

**Fellowship of Christian Councils and Churches in
the Great Lakes and Horn of Africa
(FECCLAHA)**

Briefing Paper on Burundi

**For the
Eminent Ecumenical Persons Solidarity Visit to
Burundi**

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Briefing Paper on Burundi

This study examines the mechanisms adopted in managing the Burundi conflict from the imposition of economic sanctions by regional states in 1996 to the present. We contend that the imposition of economic sanctions heralded a significant change in the escalation and de-escalation of the conflict and the gradual realization of a mutually hurting stalemate that prompted most parties in the conflict to opt for dialogue and the negotiation process.

1 Background on the Burundi Conflict

Burundi¹ has been ravaged by cycles of on-and-off dysfunctional conflict since its independence in 1962. Extremist incidents of violence have occurred in 1965, 1966, 1972, 1987, 1988, 1991, 1993 and 1996 resulting in death and displacement of thousands of Burundians². Largely interpreted in ethnic terms, the conflict is seen as pitting two main ethnic groups-Hutu and Tutsi-against each other in a violent tussle for political power and control of the state.

The protracted conflict is structural in nature and caused by unequal distribution of economic resources and political power which in effect results in relative deprivation and differential access to life chances and choices, including education, subsistence, security, leadership and participation. The state of affairs has been sustained by often illegitimate repressive and discriminatory regimes which use political favour and rewards and manipulate cultural and ethnic differences or other identity factors to galvanize local support and consolidate their hold on power.

The Tutsi are generally well educated, dominate the army, own most business and are numerically the majority in the civil service, justice system and the security forces. The majority Hutu are less educated, have fewer economic alternatives other than subsistence farming and providing manual labour. There has been widespread disaffection among the Hutu who demanded greater representation and participation in the social, economic and political management of the country. The state in Burundi remains more or less the sole provider of employment and agent of economic redistribution. The control of the state by elites in power therefore gives them the prerogative to decide who gets what where and when, which translated into a win-lose situation in Burundi.

Tutsi control of the agriculture based economy, firm hold on political power through repressive and exclusion policies and the near exclusion of Hutu from positions of responsibility have made the Hutu over the years to challenge the Tutsi hegemony. Elite competition for the control of the state by both groups has been the basis for creating grievances and mobilizing people for conflict behaviour. Both groups have engaged in aggressive actions, attitudes and beliefs that not only justify the use of violence as the

¹ Burundi is a small landlocked country bordering Rwanda, Tanzania and the Democratic Republic of Congo. It has an area of 27,830 square kilometers, about 6,224,000 inhabitants and a predominantly rural economy based on agriculture and coffee production.

² For a description of these incidents see among others, Lemarchand, R. (1997) *Burundi: Ethnic Conflict and Genocide* Cambridge: Cambridge University Press.

sole means of retaining or achieving political and economic goals but also buttress the conviction that it is right and proper to engage in violent behaviour against ‘the enemy’.

The ethnic analysis of the Burundi conflict is simplistic and misleading as it fails to recognize the underlying social, economic and political causes. Inter group hatred and vengeance should be read as manifestations of grievances over political exclusion and unjust, inequitable distribution of land and other natural resources. Marginalization of the poor, majority who belong to one ethnic group has polarized the society along class and ethnic lines. Mobilization and instrumentalization of ethnic identity for political and economic motivation has obscured the more complex dynamic of the conflict-the competition for scarce natural resources and control of the state between politicians and elite groups across the ethnic divide.

Despite the periods of relative peace in the country’s history, particularly during President Bagaza’s regime, no serious reforms were made by subsequent regimes to address the root causes of the conflict or resolve the ethnic deadlock over matters pertaining to power sharing³, until the signing of the Pretoria protocols in October and November 2003, when the Transitional Government of Burundi and CNDD-FDD⁴ agreed on political, defence and security power sharing.

The allocation of positions is guided by the principles of inclusion and integration of political groupings and a serious attempt is being made to balance ethnicity. We argue in this study that despite the Pretoria protocols being a milestone in the Burundi peace process, challenges of the fundamental ethnic compromises of the Arusha Accord and a growing militarization of political power have to be checked if a sustainable peace will be realized in the country.

2 The Management of the Burundi Conflict

International condemnation of the 1996 military coup and take over of power by Major Pierre Buyoya was followed by regional states’ imposition of economic sanctions on Burundi. We argue in this study that this exercise of leverage by the regional states coupled with the adverse effects of the sanctions and the mounting international and internal pressure forced Major Buyoya to agree to share power with the National Assembly and to initiate negotiations or a peace settlement with opposing parties and some armed opposition groups with a view to restoring the legally constituted government.

