



BURUNDI'S PEACE PROCESS

THE ROAD FROM ARUSHA

ICG BURUNDI REPORT N°2
20 JULY 1998
(Original Version in french)

Table des matières

INTRODUCTION	1
I THE FIRST ROUND OF NEGOTIATIONS IN ARUSHA: A DECISIVE STEP TOWARDS PEACE?	1
A. THE AMBIGUITIES IN THE FINAL DECLARATION.	1
1. The retention of sanctions	3
2. Reservations expressed by the armed parties to the conflict.	4
B. PROBLEMS IN REGARD TO WHO REPRESENTS THE PARTIES CONCERNED AND	6
1. The split of CNDD ?	6
2. Internal divisions	7
3. How representative are the parties present in Arusha?	8
II THE PARTNERSHIP: DOES IT COMPLEMENT OR COMPETE WITH THE ARUSHA PROCESS?	9
A. A NEW INTERNAL POLITICAL DEAL.....	9
B. THE PARTNERSHIP: A MARRIAGE BASED ON MUTUAL INTERESTS	11
1. A question of sincerity or a question of necessity ?	11
2. The exhaustion entailing from the war created a propitious time	11
for dialogue	11
3. Partners short on legitimacy	11
4. The Buyoya regime: its interests and strategy.....	12
5. President Buyoya is scoring points.....	13
6. FRODEBU interests and strategy.....	14
7. Myths are also being removed on FRODEBU's side	15
8. At the moment both parties are winning	15
C. LIMITS AND DANGERS OF THE PRESENT SITUATION	16
III A POSSIBLE CHANGE IN THE INTERNATIONAL ATTITUDE TOWARDS THE REGION	18
IV. WHAT CAN BE EXPECTED FROM THE NEGOTIATIONS AT FIRST	19
V. RECOMMENDATIONS	21

INTRODUCTION

For the first time, most of the parties involved in the conflict in Burundi were present during the first round of negotiations that took place in Arusha from 15 to 21 June 1998. Their presence proved that the idea of negotiations had taken hold with them all. On 25 August 1997, the Burundian government had cancelled its planned attendance at scheduled discussions and laid down conditions for any future participation. These were mainly to do with lifting the sanctions imposed on Burundi on 31 July 1996, and moving the negotiations to a different venue. The peace process then remained blocked for six months.

While the idea of a negotiated solution has now been accepted, nobody has so far really tackled the actual substance of the discussions. After the first round each participant indicated a willingness to continue the negotiations on 20 July. However, with many ambiguities and questions remaining, there is a risk that the whole process may be scuppered if they are not dealt with swiftly in Arusha.

Burundians hold divergent views on the questions of sanctions, and this is also true of the international community, which has generally pronounced itself, explicitly or implicitly, in favour of lifting the sanctions. Among the countries of the region the consensus no longer appears to be as solid as two years ago; the Ministry of Foreign Affairs in Kenya recently declared its support for raising the embargo.

I THE FIRST ROUND OF NEGOTIATIONS IN ARUSHA: A DECISIVE STEP TOWARDS PEACE?

A THE AMBIGUITIES IN THE FINAL DECLARATION.

Seventeen parties to the Burundi conflict were present at the first round of negotiations in Arusha from 15 to 21 June 1998: the government of Burundi, the National Assembly, Front pour la Démocratie au Burundi (FRODEBU - the Burundian Democratic Front), Union pour le Progrès National (UPRONA - Union for National Progress), Centre National de la Défense de la Démocratie (CNDD - National Centre for the Defence of Democracy), Parti pour la Réconciliation Nationale (PARENA - Party for National Reconciliation), the Parti Libéral (PL - Liberal Party), Parti Indépendant des Travailleurs (PIT - Independent Workers' Party), Parti Social-démocrate (PSD - Social Democratic Party), Alliance Burundo-africaine pour le Salut (ABASA - Burundi-

African Salvation Alliance), INKINZO, AVINTWARI, Parti pour la Réconciliation du Peuple (PRP - Party for the Reconciliation of the People), Rassemblement pour le Peuple Burundais (RPB - Burundian People's Assembly), Parti de Libération du Peuple Hutu (PALIPEHUTU - Party for the Liberation of the Hutu People), Front de Libération Nationale (FROLINA - National Liberation Front).

Civil society was represented by the Chamber of Commerce, women's and youth' organisations.

At the end of a week of bilateral consultations with the mediating team led by Julius K. Nyerere, the parties signed a joint declaration and listed the five committees to be set up and the themes on which each would negotiate.

- Committee dealing with **“the nature of the conflict”** and covering the problems of genocide and exclusion.
- Committee on **“democracy and good governance”** dealing with the transitional institutions: the institutional, constitutional, judiciary and administrative systems, and questions regarding justice and impunity.
- Committee on **“peace and security for all”** covering the cessation of hostilities, the terms of a permanent cease-fire and the question of security forces.
- Committee on **“reconstruction and economic development”** dealing mainly with refugees and displaced persons.
- Committee dealing with the **“guarantees for the application of a peace agreement”**.

