control over the rebel groups. First of all, the president of FRODEBU appears to have been in contact with the four FDD leaders who ousted Jean-Bosco from the FDD leadership on 15 October. This had been done with the backing of Tanzania, which wanted Minani to have troops upon his return to Burundi in order to be able to negotiate the reform of the army from a position of strength⁴⁵. Before Jean-Bosco was overthrown, Minani allegedly promised both the future rebel leaders and a group of FDD “deserters” that he would integrate them into the protection unit that was negotiated in the July 23 accord. However, realising that this manoeuvre was designed to provide Minani with men for his return to Burundi, President Buyoya refused to integrate them into this unit before a

cease-fire was duly signed. Minani agreed to the South African presence instead, but this broken promise caused the first rupture with the rebel forces. Now, the rebels find it suspicious to “have plans to demobilise their army by negotiating the presence of foreign security troops.”⁴⁶

Other FRODEBU leaders are also seeking their own contacts with the rebels in order to back them in the cease-fire negotiations. Seeing this “Bururi” configuration emerge with the help of the government, Augustin Nzojibwami from Bururi, is thinking about competing with FRODEBU in the elections by garnering the support of the rebel leaders and in particular, Jean Bosco Nadyikengurukiye, his younger brother. His new party, a CNDD / FDD- Nadyikengurukiye / PALIPEHUTU-FNL-Kabura / FROLINA-Karumba / Sangwe-Pader coalition, would considerably weaken FRODEBU in the next elections. Léonce Ngendakumana or Sylvestre Ntibantunganya are also looking to get closer to the rebels by harshly criticising the government policy on the cease-fire, in the hope that the FDD will support their candidate at the next FRODEBU congress, by saying “it is surprising that five months after taking office, the transition government is still saying that it does not have a clear policy, concrete proposals or a strategy for negotiating the cease-fire.”⁴⁷ They now acknowledge their mistakes. The first mistake was having “sold out” the cease-fire. The second mistake was signing the Arusha accord without a cease-fire. This about-face is undoubtedly the clearest sign that they are disassociating themselves from the current FRODEBU strategy.

C. THE REBELLION: EARNING RECOGNITION

The rebel factions were not present in Arusha, but were nonetheless affected by the dynamics of the negotiations. Since 1998, diplomatic pressure, corruption and attempts by the various Burundian political players to form alliances have led to restructuring within the rebel groups. The FNL leadership changed hands from Cossan Kabura to Agathon Rwasa at the beginning of 2001, and the FDD leadership changed twice. Léonard Nyangoma was first ousted in May 1998, followed by Jean-

⁴⁴ ICG interview with Rajabu Hussein’s entourage, 14 November 2001.

⁴⁵ FRODEBU/FDD interviews in Bujumbura, Kigoma, Dar-es-Salaam, March 2002.

⁴⁶ ICG telephone interview with the entourage of Rajabu Hussein in Kigoma, 12 November 2001.

⁴⁷ Quote from Léonce Ngendakumana press conference.

Bosco Ndayikengurukiye in October 2001. In addition to the many ongoing internal debates, bilateral contacts are being forged between political groups and armed groups and between the armed groups themselves. Some of the rebels feel it is imperative to get into the negotiating game, undergo a make-over and re-emerge as a future and credible political force in order to have their share in the glory. Others feel that the Buyoya government's acceptance of the negotiations is not yet irreversible and that it would be premature to get involved.

At present, the crucial question is not whether the rebels want to negotiate, but what do they want to negotiate and with whom? The problem with the negotiations essentially revolves around the issue of whether or not the rebels will accept part or all of the Arusha accord and the implications of such acceptance. Acceptance means agreeing not only to something that they did not negotiate, but especially, to an accord that is incomplete, disputed, and has only been partially applied. Accepting the Arusha accord would also mean approving FRODEBU leadership over the Hutu political family and allowing FRODEBU to play a leading role in the peace process. However, this is an issue that extends well beyond individual or regional quarrels.

What is really at stake is the conquest of Hutu leadership from a post-transition electoral point of view. This conquest hinges as much on the concrete results of the transition as on the struggle to gain legitimacy and consequently, to appropriate some of the symbolic capital tied to the end of the war. In this respect, however, the PALIPEHUTU-FNL has not forgotten what it sees as the FRODEBU betrayal after the 1993 elections. As the main players in the Hutu struggle since the beginning of the 80s, PALIPEHUTU-FNL had mobilised their rural networks in order to ensure a FRODEBU victory in the presidential elections. In return, they never saw any benefit and were never recognised as the central political force that made it all happen. For the FDD leaders, FRODEBU is often considered to be a group of opportunists (*"ventriotes"*) who betrayed the 1993 victory by compromising with the military forces that had just ousted the FRODEBU president-elect, Melchior Ndayaye. Created in part by the FRODEBU after the 1994 putsch, the FDD was counting on political and financial support, but was disappointed by the fact that FRODEBU had a hard time assuming paternity over the movement. Thus, the current quarrels run deep and are based on past experiences with betrayal. With respect to the

negotiations, therefore, the rebel movements are engaged in a struggle for recognition of their role and leadership in the peace process.