Between 1995 and 1996, the late president of Tanzania, Mwalimu Julius Nyerere, spearheaded the talk about the talks through shuttle diplomacy and two regional conferences on Burundi-one in Cairo that was co-presided over by Jimmy Carter,

³ Change of political leaders in Burundi has been effected through military coups, reflecting intra-Tutsi rivalries. The first and only democratic elections put a Hutu president in power in 1993, and in 2003 another Hutu took power following the signing and provisions of the Arusha Peace Agreement.

⁴ Conseil National pour la Defense de la Democratie-one of the mostly ethnically constituted political parties in Burundi.

Archbishop Desmond Tutu and Amadou Toumani Toure in 1995 and the other in Mwanza under the auspices of the Mwalimu Julius Nyerere Foundation.

Mwalimu Julius Nyerere was then mandated as the official mediator by both the Organization for African Unity (now African Union) and the United Nations. However, little progress was made as Nyerere's intervention failed to reconcile competing political forces within the coalition government. The conflict became intractable and complex with fighting between government troops and rebel groups in defiance of ceasefire agreements.

Regional states intervened and assumed an umbrella position as the custodian of the process. After Nyerere's death, former South African President Nelson Mandela stepped in and oversaw years of tedious negotiations that culminated in the signature of the Arusha Peace and Reconciliation Agreement in August 2000⁵.

The Arusha negotiations experienced an impasse in 1997 because of the government's refusal to participate⁶. The first round of talks in June brought together seventeen delegations from Burundi (the government, National Assembly and 15 political parties). The exchanges at the talks remained at a general level and the participants paved way for the upcoming discussions. They committed themselves to undertake serious negotiations until a fair and sustainable solution to the crisis is reached and to resolve the Burundian conflict by peaceful means and to put an end to all forms of violence.

A commitment to declare cessation of hostilities before July 1998 was also reached. The issues that were to form the subject of negotiations were identified. The government expressed reservations on the location of the next meeting and the reference to 'armed parties in the conflict to declare cessation of hostilities'. Its interpretation was that this reference applied to 'armed factions' and not the Burundian army.

The second round of talks was held in July 1998 and in it procedural rules were adopted and an initial debate took place on the nature of the conflict and a date was agreed on for the third round of talks. In this round of talks the government took steps to convince the mediator, Mwalimu Julius Nyerere, to stop adopting a legalistic attitude and bring in dissident FDD leader Ndayikengurukiye into the negotiations rather than only recognize Leonard Nyangoma the president of the CNDD-FDD. After several rounds of talks the economic sanctions were lifted citing the progress made in the negotiations.

A transitional government was installed in November 2001 as agreed to in the peace accord. It included seventeen political parties and a careful balance of Hutu and Tutsi. The African Union Mission in Burundi (AMIB) was established in 2001 with troops from South Africa, Mozambique and Ethiopia to facilitate the return of exiled political leaders and secure gains in the peace process.

⁵ See International Crisis Group (200) *'The Mandela Effect: Prospects for Peace in Burundi'* *Central Africa Report*, **13**, April 2000.

⁶ The government cited the partiality of the mediator and the support to rebels by the Tanzanian government.

Groups that were not party to the Arusha peace agreement dismissed the peace process as illegitimate and continued their violent campaign even after the signing of the peace agreement. Ensuing insecurity and human rights violations by all parties to the conflict caused apathy among the population with regard to the peace process and cost FRODEBU, the main Hutu political party, significant political mileage as the people's imagination shifted to CNDD.

Negotiations facilitated by South Africa and regional states within the framework of IGAD, continued with the groups and in November 2003, the Transitional Government of Burundi and the main rebel group CNDD-FDD reached an agreement on security, defence and power sharing and it joined the government⁷. Only Paliphehutu-FNL⁸ remained outside of the process and continued to maintain a hard-line position⁹ until April 2004 when it declared a unilateral ceasefire.

From 8th October to 2nd November 2003 South African peace brokers finally succeeded in helping the Transitional Government of Burundi and the rebel Forces for the Defence of Democracy-Forces for Defence of Democracy (CNDD-FDD) reach agreement on two critical protocols: The October 'Protocol on Political, Defence and Security Power Sharing in Burundi and the November 'Protocol on Outstanding Political, Defence and Security Power Sharing Issues in Burundi'. On 2nd November 2003 the parties also overcame the major stumbling block in the Burundi peace process-the 'Forces Technical Agreement' (FTA). With President Thabo Mbeki as the mediator, the parties reached agreement on an essential framework for the 'inclusive' reform of Burundi's security institutions. The FTA was officially signed in Dar es Salaam on 16th November 2003 under the framework of the Arusha Accord. The Global Ceasefire Agreement of 16th November 2003 finalized the political, defence and power sharing agreements signed in Pretoria on 8th October and 2nd November 2003.