The first draft agreement contained two annexes defining in greater detail the agenda for the negotiations, their organisation and duration. The final document provides for the adoption “at an opportune moment” of an *ad hoc* ruling on the question of party representation.

According to the calendar there would be a delay of one month between these discussions and the opening of the next round of negotiations planned for 20 July 1998 in Arusha.

The Arusha meeting gives positive indications in three areas.

- Willingness to meet - it should be remembered that the government had refused to attend the meeting planned for 25 August 1997. Following this withdrawal, the Arusha process had remained blocked until a summit meeting in Kampala in February 1998.
- The parties are agreed on an agenda for the next stages of negotiations to be held over one week.
- The parties have reaffirmed their commitment to conducting negotiations in order to reach a peaceful resolution to the conflict.

A number of essential questions arose out of the final statement that must be dealt with openly during the next round of discussions due to

begin on 20 July 1998 if the fragile consensus reached on 21 June is not to be broken.

1. The retention of sanctions

The text makes no mention of the economic sanctions imposed on Burundi on 31 July 1996 by nine countries of the region following President Buyoya's *coup d'état*.

At the opening of the first official session, in addition to Facilitator Nyerere, only Presidents Museveni, Mkapa and Pasteur Bizimungu were present. The other countries of the region, Ethiopia, Zambia, Kenya and the OAU were represented by lower level delegations. Neither the Democratic Republic of Congo nor Eritrea were represented.

The opening speech by Tanzanian President Benjamin Mkapa affirmed that the region's heads of state could not and should not lift sanctions prematurely. According to him, they will only reassess sanctions when all the parties to the conflict have demonstrated a real willingness to engage in negotiations in good faith and when there is an "irreversible" progress in discussions.

This mention of irreversibility in regard to the negotiation process was perceived by the Burundians as the introduction of new and arbitrary rules of play. At the Kampala summit the region's leaders had maintained sanctions while specifying that they would be lifted if Presidents Ntibantunganya, Bagaza and Ngendakumana were able to circulate freely and if the government committed itself to beginning negotiations in Arusha. The listing of "irreversible" progress as a new condition supposes that the lifting of sanctions is to be left to the arbitrary judgement of the regional countries; there was no mention of a calendar or of the instruments to be used to measure the progress of negotiations.

On 15 June 1998, at the beginning of the bilateral consultations between Nyerere and the Burundian representatives, the Facilitator's team made it known that sanctions would only be lifted on condition that all parties agreed unanimously. This objective would be difficult to realise. Consequently, it may be supposed that the Facilitator had no intention of lifting them during this first summit.

Who among the Burundian parties would like to see the sanctions maintained ? Those who hope that sanctions will be maintained, even if they do not say so officially, are PARENA and some small parties opposed to Buyoya, the armed factions and FRODEBU members presently outside the country (external FRODEBU). These opponents of the partnership for a transitional government are also those counting on the Arusha process to negotiate the departure of Pierre Buyoya.

During consultations and visits in the region, FRODEBU members inside the country (internal FRODEBU), the government and all the parties involved in the partnership called for the lifting of sanctions.

It is normal that the Facilitator and his team should wish to reassurance that the parties are really committed to the negotiation process, especially as the essential questions have not yet been dealt with. However, the parties' confidence in the regional mediation effort is flimsy.

If the rules of the game are not clear, there is a risk that the Arusha negotiation process will lose its credibility.

One part of Tutsi public opinion remains opposed to the principle of negotiations. If the government is to have new conditions imposed on it, this feeling may well come strongly to the fore again.

It is not so long since the government laid down the lifting of sanctions as a condition for its participation in the Arusha process. But on 15 June 1998 the government delegation evidently decided to adopt a relatively modest profile by not posing conditions. The delegation was working under orders to ensure that no significant barrier to progress could be attributed to it. However, since the last Arusha meeting, the government has again begun campaigning against sanctions, for example by calling for their removal at the last COMESA (Committee of East and South Africa) summit in Kinshasa on 29 June 1998. It is likely that after 20 July the Burundian government will set the lifting of sanctions as a clear condition for its participation in the Arusha process.

2. *Reservations expressed by the armed parties to the conflict.*

The government has, however, expressed a major reservation in regard to the wording of the text covering the suspension of hostilities, which should mention only the armed factions. According to the explanations of the Burundian minister responsible for the peace process, Ambroise Niyonsaba, the Burundian security forces do not constitute an "armed party to the conflict". He added that, "the government, at this stage, is not affected by the suspension of hostilities and must continue to enforce law and order, and defend the population."

The Facilitator insisted on the National Assembly being included among the parties to the conflict, even against the recommendation of the president of the Assembly, who considers this parliament to be a state institution. In addition, the Assembly brings together several different political tendencies and plays a conciliatory rather than a partisan role.

The firm position on sanctions held by most regional leaders is probably partly responsible for another reservation expressed by the

Burundian government concerning the venue for the next round of negotiations, which will not necessarily be held in Arusha, or even in Tanzania. The visible presence of several Tanzanian government dignitaries in the mediation team calls into question the neutrality of the Facilitator himself. Indeed, Tanzanian Facilitator Julius Nyerere has already been the object of criticism by the Burundian government.