1. CNDD-FDD-Ndayikengurukiye: the race for a cease-fire

The CNDD-FDD faction that Jean-Bosco Ndayikengurukiye has always led is currently engaged in a race to reach a cease-fire. Weakened by Jean-Pierre Nkurunziza's hostile take-over of the movement in October 2001, this faction is trying to position itself as quickly as possible as a true player for peace, so as to be recognised and appreciated by the mediation team and the international community. The last meeting held in Pretoria with the government provided a glimmer of hope for an agreement by the beginning of June. The parties agreed on the framework for the negotiation and on the political and technical agenda, and are now ready to get to the heart of the matter⁴⁸.

Accordingly, Jean-Bosco Ndayikengurukiye asked the government to submit a status report on the application of the Arusha accords and promised to provide the facilitation team with his own comments. He is willing to recognise the accord unconditionally, as long as it is applied to the letter⁴⁹. He also plans to position himself as the person who can guarantee full and complete application of the Arusha accords after the cease-fire, by compensating for the current leadership weaknesses in FRODEBU. Of course, his acceptance of the accord comes with a price: re-negotiating positions within the transition government and opening up the ranks of the army to CNDD-FDD officers. Pierre Buyoya had already tried to convince Jean Minani to agree to such an option. In his opinion, the current FRODEBU party is overly dominated by the Hutus from the north who represent the Minani-Ndayizeye axis. These two need to accommodate the Hutus from the south, who are represented by Jean-Bosco Ndayikengurukiye and his brother, Augustin Nzojibwami. The ranks of the army staff would be pleased to see full integration of a small number of Hutus from the south, who are often neighbours and in some cases, relatives. Jean-Bosco

⁴⁸ See "Minutes of the negotiations between the Burundian transition government and the CNDD-FDD held from 17 to 20 April at the St. Georges conference centre" copy.

⁴⁹ ICT interview with Jean-Bosco Ndayikengurukiye, Pretoria, 2 May 2002.

Ndayikengurukiye has allegedly already been given the post of army chief of staff. However, he still needs to convince his men of the viability of such an agreement. In addition, he needs to provide them with guarantees against Bururi regionalism in order to “rebuild the unity of the fighting corps”.

The objective of the Jean-Bosco faction is to play on the logic of “first come, first served.” The 50 per cent quota stipulated in the Arusha accord for Hutu integration into the army would very much limit the number of available slots, as the army has been massively recruiting Hutus for almost two years. Therefore, Ndayikengurukiye needs to keep his monopoly on these quotas, which would close the doors to other rebel movements. In addition, his faction includes the greatest number of former ISCAM students and officers who are university graduates⁵⁰. He feels he is more equipped than anyone else to negotiate officer positions in the FAB. Finally, Jean-Bosco Ndayikengurukiye is aware of the benefits to be had from rapid progress on the negotiations and troop fatigue. The FDD troops did not understand or accept the latest change in leadership in the FDD in October 2001. Since August 2001, the troops have been subject to an RPA offensive in the Kivu region and political and military pressure from Tanzania and the Congo. In addition, quarrels within the movement have led to fighting between the units and in some cases, to mutinies. Many of the soldiers are tired of the war and would be ready to lay down their arms if a decent opportunity came their way. Jean-Bosco Ndayikengurukiye now believes that a return to Bujumbura in the army or gendarmerie, and disarmament within the scope of a general DDRRR plan funded by the international community in a scenario where the Arusha accord is fully applied, represents a collective and individual political objective and should win over the majority of the FDD soldiers.

2. Jean-Pierre Nkuruzinza’s CNDD-FDD/ CNP: the “wait and see” strategy

Jean-Pierre Nkuruzinza’s “National Circle of Patriots” (CNP) faction is not in a hurry to negotiate. During the last meeting in Pretoria in April 2002, it announced new negotiating terms, which were interpreted by the mediation team and

the government as a step backwards from the work accomplished during the Val Daam meeting in February 2001⁵¹, during which the parties had agreed to finish discussions on the negotiating environment by the next meeting (code of conduct, rules of procedure, expectations vis-à-vis the facilitation team in terms of logistics and security, and the role of experts and observers)⁵². Now this faction is asking the army to explain why it assassinated President Ndadaye in 1993, and wants to talk with soldiers directly. In support of this demand, it gladly cites the anecdote of the “top ten.” Indeed, during the negotiations concerning leadership in the transition period, when a third option presented itself as an alternative to the two announced candidates: Pierre Buyoya and Epitace Bayaganakandi, ten colonels from the Burundian army went to Pretoria to warn Mandela that they would only accept the Arusha accord if Buyoya was made president during the transition. The FDD-CNP faction is therefore claiming that it does not want to start working with the transition government if, at the end of the negotiations, a group of ten colonels can show up, talk to the mediator and overturn the results obtained. The FDD-CNP feels that the Burundian army should drop its mask and clearly state why it decided to assassinate Melchior Ndadaye and do away with the 1992 constitution. It also feels the army should shoulder its full share of the responsibility in the crisis. Recently, the FDD-CNP even decided to challenge the decision to have Vice President Jacob Zuma as facilitator and proposed moving the process back to Tanzania⁵³. In reality, it is critical for this faction to wait until it has the chance to conquer the political leadership of the Hutu family.

The main reason for the FDD-CNP wanting to delay the negotiations is the need to raise the stakes. It needs to weaken Pierre Buyoya and Jean Minani in order to obtain a sizeable share of the benefits from application of the Arusha accords. Time, and especially a failure to apply the accord, or even

⁵⁰ In the coming weeks, ICG will publish a detailed report on the internal situation of the rebel groups and the power relationships in the field.