The signing of these key protocols were heralded by the Burundi peace process having reached a serious deadlock. This was clear in the September 2003 Heads of State Summit in Dar es Salaam where the two parties clung to conflicting interpretations and irreconcilable demands around power sharing particularly on political and security/defence issues. Despite the four Heads of State from the region (Thabo Mbeki, Joaquim Chissano, Benjamin Mkapa and Yoweri Museveni) exerting considerable pressure and the production of a document by a team of regional experts that largely addressed the concerns and interests of both parties, the party's intransigence prevented them from reaching agreement.

⁷ See the Pretoria Protocol on Political, Defence and Security Power Sharing in Burundi and the Additional Protocol to the Pretoria Protocol on Political, Defence and Security Power Sharing in Burundi at: <<http://www.iss.co.za>>

⁸ Parti pour la Libération du Peuple Hutu-Front Nationale de Libération-Front for National Liberation.

⁹ Agathon Rwaswa's faction of FNL maintained that negotiations should be between the armed Hutu groups and the Tutsi dominated army, which wields all the power in Burundi, not with the government.

Burundi was also experiencing an escalation in armed confrontation particularly around Bujumbura and in Bujumbura rural largely due to the Paliphehutu-FNL attempt to avoid marginalization. With the signature of the protocols, CNDD-FDD, a significant party to the civil war in Burundi came on board accepting the Arusha Peace and Reconciliation Agreement. South Africa's Deputy President Jacob Zuma warned Agathon Rwasa of FNL that refusal to join the peace process would lead to the FNL withering away.

In persuading the two parties (the Transitional Government of Burundi and CNDD-FDD) to reach agreement, the mediator, President Thabo Mbeki used proposals set forth by the regional experts as a framework document in the renewed effort to overcome the deadlock. Agreement was reached on political, defence and security power sharing, the transformation of CNDD-FDD into a political party, temporary immunity for the CNDD-FDD, senate, Forces Technical Agreement and reconstruction of the Transitional Government of Burundi.

Informal mediation especially track II diplomacy by non governmental organizations such as ACCORD and religious organizations such as AACC, FECCLAHA, churches in Burundi, Sant'Egidio among others have helped move the tenuous peace process in Burundi. However, the efforts of informal mediators remain unacknowledged in many scholarly reviews of the Burundi conflict.

The progress made so far symbolizes a ray of hope in putting an end to communal violence, assassinations and internal and cross-border population movements. Some Burundians still have concerns about the feasibility of the peace accord and the sustainability of stability given a past history of non-adherence to such agreements as well as the socio-economic environment and political dynamics within the country and the region. These dynamics reflect and underlie deep seated feelings of vulnerability and injustice by contending ethnic groups and are reinforced by the wider ramifications of ethnic solidarities-the kin-country syndrome, political and military alliances, resource based conflicts and activities of prolific armed militias in the Great Lakes region.

Progress in fulfilling provisions of the Arusha Agreement have steadily been implemented. The Transitional Senate and Parliament were established months after the inauguration of the Transitional government in November 2001 and the rotation of the presidency for the second half of the 36-month transition went ahead without incident at the end of April 2003. Several laws have also been passed by the legislature in conformity with the agreement including a Transitional Constitution in June 2003. However, the Arusha agreement deeply polarized the society in Burundi and contains vague provisions that could be the subject of differing and contentious interpretations by parties to the conflict. Some sections of the Hutu majority are of the view that the minority guarantees accorded the Tutsi minority are excessive and should be re-opened for discussion.

Accountability for repeated ethnically motivated crimes remain a major challenge to the successful conclusion of the peace process in the country. Although parliament has approved a law on Genocide, much of the progress has been as a result of political

compromise thereby stripping it of the spirit originally intended. There has been altercations between UPRONA and FRODEBU on the one hand and CNDD-FDD and other smaller factions on the other hand over the full compliance with the Arusha Agreement and also boycott of the National Assembly.

Among the challenges for the future include the Armed Forces-CNDD Alliance that offers no room for further sharing of positions in the military service now that FNL has, through the signature of cessation of hostilities agreement in May 2005, in effect joined the peace process. The Arusha Agreement also provides for the establishment of an International Criminal Tribunal for Burundi, an international judicial commission of inquiry, a law punishing genocide, war crimes and crimes against humanity as well as human rights violations and a National Truth and Reconciliation Commission. Only the law on genocide has been adopted by Parliament. A sustainable and vibrant post-transition Burundi needs a truth justice and reconciliation commission due to the impunity steeped in past crimes. Eck (2004: 6) also cites the challenges to the fundamental ethnic compromises of the Arusha Accord and a growing militarization of political power.

