

BURUNDI REPORT

May, 2000

**INTEREST IN PEACE PROCESS GROWS DRAMATICALLY
- AND SO DOES OPPOSITION**

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This analysis covers the period February to May and includes three separate visits to Burundi and one to Arusha, totalling a period of 5 weeks.

1. Mandela facilitation creates an upsurge of interest in peace process.

Since former President Nelson Mandela took over the facilitation from the late Mwalimu Nyerere in December 1999, he has in various ways given an extremely high profile to the Burundian peace process and has also injected a seriousness and an urgency in the process which had been seriously lacking. He has achieved this by:

- + insisting that the Arusha process be as inclusive as possible; as a result the internal based party RADDES was admitted as the nineteenth party at Arusha - even though their application was first vetoed by five parties;

- + insisting that those rebel movements who were not yet part of Arusha had to be part of the process; after first meeting them individually, he is now trying to ensure their more formal participation in the peace process;

- + directly and very publicly involving continental and other international leaders in the peace process;

- + stressing the urgency of reaching an agreement as soon as possible in order to end the senseless killings of innocent civilians;

- + bluntly addressing sensitive issues and even those issues that have been virtually 'taboo'; even though he has, according to some, raised these issues in an 'undiplomatic' manner which has caused 'concern', it has at the same time resulted in a more open and frank debate amongst all Burundi - especially internally;

- + stressing that no solution can be imposed on the people of Burundi, he has made the Burundi feel that the solution is in their hands; as recently as 28 April, during his first visit to Burundi, he was reported as having told the Burundian National Assembly:

The challenge is that we should not impose the resolution taken at Arusha, but that the Burundi themselves must say to us that: we endorse what you have done in Arusha.

The responsibility now rests on the Burundi people.....

It is as a result of this approach that there has over the past few months been an unprecedented upsurge in interest in the peace process amongst key role-players. This is especially true of the internal situation, where numerous important sectors within civil society are now showing an interest in actively engaging in the peace process.

This upsurge in interest must be directly attributed to Pres. Mandela's role. Whereas, under the previous mediation, these important sectors within Burundian society did not believe that the Arusha process would ever lead to an agreement, the facilitation process of Mandela has, in contrast, created a perception that the peace process may actually lead to an agreement in the near future. And, because of this fact, those key role-players who have as a result not been part of the process thus far, now want to ensure that the agreement - before it is reached - takes their views into consideration.

1.1 Internally: positive interest in the peace process.

Key Burundian role-players from virtually every sector of the broader Burundian civil society, i.e. the legal, academic, professional and business sectors, have over the past few months developed a growing interest in the peace process. Role-players who represent these sectors have as a result held intensive discussions with regard to what would comprise a workable solution to the Burundian crisis and have come forward with some concrete initial suggestions.

This is a crucial development and opportunity that needs to be grabbed with both hands.

Their suggestions and proposals will now have to be taken into consideration by the facilitation - even if these proposals are only made at this stage and even if these groups are not formally part of the Arusha process.

It needs to be stressed that the involvement and support of these civil society leadership figures and sectors will be vital in ensuring that an Arusha agreement can actually be implemented internally.

While virtually all these leaders and sectors in principle support the negotiations process, they have grave concerns with regard to aspects of the present process. While they are not generally speaking opponents of the Government, they have thus far adopted a 'wait and see' attitude towards the Arusha Process. Now that the process seems to be nearing the final lap, they are concerned that certain positions will not be considered in the final agreement. Some persons within this category could, under certain circumstances, move towards the camp of those who oppose the whole Arusha process.

Virtually all of them have in the past played key opinion-making and policy-making roles, (whether these been seen as having been positive or negative), and will continue to again be active players in the critical days ahead.

Their main concerns are: (i) the peace process seems to be too rushed,

(ii) the outcome may result in a peace agreement without peace, (iii) a peace agreement may be signed without a cease-fire in place; (iv) a lack of security especially for the Tutsi minority; (v) the agreement will open the way to majoritarian domination.

The formal or informal participation by and consideration of the viewpoints and proposals of these leaders and sectors in the peace process, would make a significant contribution in giving the whole process more legitimacy and in creating a more favourable climate internally for the successful implementation of an agreement.