⁵¹ ICG interviews with representatives of the government and the FDD-CNP, Pretoria, 30 April 2002.

⁵² See “Minutes of the 19 February 2002 Negotiations between the Belligerent Delegations: the Burundian Transition Government and the CNDD-FDD”.

⁵³ See “CNDD-FDD Statement no. 001/RL/Decl/2002 on the Organisation of the Negotiating Process between the Belligerents in order to Quickly Reach a Peace Settlement and Restore Democracy in Burundi” and “The FDD Rebels Reject South African Vice President as Mediator”, AFP, 13 May 2002.

reaching the end of the first eighteen months of the transition without having signed a cease-fire, would all weaken FRODEBU considerably, which moreover, is facing the threat of implosion. At the same time, contacts were also made with Epitace Bayaganakandi and other Tutsi political leaders from the central or northern regions in order to weaken Pierre Buyoya. During the last two weeks of May, Epitace Bayaganakandi travelled to the DRC to meet with Hussein Rajabu after having had several days of discussions with CNP representatives based in Bonn⁵⁴. The objective was to offer an alternative to the Buyoya-Minani duo that would truly allow for significant progress in the peace process.

The FDD-CNP also needs time in order to prove the vacuity of any agreement with Jean-Bosco Ndayikengurukiye. If the latter does not manage to reach a cease-fire in the field, he will have proven that he has lost control over the rebel movement. While the internal struggle to control the rebel movement and field units wages on, the FDD-CNP wants to be able to effectively show that Jean-Bosco Ndayikengurukiye's claim of being a negotiating partner in the cease-fire is ridiculous and that the FDD-CNP is the only possible negotiating partner. This is why this faction is so opposed to the return of the Hutu refugees from Tanzania, which the Burundian and Tanzanian governments have been announcing since January 2002. It knows full well that if the refugees, among whom are soldiers, return to Burundi and if a place of confinement is set up for soldiers within the country, Jean-Bosco Ndayikengurukiye would have the opportunity to regain a certain amount of control over the men, by luring them with the prospects of integration into the army or the benefits of the DDRRR. Conversely, if they remain in the refugee camps, the soldiers who are deserters could be more easily re-mobilised and reintegrated into units controlled by the CNP in the field. At the same time, a military reorganisation of the movement within Burundi, patterned after the FNL model, in order to be more independent from Congolese or Tanzanian pressure, would not be accomplished. The FDD-CNP needs more time to do this⁵⁵.

Finally, the FDD-CNP need time in order to finalise their common platform with the FNL. Direct negotiations in this respect have begun between

Jean-Pierre Nkuruzinza and Agathon Rwasa of the FNL, who met in Bubanza in March. The FDD-CNP discourse on the role of the army in the crisis points to a clear link with the agenda of the PALIPEHUTU-FNL, whose confidence the FDD-CNP is attempting to gain. However, the negotiations still have not been finalised. In particular, the FNL wants to organise a meeting of their movement in May-June in order to define their negotiating strategy and to vote on the terms of this alliance with the FDD-CNP. For more than six months the two movements have also had the ambition of organising an international public forum where they could present their strategies and objectives for the peace process⁵⁶. The goal of this forum would also be to show that the rebels are not a "negative force", that their fight is legitimate, that it was the "violence" of the State that led to their creation and that they have a true plan for society.

The Dar-es-Salaam meeting that Tanzania organised with the seven rebel factions in March 2002 was supposed to be a substitute for this forum. However, the FDD-CNP did not find this substitute to be acceptable. They want to be able to impose themselves as the only political leaders from among the rebels, to take advantage of renegotiating the application of the Arusha accords, and even to benefit from the credibility that the FNL brought to the negotiating table. Now, the FNL is seen to be uncompromising by the international community and the main obstacle to the peace process.

3. The PALIPEHUTU-FNL: "History is on our side"

The PALIPEHUTU-FNL perspective on the Burundian conflict, and consequently, on the peace process, is noticeably different from the FDD perspective. In fact, their involvement in the armed conflict is less linked to the assassination of Melchior Ndadaye than to the 1972 genocide of Hutu elites. The assassination of Ndadaye is perceived as being one manifestation of the same phenomenon that has been recurring since independence and of which the 1972 genocide was the climactic moment. Consequently, the main objective of the peace process is not positioning with respect to the Arusha accord or its application, which is incidental and may be accepted as a last

⁵⁴ ICG interview, Bujumbura, Brussels, May 2002.

⁵⁵ For more information, see the upcoming ICG report on the situation inside the rebel groups.

⁵⁶ ICG interviews with representatives of the FNL and FDD, July 2001-March 2002.

resort, but rather the conquest for military power. The army is seen as being the central institution of power in Burundi, and a source of political and economic power and oppression of the Hutu people. It must, therefore, be attacked directly. For the FNL, any other solution or proposal represents a diversion, created by the Bujumbura government in order to conceal reality⁵⁷. From this analysis of the conflict stems the need to deal directly with the military powers and to avoid wasting time with the transition government, which is seen as being worse than its predecessors, in particular the “government convention” from 1994-1995, because it is more skilful at giving a strong illusion of power sharing and representing the interests of the Hutu people within the institutions.