The Burundian government accuses Tanzania of allowing Burundian armed groups to get supplies and carry out training on its territory. At the beginning of the year the two countries were involved in an armed incident on Lake Tanganyika.

Finally, the reference to limiting the period of negotiations to three months, at "appropriate intervals", was removed from the final text at the request of the Burundian government, which considered this time limit "too short". Some opposition parties considered that the Burundian authorities were just looking to gain time and expressed the fear that negotiations would drag on indefinitely.

When the government's reservations were announced, the FDD (Forces pour la Défense de la Démocratie) declared that it was no more concerned than the government by the Declaration signed in Arusha. Léonard Nyangoma had signed the joint declaration of 21 June 1998 calling for the suspension of hostilities with effect from 20 July 1998. However, the FDD spokesman then clearly stated that if the army of Buyoya and the FDD did not consider themselves to be affected by the suspension of hostilities, the declaration was null and void.

Nyangoma threatened to take up combat again if the peace talks in Arusha fall through. Before signing the declaration he declared that: "If the negotiations fail because of the military junta in Bujumbura, the CNDD will continue the war."

As far as PALIPEHUTU is concerned, their vice-president, Etienne Kana, indicated that there could be no permanent cease-fire without negotiations aimed at "security for everyone". FROLINA showed the same scepticism. However, it seems that a compromise could still be found by providing for a suspension of hostilities during the holding of the second round of negotiations.

The interval between the two rounds of talks should allow the different elements involved in the rebellion to gain the support of their troops for the negotiation process. This interval would also allow Nyerere to obtain a reliable commitment from the belligerents to the search for a negotiated solution.

B PROBLEMS IN REGARD TO WHO REPRESENTS THE PARTIES CONCERNED AND to the mandate

1. *The split of CNDD ?*

One of the three groups involved in the armed rebellion is not signatory to the final agreement calling for the suspension of hostilities. This represents a major limitation to the impact of the joint Declaration.

In fact, only the political branch of the CNDD approved the text. The military branch, the Forces pour la Défense de la Démocratie (FDD - Armed Forces for the Defence of Democracy), made it known the day after the Declaration that it was not tied by this agreement. The FDD declared through its spokesman, Jérôme Ndiho, that its members were "ready to accept all peaceful solutions" as long as their objectives were guaranteed to be "peace and security for everyone". In addition, he issued a warning "to those who continue to conclude agreements in the name of the CNDD".

The divisions fragmenting the movement came into the open last February. The military component, the CNDD-FDD, rejected Léonard Nyangoma as president and replaced him by the man in charge of military operations, Jean-Bosco Ndiyikengurukiye.

It would seem that serious dissensions began to form when the ADFL (The Alliance of Democratic Forces for the Liberation of Congo) operation obliged the FDD to move its bases to Tanzania. The departure from the east of the former Zaire took place in a hurry and a large quantity of the movement's resources were lost. When the FDD attempted to reorganise, it found itself without medicines and financial resources. It was at this time that the combatants accused the CNDD leadership of misappropriating funds, or at least of the bad management and redistribution of existing resources. Some certainly saw this as an opportunity for removing Nyangoma for good.

Repudiated by his the military branch, Léonard Nyangoma has still officially retained the presidency of the movement overall and was the official CNDD representative at the signature of the joint Declaration in Arusha. While the FDD was also present in Arusha, it was not officially invited to the discussions, although discrete bilateral talks were held with the Facilitator. Nyangoma was given legitimacy in his role thanks to the legalistic approach of the Facilitator who considered him still to be the official representative of the movement given that no official CNDD congress had confirmed the decision to remove him.

Léonard Nyangoma played down the movement's internal problems giving assurances during a press conference that "we are far advanced towards a satisfactory resolution of the crisis." However, only a few

days before 20 July the FDD reiterated its rejection of Nyangoma as CNDD president.

The upsurge in violent incidents and confrontations since 21 June between the army and guerrilla groups in Makamba, in the South of the country, and in Bubanza, Kayanza and Kirundo, in which dozens of people died is probably intended to demonstrate that the FDD is both master in the field and a participant in the negotiations that is not to be ignored.

The scission within the CNDD could have grave consequences for the peace process to the extent that it could lead to violent competition in the field. If Nyangoma is persistently disavowed within the movement, the FDD would inevitably have to be invited to the negotiating table. But such an invitation would encourage the idea that legitimacy can be won through violence.

In addition, it is interesting to note that some Burundian army officers seem better disposed towards the new FDD chief, younger and a former pupil of Burundi's higher military school (ISCAM), than towards Nyangoma, who symbolises the evil of war and the "genocidal ideology".

The Arusha talks also made it possible for different groups from among the armed opposition to meet one another. These informal meetings could prove constructive if helping to creating common front if the peace process fails.

2. *Internal divisions*

Divisions exist within almost all the parties present at Arusha. It is difficult to know who represents whom. The main line of division within each party turns around the question of whether or not to accept the policy of the Buyoya regime and the internal partnership.