1.2 Internally: anti-Arusha lobby also shows heightened 'interest'.

Those groupings who have thus far openly opposed the Arusha negotiations, have similarly stepped up their attempts to mobilise public opinion against the Arusha process.

These groupings comprise: (1) The anti-Arusha wing of the UPRONA Party led by Mr. Charles Mukasi; two civil society organisations: (2) 'A.C. Genocide', led by Mr. Venant Bamboneyeho and (3) 'Amasekanya' (self-defense), led by Mr. Diomedé Rutamucero.

All three organisations oppose the present negotiations because they believe that people who are 'guilty of crimes such as genocide and the 1993 coup', are participating in the negotiations. They believe that no real peace can be negotiated with people who have 'dirty hands'.

Thus far they have, with some support of trade unions and others, tried to organise demonstrations against the Arusha Process in the capital, Bujumbura. The Government has however prevented these from taking place. Some demonstrations have been broken up forcibly and some of the organisers have as a result spent a few days or weeks in prison. (The Government has taken these actions based on the view that in the past similar demonstrations have virtually always resulted in large-scale violence and even killings).

While these anti-Arusha groupings have in the past steadfastly refused to have any dealings with the previous facilitator, the late Mwalimu Nyerere, they are now interested in meeting the new facilitator, former Pres. Nelson Mandela to explain their position and proposals to him.

It is of crucial importance to the whole peace process that their point of view be duly considered by the facilitator and the peace process. While they have thus far engaged in peaceful opposition to the process, there should be no illusions that - if their opinions are totally ignored by the peace process - they have both the willingness and the ability to bring the whole peace process virtually to a halt (by whatever means at their disposal).

In the Burundian context, this fact cannot be taken lightly.

And, while their present support is not massive, they have the ability to mobilise the support of a very significant sector of civil society - especially once they can 'justifiable' claim that their main points of concern are either being ignored or not being addressed appropriately by the Arusha process.

Their main concerns are: (i) the process includes people who are guilty of crimes against humanity such as the 1993 genocide against Tutsis and the assassination of and the attempted coup against the former Hutu President in 1993; (ii) the process will not appropriately address the issue of 'the philosophy of genocide' (both in Burundi and the

region); (iii) the process will result in the Barundi - and especially the Tutsi minority - being left without security in a majoritarian constitutional dispensation.

1.3 'Externally': excluded rebel movements also show interest.

The formal inclusion of the two rebel movements who have previously been excluded from the Arusha Process (CNDD-FDD and PALIPEHUTU-FNL), remains probably the single most important objective of the new mediation of Nelson Mandela.

It is evident that unless there is an end to the war, there can not be a real peace agreement, and even if an agreement were to be signed at Arusha, it would obviously be impossible to implement it.

The thinking of some role-players in the region that, if these two rebel movements do not act in a 'reasonable' (?) way and as a result therefore remain outside the peace process, the region will 'deal with them' (militarily), is wishful and irresponsible thinking.

The question needs to be asked whether this attitude of some regional role-players of seemingly being willing to exclude these two rebel movements, (preferably by the rebels 'excluding themselves' through what these role-players describe as 'their ongoing unreasonable behaviour'), is not in many ways directly or indirectly undermining the attempts by Pres. Mandela to bring them into the peace process?

Pres. Mandela's serious attempts to make contacts with these two excluded rebel movements and his eventual meetings with both rebel leaders, Col. Jean-Bosco Ndayikengurukiye (CNDD-FDD), Mr. Cossan Kabura (PALIPEHUTU-FNL) and their respective delegations, for the first time created real hope amongst the Barundi that the peace process could actually produce an end to the war. This, more than anything else, restored some legitimacy to the much maligned Arusha Process.

Any actions which prevent Pres. Mandela from succeeding in including these two armed movements in the peace process will not only undermine the whole peace process, but will also perpetuate the war and make implementing any agreement reached at Arusha a purely theoretical exercise. It will be useless to reach a 'peace' agreement at Arusha while the war continues. And without the participation of these two formerly excluded rebel movements, the war *will* not end.