PALIPEHUTU-FNL is still marked by the influence of the 1959 Rwandan social revolution. Its military action in the field, like in 1988 in Ntega or Marangara, is based in particular on the model of the Hutu peasant insurrection, of which the Tutsi population was the first victim. The 1972 genocide followed the repression of this insurrection and was seen by Michel Micombero’s military command as being a means of ending the insurrection once and for all. The PALIPEHUTU-FNL perceives its fight in terms of re-establishing truth and in particular, putting an end to the lies the Tutsis have been advancing since they arrived in the region in order to maintain their grip on power. Lies and deception are seen to be the primary characteristic of the government in place, and something that needs to be ended. The biblical precept “The truth shall set you free,” which is a recurring theme used by the Protestant revival church in East Africa to guide its involvement in politics, is at the very heart of the PALIPEHUTU-FNL’s perception of the struggle.

This political fantasy, found especially among the refugees in the Mishamo camps in Tanzania⁵⁸, is based on the obsession with Tutsi lies and the search for a liberating truth that will explain the oppression by diabolising and dehumanising the Tutsi population, and thereby justify the extreme violence. In fact, the PALIPEHUTU-FNL fight is also perceived as a quest for justice: justice for the crimes

of 1965, 1969, 1971, 1988 and 1993, and a quest to reassert the truth of the “ongoing genocide” that the Burundian Hutus are suffering, and that prevents them from acknowledging their own crimes and the taking responsibility for them. Furthermore, the fight is seen under its regional dimensions. The political works published by Agathon Rwasa show the Burundian conflict to be part of a struggle to liberate the Bantu people from the Nilotic Tutsi oppression, which is inflicted in a similar manner in Uganda, Rwanda and in the eastern part of the Congo. These writings borrow from a rampant revisionism vis-à-vis the Rwandan genocide and are characterised by a millenarian vision of the fight⁵⁹. It is not surprising that some of the ex-FAR units and the Interahamwe, who were fleeing Rwanda and the RPF advance in 1994, have taken refuge with the PALIPEHUTU-FNL. Some Burundians even participated in the Rwandan genocide and justify it. Filled with biblical references, representations of the liberation of the Hutu people are compared to the drawn out persecution of the Israelites who were waiting for the Promised Land and saw the realisation of the promise in the conquest of power. Formulating ethnic nationalism through faith and persecution in this manner is a current phenomenon in East Africa. The PALIPEHUTU-FNL is well aware of the pitfalls of its millenarian path and is in no hurry to negotiate. If the negotiations do not result in a final liberation and the capture of military power, the fight can be passed on so that future generations can accomplish this mission⁶⁰.

However, the whole movement does not necessarily share this millenarian vision of the fight unanimously. The vision is based in part on self-seclusion and isolation in the hills of rural Bujumbura and on a conviction that the outside world is hostile. The only way to change the FNL leaders is to give them confidence in the negotiation process and to expose them to the outside world so that they can see their own contradictions. It is also essential to recognise the accuracy of some of their positions (e.g. the need for justice with respect to the 1972 genocide and the need to totally destroy and rebuild the Burundian army), without compromising on other fundamental issues (the need for guarantees of security for the Tutsi

⁵⁷ ICG interview with PALIPEHUTU-FNL representatives, Pretoria, 1 May 2002.

⁵⁸ See Malkki (Liisa), “Purity and Exile: Violence, Memory and Hutu Cosmology among Hutu Refugees in Tanzania,” University of Chicago Press, Chicago: 1995, and Lemarchand (René),

⁵⁹ See Agathon Rwasa, “*De la crise burundaise ou crise des Grands Lacs: La voie d’issue*,” PALIPEHUTU-FNL president’s office, R 02-017/PLPHT-FNL/02

⁶⁰ ICG interviews with PALIPEHUTU-FNL, Pretoria, 1 March 2002.

minority, need for the movement to acknowledge its own crimes, the need to dissociate themselves from the ex-FAR and the Interahamwe). Against all expectations, the FNL, “found that the strengthening of contacts” with the facilitation team “had been constructive” after having met with Vice President Zuma in Pretoria, and said that they may in the near future agree to discuss the terms for calling a truce in order to establish suitable conditions for the negotiations⁶¹. Some FNL members are in fact ready to commit, but need more time to obtain an agreement from the rest of the movement on a negotiating strategy⁶². Others reject this scenario and would prefer to continue the armed struggle. Moreover, fighting was reported between these two factions at the beginning of May, but the movement’s exact position now is impossible to determine. However, with the executions during the second week of May of spokesperson Anicet Ntawuhiganayo, as well as Hyacinthe Nibigira and Alexandre Niyonzima, two party supporters trying to pull the movement towards the negotiations, the current fear is that the hard liners are now leading the movement.

In short, when the rebel positions are analysed, there clearly appear to be several obstacles to the cease-fire negotiations. First, the in-fighting and the instability of the leadership support Pierre Buyoya in his claim that he does not have any negotiating partners with whom he can negotiate a cease-fire. The political negotiations have obviously had a destabilising effect on the rebel movements. Since 1988, both of the two rebel families, the PALIPEHUTU-FNL and the CNDD-FDD, have split and changed leadership twice (Joseph Karumba split from the PALIPEHUTU and created FROLINA in 1989; Cossan Kabura was replaced by Agathon Rwasa in February 2001; Léonard Nyangoma was replaced by Jean-Bosco Ndayikengurukiye at the head of the CNDD-FDD in April 1998, and Jean-Bosco Ndayikengurukiye was overthrown by Pierre Nkurunziza in September 2001). This fragmentation has seriously complicated the negotiations and of course, plays into the hands of the Burundian army. It not only complicates the negotiations, but it also weakens the movements in the field. The issue here is not just one of a few units