The end of the transition has seen general elections followed by a nascent democracy that soon faced accusations of increased authoritarianism¹⁰, corruption and human rights violations. This has led to a gradual loss of the trust and confidence the people of Burundi had in the government. Development partners and International Financial Institutions such as the International Monetary Fund (IMF) have also withheld pledged funds for post conflict reconstruction citing corruption and the current institutional stalemate.

Commendable efforts of the South African Facilitation¹¹, the Regional Peace Initiative on Burundi, and the African Union (AU) aimed at bringing the Burundi peace process to a successful conclusion are faced with key challenges. These include the uncertainty on the expeditious implementation of the Comprehensive Ceasefire Agreement signed by the Government of Burundi and Paliphehutu-FNL in September 2006 following the withdrawal of the Paliphehutu-FNL from the Joint Verification and Monitoring Mechanism (JVMM) of the Comprehensive Ceasefire Agreement in July 2007; the fragmentation of the Paliphehutu-FNL into two contending groups; the unfolding institutional stalemate¹² occasioned by fragmentation of the ruling party and tensions between the government and the political opposition which is also fragmented; and the pressure to conclude the voluntary repatriation of Burundian refugees from Tanzania by the end of 2007.

¹⁰ The infringement on the freedom of expression evident in the harassment and detention of journalists and the criminalization of dissent evident in the incarceration of alleged coup plotters in 2006 have caused tensions in the political process in the country.

¹¹ This entails the mediation of South African Minister for Safety and Security, Charles Nqakula.

¹² Some opposition and ruling political party legislators have boycotted the inauguration of a new cabinet claiming that the cabinet reshuffle was not sufficient to overcome institutional crisis over the removal of ruling party chairman, Hussein Radjabu. The institutional crisis has meant that important bills including the national budget have not been passed.

In withdrawing from the Joint Verification and Monitoring Mechanism (JVMM), Paliphehutu-FNL has urged that the scope of negotiations be broadened to include specific guarantees regarding army integration and government positions and reaffirmed commitment to the Comprehensive Ceasefire Agreement. The resumption of violence, however, remains a possibility from both sides.

There is therefore an urgent need to urge the Paliphehutu-FNL to resume its participation in the Joint Verification and Monitoring Mechanism (JVMM) and for local, regional and international actors to continue to work and help restore dialogue between the parties, with a view to ensuring the expeditious implementation of the Comprehensive Ceasefire Agreement, the successful implementation of the Arusha peace accords and respect of the constitution.

The danger of institutional stalemate in Burundi presents an ecumenical imperative for engagement with the Government of Burundi, the political opposition and all other parties and stakeholders to discern the appropriate concerted effort and process towards bringing the Burundi peace process to a successful conclusion and fostering unity and reconciliation. This will revitalize the nascent democratic process in Burundi that the ecumenical family has painstakingly accompanied through decades of peace negotiations, constitutional referendum, national elections and post-conflict peace building and reconstruction.

3 Conclusion and Recommendations

In this study we have traced the management of the Burundi conflict from the imposition of economic sanctions to the present. We argue that economic sanctions served as a key leverage on the part of the mediators in the conflict and also heightened the feeling of a mutually hurting stalemate that led the government of Major Pierre Buyoya to accept to join the negotiations despite its earlier objections.

The study hails the Pretoria Protocols of 2003 as a milestone in the peace process but singles out the challenges of unfulfilled provisions in the Arusha accords and the challenges to the fundamental ethnic compromises of the Arusha Accords and a growing militarization of political power. It also calls for greater accompaniment by local, regional and international actors to ensure a successful conclusion of the peace process and check the growing institutional stalemate.

Aware that elite competition for the control of the state has been the basis for creating grievances and mobilizing people for conflict behaviour, we recommend that the following need to be addressed urgently:

- Strengthening and capacity building of institutions of governance including the judiciary; the legislature; political parties; oversight bodies such as the National Land Commission; and the police;
- Implementation of the Arusha Peace Accords and the respect of the constitution;

- The creation of space for dialogue and tolerance of divergent views towards reconciliation at various levels: intra-political party; inter-political parties; and government and Paliphehutu-FNL levels;
- The exploration of the possibility of establishing a broad and inclusive government of national unity;
- The Regional Peace Initiative on Burundi needs to meet urgently and dialogue with Paliphehutu-FNL with a view to persuading the group to revisit their decision on the chief mediator and offer proposals to ensure continuity of the peace process;
- The need to extend the period for the voluntary repatriation of Burundian refugees from Tanzania to allow for sensitization of the refugees and home communities on the tripartite agreement that is the basis of the repatriation and allow for ease in the resettlement and reintegration of the refugees;
- The need for the international community to reconsider the suspension of development aid to the government of Burundi and offer targeted capacity building to the government to ensure adequate controls and skills in the management and use of development aid; and
- The inclusion of churches in the national truth and reconciliation process and efforts at demystifying the process in order to build the confidence of the people in the process.

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