The meeting held in Pretoria during the week of 22 May, which was supposed to be the first meeting in which all armed movements as well as the Burundian Government/Army were to participate, has however demonstrated that the full participation of the two excluded rebel movements has not yet been finally achieved. Neither of the formerly excluded movement's leaders attended, one delegation only sent one representative while the other delegation had no mandate to discuss substantive matters.

Unless these movements actively participate in the process, have enough time to consider what has already been agreed at Arusha and make their well thought out proposals, it would be problematical for the Arusha process to continue moving towards any kind of agreements such as the suggested proposed compromise documents, which is to be drawn up by the different Arusha committee chairmen. Any impression created that

the process is continuing regardless of their absence and inability thus far to make their inputs, will result in them questioning the process as a whole.

Much more will have to be done - not only by Pres. Mandela - to ensure that these two rebel movements, which are jointly responsible for 99% of all rebel activity inside Burundi, are fully included as soon as possible.

1.4 Upsurge of interest will prolong the peace process.

The consequences of all these groupings either joining, or showing a distinct interest in influencing the peace process, will virtually inevitably result in the peace process being lengthened.

With regard to the inclusion of the rebellion.

Judging by the tough positions adopted by e.g. the two formerly excluded rebel movements, and the fact that they have practically missed nearly two years of the Arusha Process, it could be expected that negotiations between these movements, the Government/Army and the other 18 parties at Arusha will be tough and more protracted than some may want. This will especially be true for negotiating a cessation of hostilities and the conditions under which this will be implemented.

But, even if the process therefore has to be delayed as a result, it is worth it. It has for some time been obvious that it is difficult to create an environment which is conducive to negotiations while the war and the killings and deaths -especially of so many thousands of innocent civilians - continues unabated. Simultaneously, it would be quite useless to achieve a peace agreement on paper while the war continues.

Without an end to the war, without a cease-fire, the Arusha peace process will never develop real legitimacy amongst the people of Burundi and no peace agreement between the parties at Arusha will be implementable inside the country.

With regard to the 'inclusion' of civil society and the anti-Arusha groups.

The same principle applies to these groups.

If Pres. Mandela is correct when he says that no agreement reached at Arusha can be imposed on the internal population, then every possible step needs to be taken to involve and include as many civil society actors and sectors as possible. The fact that these role-players and sectors are indeed now willing to concretely contribute to the ongoing search for a workable agreement, makes it much easier to achieve this objective.

With regard to those internal groupings who strongly oppose the Arusha Process, every attempt should be made to listen to them and see which concerns of theirs can indeed be addressed. Whether this will be successful, is not the issue for the moment. The issue is whether a serious attempt has been made or not.

After nearly two years of extremely barren and unproductive negotiations, it would be correct to, at this stage, when so many new actors and groupings are showing a new interest in the process, do everything possible to accommodate them.

However urgent it may be to end the Burundian crisis, it would be better to prolong the process if this could result in maximum inclusivity and a genuinely durable, implementable and legitimate peace agreement.

2. Remaining obstacles in the way of a workable and implementable agreement.

2.1 The lack of a minimum degree of trust.

While some trust has obviously been built amongst some of the opposing key role-players, there still does not exist the minimum degree of trust which is necessary for a workable peace agreement.

It is due to this lack of trust that both sides, i.e. those who have the power and those who lost it, believe deeply that the other side will again misbehave once a transitional government is put in place. If nothing changes by the time an agreement is signed, each side represented in the new transitional institutions will merely be waiting to see when the 'other side' again 'misbehaves'.

As a Burundian put it to this author: "Hutus believe that the Tutsis will use any positions of authority to again undermine democracy, while Tutsis believe that Hutus will misuse power in such a way that the physical security of Tutsis as a group will again be threatened".

As a result, both sides are trying to ensure that a negotiated agreement will deny the other side the amount of power needed to 'misbehave'. In theory this approach of checking the other side's power should create the conditions which are necessary for the perfect compromise. The Burundian situation is however more complicated.

Because, while they want to limit the other side's power and thus its ability to misbehave, they seem to believe that they will only be able to prevent the other side from misbehaving if they themselves have 'enough' power, i.e. more power than the other side.

It is for this reason that both sides are unable to reach compromise agreements on crucial issues such as: who will lead the transition; how long will the transition pace at which a restructured Burundian Army is created; the electoral system; the judicial system; whether there should be institutions which can control misuse of power, e.g. a second chamber; etc, etc.