having broken off from their command and engaging in all-out crime, but rather it is an issue of maintaining the balance of power within the negotiations. Uncertainty prevails as to whether the signatures that may be added to a cease-fire agreement will be valid and how the signatures will actually translate to an end of the fighting in the field. Finally, basic political differences undoubtedly exist between the two rebel families and it will take time to resolve them. Integrating the PALIPEHUTU-FNL soldiers into a negotiated political process will no doubt require a minimal change in perception between the belligerents. Pierre Buyoya’s army must, through its conduct, help convince the rebels that it is acting in good faith, in order to undermine the lie theory. At the same time, the rebels must prove to the Tutsi population that they are not genocidal forces, taking advantage of the negotiations in order to “finish off the work” started in Rwanda in 1994. The intensification of the war and the Burundian army’s campaigns against the FNL can only lead to a radicalisation of the movement, leaving little manoeuvring room for those who support the negotiations.

D. THE FACILITATION TEAM AND THE REGION: SUCCEEDING IN ARUSHA

1. The Facilitation Team: Finishing with the Negotiations

When Nelson Mandela agreed to take over from Julius Nyerere as head of the team facilitating the Burundian peace process, the whole the South African political corps was convinced that the situation would be resolved quickly. The experience they acquired and the success they had during their own negotiation process, as well as Nelson Mandela’s undisputed authority, should have sufficed for this undertaking. However, two and a half years after Mandela came onto the scene, the process is only halfway there. The Arusha accord, which was obtained under pressure from the region and the international community, is not sufficient. Although it was supposed to be the Bible of the Burundian peace process, it is only the Old Testament. An entire book on negotiations remains to be written and as long as stakes are high and fears prevail in the parties’ minds, this endeavour will require patience, competence and perseverance. The South African facilitation team needs to understand that it will have to lead the lion share of the peace

⁶¹ See PALIPEHUTU-FNL president’s office, Press release of 30 April 2002 and ICG interviews with the PALIPEHUTU-FNL delegation in Pretoria, 1 March 2002.

⁶² See IRIN, “*Dossier spécial sur les pourparlers de Pretoria*,” 3 May 2002.

process: negotiating an end to the war. It also has to negotiate individual and collective security interests, which are probably the most difficult issues in the Burundian conflict.

At present, two problems are limiting the South African facilitation team's ability to reach a cease-fire. First of all, its lack of availability. The parties to the conflict have the feeling that neither Mandela, nor Vice President Zuma has taken the time to put together a solid team that will work full time on the Burundian case. All of President Mbeki or Vice President Zuma's advisors or people involved, and all the officials at the Ministry of Foreign Affairs seemed to be slaves to their daily tasks and responsibilities and do not seem to be able to give the Burundian negotiations the full attention they deserve. In fact, this lack of availability is fuelling the feeling among the rebel movements in particular that they are not being taken seriously and that the facilitation team is underestimating the needs of the negotiations.

The logistical problems that systematically occurred time and time again before the Val Daam meeting in January or the Pretoria meeting in April 2002 (problems with travel documents, not reimbursing transportation costs, setting travel allowances that only included the outbound trip, but not the return, and only from Dar-es-Salaam, not the Burundian border) discredit the facilitation team's ability to manage and compromise the perception of its independence. As an ally of Rwanda in the Congolese conflict, South Africa is also perceived as being the natural ally of the Burundian government and must fight against the suspicions of partiality that constantly weigh on the facilitation team. The failure of the Sun City meeting on the DRC and the pro-RCD stance that the South African facilitation team took did not do much to inspire confidence in the rebels. Currently, the FDD-CNP also suspects that the facilitation team favours the Jean-Bosco Ndayikengurukiye faction in the negotiations and plays the game of separate negotiations with the rebel factions⁶³. The recent challenge of Zuma by Nkurunziza's CNP is the consequence of this. However, it is out of the question to change facilitators now. A relationship of trust must be quickly restored between the rebel groups and the facilitation team, so that South Africa is not perceived as being an environment

that is hostile to the negotiations. This trust can only be established if the facilitation team appoints a political and technical team that would work on the Burundian conflict full time and have liaisons in Tanzania and Burundi, in order to keep direct lines of communication open with the rebel leaders in the field, and to avoid having to go through intermediaries insofar as possible.

The other major problem faced by the facilitation team is the general perception that the negotiations are being managed in an ad hoc manner and that there is a lack of strategy, which throws doubt and confusion on the team's intentions. On two occasions, the facilitation team had to rely on outside support in order to make progress on the negotiations. In January and April 2001, President Omar Bongo from Gabon was asked to lead the FDD and the government to the same negotiating table. In February 2002, at the request of President Buyoya, Jean Minani, president of the transition National Assembly, and Vice-President Zuma, President Mkapa of Tanzania also got involved and organised an inter-rebel forum in Dar-es-Salaam. Here, the seven rebel factions, both signatories and non-signatories of the Arusha accord, gathered to discuss the technical terms of applying a cease-fire. However, at the Pretoria meeting the following month, the parties to the negotiations met as through the Dar-es-Salaam meeting and the work begun in Tanzania had never occurred. The Gabonese Minister of Foreign Affairs, Jean Ping, who was representing President Bongo in the discussions, also did not play an active role in preparing the meetings.