The conflicts within each party in this regard have led some to accuse Pierre Buyoya of dividing the parties intentionally in order to ensure that this policy succeeds, either by intimidating or corrupting certain party members. These splintered mandates pose a basic problem for applying the transition agreement.

FRODEBU was represented in Arusha by a large delegation that included a group coming from outside the country and another from inside. The internal group, in the person of National Assembly President Léonce Ngendakumana, party Secretary-General Augustin Nzajibwami and the Executive Committee, is a key partner to the transition agreement and the partnership itself. On the other hand, its representatives in exile, led by Dr. Jean Minani, party president, has denounced the agreement. When they were published, the external FRODEBU group declared them to be void of legality as they had been

signed by an Assembly that was not functioning normally at the time: only 42 seats were occupied out of a possible 81. The party criticised these agreements and accused Buyoya of complicating the situation and creating a parallel process in competition with the Arusha talks.

However, in Arusha on the eve of negotiations, Dr. Jean Minani reconsidered his rejection of the transitional institutions set up in Burundi and saw "no drawbacks" to a political partnership leading "towards immediate and unconditional negotiations". At the moment it seems as though the internal FRODEBU group has gained points and has the advantage over the external group.

UPRONA was represented in Arusha by one of its members and not by its president, Charles Mukasi, who decided to boycott the talks. This signifies the division between the pro-Buyoya tendency and the hard line represented by the UPRONA president.

When the transition agreement was signed, Charles Mukasi published a statement condemning both the political platform and the partnership with "genocidal groups". He also maintained that the document was not legal because the Assembly was not functioning normally. UPRONA consequently withdrew from the Assembly.

3. *How representative are the parties present in Arusha?*

Overall, few of the parties present in Arusha represent any real political force. The representatives of the political parties have not been sanctioned through elections since June 1993.

II THE PARTNERSHIP: DOES IT COMPLEMENT OR COMPETE WITH THE ARUSHA PROCESS?

One of the essential questions posed concerns the place of Burundi's internal partnership in the overall peace process. There appear to be two conflicting interpretations. The first sees the internal negotiation process as opposed to the external negotiation process. The government, the Assembly and the internal FRODEBU group have played the partnership card. The parties that did not participate in the internal process are playing that of the Arusha process. The second interpretation emphasises the merit of coalitions, as exemplified in the internal partnership as opposed to that of the multiplicity of parties reflected in the external Arusha process.

A. A NEW INTERNAL POLITICAL DEAL

On 4 June 1998, during the closing parliamentary session under its mandate, the National Assembly passed the Constitutional Act of Transition, merging the 1992 Constitution, suspended by Pierre Buyoya on 25 July 1996, and the Transition Decree that then replaced it.

This text formalises the internal partnership for peace (PIP) between the National Assembly and the government. Two vice-presidents were nominated in place of one single prime minister. The National Assembly was enlarged from 81 to 121 members. The new Assembly includes 12 representatives of the political parties and 28 representatives of civil society chosen by the President of the Republic and the President of the Assembly. On 6 June the same parties signed up to the agreement on the political platform of the transitional regime. On 10 June Pierre Buyoya took the oath at the National Assembly to lead the country during this period of transition.

The formation of the new government took place only a few days before the Arusha meeting on 15 June. It met a certain number of criteria in regard to political affiliations, and ethnic and regional origins. The first vice-president, Frédéric Bamvuginyumvira, a Hutu and former leader of the FRODEBU parliamentary group, is in charge of political matters; the second vice-president, Matthias Sinamenye, a Tutsi who has been governor of the Central Bank since 1992 and was a minister in Buyoya's previous government, is responsible for economic affairs.

It is possible to read a concern for balance and the future direction of priorities in the composition of the government. The nomination of an economic specialist to the post of vice-president demonstrates that one

of the major objectives of this new government is to relaunch the economy.

Out of 22 ministerial portfolios, each partner holds 11. A number of strategic ministries: defence, the interior, justice and finance, are held by the president's supporters. Their nominations could be interpreted as a guarantee to the Tutsi and to the army that control will not escape from their grasp in the near future.

External relations and co-operation, education, planning, agriculture, commerce and industry are held by representation of FRODEBU.

The 10 ministers whose mandates were renewed are all close to the president and have been involved in the negotiations for an internal partnership, which is a sign of the president's determination to continue along the path of dialogue.

The nomination of Colonel Ascension Twagiramungu to the Ministry of the Interior confirmed that order and security are absolute priorities for this new government. In fact, when he was governor of Ngozi province, the Colonel obtained recognisable results in the area of order and security.

For its part, FRODEBU put forward new faces who are mainly former civil servants or business managers. This choice, decided in consultation with the president of the Republic, corresponds to FRODEBU's desire to renew its political leadership.

Neither, the first vice-president, nor the new FRODEBU ministers, are accused of participation in the 1993 massacres. This detail is particularly important to the extent that it gives the new government an advantage from the start. Tutsi public opinion would have taken it badly if it had seen the return of former ministers under Ndadaye and Ntibantungaya, who are accused of supporting the "genocidal ideology" or of collaborating with the rebellion since 1994.