Each side seems to argue that if the other side 'dominates/controls' any of the above, then they will merely use it to undermine the letter and the spirit of any compromise agreement reached at Arusha - as has happened so frequently before.

It is for this reason that some Burundian parties are now increasingly looking at external guarantees and protections, such as e.g. a foreign force, to prevent the other side from misbehaving.

While external 'guarantees' can obviously play important complementary roles (if both sides in the conflict agree to these), they cannot provide real guarantees that an agreement will work - neither can they prevent one side or both from 'misbehaving' if they really want to. The *only guarantee* lies in a *real compromise agreement* which is genuinely and equally accepted by both sides.

But to achieve that, a change in attitude and more trust is desperately needed.

2.2 The issue of genocide has to be addressed.

Extreme emotions have been attached to the word genocide and related gross human rights violations, committed over a period of thirty years. As long as this word is not addressed forthrightly, its 'ghost' will haunt any new political dispensation which may be agreed upon in Arusha. However reluctant parties may be to deal with this issue, ignoring it will not make it go away.

This word seems after all to lie at the root of the deep-seated distrust each side has in the other:

2.2.1 To the Tutsi minority it means simply that elements amongst the Hutu will again try to exterminate them as an ethnic group - 'if given the chance'. They will refer to: the large numbers of innocent Tutsis who were massacred during the various attempted uprisings by Hutus since 1965; the extermination of about 150 000 Tutsis by Hutus in 1993 - in revenge for the assassination of the newly elected Hutu President, Melchior Ndadaye; the extermination of one million (mainly) Tutsis by the Hutu government Army and militia during the 1994 genocide in neighbouring Rwanda; the ongoing and selected killings of only Tutsi passengers by Hutu rebels when busses and cars are stopped and the anti-Tutsi hate speech and the resultant victimisation and killing of Tutsis in the rest of the region.

Tutsis in general believe that there exists a philosophy of genocide amongst some Hutus within the region which is based on the belief that they as Tutsis are 'foreigners' who should be driven out or exterminated.

They will also point out that the international community did nothing to prevent or stop any of these attempts to exterminate them as a population group. It is therefore no surprise that they do not have faith in any international guarantees against future attempted genocides

Until they become convinced that the Hutu leadership with which they are negotiating is completely opposed to this philosophy and will act forcefully against it, i.e. until they trust them, they will remain highly reluctant (to put it mildly) to 'give up control' of the Army. (They also remember that if the Tutsi-dominated Burundian Army had not stopped the 1993 attempted genocide of Tutsis, many thousands more Tutsis would have been massacred).

2.2.2 To the Hutu majority it simply means that elements of the Tutsi power will continue to use the Army - if given a chance - to selectively exterminate Hutus in order to

maintain their position of power and deny the Hutu access to power. They will refer to: the genocide of 1972, when the Army systematically slaughtered more than 200 000 Hutus nation-wide - every Hutu who had any education (from senior school level up) was eliminated with the purpose of removing from society all Hutus who were potential leaders and who might challenge Tutsi domination; the massive numbers of innocent Hutus who were regularly and indiscriminately slaughtered by the Burundian Army in retaliation for any attempted uprising by Hutu groups; the fact that the Burundian Army nearly killed more Hutus in revenge in 1993 than the number of Tutsis killed by the Hutu; the large number of Hutu civilians massacred by elements in the Army during Army/rebel confrontations in the country-side; the fact that between 1994 and 1996 more than two dozen FRODEBU (Hutu) Members of Parliament were assassinated while ordinary Hutus were killed indiscriminately in the streets of Bujumbura and the fact that even Hutu Ministers felt so unsafe that many refused to work from their offices.

Until the Hutu become convinced that the Tutsi leadership with which they are busy negotiating, will not again misuse their dominance in state institutions such as the Army, to oppress them, (i.e. the issue of trust), they will not feel safe if the Tutsi are too dominant in state institutions, e.g. the Army.

2.2.3 Ways of addressing the issue.

In order for opposing parties to develop more trust in one another, it would seem imperative that they publicly acknowledge that: each side has committed massive ethnic killings of the other side; genocide was committed in 1972 and 1993; there are people who believe in the philosophy and practise of genocide; all state institutions will be used in order to prevent any recurrence of genocide or other similar crimes against humanity in the future.