Nelson Mandela urgently needs to publicly clarify once and for all, the distribution of the roles and responsibilities of the different partners on the facilitation team. Otherwise, competition may develop among the various partners, with each one seeking to take on the best role, while any one of the rebel factions decides to pit the partners against each other by declaring that it wants to work with one but not the others. Already, the FNL have shown their desire to operate preferably in a French-speaking environment with Gabon. The development of a "French-speaking/English-speaking" rivalry is the worst trap for the peace process. At the same time, strategies and methodologies must also be clarified. In Dar-es-Salaam, the Tanzanian government had brought together the seven rebel factions, including the three signatories to the Arusha accord (CNDD, FROLINA, PALIPEHUTU) and the ousted leader

⁶³ "Des rebelles FDD accusent le vice-président africain de sabotage," AFP, 26 April 2002.

of the FNL: Cossan Kabura. This formula has the advantage of being inclusive, but only adds fuel to the flame in the rebel conquest for leadership. In Pretoria, the government found itself with only three rebel groups. The facilitation team must urgently decide on a common strategy that involves Gabon and Tanzania and is applied without bloodshed by all of the partners on the facilitation team.

The domestic pressure on the South African government to obtain quick results is strong. After the mixed results of Sun City, some are saying, especially in parliament, that South Africa should stop squandering away its limited resources in trying to bring peace to the Great Lakes, and should focus its resources on finding a solution to domestic problems. Likewise, in the absence of a cease-fire, the intensification of the war, and the lack of a UN mandate, the South African battalion should think about withdrawing. It cannot guarantee peace in Burundi alone, if the Burundians themselves are not making enough efforts to obtain peace. This weakening of the sought African presence in South Africa is yet another reason for the Zuma facilitation team to clarify its strategy and to work twice as hard at obtaining a truce in the short run.

2. The region: satisfying one's own interests

The last obstacles to the negotiations, and not the least important, are the different interests in the region. Tanzania, Rwanda and the Democratic Republic of Congo are each playing a major role in the Burundian peace process and their respective interests can sometimes be contradictory.

Tanzania

The Tanzanian government is undoubtedly the regional trustee for application of the Arusha accords. Wanting to respect the legacy of Julius Nyerere and remain faithful to his strategy, Tanzania has done everything in its power since 1 November 2001 to force the rebels to accept the Arusha accord. Now that its privileged ally, FRODEBU, is in power, the Tanzanian government has mobilised to pressure the rebel groups. In December 2001 in Kilelema, Kasulu district, the Tanzanian army for the first time gave the Burundian army the right of hot pursuit on its territory, by allowing it to surround and demolish a FDD-CNP base. Following the wave of arrests in February and the demolition of other FDD training camps, pressure was applied to the FDD to agree to

attend the Dar-es-Salaam meeting. In March, a few quarrels at the border between rebels and the Tanzanian army even led to fighting, causing around 40 dead on the FDD side. The Burundian rebels thought they would be able to oppose the Tanzanian units that wanted to return the cows that the rebels had stolen in Ruyigi to the Burundian army. Finally, since January, Tanzania has exerted psychological pressure on the refugee camps by clearly stating its intention to send 350,000 Burundian refugees home before the end of the year. This approach does have a destabilising effect on the rebels, whose families often live in the refugee camps and where businessmen making the trip between Ngara Kasulu, Kibondo and Kigoma or Mwanza are suspected of supplying the rebels with arms, supplies, medicine and ammunition.

The Tanzanian mobilisation is of course not entirely objective. In addition to the desire to show that the Arusha accord can serve as the driving force in the peace process and to justify Mwalimu Nyerere's approach, Tanzania intends to continue to be a key player in the Burundian negotiations in order to gain a share of the economic and financial fallout that reconstruction of the country should spawn. The loss in resources linked to sending the refugees back to Burundi should be compensated by gains generated from rebuilding the country, restoring its economy and even implementing the DDRRR. At this stage of the negotiations, Tanzania's strong-arm approach to pressuring the rebels is no doubt necessary and desirable. However, the safety of the Burundian refugees and the preliminary need for basic structural reforms in the country should not be bartered for purely economic and financial interests. Not only is it possible that the Burundian refugees will return to Tanzania as quickly as they left if the defence and security forces are not truly reformed, but FRODEBU will also have trouble guaranteeing satisfaction of Tanzania's economic interests, and even Burundi's admittance into the East African Community if it is unable to hold its position during the transition. Although pressure is required to push the rebel factions to come to the negotiating table, to militarily crush the rebels would be catastrophic and would only guarantee resumption of the conflict at a later date.

Rwanda

Since November 2001, Rwanda has become much more directly involved in the Burundian conflict than in the past. A brigade of APR soldiers is

currently operating in several different Burundian conflict areas (Cibitoke, Bubanza, Rukoko and rural Bujumbura), and is providing support for the activities of the Burundian army. This involvement is problematic in two respects. First, Rwanda cannot both take part in the regional initiative on Burundi and be a party to the conflict at the same time. There is a fundamental difference between cooperating with the Burundian army to secure the southern border or conducting joint operations in the Congo, and intervening directly in rural Bujumbura. Rwanda should take an interest in maintaining the balance of power needed for a negotiated solution to the conflict. Currently, Rwanda is clearly proving its desire to help the Burundian army inflict the same fate on the rebels as it inflicted on its own rebels, namely, the choice between surrendering or being exterminated. Militarily speaking, this involvement can be justified by the presence and reinforcement of ALiR units fighting alongside the FDD-CNP since August 2001 in the Kibira forest, and by the presence of Rwanda rebels in the FNL.