The nomination of Séverin Ntahomvukiye, former ambassador to Bonn and Washington and previously a manager of Gécamines in former Zaire, to the Ministry of External Relations fits with a clear desire both to draw closer to Burundians outside the country and to fashion a new image of Burundi within the international community.

The appointment of Prosper Mpawenayo to the Ministry of Education is also a message to Burundians outside the country, in particular to the rebels, as it demonstrates the new government's desire for reconciliation and integration. Mr. Mpawenayo is a former professor of the University of Rwanda and a former vice-president of PALIPEHUTU who rejoined FRODEBU.

The new government was created to conduct the peace process internally and externally. Its *raison d'être* and its survival depend on the success of the negotiations. In the text laying out its political platform, the government and the National Assembly called for a national renewal. They invited "institutions, organisations and politicians to make an extraordinary effort to reach the necessary compromises," and to "put competition and confrontation away and unite their energies to lay the foundations of a lasting peace for the country."

B. THE PARTNERSHIP: A MARRIAGE BASED ON MUTUAL INTERESTS

1. *A question of sincerity or a question of necessity ?*

The sincerity of the two partners has been questioned on a number of occasions. There has been talk of blackmail and government pressure in regard to FRODEBU members to make them accept the partnership idea. Some said that Buyoya wanted FRODEBU in the government so that it could monitor it better and force it to carry out its policy. Others said that FRODEBU only signed a partnership agreement in order to bring Buyoya to the negotiating table. Conversely, the Tutsi suspect that FRODEBU is not reliable and is likely to have a sudden change of mind.

In reality, the question should not be approached only from the angle that it is necessary for the partners to find common ground. It is a marriage of reason in which each one has identified its own and the other's interests".

2. *The exhaustion entailing from the war created a propitious time for dialogue*

First and foremost, although war weariness and the exhaustion of the country's resources were strongly felt by the army and the armed groups, it was the population that paid the higher price. After five years of war the country is on the edge of a grave social and economic crisis.

Production must be urgently relaunched, and reconstruction and rehabilitation work begin for the 600,000 victims inside the country, as well as arranging for the return of the 250,000 refugees in Tanzania - the government recently called on them to return.

3. *Partners short on legitimacy*

Each partner has constructed this partnership on the needs of the other. This is why it is not really drawn up between the Assembly and the government, but between President Buyoya and FRODEBU. FRODEBU suspects Buyoya of having participated, through the *coup d'état*, in the assassination of President Ndadaye. The region's leaders, supported by the international community, imposed sanctions

two years ago. They did not hide their desire to see Pierre Buyoya leave power and considered bringing this about by different options : means of force, sanctions and negotiations in turn. If Major Buyoya is to leave power honourably at the end of his term, he must succeed in having the sanctions lifted and acquiring international recognition for what he has achieved.

On its side, FRODEBU is accused of planning the large-scale massacres of Tutsis in 1993. In the eyes of the Tutsi, this involvement has lost it the legitimacy acquired through the 1993 elections. The government convention contributed towards disqualifying him completely. The partnership was also a chance for FRODEBU to get back into power

4. *The Buyoya regime: its interests and strategy*

The regime is motivated in different ways. In his book *Mission Possible*¹, the President holds that the inter-ethnic massacres were partly due to the accumulation of Hutu frustrations. Power-sharing is inevitable because it is the only way of guaranteeing a peaceful future for the country and thus protection for the Tutsi minority. In this regard, it should be remembered that the army officer class was almost entirely of the same ethnic group as it is now when the Tutsi massacres took place in 1993 following the assassination of Ndadaye. Conserving control of the army is therefore no guarantee that the Tutsi will be protected.

Secondly, it is only hypothetical that the army could one day win the war against the guerrilla movement. Guerrilla fighting will remain endemic as it makes claims that attract support for it. The military strategy employed for the past two years has certainly contributed to reducing the hold of guerrilla groups over the population, but has not succeeded in eradicating it. One of the main stakes in the partnership with FRODEBU is to become closer to the population and convince it to follow government policy and stop supporting the rebellion.

Thirdly, the government had an extremely narrow political base. The president had no real base at the level of the political parties. His own party is divided and he has even been excluded from it. Officially, his supporters have no political voice. Faced with the region's hostile attitude to the Buyoya regime, a way had to be found to stay in power by enlarging political base and increasing its legitimacy.

At first the partnership is aiming to form an internal front for peace around a political platform that gives assurance of convergence on fundamental questions. The next step will be for the internal partners, the government, the Assembly and FRODEBU, to negotiate together with Burundians outside the country, including the armed factions.

¹ P. Buyoya, *Mission Possible*, Ed. l'Harmattan, June 1998.

In parallel with this, the president's strategy aims at gradually welding together the small parties to support the two main tendencies represented by the government and FRODEBU. Negotiations will be facilitated if two main blocs are constituted in this way. The leader of each bloc is charged with rallying the other parties with the same leanings. The partnership is calling for national unity in favour of a consensus system and not a system of proportional representation. This is also a way of short-circuiting the political parties and avoiding giving them too much weight in the negotiations.