Unwillingness to use straight language will merely create further suspicion that the other side has a hidden agenda.

While agreements on establishing international commissions of inquiry and tribunals to investigate and prosecute those guilty of genocide and other gross human rights violations, are obviously important, the negotiators should primarily focus on ways and means of preventing a repeat of the horrors committed by both sides in the past.

2.3 Ongoing regional war undermines peace process.

The unresolved war in the Democratic Republic of Congo continues to have devastating and destabilising effects on virtually all the countries of the region, e.g. Rwanda, Uganda, Zimbabwe, Angola, Namibia, Zambia, Central African Republic, etc.

But in a way Burundi, which borders the DRC in the east, is probably the one country which can least afford these destabilising effects. Of all its immediate neighbours who are involved in this Congolese war, it is the only country which is trying to bring years of bloody conflict to an end through a relative inclusive peace process.

This Congo-based regional war has already had serious negative consequences for the ability of Burundians to make a durable compromise agreement and will continue to do so for as long as it is not being resolved or addressed appropriately. The seriously negative relationships between former allies, Rwanda and Uganda, which have already resulted in two major clashes between their forces within eastern DRC, merely add to the feeling of insecurity of the Rwandese and Burundese - especially Tutsi.

Whether the Burundi can actually achieve an agreement and implement it under the present circumstances pertaining in the region, remains an open question.

The impact of the Congolese war on Burundi and its Peace Process.

The following are some of the dimensions of this regional war which directly impact on Burundi and its peace process:

+ *Burundian rebels operating in DRC as part of the Kabila Alliance.*

Some of the Burundian rebel movements, especially the CNDD-FDD of Col. Jean-Bosco Ndayikengurukiye, are part of the fighting forces of the alliance of DRC President Laurent Kabila and Zimbabwean President Robert Mugabe in the Kivu provinces of eastern DRC, i.e. just across the border from Burundi. This resulted in the Burundian Army in 1998 deploying an unknown number of Burundian soldiers just inside the DRC along Lake Tanganyika. Reasons given were that these soldiers would: prevent the rebels of the CNDD-FDD moving northwards along the lake towards Burundi; prevent the rebels from making the important Burundian transport route south along the lake unusable; prevent rebels from crossing the lake from DRC into Burundi.

However much these may have been the intentions, the fact that the Burundian rebels were actively part of the larger Kabila alliance, means that the Burundian Army would naturally have confronted and have clashed with more than just Burundian rebels (on their way to Burundi).

So, while Burundi, contrary to Rwanda and Uganda, is not formally part of the war against Pres. Kabila, it has a vested interest in ensuring that the Burundian rebels fighting in the DRC do not increase their fighting capacity and use DRC as a launching pad into Burundi. Within these boundaries Burundi is involved in the war - even if it is not formally involved.

+ *Growing anti-Tutsi hatred growing across the border in eastern DRC.*

One of the most worrying consequences of the Congolese war and the animosity between Pres. Kabila and his main foes, Rwanda and Uganda, is the escalating hatred amongst the population of eastern Congo towards what they call 'foreigners' and 'Rwandans', but which actually means Tutsi.

Although some negative sentiments already existed in eastern DRC against people of Tutsi/Rwandese origin when Rwanda invaded the DRC in 1996, in order to remove

those Rwandese elements who were guilty of the 1994 Genocide, i.e. the former Rwandese Army (ex-FAR) and the 'Interahamwe' militias in the refugee camps, the fact that Rwandan troops remained in DRC to firstly remove Mobutu and now trying to remove Kabila, has turned this negative feeling into hatred.

Leaders of the Kabila Alliance have unfortunately done nothing to prevent this ethnic hatred from spreading and some have even made speeches and taken actions which have 'legitimised' and encouraged anti-Tutsi hate speech and actions.

The consequences for the Burundian Peace Process should be obvious: at a stage where the Burundian parties are faced with the challenge of overcoming their own ethnic fears/angers/hostilities in order to negotiate an agreement where both ethnic groups will be part of administering the country, this anti-Tutsi hatred being spread right next door is having devastating consequences on the already severe feelings of insecurity of the Tutsi minority inside Burundi.