The objective of such arrangements is most likely security – preventing the destabilisation of Burundi and the establishing of an ALiR sustainable presence – but there are also political motives. Indeed, this allows Rwanda to rule out any possibility of a re-emergence of a political solution to the conflict that pits it against the Rwandan rebel groups currently in the DRC. In this way, no precedent for sweeping reform of the defence and security forces will be available to prompt Kigali to make concessions in any negotiations it may have one day with the ALiR, assuming this group rids itself of its genocidaire leaders. Kigali and Bujumbura think they can apply the “Savimbi approach” to their respective rebel groups: eliminate the leaders, and the troops surrender. However, this RPA ambition has the major disadvantage of transferring the Rwandan conflict to Burundi, after having already transferred it to the DRC, and thereby confirming the perception within the rebel groups that the current war is a regional war between the rebels and the Nilotic Tutsis/Hima who control Bujumbura, Kigali, Goma and Kampala. It is now essential for the Rwandan troops to withdraw from the Burundian theatres of conflict and for the rebels to deport the ALiR from Burundi at the same time.

DRC

Finally, the instability of the Congolese process poses a danger for the Burundi peace negotiations.

To date, the Congolese government under Joseph Kabila has pressured the FDD units, pushed the leaders of the movement to participate in the negotiations and has intercepted supply operations, allowing them to continue the war. The visit to Bujumbura by the transition government Minister of Foreign Affairs in January 2002 marked the beginning of normalised relations, which both countries are hoping to achieve. However, the failure of the Sun City talks to reach an inclusive agreement that would bring “a new political order” to the DRC is not a good sign for the peace negotiations in Burundi. If the hostilities resume in the DRC, or if the status quo is maintained, the FDD’s added value could again prove to be essential. Kinshasa and any pressure to participate in the negotiations would immediately cease.

IV. CONCLUSION: CONTINUING THE WAR OR WINNING PEACE?

It is vital for the transition government to implement the Arusha accord if it wants to convince the rebel movements to adhere to it. If the accord is not applied, FRODEBU will lose its credibility and so will Pierre Buyoya. The former will be giving the rebels every reason to push for the re-opening of political negotiations, and the latter will be seen as an untrustworthy representative, incapable of fulfilling the commitments he has personally made. The present offensive led by the Burundi army, its purchase of arms and the displacement of populations engendered by the renewal of hostilities must stop. Pierre Buyoya's credibility will be in tatters if he continues to apply for international aid required to assist the transition but at the same time compromises the country's already fragile financial situation by diverting this aid to purchase arms. The head of state's requests for the return of refugees are equally out of place when the number of displaced populations is mounting as a result of military operations by the Burundi army. All the belligerents must return to defensive positions and allow humanitarian organisations access to the displaced populations. Likewise, the Rwandan Patriotic Army must leave the Burundian theatre of operations and retreat to its own borders.

At the same time, Tanzania and the Congo must continue to exert pressure on the rebel groups, and the latter must prove their willingness to negotiate by halting their ambushes and disassociating themselves from ALiR units once and for all. Finally, to win peace, it is currently essential that the facilitation team get its act together to improve its management of the ceasefire negotiations, forge a minimum of trust with all the parties, particularly the rebels, and deliver a genuine strategy that incorporates all the negotiating partners. The rebels must be able to trust the facilitation team, and the latter has to acknowledge the validity of some of their demands. Chapter III of the Arusha accord, the ceasefire and the reform of the army must all be placed at the core of the negotiations. The Burundian army must also provide a more convincing testimony of its commitment to negotiating and reforming itself than the brief responses currently given each time it is summoned.

In addition, now that the negotiations have reached the stage of securing the individual and collective

interests of all Burundians, it is also up to the facilitation team to single out those individuals who may stand in the way of concluding a ceasefire agreement, and to negotiate their expulsion from a future reformed army. Eliminating criminals from the Burundian army and the rebel factions is vital in order to create the best chances of rebuilding a republican security force that instils confidence in all.

In the very short term, the objective of the facilitation team should be to put an end to the violence and obtain a truce. A temporary pause in hostilities would allow humanitarian agencies easier access to the population, and pave the way for real negotiations on the reform of the security forces. As soon as this stage is reached, the United Nations must insist on being allowed in to monitor compliance with the truce, and draw up a list of human rights violations and breaches of humanitarian law. All the belligerents must be held accountable for any acts committed in its sector that violate international agreements. If the peace process fails, this will reinforce the position of those who believe that only a total military victory will bring peace to Burundi, which would open the door to the most ardent of radicals.