The president is convinced that the parties are going to negotiate over posts rather than principles, as was proved during the government convention. This is the same logic that ruled over the enlargement of the National Assembly to include "civil society". As "civil society" was dominated by the Tutsi minority, it was necessary to re-balance the ethnic distribution of the Assembly and convert the support for negotiations and the president's policy into a political force.

While carrying out these reforms, the president is seeking to provide guarantees for the Tutsi community to reassure it and avoid any slip ups. The reforms are being carried out progressively, in line with the conditions imposed by the president and on his terms. He must keep things in balance and continually provide doses of reforms and guarantees to the Tutsi community, and the army in particular. For example, 80% of those who will be negotiating in Arusha are from the South of the country. This region provides the large majority of the oligarchy and the officers who have governed the country since independence. The government delegation to Arusha also includes representatives of the army.

5. *President Buyoya is scoring points*

The first taboo to fall for two years concerned negotiations. President Buyoya has been very consistent in affirming his desire to negotiate. In his first speech on 25 July 1996 he affirmed that he was ready to negotiate with the armed factions and followed this up by going to Rome to negotiate with the CNDD. There were violent reactions within the Tutsis' community when the Rome negotiations were made public. A large part of internal Tutsi opinion was mobilised against the government's participation in the Arusha negotiations, just as it was mobilised against Julius Nyerere's mediation efforts. Today, not only has the government gone to Arusha, but it no longer rejects Nyerere as Facilitator.

The second taboo to fall concerned FRODEBU's return to power. Disqualified by the events of 1993 and their management of the country under the government convention, there are many Tutsi who do not accept FRODEBU's return to power. Today they have accepted that a leader previously accused of complicity in genocide, such as the president of the Assembly, should become an undeniable and

respected key figure in the process underway. Only a few months ago Tutsi public opinion was protesting loudly against him being allowed to leave the country and suspected him of intending to set up a parliament-in-exile. Today, not only can he leave the country, he is the partnership's spokesman in the region.

6. *FRODEBU interests and strategy*

In concluding this partnership, FRODEBU had two main motives. The first was to return to the power from which it had been removed without any visible chance of returning in the medium term.

The National Assembly had not functioned for a year, the party's leadership was outside the country and many of its parliamentarians had been assassinated or were in exile.

The second objective was to give itself time to reconstitute the party. From this point of view, it could even be hypothesised that FRODEBU has no interest in seeing President Buyoya leave power in the very short term. FRODEBU's leadership has need of a transition period for restructuring the party and building a positive image for itself in the eyes of the population.

For this reason, the party could allow itself to renounce the parliamentary posts that would have normally reached the end of their mandate in June 1998, and not go along with the partnership, which assured them the continuation of their mandate and consequently the material resources without which it would have been difficult to attain the objective of reconstituting the party.

FRODEBU's internal strategy has been to choose a strong man as partner. Aware that no Hutu would be able to conduct the reforms, particularly those concerning the army, and that the fact of having a Hutu president in 1993 did not prevent the Hutu from dying in their masses, FRODEBU sought to identify the Tutsi officer with the authority and the will to impose a progressive political line. Up to now, FRODEBU seems content to have fallen on Pierre Buyoya because he has effectively proven that he controls the army while succeeding to impose an order in parts of the country from which everyone profits.

FRODEBU has also shown a responsible and reasonable attitude by recognising that the president faces resistance within the magistrature and the army. By accepting the principle that reforms should be spread over a period of time, the attitude of FRODEBU's leaders demonstrates their understanding that the demobilisation of the army, and of the rebels and their integration into the army will pose problems during negotiations with the army. The problems are also social and economic. In fact, many combatants are living directly and indirectly from the war, in a country where the unemployment rate remains very high.

7. *Myths are also being removed on FRODEBU's side*

FRODEBU effectively has processed two taboos in the past few months. First by agreeing changes to the 1992 constitution and secondly by accepting the legitimacy of a government marked by its origins in a *coup d'état*.

The internal FRODEBU group seems to have given up on the idea of regional and international support coming to its rescue. In fact, since 1993 FRODEBU had been calling on the international community to help it re-establish its position as the winning party in the elections, either by a regional intervention or by strong international political pressure. The internal FRODEBU group seems to have accepted the government's approach, according to which Burundi must resolve its problems for itself.

8. *At the moment both parties are winning*

Together, the two parties have succeeded in marginalising the extremists in each camp. The government and FRODEBU are proposing a coalition government of national unity on a negotiated basis and with a mandate to conduct negotiations with Burundians outside the country. Their opponents, whether they be PARENA and certain small parties, or the external FRODEBU group and the armed factions, suggested that another type of government of unity would have been possible. However, it is clear that no coalition of this type could function in view of the heterogeneous interests of these parties. Their only common theme is the desire for Pierre Buyoya's departure.

FRODEBU has succeeded in returning to government by presenting an image of renewed and responsible leadership. The internal FRODEBU group seems to have taken on more and more weight *vis-à-vis* the external group. All those who failed to return to the country before the announcement of the new Assembly on 15 July, as well as those who have been assassinated, are to be replaced by other members chosen by FRODEBU's internal wing.