This is further aggravated by the fact that the Burundian (mainly Hutu) rebel movements, which are both part of the Kabila Alliance and are being armed by this Alliance, are fighting together with the Rwandese ex-FAR and 'Interahamwe' who have been internationally accused of Genocide against one million Tutsi in Rwanda. To the average Burundian - especially Tutsi - this simply implies that the Burundian rebel movements support both the philosophy and the act of genocide (against Tutsi).

It is for this reason that internal Burundian mainly Tutsi movements are demanding that no Burundian rebel soldiers (who are as a result of their alliances described as *genocidaire*) be integrated into a restructured Burundian Army. These sentiments can only strengthen if the situation in eastern DRC continues.

+ DRC keeps option alive of overthrowing Burundi Government by force.

It has always been clear that the Burundian rebels - in line with the 'regional culture of using force instead of negotiations to address problems - have always preferred the option of overthrowing the Burundian Government by force. The involvement of certain Burundian rebel movements in the Congolese war and being part of a larger Kabila Alliance (whereby they can more easily obtain arms and battle experience), has again made the overthrow of the Burundian Government by force an attractive and even viable option. There are even some regional role-players who have promoted this alternative by saying that the Congolese war will be 'taken back' to those countries 'which started it', i.e. primarily Rwanda and Uganda (with Burundi as a 'poor third'). There are even signs that some of these regional players do not want the Burundian rebel movements to join the Burundian peace process and that they exert pressure on them to stay outside the process.

As the perceived viability of the war option increases, so the interest and commitment of these Burundian rebel movements to the alternative of negotiating with the Government/Army decreases. This may explain why the real attitude of Burundian rebel movements to the Burundian Peace Process has been so difficult to determine. To some extent it seems as though their attitude is determined by the way their fortunes and those of their allies swing. While this is understandable, it is not helpful.

It also means that a 'balance of forces', or a situation where it is obvious that 'neither side can defeat the other', i.e. a military stalemate - something which is essential for 'good faith' negotiations to take place - has not yet been achieved.

+ *The strong feeling that the world ignores the issue of genocide.*

Since the 1994 Genocide in Rwanda, during which approximately one million mainly Tutsi Rwandese were slaughtered over a period of only 90 days, there has been a perception within especially Rwanda and Burundi that the international community had and still has no real commitment to act against those elements who have proven themselves to be believers in exterminating the Tutsi minority within the region, i.e. the so-called 'genocidaire'.

Examples frequently referred to are:

+ nothing was done to stop the 1994 genocide in Rwanda - even when it became clear what was happening;

+ nothing was done when the ex-FAR and the 'Interahamwe' used the Rwandese refugee camps in the then eastern Zaire (after the genocide) as bases from which to try and 'complete the genocide' in Rwanda;

+ nothing is done to stop the spreading of anti-Tutsi hate speech in DRC and, most importantly:

+ nothing is done and no actions are taken to remove those two groups who have been internationally accused of having committed the 1994 Rwandese genocide; whereas the 1999 Lusaka agreement for the Congo - with the approval of the whole international community - agreed formally that action should be taken to arrest, disarm, 'encamp' and repatriate the two groups responsible for the Rwandese Genocide, nothing has been done until today to 'neutralise' them; even worse: they are 'allowed' to be officially part of the Kabila Alliance and the international community cannot even implement its decision to deploy 5000 non-offensive soldiers in DRC; this only sends out one message and that is that those groups who are identifiable as being guilty of genocide will not be acted against and that impunity will be allowed in Africa; it is critical to bear in mind that Rwanda (and Burundi?) will never get out of the DRC, and that the war will therefore never end, as long as the ex-FAR and the 'Interahamwe' are allowed to remain in DRC.

It is for this reason that the Tutsi of both Rwanda and Burundi believe that they have no choice but to put in place all the necessary steps to ensure that there will never again be an attempted genocide against Tutsis. In other words, they will have to defend themselves.

While this perception exists amongst Tutsis and nothing concrete is done to the contrary, it means that this concern of Tutsis will weigh heavily on the Arusha negotiations and that it will directly impact on the willingness and unwillingness of parties to reach certain compromises.