Nairobi/Brussels, 24 May 2002

APPENDIX A

ACRONYMS

Political Parties and Armed Movements*	
ABASA:	African Burundi Alliance for Salvation, created in 1993, led by Térence Nsanze (external wing) and Serge Mukamarakiza (internal wing)
ANADDE:	National Alliance for Law and Economic Development, created in 1993. Headed by Ignace Bankamwabo
AV-INTWARI:	“Alliance of the Valliant”, created 1993, led by André Nkundikije
CNDD:	National Council for the Defence of Democracy. Founded in 1994 by Léonard Nyangoma, one of the founders of FRODEBU and Minister of the Interior in the Ntaryamira government. Led by Léonard Nyangoma
FDD:	Forces For the Defence of Democracy, the armed branch of the CNDD. Power shared between the Léonard Nyangoma wing and the Jean Bosco Ndayikengurukiye wing.
FNL:	National Liberation Forces, armed branch of the Palipehutu. Headed jointly by the Etienne Karatasi wing and the Cossan Kabura wing since 1992
FRODEBU:	Front for Democracy in Burundi. Became official in 1992 and was the winning party in the first presidential elections organised in Burundi in June 1993. Headed up by Jean Minani (external wing) and Augustin Nzajibwami (internal wing)
FROLINA:	Front For National Liberation, created during the 80s and led by Joseph Karumba
INKINZO:	“The Shield”, formed in 1993. Political party led by Alphonse Rugambarara
PALIPEHUTU:	Party for the Liberation of the Hutu people, under Etienne Karatasi.
PARENA:	Party for National Recovery, created and headed up by Jean-Baptiste Bagaza, ex-president of Burundi, in 1995.
PIT:	Independent Workers’ Party, formed in 1993. Led by Nicépjore Ndimurukundo.
PL:	Liberal Party, formed in 1993. Its external wing is led by Gaëtan Nikobamye and the internal wing by Joseph Ntidendereza.
PP:	Party of the People, created in 1993. Headed up by Shadrack Niyonkuru (external wing) and Séverin Ndikumugongo (internal wing).
PRP:	Party for the Reconciliation of the People, advocating the return of the monarchy. Created in 1992 and led by Mathias Hitimana (external wing) and Albert Girukwishaka (internal wing).
PSD:	Part for Social Democracy. Founded in 1993 and led by Godefroid Hakizimana
RADES:	Rally for Democracy, Social and Economic Development. Formed in 1993 and headed by Joseph Nzeyimana.

* The Law on Political Parties in Burundi states that leaders of political parties must reside in Burundi. Leaders of so-called “internal wing” parties are generally recognised by the Ministry of Interior.

RPB: Rally for the People of Burundi. Formed in 1993 and under the leadership of Philippe Nzobonariba (internal wing) and Balthazar Bigirimana (external wing).

UPRONA: National Union for Progress. Nationalist party created on the eve of independence in 1961 and led by Prince Louis Rwagasore, a hero of the independence who was assassinated in October 1961. UPRONA was the sole party in Burundi between 1966 and 1993. The party has two wings: one headed by Charles Mukasi and the other by Luc Rukingama, the current Minister of Communication.

The G3, G7, G8, G10 and G6 Groups

G3: Comprises UPRONA, the government and the National Assembly.

G7: The group of “Forces for Democratic Change” formed by majority Hutu or exclusively Hutu members: FRODEBU (external wing), CNDD, PALIPEHUTU, FROLINA, PP, RPB and PL.

G8: Incorporates all groups known as “small Tutsi-majority parties”: PARENA, PRP, AV-INTWARI, ABASA, PSD, INKINZO, ANADDE, and PIT.

G6: The G8 became the G6 on the issue of transition leadership. PARENA and ABASA refuse to back Epitace Bayaganakandi, the candidate for transition leadership chosen by the six other G8 political parties.

G10: The G8 changed to the G10 until January 2001 on the ceasefire issue. This allowed UPRONA and the government to align with the smaller Tutsi parties to demand a stop to hostilities before any application of the accord. The coalition later dissolved over the candidacy of Epitace Bayaganakandi.

Other Acronyms

AC Génocide “Cirimoso”: Action Against Genocide “Never Again” organises gatherings every 21st day of the month in memory of the massacres of October 1993 in the wake of the assassination of President Ndadaye. Headed up by Venant Bamboneyeho. Other

CSAA: Commission for the Monitoring and Application of the Arusha Accord, chaired by the UN Ambassador Berhanu Dinka

APPENDIX B

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (ICG) is a private, multinational organisation committed to strengthening the capacity of the international community to anticipate, understand and act to prevent and contain conflict.

ICG's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, ICG produces regular analytical reports containing practical recommendations targeted at key international decision-takers.

ICG's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's Internet site, www.crisisweb.org. ICG works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The ICG Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; and its President and Chief Executive since January 2000 has been former Australian Foreign Minister Gareth Evans.

ICG's international headquarters are at Brussels, with advocacy offices in Washington DC, New York and Paris and a media liaison office in

London. The organisation currently operates eleven field offices with analysts working in nearly 30 crisis-affected countries and territories and across four continents.

In *Africa*, those locations include Burundi, Rwanda, the Democratic Republic of Congo, Sierra Leone-Liberia-Guinea, Somalia, Sudan and Zimbabwe; in *Asia*, Indonesia, Myanmar, Kyrgyzstan, Tajikistan, Uzbekistan, Pakistan and Afghanistan; in *Europe*, Albania, Bosnia, Kosovo, Macedonia, Montenegro and Serbia; in the *Middle East*, Algeria and the whole region from Egypt to Iran; and in *Latin America*, Colombia.

ICG raises funds from governments, charitable foundations, companies and individual donors. The following governments currently provide funding: Australia, Canada, Denmark, Finland, France, Germany, Ireland, Luxembourg, the Netherlands, Norway, the Republic of China (Taiwan), Sweden, Switzerland and the United Kingdom.

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May 2002

APPENDIX C

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