A few months ago, the party was weakened by deep splits and removed from power, and this split was a weakness. Today the party is both in government and in opposition and has taken up the role of Facilitator towards the rest of the FRODEBU movement and the armed factions. The unique role that it can play in regard to the rebellion gives it something to bargain with and puts it in a position of strength.

Buyoya meanwhile has obtained recognition as a genuine head of state. He was sworn in before the National Assembly, and he can now negotiate and be received as a head of state in Arusha, mandated by a coalition government.

This year of consultations between the Assembly, the internal FRODEBU group and the government has already created a base for conducting negotiations in Arusha. In fact, the most important partners have already begun to negotiate and agree on the fundamental questions to be dealt with. And neither of the internal partners is prepared to see the agreement reached internally called into doubt in Arusha.

Based on this experience, they have proposed a negotiating plan to the Facilitator that would divide the negotiations into several phases so that each phase could produce tangible and positive results. The idea of the new partnership is to converge the results of both the internal dialogue and the Arusha process.

The Facilitator's initial plan was to enter into substantial talks right at the start of the first session and carry out protracted negotiations in one single stretch.

C. LIMITS AND DANGERS OF THE PRESENT SITUATION

- **The exclusion of some parties to the conflict and the harnessing of malcontents by the extremist parties**

The reduction in the country's resources after five years of war makes it impossible realistically to envisage everyone having access to power and an equitable distribution of wealth. On the contrary, inasmuch as the country remains poor and without aid, there is a serious chance that solidarity circles get narrower and fewer and fewer people have access to power and resources.

In the short- and medium-term this concentration of power and resources risks provoking an increase in the number of malcontents. The partnership project is disorienting for a lot of people and everyone is looking to find a place in it. Two dangers arise from giving access to the circle of power to some FRODEBU members and distancing therefore government sympathisers: the radicalisation of those excluded and the adoption of a system of "clientism".

Increasing access to resources for a few FRODEBU members does not mean fundamentally changing the system. For the moment there is no visible sign of a government desire to attack the causes of the conflict by privatisation, reforming the state, fighting corruption, or guaranteeing the freedom of the press.

- **The country continues to militarise**

If the state is opening up at the top, the rest of the country remains very controlled. The army continues to equip and recruit (it takes up more than 40% of the national budget). It might be supposed that the army is seeking to strengthen itself to the maximum degree possible before being obliged to institute the reforms negotiated in Arusha. However, this policy of militarisation presents an active risk of making demobilisation difficult in the medium term.

The government information service has increased its staff, the press and political opponents are strictly monitored, and demonstrations are banned. All the measures recently taken give the impression that the president wants to avoid any move off course. No room is being left for opposition forces to form.

For the moment Buyoya's role is to lead the transition and bring the army to accept the negotiations. His maintenance of power is only justified if he holds to this objective.

- **The political processes continue and legal proceedings have not been halted**

If the president has shown that he could influence important legal proceedings such as that against the president of the Assembly, accused of complicity in genocide and prevented from travelling abroad, he has not yet demonstrated his influence over proceedings against other members of the opposition. Proceedings against participants in the rebellion have not been halted and many senior FRODEBU members are still in prison and their cases are not being pursued in the normal manner. Many voices on both sides are now being raised to insist that negotiations should also be conducted on implementing the justice system.

- **Exiles have not returned**

This includes not only exiled parliamentarians, but also refugees and other Burundians dispersed abroad.

- **The risk of a repeat of what happened under Buyoya's first regime (Buyoya I)**

President Buyoya is now heading his fifth transitional government.² He has left his mark on the country's history by his cohabitation with the Hutu and by the introduction of a multi-party state.

However, cohabitation did not mean power-sharing under Buyoya I. Today he can choose between being a real reformer or carrying out a "conservative revolution". He has taken the risk of working out a progressive balance of power, but this is his last chance. On its side, FRODEBU's leadership has an opportunity to prove its sense of responsibility by demonstrating good faith towards the Tutsi. Both sides still have to work towards achieving legitimacy and success will depend on the coherence of its actions and the results the new government obtains.

² Government of transition in 1987; first government of unity in 1988; second government of unity in 1992; first government of transition in 1996; second government of transition in 1998.

III A POSSIBLE CHANGE IN THE INTERNATIONAL ATTITUDE TOWARDS THE REGION

At its Ouagadougou summit in June 1998 the OAU stated that it had taken note of the "willingness expressed by the leaders of the Great Lakes region, within the framework of the Kampala summit, to re-examine the question of sanctions at the start of the negotiations planned for 15 June 1988."³ The day after the Arusha summit began, the European Union and Belgium stated that it was time to lift sanctions and that they were ready to resume co-operation, thus joining the position taken by France in March 1997 during the visit to Paris of President Buyoya. The US State Department also issued a statement describing the Arusha negotiations as very positive and congratulating the Burundian government on its commitment to the external peace process. The statement affirmed that the government had filled the main conditions established by the region's heads of state. The US government stressed that the countries of the region should send a positive signal to the Burundian government that would encourage the continuation of negotiations.

All these statements denote a change in attitude within the international community, which had supported regional policy up till then. This time the message sent to the regional leaders is relatively clear and unanimous. It should be remembered here that Tanzania and Uganda are dependent on international aid. The Nyerere Foundation claimed two million dollars for carrying the Burundian negotiations through to a successful conclusion.

Sanctions are no longer having direct economic effects. Nonetheless, maintaining them has up to now prevented the resumption of international

co-operation as nobody has wanted to go against the decisions taken by the regional countries. They have also prevented the signature of large commercial contracts. The regional leaders are playing for time in the hope that the government will cave in, perhaps leading to the departure of President Buyoya. Since sanctions were imposed, they have stated that one of their objectives is to bring about the downfall of the Buyoya regime by arousing popular feeling against it.

Members of the international community must take note that if Burundi falls into socio-economic chaos, it is they who will have to pay for reconstruction.

After five years of war, two of them under economic sanctions and without international co-operation assistance, it is time to think of the state of the country, one of the poorest in the world, of the 600,000 displaced persons and 250,000 refugees who are soon going to return, and of the victims of the war to whom reparation must be made and whose lands and goods must be restored.

³ The OAU Secretary-General's report on the situation in Burundi. Doc. CM: 2062(LXVIII)b.

IV. WHAT CAN BE EXPECTED FROM THE NEGOTIATIONS AT FIRST

- **A guaranteed long-term reform programme**

The claims of the rebel factions are identical to those made by FRODEBU. In this sense, FRODEBU is a good interlocutor for the president and the army when it comes to negotiating.

- **A change in the behaviour of the armed parties in the field**

The war opposing the guerrilla groups and the Burundian army is a war between moving fronts. The guerrillas do not actually have exclusive occupancy of any territory. Direct confrontations between the two armed parties rarely occur, but usually take place via massacres among the population. Consequently, a cease-fire in the classic meaning has little sense.

If FRODEBU is negotiating with the guerrilla groups over their political claims, this does not infer negotiating a cease-fire as such, but rather a change in the behaviour of the armed parties in the field. This change in behaviour can only result from a clear message from the political leadership to the men fighting in the field. This message must contain a call for discipline and the suspension of banditry.

- **A new way of rendering an equitable justice**

The enlargement of the new National Assembly to include members of the political parties and civil society representatives has been ratified by the Constitutional Court and has conferred a new legitimacy on the institution. The Assembly is going to resume normal activities. It must not only debate draft laws, but could also, for example, debate the different steps in the Arusha process.

- **A global plan of assistance and reconstruction**

Once the reforms and the transition are negotiated, the international community must assist Burundi out of the crisis and promise a reconstruction plan that will increase the country's resources. Such a plan is essential for transforming the war economy into a peace economy. For the time being, it is important to support dialogue and reconciliation everywhere in the country by encouraging local examples of cohabitation and successful reconciliation.

- **Security guarantees for FRODEBU officers**

Despite the forceful control maintained by the present power, FRODEBU's officers are not safe from some Tutsi extremists who are tempted to eliminate them. There is a similar risk for those participating in the new government and for others returning from exile.

- **Good organisation of the mediation process**

Attention must be paid to the symbolic aspect of a certain number of elements. On the one hand, the choice of Arusha as the venue for negotiations recalls the agreements negotiated in 1993 between the Rwandan government and the RPF. While these agreements were being negotiated, one party was preparing a genocide against the other. In addition, the strong presence of Tanzanian government officials within Nyerere's team has made many Burundians feel uneasy.

As soon as committees are constituted, genuine experts should be added to the mediation team; both technical experts and experts in carrying out mediation and negotiation. The quality and neutrality of the mediation process are essential for giving confidence to all the parties in the conflict.

In logistical terms, the choice of Arusha cannot be justified. Communications are expensive and very difficult. During a period of intense internal communications within each party, this could lead to blockages and slow down the progress of discussions. Finally, the consultations are taking place in English, which has caused a number of misunderstandings, particularly in regard to the final Declaration of 21 June 1998.

V. RECOMMENDATIONS

- **Lift or suspend sanctions**

Continuing to maintain sanctions means encouraging people outside Burundi to maintain their stand against the partnership and punishes the moderates. It is time to make a gesture of encouragement towards the new government.

- **Capitalise on the internal partnership rather than bringing it into question in Arusha**

In reality, the success of Arusha depends on the work already carried out by the government, the Assembly and the internal wing of FRODEBU. The success of the first round in Arusha was due to the rapprochement taking place inside Burundi. The signature of the final Declaration would never have taken place without a strong wish by various sides to be able to show positive results at the end of this first round.

- **Resume co-operation**

This should be done gradually in a very controlled manner in order to avoid nurturing the oligarchy and the army and supporting the war effort. Lifting sanctions will not relaunch the economy immediately. Co-operation must be resumed, particularly in the areas of agriculture, which was very affected by the war, health and education. Reconstruction is possible in certain parts of the country - in certain small areas in each province. In order to determine these areas, it is extremely important to identify them in direct consultation with local populations in regard to where they feel secure and under what conditions. Eventually, a large-scale demobilisation and reinsertion programme will have to be organised for the army and armed groups, as well as an assistance programme for state reforms and privatisation, and for the justice system. Experts will have to be mobilised, not just money.